



REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON MEDIA, INFORMATION AND COMMUNICATION
TECHNOLOGIES**

FOR THE

THIRD SESSION OF THE TWELFTH NATIONAL ASSEMBLY

Printed by the National Assembly of Zambia

REPORT

OF THE

**COMMITTEE ON MEDIA, INFORMATION AND COMMUNICATION
TECHNOLOGIES**

FOR THE

THIRD SESSION OF THE TWELFTH NATIONAL ASSEMBLY

Table of Contents

1.0	Membership of the Committee	1
2.0	Functions of the Committee	1
3.0	Committee’s Programme of Work	2
4.0	Procedure adopted by the Committee	2
5.0	Arrangement of the Report	2
PART I.....		2
CONSIDERATION OF THE TOPICAL ISSUE		2
6.0	MEDIA REGULATION IN ZAMBIA	2
6.1	Background	2
SUMMARY OF SUBMISSIONS BY STAKEHOLDERS.....		4
7.0	AVAILABILITY OF THE POLICY AND LEGAL FRAMEWORK	4
7.1	Media Policy.....	4
7.2	Print Media	4
7.3	Broadcasting Media.....	4
7.4	Additional Media Laws	4
8.0	MEDIA REGULATION.....	5
8.1	Definition of Regulation.....	5
8.2	Media Self-Regulation.....	6
8.3	Statutory Media Regulation.....	7
8.4	Other Models of Regulation	8
8.4.1	Statutory Self Regulation (Hybrid).....	8
8.4.2	Dual Regulation.....	9
8.4.3	Co-regulation.....	9
9.0	PREVIOUS ATTEMPTS AT REGULATION IN ZAMBIA.....	9
9.1	Media Reform Committee.....	10
9.2	The Media Association of Zambia (MAZ).....	10
9.3	Media Council of Zambia (MCZ)	11
9.4	The Media Council of Zambia	11
9.5	Zambia Media Council (ZAMEC)	12
9.6	Why ZAMEC and MECOZ Failed.....	12
10.0	CONCERNS FROM STAKEHOLDERS REGARDING MEDIA REGULATION	13
11.0	MOST PREFERRED MODEL OF REGULATION.....	14
12.0	OMBUDSMAN OR PUBLIC EDITOR.....	14

12.1	Roles of the ombudsman or Public Editor.....	15
13.0	CHALLENGES OF NOT HAVING A REGULATORY BODY	15
14.0	STANDARD CODE OF ETHICS	16
15.0	STRATEGIES, IF ANY, PUT IN PLACE TO ESTABLISH A REGULATORY BODY	17
	TOUR.....	17
16.0	LOCAL TOUR TO COPPERBELT AND NORTH-WESTERN PROVINCES	17
16.1	Media Insaka	17
16.2	Media owners	18
16.3	Protection of journalists.....	18
16.4	Citizen Journalists	18
16.5	Training	19
16.6	Code of Ethics	19
16.7	Ombudsman’s Office.....	19
16.8	Independent Broadcasting Authority.....	19
16.9.	Fear that the Bill would not Represent their Interest.....	20
17.0	COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS.....	20
17.1	Regulatory bodies.....	20
17.2	Unprofessional conduct by media practitioners	20
17.3	Standard Code of Ethics	20
17.4	Fear of being left out	21
17.5	Fear of being licensed.....	21
17.6	Inadequate information about regulation.....	21
17.7	Absence of Ombudsman.....	21
17.8	Weak Media Associations	21
17.9	Polarisation of the Media.....	22
17.10	Minimum Wage for Journalists.....	22
	PART II.....	22
	CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY	22
18.0	REVIEW OF THE INFORMATION AND MEDIA POLICY IN ZAMBIA	22
18.1	Access to Information Legislation.....	22
18.2	Review of the 1996 Information and Media Policy	23
18.3	Review and Harmonisation of Legislative Framework.....	23
18.4	Enactment of Information Communications Technology Legislation	24

18.5	Training Regarding Online Reporting	24
18.6	Sensitisation Programmes on the Responsible use of Social Media Platforms	25
18.7	Regulation of Social Media Platforms.....	25
18.8	Mechanism to Monitor Changes in the Media Industry	26
19.0	UPDATE ON THE COUNTRYWIDE DIGITAL MIGRATION PROGRAMME.....	26
19.1	TopStar Operations not in line with the Digital Migration Policy	26
19.2	Free-to-air Television Broadcasting Services.....	27
19.3	Inadequate Sensitisation on the 2020 Radio Digital Migration Programme	27
CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON MEDIA, INFORMATION AND COMMUNICATION TECHNOLOGIES FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY		
20.0	National Film Policy.....	28
20.1	Training Institute	28
20.2	Creation of Faculties in Cultural Preservation and Film Production at Higher Learning Institutions.....	29
20.3	Absence of Formal Training Syllabus for Cultural Preservation and Theatre in Schools 29	
20.4	Loss of Content Stored on Reels Captured by ZNBC	30
20.5.	Careers Related to Film.....	30
20.6	Pieces of Legislation to Govern the Film Industry.....	31
20.7	Lack of Proper Documentation of Cultural Ceremonies	31
20.9	Zambia Consolidated Copper Mines (ZCCM) Infrastructure	31
20.10	Management of Theatre Halls	32
CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION-TAKEN REPORT ON THE COMMITTEE'S REPORT FOR THE FOURTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY		
21.0	Community Radio Stations in Zambia	32
21.1	Independent Broadcasting Authority Mandate.....	33
21.2	Terminal Benefits	33
21.3	Pension Scheme.....	33
21.4	Certifying Body for sign Language Interpretation	34
CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE COMMITTEE'S REPORT FOR THE SECOND SESSION OF THE ELEVENTH NATIONAL ASSEMBLY		
22.0	Regulation to Manage E-Waste	34
23.0	Conclusion	35
APPENDIX – OFFICIALS OF THE NATIONAL ASSEMBLY		36

REPORT OF THE COMMITTEE ON MEDIA, INFORMATION AND COMMUNICATION TECHNOLOGIES FOR THE THIRD SESSION OF THE TWELFTH NATIONAL ASSEMBLY

1.0 Membership of the Committee

The Committee consisted of Mr G M Imbuwa, MP (Chairperson); Mrs P C Kucheka, MP (Vice-Chairperson); Mr R Mwewa, MP; Mr D M Kundoti, MP; Mr M Mukumbuta, MP; Dr E I Chibanda, MP; Mr A Kasandwe, MP; Mr M K Tembo, MP; Ms M Lubezhi, MP; and Mr F Ng'ambi, MP.

The composition of the Committee changed when Ms M Lubezhi, MP and Mr A Kasandwe, MP, were replaced by Mr C D Miyanda, MP; and Mr D Mumba, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

The Committee has the honour to present its report for the Third Session of the Twelfth National Assembly.

2.0 Functions of the Committee

The Committee on Media, Information and Communication Technologies is mandated under the Standing Orders to perform the following functions:

- (a) study, report and make appropriate recommendations to the Government through the House on the mandate, management and operations of the Government ministries, departments and/or agencies under its portfolio;
- (b) carry out detailed scrutiny of certain activities being undertaken by the Government ministries, departments and/or agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- (c) make, if considered necessary, recommendations to the Government on the need to review certain policies and certain existing legislation;
- (d) examine annual reports of Government ministries and departments 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;
- (e) consider any Bills that may be referred to it by the House;
- (f) consider international agreements and treaties in accordance with Article 63 of the Constitution;

- (g) consider special audit reports referred to it by the Speaker or an Order of the House;
- (h) where appropriate, hold public hearings on a matter under its consideration; and
- (i) consider any matter referred to it by the Speaker or an Order of the House.

3.0 Committee's Programme of Work

The Committee's Programme of Work for the Third Session of the Twelfth National Assembly was as follows:

- (a) consideration of the topical issue: "*Media Regulation in Zambia*". and
- (b) consideration of the Action-Taken Report for the Second Session of the Twelfth National Assembly.

4.0 Procedure adopted by the Committee

The Committee held a total of fourteen meetings to interact with the various stakeholders in line with its programme of work. The Committee requested for detailed written memoranda on the topic under consideration from various stakeholders. The stakeholders also appeared before the Committee and made oral submissions.

5.0 Arrangement of the Report

The Committee's Report is organised in two Parts. Part I contains the topical issue on which the Committee undertook a study, and the tour to the Copperbelt and North-western provinces. This part also presents the findings, observations and recommendations of the Committee. Part II contains outstanding issues arising from the Action-Taken Report on the Committee's Report for the Second Session of the Twelfth National Assembly.

PART I

CONSIDERATION OF THE TOPICAL ISSUE

6.0 MEDIA REGULATION IN ZAMBIA

6.1 Background

The media played a pivotal role in any democratic dispensation because it created a platform for debate regarding issues of collective interest including governance. It also played a watchdog role in society by ensuring that those holding public office were held accountable. For its part, the media is expected to be factual and responsible when disseminating information. However, sometimes the media was accused of leaning towards particular political groupings and also being influenced by commercial values when reporting on political and social issues.

Both the media and the Government were cognisant of the need to regulate the media so as to maintain public confidence. Previously, some efforts to establish a media self-regulatory body were made. For instance, on 11th July, 2004, a media self-regulatory body called Media

Council of Zambia (MECOZ) was launched, but it was not operationalised. Another self regulatory body known as the Zambia Media Council (ZAMEC) was established in 2012. However, this too did not take off.

As a result, Zambia in the recent past, had found itself debating the issue of media regulation. To many Zambians, the question had been what sort of regulation would ensure that the media remained ethical. The discourse focused on whether the media should be encouraged to regulate itself or statutory regulation was more appropriate.

The Committee, therefore, resolved to undertake a study on *Media Regulation in Zambia*.

The objectives of the study were to:

- (a) ascertain the policy and legal framework regarding media regulation;
- (b) appreciate the various models of regulation;
- (c) appreciate the availability of a standard code of ethics;
- (d) appreciate the challenges faced in putting in place a media regulatory body; and
- (e) make recommendations on the way forward.

In order to acquaint itself with the topic under consideration, the Committee interacted with the stakeholders listed below.

- (a) Ministry of Information and Broadcasting Services.
- (b) Ministry of Justice.
- (c) Independent Broadcasting Authority, (IBA).
- (d) Media Institute of Southern-Africa – Zambian Chapter (MISA-ZAMBIA).
- (e) PANOS Institute, Southern Africa.
- (f) Zambia Union of Journalists (ZUJ).
- (g) Zambia Media Women Association (ZAMWA).
- (h) Bloggers of Zambia.
- (i) Press Association of Zambia (PAZA).
- (j) Media Liaison Committee (MLC).
- (k) Zambia Union of Broadcasters and other Information Disseminators (ZUBID).
- (l) The Law Association of Zambia (LAZ).
- (m) Catholic Media Services;
- (n) Jesuit Centre for Theological Reflection (JCTR).
- (o) Common Grounds Network.
- (p) University of Zambia (UNZA) – School of Mass Communications.
- (q) Cavendish University.
- (r) Evelyn Hone of Applied Arts and Commerce – Department of Media Studies.
- (s) Zambia Institute for Mass Communications (ZAMCOM).
- (t) Zambia National Broadcasting Corporation (ZNBC).
- (u) Muvi TV.
- (v) Radio Phoenix.
- (w) The Mast.
- (x) Times of Zambia.

- (y) Zambia Daily Mail.

SUMMARY OF SUBMISSIONS BY STAKEHOLDERS

7.0 AVAILABILITY OF THE POLICY AND LEGAL FRAMEWORK

7.1 Media Policy

Stakeholders submitted that the policy framework governing the media in Zambia had not been reviewed for a long time. Zambia's first official media policy was first adopted in 1996. In 1999, the Ministry of Information and Broadcasting Services embarked on a programme to review it. However, to date, the 1996 Media and Information Policy document had continued to be the official blue print on matters of the media. Despite the remarkable growth in the media industry over the years, especially the broadcast industry, there had been no corresponding change in the policy framework to ensure prudent and strict regulation of the media industry.

7.2 Print Media

The Committee was informed that the print media in the country was governed by the *Printed Publications Act Chapter 161 of the Laws of Zambia*. Section 5 of the Act provides that all forms of print media must be registered before they could operate in the country. The registration of print media fell under the Director of the National Archives of Zambia. The Printed Publications Act was the only law that governed the print media in the country. However, there were also other laws which could land journalists in trouble if they over stepped the boundaries. The other indirect media regulation included what journalists learned through media ethics and media law, teamwork of journalists, experience, culture, religion and personal conscience.

7.3 Broadcasting Media

Stakeholders submitted that the principle regulation governing the electronic media in the country was provided for by the *Independent Broadcasting Authority Act, No. 17 of 2002*. The Act provided for the control and regulation of broadcasting services in the country.

7.4 Additional Media Laws

The Committee was informed that there were enough laws to govern the media industry in the country. However, majority of these laws impinged on media freedom and were found in the *Penal Code Chapter 87 of the Laws of Zambia* which contains a number of provisions such as:

- (a) Sections 53, 54 and 55 which empowers the President to prohibit a publication if considered to be contrary to public interest;
- (b) Section 57(i) which prohibits the printing, publishing, offering for sale, distributing or reproducing any seditious publication;
- (c) Section 69 which protects the President's reputation and dignity of his office by providing that "any person who, with intent to bring the President into hatred, ridicule

or contempt, publish any defamatory or insulting matter, whether by writing, print, word of mouth or in any other manner, is guilty of an offence;

- (d) Section 71 which makes it an offence for any person “without justification or excuse as would be deemed sufficient in the case of defamation of a private person” to publish anything that has the effect of degrading, reviling or exposing “to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb the peace and friendship between Zambia and the country to which such a prince, potentate, ambassador or dignitary belongs;
- (e) Section 116 which provides for the offence of contempt of Court and is aimed at protecting the integrity of the Court and avoids trying cases which are before the courts of law in the media;
- (f) The State Security Act, Chapter 111 which prohibits the publication of any article or information which might be or is intended to be directly or indirectly useful to a foreign power;
- (g) The Defamation Act, Chapter 68, which prohibits bringing any person into hatred, ridicule or contempt by publishing any insulting matter, whether by writing, print or word of mouth;
- (h) The Zambia National Broadcasting Corporation Act, No. 16 of 1987; and
- (i) Theatres and Cinematograph Exhibition Act, No. 54 of 1929.

Despite the Independent Broadcasting Authority (IBA) being in place, some stakeholders argued that the term ‘independent’ was a misnomer because the institution was not independent, but simply a Government watchdog to curtail operations of any private and community broadcasting station that broadcast information perceived not to be in the best interest of the Government. They also observed that some of the laws enacted by the colonial Government to serve their own interest such as Section 71 of the Penal Code, were being applied by the sovereign Government of the Republic of Zambia that were elected by citizens. Stakeholders also noted that some of these laws had been overtaken by modern technology and their relevance might be questionable.

8.0 MEDIA REGULATION

8.1 Definition of Regulation

Stakeholders defined regulation as an arrangement limiting certain behaviour while facilitating specified actions to take place in an orderly manner. Regulation involved three parts, that is, legislation, enforcement, and adjudication. Media regulation was a simple, but a complex concept, which described the selection and filtering process to determine what would be published. This, in media terms, was called agenda-setting and gate-keeping. This framework balanced conflicting interests between the media and other parties involved in a systematic way that minimised the violation of each party’s rights.

The Committee was informed that regulation of the media had two key approaches, namely: statutory regulation and self-regulation. However, in some jurisdictions co-regulation was

practiced. Statutory regulation revolved principally around the state while self-regulation was centred on civil society forms of self-control and monitoring. Co-regulation involved regulatory collaboration between the state, media and civil society. Statutory regulation was legislative while co-regulation embraced only some aspects of legislation. On the other hand, self-regulation was not legislated. Stakeholders elaborated on these models as set out hereunder.

8.2 Media Self-Regulation

Stakeholders submitted that media self-regulation was a joint endeavour by media professionals to set up voluntary editorial guidelines and abide by them in a process open to the public. This meant that the media accepted responsibility for the quality of public discourse in the country, while safeguarding editorial autonomy and shaping it. Self-regulation was not censorship, but more about establishing minimum principles on ethics, accuracy and personal rights, while fully preserving editorial freedom on what to report and what opinions to express. A self-regulatory body was governed around the feelings of what type of things should and should not be published. This was often translated into a written code of conduct that media personnel were expected to abide by. This form of regulation sprung from the media industry's desire to keep the moral levels of the publication on the right side of common decency. Most importantly, it was meant to keep the laws relatively unrestrictive knowing that there was no freedom without responsibility.

The Committee also heard that the benefits of self-regulation for media freedom were self-evident. Although acceptance of self-regulation clearly required the imposition of self-restraint and the observance of common rules, it could help the media to seize the moral and political initiative, preserving editorial freedom and independence and helping to head off political interference and legal constraints.

Stakeholders also submitted that the media did not need a law to say how they should operate. The need for the media to operate freely was higher than other bodies. This was because the media was a special industry that attracted a lot of attention, especially from the Government because it had the potential to influence the members of the public through the information that it disseminated. The media provided the public with information that enabled them to make informed decisions on a wide range of national issues including choosing who should govern them. An independent media created pluralism of the media thereby ensuring that people had access to information. Therefore, it should be protected and there should not be bars to hinder its independence.

Stakeholders submitted that self-regulation of the media occurred in a situation where media practitioners constituted a body that ensured that they all conducted themselves in a way that was beyond reproach by the society they served. They also put in place a mechanism for settling disputes between those who differed over how any member of the industry behaved. It sought to render court litigation or any sanction by a third party unnecessary. It worked by making public any wrongdoing in the industry and in the process made the wrongdoer realise their wrongdoing, leading to reform. It also sought to reconcile differences by handling complaints and ensuring fair-play. To this effect, self-regulation helped the media respond to legitimate complaints and corrected mistakes in the process. Characteristics of successful self regulatory bodies were that they:

- (a) were not controlled by the state;
- (b) were independently funded;
- (c) were voluntarily delivered by universal industry commitment;
- (d) reflected a national culture;
- (e) protected the rights of the individual;
- (f) upheld freedom of expression, the public's right to know and the media's right to publish without prior restraint;
- (g) provided quick, free and easy resolution to complaints;
- (h) were not overly legalistic or bureaucratic while at the same time pursuing the principles of natural justice;
- (i) had a significant lay membership, independently selected, on adjudication panels; and
- (j) had their code of conduct written or approved by the industry itself.

8.3 Statutory Media Regulation

Stakeholders submitted that a statutory regulatory body was founded and based exclusively on a statute. The law was essentially absolute, and the punishment for breaching the statute was, in most cases, stern. Proponents of statutory regulation believed that the use of laws by the Government to guide the activities of the media was legitimate. The media council and its code of ethics were legislated to make media more accountable and to protect the Government and members of the public from irresponsible journalism. The strongest argument for supporting the enforcement of media ethics through statute was that journalism was different from other professions such as law or medicine because even untrained people could work as journalists. It was explained that most journalists were hired hands involved in a business and were not completely in control of their methods and products. Therefore, the Government had a right to regulate the performance of what they saw as merely a collection of like-minded people. Furthermore, media practitioners were seen as messengers who used the communication medium to propagate the directives of those that governed. As a result, the Government was justified to impose laws which those in the media had to follow in performing their duties.

The Committee also heard that some governments opted to legislate journalism ethics because of failure by journalists and media houses to enforce ethical journalism standards. If journalists could not abide by their ethics, the result was usually external enforcement control measures from the Government. This was the price media practitioners paid for not showing in words and deeds that they could practice responsible journalism. However, stakeholders were of the view that in the interest of the profession, internal ethical enforcement mechanisms were better than external mechanisms. Various reasons were advanced against statutory media regulation some of which are highlighted below.

- (a) Self-regulation was more flexible than statutory regulation. This was because it was easier for a media association to modify its rules in response to changing circumstances than for a government agency to amend its rules. Once media regulation was handed over to law makers, it became difficult to obtain the political support and consensus needed to act as and when the association so desired. There were also fears that a statutory media body might transform into one based on the prevailing political ideology of the Government in power.
- (b) Statutory regulation was not likely to provide incentives for compliance. It was generally believed that if rules were developed by the industry, industry participants were more likely to perceive them as reasonable and, therefore, compliant.
- (c) Statutory regulation was likely to be more costly to the Government because it shifted the cost of developing and enforcing rules to government agencies.
- (d) Non-journalists would be excluded from publishing if the practice of journalism was regulated by a statute.
- (e) Self-regulation enhanced media freedom in the sense that the media could operate freely. The media could express themselves without feeling threatened by government control. The media were conscious of their responsibilities and were aware of their limitations, yet they could operate with a free mind.

In spite of the above, some stakeholders informed the Committee that statutory regulation was invoked because self-regulation created the possibility that the industry may relegate regulatory goals to its own business goals. Thus, self-regulation could be easily changed to self-service. In this regard, some scholars maintained that voluntary systems acted in their own and the industry's self-interest. The Committee was also informed that self-regulation was not sufficient to address the needs of the public or the views of those affected by the media industry.

Proponents of statutory regulation questioned the adequacy of enforcement of ethics in self-regulatory regimes. If the code of conduct was breached, it meant that the means of reprimand were limited, as there was no legal framework in place to force publications to follow the sanctions imposed by the regulatory body. The difficulty was in determining the type of enforcement that was likely to induce ethical compliance among members, such as expulsion from membership, professional barring or isolation. Despite these fears, lessons could be drawn from the medical and legal fraternity regarding how they had managed their own self-regulatory councils.

8.4 Other Models of Regulation

The Committee was informed that other models of regulation included: statutory self regulation, co-regulation and dual regulation. Stakeholders explained how each of these models of regulation worked, as outlined below.

8.4.1 Statutory Self Regulation (Hybrid)

Stakeholders submitted that this was a hybrid state of affairs whereby the regulatory body was created by a statute but driven by journalists themselves. It was a system developed by

media professionals to ensure respect for their professional and ethical guidelines but backed by a statute. Although established through an Act of Parliament, journalists managed their own affairs independent of Government control. This was because a growing number of experts suggested that public authorities needed to support the media without getting involved in its functions. The legal backing made this model more effective because a statutory self regulatory body had power to subpoena errant journalists and media houses. Membership to such a body was compulsory. Most stakeholders were in favour of a statutory self regulatory body because they believed that a regulatory body that would be established through an Act of Parliament would be respected by all.

8.4.2 Dual Regulation

Stakeholders submitted that in a dual regulatory model, two media regulatory bodies existed in a country. One was established by an Act of Parliament while the other was established by journalists themselves. For instance, Zimbabwe had dual -regulatory model namely: the Zimbabwe Media Commission (ZMC) and the Voluntary Media Council of Zimbabwe (VMCZ) which operated side by side. The Zimbabwe Media Commission was a statutory body which was funded by the Government and members of its board were appointed by the Government. However, the Voluntary Media Council of Zimbabwe was donor funded and members of the board were from the media industry. Further, both the statutory and self-regulatory bodies used different codes of conduct. What made them dual was the difference in their operations and the different codes of conduct that the ZMC and the VMCZ applied.

8.4.3 Co-regulation

Stakeholders submitted that a co-regulation model had the public, the media and the Government collaborating to ensure professionalism and accountability in the media industry. In a co-regulatory model, the council was established through an Act of Parliament and members of the board were drawn from the public, the media and government. In a co-regulatory model, the council was funded by the state, but its operations were independent of the Government. For instance, the Media Council of Kenya was an independent national institution established by the Media Council Act of 2013 to set media standards and ensure compliance with those standards. The Council started as a self-regulatory body in 2004, to regulate the media industry in Kenya but transited through the Media Act of 2007 and adopted co-regulation media regulation approach. This entailed that board members and its secretariat received government funds to support some of its activities, but remained very independent in their operations and were not subject to any form of control.

9.0 PREVIOUS ATTEMPTS AT REGULATION IN ZAMBIA

Attempts by the Government to regulate the media in Zambia dates as far back as 1975, when the First Republican President, through the Watershed Speech, guided the media on how they were expected to operate. He stated that as the mass media was being streamlined, young revolutionary workers in the media at the Daily Mail, Times of Zambia, Zambia News Agency (ZANA), radio and television and cinemas would now clearly reflect the official thinking of the United National Independence Party (UNIP) and its Government. They were expected to reflect the aspirations of the masses under the leadership of the Party and its Government.

9.1 Media Reform Committee

Stakeholders submitted that attempts to regulate the media started in 1993 when the Media Reform Committee (MRC) was constituted. The Committee comprised representatives from the broad section of the media industry. Its function was to make recommendations to the Government on how the media could be reformed to advance media freedom and the democratic process. The MRC was cognisant of the need to improve journalism standards and to create greater awareness of ethical standards in order to make journalists morally accountable to the public. However, the MRC was opposed to the formation of a media council or any other statutory body with powers to regulate the operations of journalists and media organisations. Therefore, the MRC recommended that media ethics and practices were to be the subject of self-regulation by journalists, associations and other media groups through the strengthening of media associations such as the Press Association of Zambia (PAZA) and the Zambian Union of Journalists (ZUJ). This was going to result into the establishment of a voluntary media council or a media complaints committee with no statutory powers.

In this regard, the MRC recommended the establishment of a Press Council of Zambia to protect the public and media practitioners. The report indicated that the Council could have its origin in an Act of Parliament which empowers it to reprimand errant media houses and journalists. It was further recommended that the Council should be chaired by a retired judge with past experience in media matters. The membership of the Council was expected to be drawn from both members of the public as well as professional representatives. The Council was to draw its funding from membership subscriptions, donations and contributions from media organisations. However, the recommendation by the MRC to introduce a Press Council of Zambia was never implemented.

9.2 The Media Association of Zambia (MAZ)

Stakeholders submitted that in 1995, another attempt was made by the Government to create a statutory regulatory body in order to control the media. In this regard, a Bill was initiated to establish the Media Association of Zambia (MAZ) to regulate the ethical conduct of journalists in the country. This body was expected to regulate the media by issuing licenses to members with appropriate qualifications and would have statutory powers to withdraw or cancel such licences if the licence holder was found wanting. The MAZ would have ensured that no media house could operate in the absence of staff who subscribed to the Association. Those who opted to withdraw from the Association would lose their status as journalists. This decision was challenged in court because journalists and media institutions were never consulted although such a decision would have affected them. It was argued that the decision to create MAZ was made in bad faith and not in furtherance of democratic ideals, among them, freedom to form or belong to an association.

However, before the judgement could be passed by the court, the Government attempted to draft a Bill to allow for the establishment of a Media Council of Zambia (MCZ). Under the proposed legislation, journalists were required to be licensed by a media council to be appointed by the Minister of Information and Broadcasting Services. Journalists not in compliance would be subjected to a three months jail term. A number of other stringent requirements were included in the law that journalists were supposed to meet before they could be granted a license to practice. For example, accreditation was not going to be automatic, but subject to the outcome of investigations of the applicant's background. Many

practicing journalists and members of civil society, at the time, described the Bill as "draconian".

As a result, media organisations such as the PAZA, ZUJ, Zambia Media Women's Association (ZAMWA), Zambia Independent Media Association (ZIMA) and the Zambian section of the Commonwealth Press Union (CPU) formed the Media Liaison Committee (MLC) and fought the Bill through lobbying, press statements and street demonstrations. The MLC pointed out that the action challenging the Government from legislating MCZ was still pending in court and therefore, the MCZ Bill was drafted in bad faith and was contemptuous of the High Court. The Government withdrew the MCZ Bill to allow for further consultations with all the stakeholders.

In the wake of the above developments, the MLC formed a media driven, independent, self-regulatory body to represent and protect the interests and rights of journalists. The regulatory body was expected to defend and promote media freedom and uphold the principles and standards of journalism under the umbrella of the Zambian Society of Professional Journalists and Media Practitioners. The MLC also resolved to set up a Media Ethics Complaints Commission (MECC) to uphold professional ethics and serve as a forum for the general public to complain against biased and unfair coverage or lack of coverage. In a bid to take charge of their own affairs, the independent media under ZIMA pulled out of the MLC and established the Independent Media Council (IMC), aimed at promoting professionalism and high standards of reporting. This was because most ZIMA members felt that the MLC was dominated by journalists from the public media.

9.3 Media Council of Zambia (MCZ)

The stakeholders submitted that in 1997, the High Court ruled in favour of the media and stated that attempts to establish the statutory media council which required statutory licensing of journalists was unjustified. Following the determination of the case by the High Court, the media felt that it was important to establish an independent self-regulatory ethics body. In 2001, journalists from both the private and public media agreed to adopt a joint code of ethics. They also agreed to establish a single media complaints body to prevent the Government from imposing a media regulatory body on journalists. As a result, the Media Ethics Complaints Commission (MECC) and (Independent Media Council) IMC merged. Thus, in 2004, the Media Council of Zambia (MECOZ) was launched as a media self-regulatory body. MECOZ pledged to uphold the highest professional conduct and ethics of journalism in the country.

9.4 The Media Council of Zambia

The Committee was informed that MECOZ was launched on 11th July, 2004, to promote media freedom and arbitrate public complaints on the conduct of the media. The formation of MECOZ followed the commitment by journalists that good faith with the public was the foundation of all worthy journalism. Journalists strongly felt that they should be accountable to the public for their reports in the media, and that the public should be encouraged to voice any grievances against the media. Journalists also believed that open dialogue with readers, listeners and viewers needed to be actively encouraged. It was believed that MECOZ would purely regulate the conduct of media practitioners while protecting their interest, but was not to be seen as an opposition to the state.

The Committee was informed that MECOZ did not live up to its expectations mainly because:

- (a) it operated on a very low budget and was initially funded for one year by the Friedrich Ebert Stiftung Foundation. Thus, inadequate funding affected its operations. Particularly, lack of support from the media fraternity also exacerbated operational challenges as they were not compelled to subscribe to the council.
- (b) the objectives, functions and operations of MECOZ were not sufficiently publicised to the public in general and among journalists, in particular;
- (c) the media community did not fully embrace MECOZ as not all media houses were affiliated to it, for example, the Post Newspaper; and
- (d) MECOZ had weak enforcement procedures, hence it was perceived to be toothless.

9.5 Zambia Media Council (ZAMEC)

In 2009, the Government began a process that would lead to the establishment of a statutory media regulatory body. Media associations also commenced a parallel process to create a self-regulatory mechanism. The Zambia Media Council (ZAMEC) was launched on 6th July, 2012. ZAMEC was a culmination of a sustained campaign by the media fraternity to establish a voluntary self-regulatory, but non-statutory media body to oversee the enforcement of media ethics. A board was appointed and had a constitution and a code of ethics, but it had financial challenges and lacked the authority to impose sanctions and because of that, it was difficult to operationalise it. ZAMEC sought to conciliate, mediate and arbitrate upon the public and media's alleged abrogation of ethics.

9.6 Why ZAMEC and MECOZ Failed

The Committee was informed that the two media regulatory bodies that were established up to the point of being made operational failed because of, among other reasons, some media associations had not held elections for their office bearers in a long time. As a result, they were not recognised by their members as they could not speak authoritatively and lobby for support from their members. Therefore, most media associations were too weak to support the regulatory bodies. Further, these bodies lacked resources to manage the operations of the councils. They also lacked powers to compel journalists and media houses to join and subscribe to the councils.

The two councils also lacked the authority to impose sanctions on erring media houses and journalists. The councils were also not fully embraced by journalists and media houses because not all journalists participated in their formation. Therefore, there was need for sensitisation to enable all journalists appreciate the benefits of putting in place a media council.

Stakeholders also observed that the media was highly polarised and lacked trust in each other. The general perception amongst media practitioners was that those who worked for the public media were pro-government and vice versa. As a result, they could not reach a consensus on critical matters affecting these councils. The Committee was also informed that membership

was on voluntary basis and members could withdraw their membership at will. For example, when one erring private media house was requested to exculpate itself regarding the manner it published some stories, it decided to withdraw its membership.

With regard to ZAMEC specifically, on 15 April 2010, media practitioners held a meeting in Lusaka to adjust and adopt a code of ethics and constitution which was drafted by a committee of the MLC. During the meeting, media practitioners received a letter from the Minister of Information and Broadcasting Services (MIBS) stating that the Government was withdrawing its support for the process because it feared that any voluntary system would be left “toothless and unenforceable.” The Minister was of the view that the Kenyan “hybrid” model of regulation where an independent council was created by statute would be ideal.

10.0 CONCERNS FROM STAKEHOLDERS REGARDING MEDIA REGULATION

The Committee was informed that the internet also posed another challenge because everyone could write and publish. This was a threat to the profession because people read what had been published but could not distinguish whether it was written by a journalist or not. As a result, people lost confidence in journalists. In this vein, stakeholders stated that regulation was important, but journalists needed to think of which form of regulation would benefit both the media and other stakeholders so that freedom of expression was properly handled.

The Committee was informed that while the media was longing to have a body that could approve training programmes for the industry and regulate the conduct of individual journalists as well as the media houses just like the ICTAZ did, the idea of regulation stirred fears in some journalists. This was because some journalists were trained and had attained some qualifications while others just stated work without any training, but became very good journalists through experience. Therefore, they opposed suggestions to define and regulate or put a criterion on who a journalist was because those that did not have any qualification felt that they could be ejected from the industry.

Other reasons for the fears were that most journalists did not understand the models of regulation and this made it difficult for them to appreciate the operations of each model. Whenever discussions on regulation were held, most of the journalists believed that the Government wanted to control the media. The stakeholders also noted that the media houses and journalists, in particular, were highly polarised which made it difficult for them to agree on anything because of lack of trust amongst themselves. Those who worked for the private media assumed that those that worked for the public media were pro government and vice versa.

There were also concerns that media bodies were very weak and, in most cases, had not held elections for their office bearers for some years. This became difficult for their members to recognise such media bodies and garner professional solidarity when representing their concerns and needs to the Government.

Stakeholders also noted that as the debate on media regulation was going on, bloggers were not taken on board. It was feared that as the country was moving towards establishing a regulatory body, it was important that bloggers were involved in the discussions in order for their voice to be included. Stakeholders were of the view that the regulatory body that would be put in place should also regulate bloggers.

Media bodies also bemoaned the poor economic environment within which the media operated. This contributed to poor remuneration of journalists who, in some media houses, were paid as low as K500 per month. As a result, most senior journalists who could guide upcoming journalists opted to work as public relations officers in different organisations. This left inexperienced journalists in the industry. Most stakeholders who appeared before the Committee were of the view that the Government should put in place a minimum wage for journalists to encourage professionalism in the industry. In this connection, in order to improve the economic status of media houses in the country, one of the stakeholders was of the view that Government advertisements should be distributed to all media houses since the Government was the major advertiser.

11.0 MOST PREFERRED MODEL OF REGULATION

The stakeholders argued that the wanton unprofessionalism by journalists and media houses was a result of the absence of a media regulatory body. They stated that the question journalists should be asking themselves was whether they were really professionals or not. If they were professionals, there was no reason they should not regulate themselves when other professionals did. They were of the view that journalists knew that regulation was important, but personal interest hampered progress regarding the establishment of a regulatory body.

Asked to state clearly what kind of regulatory framework they would like to see put in place, most stakeholders submitted that in view of the failed previous attempts, they were of the view that the media needed a regulatory body that was similar to the Law Association of Zambia (LAZ) and the Information and Communications Technology Association of Zambia (ICTAZ). They explained that the ICTAZ was established through an Act of Parliament and provided for the registration of information and communications technology professionals and regulated their professional conduct in the interest of the information and communications technology sector.

12.0 OMBUDSMAN OR PUBLIC EDITOR

Stakeholders submitted that a number of countries had what was known as a press, media or news ombudsman. The ombudsman received and investigated complaints from newspaper readers, listeners or viewers of radio and television stations about accuracy, fairness, balance and good taste in news coverage. The ombudsman recommended appropriate remedies or responses to correct or clarify news reports. An ombudsman also explained the news-gathering processes which were often unknown to the public and were viewed with suspicion by many readers. Stakeholders, therefore, felt that Zambia should consider a similar arrangement by having a contact person who could help overcome the belief that media houses and journalists were aloof, arrogant or insensitive to the concerns of the public and generally inaccessible to citizens. The ombudsman could be at two levels, that is, at national level where journalists agreed through a media council or any all-inclusive regulatory body to have an ombudsman representing all media houses. At institutional level, media organisations could appoint a senior journalist as an in-house ombudsman.

It was noted that, in the history of the Zambian media, only the Post Newspaper had an in-house ombudsman. Since the closure of the newspaper, there had been no media house with an ombudsman's office. The non-operational ZAMEC in its constitution had a provision for the establishment of a national press ombudsman but since the regulatory body only existed

on paper, the office could not be actualised. Therefore, there was no media ombudsman in Zambia.

12.1 Roles of the ombudsman or Public Editor

The Committee was informed that the mandate of the ombudsman was, among others, to:

- (a) mediate between the expectations of the public and the responsibilities of journalists;
- (b) protect and enhance the quality of journalism by encouraging respectful and truthful discourse;
- (c) promote transparency within media organisations;
- (d) protect media freedom while promoting responsible journalism;
- (e) receive and investigate public complaints about media houses concerning their news reporting; and
- (f) explain the roles and obligations of journalists to the public.

Stakeholders were of the view that if the office of the ombudsman was handled professionally, it could improve the quality of news reporting by ensuring that stories were accurate, fair and balanced. It would enhance media credibility through promotion of accessibility and accountability because the public and the Government would have an office to complain to once they felt unfairly treated by the media. The office would also contribute to increased productivity among media practitioners and media houses because all complaints and inquiries would be handled by the ombudsman. The office of the ombudsman would also act as a mediator and save costs by dealing with complaints internally as opposed to dealing with costly lawsuits and attorneys.

13.0 CHALLENGES OF NOT HAVING A REGULATORY BODY

Some challenges arising from the lack of a media regulatory body were as set out hereunder.

(a) Unprofessional conduct

The Committee heard that the absence of regulation often created room for unprofessional conduct because there was no accountability among media houses and journalists as there was no regulatory framework that could check on their operations. Stakeholders were of the view that if the media was left unchecked, it had the potential to harm society by churning out questionable content.

(b) Loss of credibility and trust

Stakeholders also submitted that lack of regulation had the potential to erode credibility and trust for the journalism profession and media houses. This was because in the advent of social media where everyone was assuming the role of a journalist, regulation helped to differentiate professionals from impostor. Thus, without regulation or any overseeing body,

it was difficult to improve, adapt and expand professional practices in tandem with prevailing international trends.

(c) Lack of cohesion and cooperation

Stakeholders also observed that lack of regulation contributed to a lack of cohesion and cooperation among media practitioners because there was no institution that could bring them together and speak with one strong voice.

(d) Lack of clear mechanism for resource mobilisation

The absence of a regulatory body resulted into lack of a clear mechanism for resource mobilisation and funding for the regulatory body. This was because membership to the regulatory body was voluntary as a result of which the resource mobilisation mechanisms were uncoordinated and unclear.

(e) Mistrust between successive governments and the media

There was also a lot of mistrust between successive governments and the media fraternity. For instance, the Government through the Minister of Information and Broadcasting Services withdrew its support for ZAMEC because it feared that any voluntary system would be toothless and unenforceable. Therefore, the Government supported the Kenyan “hybrid” model of regulation where an independent council was created through a statute.

(f) Inadequate Information on regulatory models

Generally, media practitioners had not attached value to the existence of the media regulatory body because of inadequate information about models of media regulation as well as their benefits.

(g) Inability to enforce ethics

Stakeholders observed that the absence of the regulatory body made it difficult for the media fraternity to draw and enforce a standard code of ethics which could be used to hold journalists and media houses accountable.

14.0 STANDARD CODE OF ETHICS

The Committee was informed that ethics were a branch of philosophy that sought to use rational and systematic principles, values and norms to determine what was good or bad, correct or incorrect, right or wrong, as far as human actions were concerned. These were standards against which society scrutinised individuals and institutional behaviour. These values were implanted in a code of moral conduct. Currently, Zambia does not have a standard code of ethics for the journalism profession.

With regard to the electronic media, the IBA provided a set of ethical and professional standards which television and radio stations were expected to abide by, failure to which punitive action was taken against erring media houses. The print media did not have any such standards although ZAMEC had developed a Code of Ethics. However, the ZAMEC Code of Ethics could not be enforced because the regulatory body was non-functional.

Therefore, currently, the print media in particular, depended on in-house codes of conduct and editorial policies to regulate and guide the journalism practice.

15.0 STRATEGIES, IF ANY, PUT IN PLACE TO ESTABLISH A REGULATORY BODY

The Committee was informed that the Media Liaison Committee (MLC) working with other civic stakeholders, the Government and the other media practitioners had embarked on a process to revive ZAMEC using the gains achieved up to its launch in 2012. To this effect, a committee to spearhead the revival of ZAMEC had been established. A plan on regular consultative meetings between MLC and the Government had also been drawn up and a road map to define the process of establishing a media regulatory body was underway. Furthermore, plans to conduct sensitisation workshops for the members of public and the media on the models of regulation to gain support for the cause were also underway.

TOUR

16.0 LOCAL TOUR TO COPPERBELT AND NORTH-WESTERN PROVINCES

The Committee undertook a tour to the Copperbelt and North-western provinces. Specifically, the Committee visited Yar FM, Flava FM Radio Station, Faith Radio Station and Ichengelo Radio Station as well as the Zambia National Broadcasting Corporation (ZNBC), Kitwe Studios on the Copperbelt Province. In North-Western Province, the Committee visited the New Generation FM, Kabangabanga Radio Station, Solwezi Radio, and Northwest TV. The Committee also held stakeholder meetings in Kitwe and Solwezi districts in relation to the topical issue “*Media Regulation in Zambia*”. The stakeholder meetings in Kitwe and Solwezi districts recorded an attendance of fourteen and fifteen people, respectively. The objective of the tour was to augment the Committee’s findings during its long meetings with primary evidence..

Arising from the tour and subsequent stakeholder meetings, the findings of the Committee were as set out hereunder.

16.1 Media Insaka

The Committee was informed that during the Media Insaka that was held at Golden Peacock Hotel in Lusaka on 9th to 11th May, 2019, about 300 media practitioners resolved to adopt a self-regulatory model that would be backed by a statute. It was explained that during the Insaka, resource persons from the Media Council of Kenya and South Africa endeavoured to explain the different models of regulation. Among them were self-regulation, voluntary self-regulation, self-regulation backed by a statute and statutory regulation.

The Committee was informed that both the Government and the media had previously tried to regulate the media, but were unsuccessful. For instance, the Government tried to regulate the media through the Media Association of Zambia (MAZ) while the media tried on two occasions to self-regulate through the MECOZ and ZAMEC, which were both voluntary self-regulatory bodies. They also explained the advantages and disadvantages of each of the above mentioned models. Their voluntary membership meant that media practitioners and media houses were free to join or withdraw their membership. As a result, they were of the view that in order to make membership compulsory, the proposed regulatory body should be

backed by a statute in order to give it power to punish erring journalists and also compel media houses to subscribe to the body.

Despite previous attempts to come up with a suitable model, participants resolved unanimously to adopt a self regulatory model backed by law. Accordingly, the participants were encouraged to disseminate the resolutions of the Insaka to other media practitioners in their media houses. However, it was evident during the stakeholder meetings that some media practitioners did not clearly understand the different models and their benefits and hence had difficulties embracing the preferred model.

16.2 Media owners

Stakeholders submitted that while the media appeared polarised, this situation had been exacerbated by media owners who at times directed journalists on the conduct of their duties. Media owners made it difficult for journalists to freely gather stories from any source for fear of being labelled sympathisers of various political groupings. In the same vein, it was also difficult for private media owners to reach a consensus whenever they were discussing issues that affected the media industry because of their political inclinations.

Some media owners also submitted that ZAMEC and MECOZ failed because consultations on media regulation focused on the journalists although the industry was made up of different players who were not consulted on issues that affected the industry. Therefore, media owners were of the view that issues to do with media regulation should be all inclusive in order to enable all media players to appreciate the benefits of regulating the media industry.

Stakeholders further stated that the poor economic environment within which the media operated affected the revenue base for some media houses. They observed that media houses raised revenue from advertisements but very few companies were able to place their adverts in all media houses. They were of the view that the Government, being a major advertiser, should advertise with all media houses so as to boost the revenue base for media houses.

16.3 Protection of journalists

Both media owners and journalists submitted that they had no protection against people who at times walked into private media houses to harass journalists as well as those who attacked them during the course of their duties. They were of the view that the proposed law establishing the media regulatory body should also provide for the protection of journalists during the course of their duties as long as they were ethical. The journalists should also be protected from media owners who at times punished them for covering political groupings which the media owners did not support.

16.4 Citizen Journalists

The stakeholders submitted that as issues of regulation were being discussed, consideration should also be given to how citizen journalists or social media would be regulated. Stakeholders observed that the internet enabled anybody to generate and disseminate information from anywhere although this was supposed to be the preserve of journalists. For this reason, it was emphasised the criteria for one to qualify to be a journalist should be clear so that members of the public should be able to distinguish journalists from citizen journalists. Therefore, the issue of defining how one became a journalist was very important. Otherwise, people would not be able to tell the difference. It was envisaged that the proposed

regulatory body would clearly define how one should become a journalist so as to distinguish qualified journalists from untrained people.

16.5 Training

Stakeholders submitted that journalists needed to know that as professionals, there were certain fundamental requirements such as objectivity, truthfulness, accuracy and observance of ethics that they needed to apply in the performance of their duties. This called for adequate training because, without being exposed to the training, it was possible that anybody who picked up a pen or started writing could mislead and misinform members of the general public. Because of this, it was suggested that the proposed media regulatory body in collaboration with training institutions should also address the gaps in media training in order to match it with the current media trends.

16.6 Code of Ethics

Stakeholders submitted that sometimes application of ethics was lopsided because of the environment in which the media operated. Media ethics had further been compromised by citizen journalists because with the coming of social media, it was difficult to define who a journalist was. Anybody could be a journalist as long as they were able to operate a cell phone. Worse still, to some, it did not matter whether what they disseminated was factual or not, as long as they could not be identified. As a result, people from all walks of life had been victimised, ranging from public figures down to ordinary citizens. It was anticipated that once the regulatory body was established, it would develop a standard code of ethics which all media houses and journalists would be required to abide by.

16.7 Ombudsman's Office

Stakeholders submitted that the defunct ZAMEC had provided for the establishment of an ombudsman's office. This was an office where members of the public could complain to and also get their concerns addressed before resolving to file a law suit. The ombudsman was also a mediator between media houses and the Government. However, ZAMEC was never operationalised. Stakeholders therefore, suggested that the proposed regulatory framework should put in place the office of the ombudsman which should be able to resolve issues amicably with people who might feel injured or misrepresented by the media.

16.8 Independent Broadcasting Authority

Stakeholders also raised concern regarding the operations of the Independent Broadcasting Authority (IBA). They submitted that the IBA was not functioning as it was intended to function because it was perceived as a channel through which the Government punished media houses whose content was seemingly against the Government. They acknowledged that the *Independent Broadcasting Authority Act, No. 17 of 2002* provided for the control and regulation of broadcasting industry countrywide. However, the Zambia National Broadcasting Corporation (ZNBC), which was part of the broadcasting industry was being regulated by the *Zambia National Broadcasting Corporation Act, No. 16 of 1987*. They were of the view that while it was important for the IBA to regulate the broadcasting industry, the Act should be amended so that the Authority could also regulate ZNBC to level the playing field in the industry.

Stakeholders further observed that the IBA provided for the payment of uniform license fees by all media players irrespective of their localities. The media owners were of the view that the IBA should emulate ZICTA which varied fees according to locations because it was unfair for small radio stations located in rural areas to pay for license fees like big and well established radio and television stations located along the line of rail.

16.9. Fear that the Bill would not Represent their Interest

The Committee was informed that while the media had previously made efforts to establish voluntary self-regulatory bodies, media practitioners were uncomfortable and unwilling to support the a self-regulatory body that was backed by law. This was against the perception that once the Bill was presented before Parliament, some of their concerns in the Bill would be changed so as to suit the desires of the Members of Parliament. Therefore, some media practitioners were reluctant to support a self-regulation model, which was backed by a statute.

17.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

17.1 Regulatory bodies

The Committee notes that past efforts to establish either statutory or self regulatory bodies failed partly because such efforts had not been recognised and supported by journalists and media houses. The two failed media bodies (MECOZ and ZAMEC) also lacked the strength to impose sanctions on erring journalists and media houses. Further, there has been mistrust between successive governments and the media fraternity leading to the rejection of statutory regulation. The Committee, therefore, recommends that Ministry facilitates for the establishment of a regulatory body that will be backed by a statute in order for it to be accepted and respected by all stakeholders. Furthermore, the process of establishing a regulatory body should be driven by the media industry itself.

17.2 Unprofessional conduct by media practitioners

The Committee notes that the absence of a regulatory body has created room for unprofessional conduct among media practitioners because of lack of accountability in the manner journalists and media houses operate. In this regard, the Committee recommends that the Ministry of Information and Broadcasting Services should, as a matter of urgency, facilitate the establishment of a media self regulatory body that will be backed by a statute, but should be governed by the media themselves.

17.3 Standard Code of Ethics

The Committee is concerned that there is no standard code of ethics for journalists in the print media, against which society can evaluate individual journalists and institutional behaviour. The Committee notes that if some journalists and media houses remain unchecked, they are likely to harm society through their unprofessional conduct. The Committee, therefore, recommends that a standard code of ethics that will be binding to all journalists and media houses, whether print or electronic, should be put in place through the proposed media regulatory body once it is established.

17.4 Fear of being left out

The Committee observes that some journalists harbour resentment regarding the establishment of a media regulatory body because they are not trained, but started work without any training and have since become very good journalists through experience. Thus, when discussions to define and regulate or put a criterion on the journalism profession emerged, the idea was strongly opposed because those without any qualifications felt that they would be ejected from practicing journalism. In this vein, the Committee recommends that the Ministry of Information and Broadcasting Services should ensure that the proposed media regulatory body provides for the recognition of journalists who are not trained as is the case with the *Information Communication Technology Association of Zambia Act, No. 7 of 2018* which provided for recognition of untrained ICT professionals. In Clause 14(1) the Act provides that, “there shall be such classes of membership as shall be provided for in the constitution of the Association”.

17.5 Fear of being licensed

The Committee notes that during the previous attempts to regulate the media, the Government intended to issue licenses to journalists with appropriate qualifications. Further, it was proposed that the regulatory body would have statutory powers to withdraw or cancel a practising licence for a journalist if found wanting and those who opted to withdraw from the association were to lose their status as journalists. In this regard, the Committee recommends that the Ministry should ensure that accreditation of journalists should be a mandate of the proposed media regulatory body in order to dispel the fears that some journalists have of being licensed.

17.6 Inadequate information about regulation

The Committee observes that most journalists who appeared before the Committee did not clearly appreciate the models of regulation. According to them, regulation meant that the Government wanted to control the media. The Committee, therefore, recommends that the Ministry should embark on sensitisation activities to explain the meaning and models of regulation to various stakeholders in order for them to appreciate the meaning of regulation.

17.7 Absence of Ombudsman

The Committee observes that the current wanton unprofessional conduct by both the media houses and journalists could be attributed to the absence of an ombudsman who should be responsible for the quality of news reporting by ensuring accuracy, fairness and balance. In this vein, the Committee recommends that the Ministry should work towards the establishment of the office of the Ombudsman which will be able to receive and investigate public complaints against media houses and journalists concerning their news reporting and also help resolve complaints internally as opposed to dealing with costly lawsuits.

17.8 Weak Media Associations

The Committee notes that media associations were very weak and some of them have not held elections for a long time. As such, they are not recognised or respected by their members. In this regard, the Committee recommends that the Ministry of Information and Broadcasting Services should establish a committee that will monitor what is happening in

associations in order to strengthen the industry. Media houses and media practitioners should also be encouraged to develop a culture of respecting their associations through sensitisation programmes in order to establish a strong regulatory body.

17.9 Polarisation of the Media

The Committee notes that there is a lack of professional solidarity among journalists and it is very difficult for them to have a unified voice when presenting their concerns and needs because media in general is highly polarised and there is a general lack of trust amongst themselves. This polarisation of the media has also contributed to the failure by the industry to establish a regulatory body. In this regard, the Committee recommends that the Ministry should encourage the media to form and nurture strong professional bodies in order for them to speak with a strong unified voice when presenting their concerns and needs. The Ministry should also regularly monitor the operations of organisations in the media industry.

17.10 Minimum Wage for Journalists

The Committee notes that most journalists from the private media houses are poorly paid and some of them earn as low as K500 per month which has contributed to unprofessionalism in the media industry. The Committee recommends that, as a matter of urgency, the Ministry should facilitate the establishment of a media regulatory body that will provide for a minimum wage for journalists in order to encourage professionalism and stop the exploitation of journalists by media owners.

PART II

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY

18.0 REVIEW OF THE INFORMATION AND MEDIA POLICY IN ZAMBIA

Committee's Observations and Recommendations

Arising from its interactions with various stakeholders both during the long meetings and local tour, the Committee made observations and recommendations as outlined below.

18.1 Access to Information Legislation

In the previous Session, the Committee had observed that the absence of access to information legislation caused people to turn to social media platforms to circulate information or speculations. The Committee had noted that access to information legislation would not only facilitate the work of the media fraternity, but also enable the general public to have access to information of public interest.

Executive's Response

In the Action-Taken Report, the Executive stated that the process would speed-up so that within the Third Session of the Twelfth National Assembly, the access to information legislation would be enacted. The Executive indicated however, that even if the access to

information legislation was in place, people may not stop abusing the social media. The abuse of social media did not end with legislation being put in place. This was because in many developed countries where both the social media platforms were hosted and also had a long history of having “freedom of information” legislation, abuse of social media was still prevalent. The abuse of social media was a vice that should be dealt with at national, regional and global level. It was for this reason that the Government noted some sentiments by stakeholders urging the Government to enact specific laws to mitigate the abuse of social media.

In addition, the Government keenly supported the efforts of the United Nations Secretary General regarding his appointment of the high level panel on digital cooperation. Advancement in digital technologies could not be resolved at national level alone. Further, the Government, through Ministry of Justice, was in the process of finalising the draft Access to Information Bill, 2018. It was anticipated that the Bill would be ready for introduction in the Third Session of the Twelfth National Assembly in February, 2019.

Committee’s Observations and Recommendations

The Committee notes that the Executive has been making promises regarding the enactment of the access to information legislation for a long time. It is hoped the Government will fulfil its promise in the Third Session of the Twelfth National Assembly. The Committee, therefore, awaits a progress report on the presentation of the access to information legislation to Parliament.

18.2 Review of the 1996 Information and Media Policy

In the previous Session, the Committee, while commending the Government for commencing the review of the 1996 Information and Media Policy in order to bring it in line with new technological developments, was concerned that the process had taken too long to conclude.

Executive’s Response

In the Action-Taken Report, the Executive welcomed the recommendation and stated that it was currently reviewing the 1996 Information and Media Policy, taking into consideration emerging issues and trends in technological development. The Government would, in 2019, submit the revised Information and Media Policy to Parliament for consideration.

Committee’s Observations and Recommendations

The Committee notes that the review of the 1996 Information and Media Policy, still remains uncompleted. The Committee is deeply concerned that the Policy has been under review for some time now and it is of the view that the Government, as a matter of urgency, finalises the works on the Information and Media Policy. In this regard, the Committee awaits a progress report on when the Government will, in 2019, submit a revised Information and Media Policy to Parliament for consideration.

18.3 Review and Harmonisation of Legislative Framework

In the previous Session, the Committee had noted that the country had enough laws to regulate the usage of online space regarding freedom of expression, association and

assembly. The Committee had observed that these laws were fragmented and out-dated. Further, while the legal and regulatory framework required review, work to review it remained unconcluded.

Executive's Response

In the Action-Taken Report, the Executive stated that it was in the process of reviewing the different pieces of legislation to ensure that cyber space was adequately and effectively regulated.

Committee's Observations and Recommendations

The Committee observes that harmonisation of the pieces of legislation in order to ensure that cyber space is adequately regulated is still under consideration. The Committee awaits a progress report on the matter.

18.4 Enactment of Information Communications Technology Legislation

In the previous Session, the Committee had noted that the Government's intention to promulgate Information Communications Technology (ICT) legislation would help to regulate the abuse of social media platforms.

Executive's Response

In the Action-Taken Report, the Executive stated that the draft bills by the relevant Government ministries had already been prepared and were undergoing consultations in readiness for presentation to Parliament.

Committee's Observations and Recommendations

The Committee awaits a progress report on the presentation of the Bills to Parliament for enactment.

18.5 Training Regarding Online Reporting

In the previous Session, the Committee had noted that there was no capacity building on online training to provide for standards and quality regarding online reporting.

Executive's Response

In the Action-Taken Report, the Executive stated that one of the key objectives of the draft Information and Media Policy was capacity building for both in-service and media students in institutions of higher learning.

Committee's Observations and Recommendations

The Committee awaits a progress report on the introduction of online training in colleges and universities to build capacity for online reporters.

18.6 Sensitisation Programmes on the Responsible use of Social Media Platforms

In the previous Session, the Committee had noted with great concern that there were no deliberate sensitisation programmes by the Government regarding the responsible use of social media platforms by journalists and the general public.

Executive's Response

In the Action-Taken Report, the Executive stated that it had instructed the Independent Broadcasting Authority (IBA) to step-up awareness campaigns in order to sensitise the public regarding responsible use of social media, particularly in the production or sharing of content that promoted moral decay in society.

Committee's Observations and Recommendations

The Committee observes that although the IBA has been instructed to step-up awareness campaigns on the responsible use of social media platforms, not much has been done. The Committee awaits a progress report on what measures the IBA is undertaking to intensify the awareness campaigns to promote responsible use of social media platforms.

18.7 Regulation of Social Media Platforms

In the previous Session, the Committee had observed that regulatory bodies such as the IBA and ZICTA did not have the capacity to adequately regulate the use of social media and other platforms in the country.

Executive's Response

In the Action-Taken Report, the Executive stated that it would continuously review the legal and institutional capacities of the regulatory bodies to ensure that they could undertake their mandates to the satisfaction of the citizens. The relevant legislation was being reviewed to strengthen the legal framework and the Government appealed to the Committee to support the Bills when presented to Parliament. In addition, the institutional capacities were being enhanced to ensure effective implementation of the activities under their respective mandates. With regard to the establishment of a media self-regulatory body, the Government would facilitate as it had done with other professions. However, the establishment of a self-regulatory body for the journalists must be led by the professionals themselves as had been done with all other professions where such statutory self-regulation mechanisms had been put in place.

Committee's Observations and Recommendations

The Committee observes that the Government was still reviewing some of the media laws and also consulting on the model of regulation that should be adopted by the media. The Committee awaits a progress report on the conclusion of the review of the laws and also progress on the establishment of a media self-regulatory body.

18.8 Mechanism to Monitor Changes in the Media Industry

In the previous Session, the Committee had noted that there was no mechanism in place to continuously monitor changes taking place in the media industry, thereby making regular review difficult.

Executive's Response

In the Action-Taken Report, the Executive stated that it was preparing a new Strategic Plan for the Ministry of Information and Broadcasting Services that would seek to serve its clients and stakeholders better. In addition, the Ministry was working on the mechanisms to rebrand its services and when the Government approved these measures, the Ministry would have a better system of continuous monitoring of developments in the media.

Committee's Observations and Recommendations

The Committee notes that the Government is still working on its strategic plan which it intends to use to serve its clients better. The Committee awaits a progress report on the implementation of the mechanisms to monitor developments in the media industry.

19.0 UPDATE ON THE COUNTRYWIDE DIGITAL MIGRATION PROGRAMME

19.1 TopStar Operations not in line with the Digital Migration Policy

In the previous Session, the Committee had noted that the Digital Migration Policy provided for the current broadcasting licensing framework to be transformed into two broadcasting licensing categories, namely: content service provider license and signal distributor license, so that no single entity should hold both types of licenses at the same time. However, the Committee observed with concern that TopStar was not operating within the parameters of the Policy because it was operating as a signal carrier, content distributor as well as a pay TV.

The Committee, therefore, had urged the Government to put measures in place to ensure that the operations of TopStar were within the parameters of the Digital Migration Policy which provided that the public signal carrier would only hold one license for signal distribution. The Committee was of the view that TopStar should forthwith cease being a content and Pay TV provider.

Executive's Response

In the Action-Taken Report, the Executive noted the need to put in place measures to streamline the operations of the various players on the market, especially TopStar. The Government had already committed itself to reviewing the Digital Migration Policy to ensure that all the issues raised by stakeholders were ironed out. The Government recognised the need for TopStar to perform its mandate of signal distribution. However, TopStar should not be crippled in terms of revenue generation because the company was also established to raise money for the Government to repay the loan. Failure by the Government to facilitate TopStar's raising the revenue would entail that the Government would have to find alternative means of repaying the loan. The Government would, therefore, strike a balance between the revenue generation mandate of TopStar and other responsibilities.

Committee's Observations and Recommendations

The Committee observes that the Government has not concluded reviewing the Digital Migration Policy so as to iron out concerns that have been raised by stakeholders. The Committee awaits a progress report on the review of the Digital Migration Policy.

19.2 Free-to-air Television Broadcasting Services

In the previous Session, the Committee had noted that although under Chapter 7.3.1(b) (i) of the Policy, free-to-air television broadcasting services should be received even without the payment of subscription fees, most of the private broadcasting stations' content or channels had been encrypted by TopStar and could not be accessed as long as a subscription fee had not been paid.

Executive's Response

In the Action- Taken Report, the Executive stated that it was not necessary for the Government to direct TopStar to unscramble the local television station channels. In order to ensure that TopStar made money in its early years, the Government decided that, to start with, only ZNBC TV1 and Parliament TV should be free-to-air. In addition, all "public broadcasting services" should be carried for free. In that regard, public services were not affected in any way. However, the Government would review the Digital Migration Policy to remove any inconsistencies that had arisen during the implementation of the Policy.

Committee's Observations and Recommendations

The Committee awaits a progress report on the review of the Digital Migration Policy in order to remove any inconsistency that has been noted during the implementation process.

19.3 Inadequate Sensitisation on the 2020 Radio Digital Migration Programme

In the previous Session, the Committee had observed that there was inadequate sensitisation on the Digital Migration Programme. For instance, most people did not clearly understand the programme and therefore, did not appreciate why they were paying the TV Levy. The Committee, further, noted that sensitisation programmes were skewed towards television migration and nothing much had been done regarding radio migration which was expected to happen by 2020.

Executive's Response

In the Action-Taken Report, the Executive stated that sensitisation programmes especially for radio migration would be stepped up as the country approached 2020. There was need, however, to separate the issues of television levy and digital migration. The television levy was meant to pay for the cost of providing public broadcasting services which, as indicated above, were received by the people free of charge. The people did not pay subscription to watch ZNBC TV1 and Parliament TV at the moment because they paid TV Levy.

Committee's Observations and Recommendations

The Committee awaits a progress report on public sensitisation efforts on Radio Digital Migration.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON MEDIA, INFORMATION AND COMMUNICATION TECHNOLOGIES FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY

20.0 National Film Policy

In the previous Session, the Committee had resolved to wait for a progress report on the launch of the National Film Policy.

Executive's Response

In the Action-Taken Report, the Executive stated that the policy had not been formally launched but the implementation of the Policy had already started. The Ministry was now working on restructuring of the Ministry to provide for relevant structures. The Ministry was also developing the Medium Term Expenditure Framework (MTEF) for the implementation of the provisions in the Policy.

Committee's Observations and Recommendations

The Committee is pleased to note that although the film policy has not yet been launched, some of its recommendations are being implemented. The Committee awaits a progress report on the formation of the Film Policy.

20.1 Training Institute

In the previous Session, the Committee had resolved to wait for a progress report on the establishment of a fully-fledged training institute in order to grow the film industry.

Executive's Response

In the Action-Taken Report, the Executive stated that the transformation of the Zambia Institute of Mass Communication (ZAMCOM) had started. The Government had released K2 million to the Institute to start the transformation process. The Institute had developed a new Strategic Plan which included the introduction of training programmes to support the development of the Film Industry. ZAMCOM would soon start offering skills once the equipment and other facilities were put in place. ZAMCOM was also working with TEVETA to develop national curricula for film training.

Committee's Observations and Recommendations

The Committee observes that although K2 million had been released to start the transformation process, the process has not yet started and the institution does not have the required equipment for film training. The Committee awaits a progress report on the

establishment of the fully-fledged training institute since ZAMCOM has not yet started functioning as a fully-fledged film training institute.

20.2 Creation of Faculties in Cultural Preservation and Film Production at Higher Learning Institutions

In the previous Session, the Committee had resolved to wait for a progress report on the actualisation of the construction of the University College of Governance and Arts in Katete District.

Executive's Response

In the Action-Taken Report, the Executive through Ministry of Higher Education, stated that the evaluation process for the award of the contract to design Katete University College of Applied Arts had been completed. The evaluation report had been forwarded to the funder for a "No Objection" as provided for in the financing agreement. Upon receipt of a "No Objection" from the financiers, the Ministry would proceed to sign the contract for designing the University by end of September, 2018. This was on the understanding that "No Objection" would be granted within 30 days of the application. Design works for the University were expected to take between three to five months, after which the tender to engage the Contractor would be floated. Construction works were expected to commence in the first quarter of 2019.

Committee's Observations and Recommendations

The Committee notes that the construction of the University College of Governance and Arts in Katete has not yet started and calls for a progress report on the matter.

20.3 Absence of Formal Training Syllabus for Cultural Preservation and Theatre in Schools

In the previous Session, the Committee had resolved to wait for a progress report on the standardisation of curriculum in universities and TEVETA institutions.

Executive's Response

In the Action-Taken Report, the Executive reported that, through the Ministry of Higher Education, the curriculum for institutions under Technical Education, Vocational and Entrepreneurship Training (TEVET) had been standardised. All the TEVET institutions implemented the same curricula, which was developed, periodically reviewed, managed and assessed by the Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA). A university curriculum, however, did not require standardisation because universities did not have to teach the same courses. Nevertheless, the Higher Education Authority was established to, among other functions, accredit learning programmes in higher education institutions. According to the *Higher Education Act, No. 4 of 2013*, "accreditation" meant the evaluation and recognition of academic programmes to ensure that they met the necessary quality requirements.

Accordingly, the aim was not to standardise programmes, but ensure that the programmes met the required standards in content, delivery and assessment. The process started in June

2017. To date, 640 learning programmes had been submitted for accreditation from public and private higher education institutions and they were being processed by the experts coordinated by the Higher Education Authority. Sixty programmes had been recommended so far while some were being improved upon after the assessment or evaluation. Those that did not meet the standard had not and would not be accredited. Further, the Ministry of Higher Education, through the Zambia Qualifications Authority (ZAQA), had a framework that ensured that all qualifications in Zambia were standardised locally and internationally.

Committee's Observations and Recommendations

The Committee notes that out of the 640 learning programmes that were submitted for assessment and evaluation, only sixty have been evaluated and recommended. The Committee awaits a progress report on the completion of the assessment and evaluation of the remaining programmes.

20.4 Loss of Content Stored on Reels Captured by ZNBC

In the previous Session, the Committee had resolved to wait for a progress report on the conversion of content from analogue to digital by ZNBC.

Executive's Response

In the Action-Taken Report, the Executive stated that the content was still being stored in analogue format because ZNBC was yet to find the necessary equipment to use to convert the content to digital format. The Government was still supporting ZNBC with regard to this necessary action.

Committee's Observations and Recommendations

The Committee is concerned that content that was produced in analogue was still stored in analogue. The Committee emphasises that all necessary measures should be taken to prevent the loss of the content stored in analogue format. In this vein, the Committee awaits a progress report on the completion of its conversion to digital format.

20.5 Careers Related to Film

In the previous Session, the Committee had resolved to wait for a progress report regarding the improvement of training facilities that would encourage people to take up careers in the film industry.

Executive's Response

In the Action-Taken Report, the Executive stated that it had directed the Independent Broadcasting Authority (IBA) to ensure that content providers of broadcasting materials should ensure that the 35 per cent local threshold was adhered to. Further, to support this policy requirement, the Government was preparing a statutory instrument to guide content regulation and enforce the 35 per cent threshold. This requirement would help create jobs and support the growth of the local film industry. The statutory instrument was expected to be issued within the third quarter of 2019.

Committee's Observations and Recommendations

The Committee notes that the statutory instrument to guide content regulation and also ensure that the 35 per cent threshold is adhered to has not yet been issued. The Committee awaits a progress report on the matter.

20.6 Pieces of Legislation to Govern the Film Industry

In the previous Session, the Committee had resolved to wait for a progress report on the launch of the Film Policy which was expected to review the pieces of legislation that governed the film industry.

Executive's Response

In the Action-Taken Report, the Executive stated that review of the legislation to support the film Industry would commence in 2018.

Committee's Observations and Recommendations

The Committee notes that the Film Policy has not yet been launched. The Committee awaits a progress report on the matter.

20.7 Lack of Proper Documentation of Cultural Ceremonies

In the previous Session, the Committee had resolved to await a progress report on the documentation of cultural ceremonies.

Executive's Response

In the Action-Taken Report, the Executive stated that in addition to the leading role played by the Ministry of Tourism and Arts, Ministry of Chiefs and Traditional Affairs and the Zambia Tourism Agency in the documentation of major traditional ceremonies, the Government also documented ceremonies through the television and radio documentaries produced by ZNBC and ZANIS. In that regard, the Ministry of Information and Broadcasting Services was constructing ten provincial broadcasting stations, which would help enhance the documentation of the ceremonies once they started operations. The construction of these facilities was being done as part of the implementation of the digital migration programme.

Committee's Observations and Recommendations

The Committee awaits a progress report on the construction of provincial broadcasting stations, which are expected to enhance the documentation of ceremonies once they become operational.

20.9 Zambia Consolidated Copper Mines (ZCCM) Infrastructure

In the previous Session, the Committee had resolved to wait for a progress report on the rehabilitation of the two theatre halls.

Executive's Response

In the Action-Taken Report, the Executive through the Ministry of Local Government had taken note of the Committee's resolution to wait for a progress report on the rehabilitation of the two theatre halls. To this effect, the current situation was that the theatre hall under the Mufurila Municipal Council had been rehabilitated in 2015 by Mopani Copper Mine and was functional. In the case of Luanshya, the theatre hall had not yet been rehabilitated due to lack of funds.

Committee's Observations and Recommendations

The Committee notes that the Mufurila Theatre Hall has been rehabilitated and awaits a progress report on the rehabilitation of the Luanshya Theatre Hall.

20.10 Management of Theatre Halls

In the previous Session, the Committee had resolved to await a progress report on the appointment of officers to manage the theatre halls.

Executive's Response

In the Action-Taken Report, the Executive through the Ministry of Local Government had taken note of the Committee's resolution to wait for a progress report on the appointment of officers to manage the theatre halls. To this effect, the Ministry had directed local authorities with theatre halls to appoint officers to manage them.

Committee's Observations and Recommendations

The Committee notes that the Government has issued a directive to the Local Authorities to appoint officers to manage theatre halls. The Committee, therefore, awaits a progress report on the appointment of officers to manage the halls.

CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION-TAKEN REPORT ON THE COMMITTEE'S REPORT FOR THE FOURTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY

21.0 Community Radio Stations in Zambia

In the previous Session, the Committee had resolved to wait for a progress report on the matter.

Executive's Response

In the Action Taken Report, the Executive stated that the Government was preparing the Information and Media Policy which would include matters related to community media. In that regard, it might not be necessary to have a separate policy on community media.

Committee's Observations and Recommendations

The Committee notes that the Executive is still working on the Information and Media Policy. The Committee strongly recommends that the Government should ensure that the issue of community radio stations be fully covered in the policy. The Committee awaits a progress report on when the Government will finalise the Media Policy.

21.1 Independent Broadcasting Authority Mandate

In the previous Session, the Committee had resolved to wait for a progress report on the mandate of the IBA.

Executive's Response

In the Action Taken Report, the Government stated that it was reviewing the mandate of the IBA, taking into consideration the advancement in technologies, convergence of technologies and the growth of the media in the country.

Committee's Observations and Recommendations

The Committee observes that the Government was reviewing the mandate for the IBA and resolves to await a progress report on the matter.

21.2 Terminal Benefits

In the previous Session, the Committee had resolved to await a progress report on the matter as the Government had maintained its position that the two institutions, ZNBC and Times of Zambia, needed to settle the terminal benefits for their workers.

Executive's Response

In the Action-Taken Report, the Executive stated that the Industrial Development Corporation (IDC) had started the process of recapitalising the Times Printpak to ensure that the company improved its operations.

Committee's Observations and Recommendations

The Committee notes that the Government, through the IDC, is in the process of recapitalising Times Printpack. The Committee awaits a progress report on the recapitalisation of Times Printpark by the IDC.

21.3 Pension Scheme

In the previous Session, the Committee had urged the Government to put ZNBC employees on the Pension Scheme without further delay and provide a progress report on the matter.

Executive's Response

In the Action-Taken Report, the Executive stated that the Zambia National Broadcasting Corporation was still facing liquidity challenges. However, all the new employees were now

on NAPSA and that the Corporation, funds permitting, would engage an actuarial consultant to guide the way forward with the pension scheme.

Committee's Observations and Recommendations

The Committee notes that the Government still needs to engage an actuarial consultant to guide the way forward on how to manage the issue of benefits for former employees. The Committee awaits a progress report on the engagement of the actuarial consultant and the outcome of the consultancy.

21.4 Certifying Body for sign Language Interpretation

In the previous Session, the Committee had resolved to await a progress report as ZAMISE was still in the process of affiliating to the Zambia Qualifications Authority to become a certifying body for sign language interpretation organisation.

Executive's Response

In the Action-Taken Report, the Executive stated that it was committed to ensuring that sign language was certified. In that regard, the process being taken by ZAMISE to be certified by the Zambia Qualification Authority was still going on.

Committee's Observations and Recommendations

The Committee awaits a progress report on the certification of ZAMISE as a sign language interpretation.

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

22.0 Regulation to Manage E-Waste

In the previous Session, the Committee had resolved to await a progress report on how the Government would recycle e-waste.

Executive's Response

In the Action-Taken Report, the Executive stated that waste management was still being managed under the *Zambia Environmental Management Act No. 12 of 2011*. At the moment, there was no company that was recycling e-waste. However, the process of encouraging investors by various arms of the Government was an on-going activity.

Committee's Observations and Recommendations

The Committee notes that the Government is still looking for investors to set up companies to recycle e-waste. The Committee awaits a progress report on how the Government will manage the e-waste.

23.0 Conclusion

The Committee notes that previously, efforts had been made to establish either a statutory or self media regulatory body. However, all efforts made by the media and the Government in this regard failed. The media established voluntary self regulatory bodies, namely: MECOZ and ZAMEC in 2005 and 2012 respectively, but failed to operationalise them. This was because the two bodies were not recognised by some journalists and media houses. Membership to these bodies was on voluntary basis and media houses could withdraw their membership at will. The two voluntary media regulatory bodies lacked the strength to impose sanctions on erring media houses and journalists. They also lacked resources to manage their operations.

The Government also tried to establish statutory regulatory bodies namely: the Media Association of Zambia (MAZ) in 1995 and the Media Council of Zambia (MCZ) in 1997. These statutory regulatory bodies were rejected by the media because they were expected to regulate the media through issuance of licenses to journalists with appropriate qualifications and a number of measures were included in the law that journalists were supposed to meet before being granted a practising license. Journalists not in compliance with the regulations would be subjected to a three-month jail term. The bodies had powers to withdraw or cancel licences for erring journalists. Those who opted to withdraw from the bodies would lose their status as journalists.

Considering the efforts that had been made in the past, the Committee, therefore, recommends that the Ministry facilitates the process of establishing a regulatory body that will be backed by a statute in order for it to be accepted and respected by all stakeholders. The process of establishing a regulatory body should be driven by the media industry itself.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It is also indebted to the office of the Speaker and the Clerk for the guidance rendered to it throughout the Session.

G M Imbuwa, MP
CHAIRPERSON

June, 2019
LUSAKA

APPENDIX – OFFICIALS OF THE NATIONAL ASSEMBLY

National Assembly

Ms C Musonda, Principal Clerk of Committees

Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)

Mr S Chiwota, Senior Committee Clerk (SC)

Ms C R Mulenga, Committee Clerk

Mr Chileshe Bwembya Cashier

Ms I Mwiya, Typist

Mr M Chikome, Committee Assistant

Mr D Lupiya, Committee Assistant

Mr M Kantumoya, Parliamentary Messenger