



REPUBLIC OF ZAMBIA

REPORT

OF THE

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

ON THE

**RATIFICATION OF THE INTERNATIONAL AGREEMENT OF THE AFRICAN
TELECOMMUNICATIONS UNION CONSTITUTION AND CONVENTION**

FOR THE

THIRD SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

Published by the National Assembly of Zambia

FOREWORD

Honourable Madam Speaker, the Committee on Media, Information and Communication Technologies, has the honour to present its Report on the proposal to ratify the International Agreement of the African Telecommunications Union Constitution and Convention for the Third Session of the Thirteenth National Assembly. The functions of the Committee are set out in Standing Orders 197(n) and 198 of the National Assembly of Zambia Standing Orders, 2021. Specifically, Standing Order 198 (f) provides that a portfolio Committee should consider international agreements, conventions and treaties referred to it by the Speaker or a resolution of the House.

The Committee held ten meetings to consider submissions from stakeholders. In order to acquaint itself with the ramifications of the International Agreement, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report. The Report is organised in three parts. Part I provides a background and summary of the provisions of the Agreement. Part II presents the summary of submissions from stakeholders, while Part III highlights the Committee's observations and recommendations.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It further wishes to thank you, Madam Speaker, for according it an opportunity to interrogate the International Agreement of the African Telecommunications Union (ATU). The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly during its deliberations.



Eng. Raphael S Mabenga, MP
CHAIRPERSON

March, 2024
LUSAKA

LIST OF ACRONYMS

- ATU - African Telecommunications Union
ICTs - Information and Communication Technologies

TABLE OF CONTENTS

FOREWORD.....	i
1.0 MEMBERSHIP OF THE COMMITTEE	1
2.0 BACKGROUND.....	1
2.1 OBJECTIVES OF THE AFRICAN TELECOMMUNICATIONS UNION CONVENTION	1
3.0 SUMMARY OF SUBMISSIONS FROM STAKEHOLDERS.....	6
4.0 CONCERNS RAISED BY STAKEHOLDERS.....	9
5.0 COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS.....	10
6.0 CONCLUSION	12

1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Eng. Raphael S Mabenga, MP (Chairperson); Ms Melesiana Phiri, MP; (Vice Chairperson), Eng. Oliver Amutike, MP; Mr Elias Daka, MP; Mr Chanda Katotobwe, MP; Mr Romeo Kang'ombe, MP; Mr Andrew Z Lubusha, MP; Mr Andrew Tayengwa, MP; Mr Walusa Mulaliki, MP; and Mr Sydney Mushanga, MP.

PART I

2.0 BACKGROUND

The African Telecommunications Union (ATU) was founded on 7th December, 1977 as a specialised agency of the then Organisation for African Unity, which was later renamed as the African Union in the field of telecommunications. Zambia was a member of the ATU since its establishment in 1977. The role of ATU was to promote cooperation in the field of telecommunications and Information and Communication Technologies (ICTs) in Africa. As a member of the ATU, Zambia collaborated with other African countries to harmonise policies, regulations and strategies for technology development to facilitate communication, connectivity, and integration of the African continent. Zambia's commitment to the ATU was in line with foreign policy objectives of pursuing the regional economic development agenda and promoting the African Renaissance, including strengthening African institutions and prioritising Africa. The ATU had fifty-two Member States and fifty-four Associate Members. The latter comprised of telecommunications and ICTs stakeholders, including satellite, fixed, mobile, broadcasting service vendors and operators.

Zambia was an active member of the ATU and had in the past significantly supported the various activities of the organisation. For instance, in 2014, Zambia actively participated in the ATU Administrative Council and the Conference of Plenipotentiaries held in Harare. The continued active participation had earned Zambia opportunities to chair some high level ATU activities and events. Notably, the ATU Project on the optimisation of the GE84 Plan (the FM Broadcasting Frequency Plan) that governed the use of FM frequencies across Africa was one of the most important projects relating to frequency management and administration. Zambia actively participated and benefited greatly, leading to new FM broadcasting channels being opened up across the country. Further, the Zambian Government hosted the 3rd African Preparatory Meeting for the World Radio Communications Conference that took place from 29th August to 2nd September, 2022 in Lusaka. This meeting was a key contributor to the eventual recovery of the lost satellite resources for Zambia and twenty-nine other African countries worth millions of United States dollars to each beneficiary country.

2.1 Objectives of the ATU Convention

The objectives of the ATU convention were to:

- i) promote the development and adoption of appropriate African telecommunications/ICTs policy and regulatory frameworks;
- ii) promote the financing and funding of telecommunications/ICTs development;
- iii) promote programmes for the development of the African Information Society;
- iv) prepare and execute special programmes for Africa's Least Developed Countries and rural telecommunications/ICTs development;

- v) promote human resources development in the field of info-communications;
- vi) promote the establishment of info-communications industries;
- vii) co-ordinate the strategies and positions of Member States in preparation for and at international meetings;
- viii) promote regional co-ordination in areas of projects, value-added services, equipment certification, technical standards and harmonisation of tariffs;
- ix) harmonise the actions of Member States and Associate Members in the telecommunications/ICTs sector;
- x) foster co-operation and partnership between and among Member States and Associate Members;
- xi) promote and encourage the exchange of information, expertise and technology relating to info-communications for the benefit of all Member States and Associate Members;
- xii) undertake studies in the field of info-communications for the benefit of Member States and Associate Members; and
- xiii) undertake all such activities not defined above which may assist in achieving the vision and mission of the Union.

3.0 SUMMARY OF PROVISIONS IN THE ATU CONSTITUTION AND CONVENTION

Zambia was one of the twenty-six-member states that established the Union in December, 1999 in Cape Town, South Africa. Zambia was also one of the signatories during the Extraordinary Plenipotentiary Conference as the successor to the Pan-African Telecommunications Union, which was primarily a coordinating body for government-related activity to include private and public stakeholders in the information and telecommunications technology sector. The following are the articles contained in the Constitution and Conventions:

Article 1 - Definitions

This Article provided for the definitions used in the ATU.

Article 2: Establishment of the ATU

The Article provided for the creation of the ATU.

Article 3: Objectives of the ATU

The Article articulated the objectives of ATU which effectively promoted the rapid development of information communications technologies in Africa in order to achieve universal access and full inter-country connectivity.

Article 4: Composition of the ATU

The Article established the composition of the ATU members.

Article 5: Seat of the Union

The Article permitted that the seat of the Union should be in Kinshasa, Democratic Republic of Congo. The Union may be hosted in a member country other than that of the Seat for a duration not exceeding two consecutive ordinary sessions of the Conference of Plenipotentiaries, in accordance with the conditions laid down in the Convention.

Article 6: Official Languages of the Union

The Article provided that the official languages of the Union which should be Arabic, English and French.

Article 7: Organs of the ATU

The Article provided the structure of the ATU; the Conference of Plenipotentiaries, the Administrative Council, the Technical and Development Conference, the General Secretariat and Non-Permanent Units. The ATU structure recognised the inclusion of private sector players in the development of ICT.

Articles 8-12 of the ATU

The Articles 8-12, broadly outlined the functions of the organs.

The **Conference of Plenipotentiaries**, which was the supreme policy organ of the ATU, was attended by Ministers responsible for communications who met every four years to approve strategic plans and budgets on a four-year cycle. The Conference of Plenipotentiaries also held authority to revise, as necessary, the ATU constitution and convention, and elect both the Secretary General and members of the Administrative Council.

The **Administrative Council**, which met on an annual basis, was responsible for the implementation of the strategic plans and approved the annual work programmes and budgets and also generated all memoranda of understanding with regional and global partners.

General Secretariat comprised of Secretary General who served as the Chief Executive officer; and a management team, composed of the directors of the development and technical sector. In an effort to bridge the differences between the public and private sectors in both policies and operations, the Conference also appointed Non-Permanent Organs.

Article 13: Legal Status of the Union

The Article provided that the Union should be an Inter-governmental Organisation, which would enjoy international legal status and capacity; and should enjoy all the powers necessary for the attainment of its objectives. Member States would grant the Union privileges and immunities on their territories to enable it to fully achieve its objectives.

Article 14: Instruments of the Union

The Article stated that the provisions of both the Constitution and the Convention should be complemented by those of the Administrative Regulations.

Article 15: Sovereign Rights of Member States of the Union

The Article required that provisions of the Constitution and the Convention should be without prejudice to the national sovereignty of Member States. Nothing in the Constitution and the Convention should affect the rights of Member States of the Union to develop and regulate their telecommunications/ICTs networks and services.

Article 16: Rights and Obligations of Member States and Associate Members of the Union

The Article permitted all member states the right to participate in all activities, meetings and conferences of the Union; to elect and be elected to the Council of the Union subject to provisions of article 8 of the Constitution; to nominate candidates for election as officials of the Union.

Article 17: Ratification of the Constitution and the Convention

The Article required that the Constitution and the Convention should be ratified by each of the signatory Governments. There should only be one single instrument of ratification. The instruments of ratification of the Constitution and the Convention and any other instrument of approval of other Acts of the Union should be deposited, in as short a time as possible, with the Secretary General of the Union, through diplomatic channels, who should remit notification thereof to all Member States.

Article 18: Accession to the Constitution and the Convention

The Article provided that any member state of the AU which had not signed the Constitution and the Convention may accede to them at any time. After the final entry into force of the Constitution and the Convention, that member state should retain membership but should lose its right to vote if its instruments of accession were not deposited.

Article 19: Rules of Procedure of the Union

The Article provided that each conference or meeting of the Union should adopt its own rules of procedure which should be deemed to be in force until otherwise changed or modified by a successor Conference or Meeting.

Article 20: Suspension of a Member

The Article stated that a member state should be suspended from the membership of the Union if it failed to honour its obligations to the Union in the cases and under the conditions specified under the Convention.

Article 21: Reinstatement of a Member

The Article allowed that the member state which had been suspended from the Union may be reinstated subject to the conditions specified in the Convention.

Article 22: Application of Instruments and Acts of Union

The Article provided that member states should be bound by the provisions of this Constitution, the Convention, the Administrative Regulations and other decisions of the Union.

Article 23: Financial Resources of the Union

The Article established that Financial Resources of the Union should be contributions from the member states; contributions from Associate Members; extra-budgetary contributions and donations approved by the Council; voluntary donations; sundry income from services rendered and income generated by the Business Unit.

Article 24: Expenditure of the Union

The Article allowed the expenditure of the Union to comprise the costs of sessions of the Conference; sessions of the Council; the General Secretariat; running the Technical and

Development Conference; conferences, meetings and seminars organised by the Union; meetings of any Committee set up by the Conference; miscellaneous expenses.

Article 25: Payment of Contributions

The Article required Member States and Associate Members should pay in advance their annual contributions in accordance to a scale of contribution adopted by the Conference of Plenipotentiaries.

Article 26: Financial Difficulties

The Article established that in case of financial difficulties, the Government of the Member State in whose territory the General Secretariat of the Union was located, should advance funds to implement the budget until these were reimbursed by the Union.

Article 27: Research Funding

The Article provided that if a Member State(s) and/or Associate Member(s) undertook research with the assistance of the Union, the expenditure relating to such research should be borne by the Member State(s) and/or Associate Member (s).

Article 28: Financial Regulations of the Union

The Article guided that financial regulations of the Union should be issued in accordance with the provisions of the Convention.

Article 29: Accounts and Monetary Unit of the Union

The Article stated that accounts of the Union should be kept in the currency specified by the Council.

Article 31: Relations between the Union and the African Union (AU)

The Article guided that, as the specialised institution of the African Union in the field of telecommunications/ICTs, the Union should enjoy privileged relations with the AU, in accordance with the existing agreement between the two organisations.

Article 32: Relations between the Union and Other International Bodies

The Article supported the overall intra-African and international cooperation in the field of telecommunications/ICTs. The Union should collaborate with ITU and other international, regional and sub-regional bodies whose activities and interests were related to telecommunications/ICTs.

Article 33: Technical Cooperation

The Article required that member states should promote the exchange of technical and specialised personnel among themselves. They should likewise share experiences and exchange information on technical, financial, regulatory and other matters through study missions, workshops and seminars.

Article 34: Settlement of Disputes

The Article provided that any dispute that may arise concerning the interpretation or application of any provision of the Constitution, Convention, the Administrative Rules and Regulations or their annexes should be submitted to the mediation of a group of Member States, which was not party to the dispute, and which should be nominated by the Secretary General, after an attempt by the latter to settle the dispute amicably had failed.

PART II

4.0 SUMMARY OF SUBMISSIONS FROM STAKEHOLDERS

The Committee was informed that the proposed ratification of the ATU Convention had the potential to contribute to the advancement of the digital transformation agenda of the country, and ultimately lead to improved economic and social development.

4.1 Rationale for Ratifying the ATU Constitution and Convention

Stakeholders informed the Committee that the ratification of the ATU Constitution and Convention was important in order to address challenges related to the attainment of a single African Digital Market as espoused in the African Union Digital Transformation Strategy for Africa (2020-2030).

The stakeholders identified challenges of limited digitisation in the country, including high mobile and internet costs, difficulty in reaching and connecting rural populations, lack of infrastructure for digital expansion and low internet speeds and coverage.

In view of the aforementioned, stakeholders stated that ratification of the ATU Constitution and Convention was aligned to Zambia's national aspirations of transforming into a digital economy. The outcomes expected from this transformation would include efficient service delivery and improvements in resource mobilisation and allocation. The ATU Constitution and Convention further provided for capacity building in harmonising regulation and efficient utilisation of scarce resources such as the spectrum resource used in mobile connectivity, Wi-Fi, Radio/TV broadcasting and satellite services.

4.2 Benefits of Ratifying ATU

In supporting the ratification of ATU, the stakeholders stated that it would create a forum for stakeholders involved in ICT to formulate effective policies and strategies aimed at improving access to information infrastructure and services. In addition, the Union represented the interests of its members at global decision-making conferences and promoted initiatives aimed at integrating regional markets, attracting investment into ICT infrastructure, and building institutional and human capacity. Ratifying the ATU Constitution and Convention would result in the benefits for outlined below for Zambia.

4.2.1 Technical Assistance: Ratifying the ATU Convention would provide access to technical assistance for Zambia in the areas of telecommunications and ICT. Enhancing digital capacity aimed towards improving ICT infrastructure development was a key priority of Government.

4.2.2 Participation in Regional and International Conference: The ATU Convention provided a platform for Member States to discuss issues affecting the development of telecommunications and information and communication technology at regional and international level. Ratifying the ATU convention would enable Zambia to actively participate and contribute to regional and international policy, programmes and regulations aimed at improving telecommunication and ICT. Further, participation in such forums would provide opportunities for Zambia to attract potential investors in the telecommunication and ICT sector. It would also provide opportunities for

Zambia to align its national policies and regulations with those of the ATU and other international organisations.

- 4.2.3 Improve Regional Integration:** The ATU supported Member States to develop the telecommunication and ICT sector by improving access to global services as well as enhancing connectivity between countries across the continent. The ATU provided a platform in which this goal could be achieved in the most effective and efficient manner. By ratifying the ATU Convention, Zambia could benefit by having access to global services as well as utilise the exchange of information on technical, financial and regulatory policies being implemented by other Members in the areas of telecommunications and ICT in Africa. In addition, the Convention enabled Member States to implement ICT policies both at regional and national level in a more coordinated manner. The ratification of the ATU Convention would help contribute to creating an enabling environment for integration and effective implementation of regional and domestic policies.
- 4.2.4 Harmonisation of Policies and Regulations:** By ratifying the Convention, Zambia would harmonise its telecommunications policies and regulations with those of other ATU member states, while retaining the sovereign right to act otherwise as provided for in the Constitution and Convention. This would help create a more unified and coordinated approach to telecommunications across the African continent and facilitate greater collaboration and integration.
- 4.2.5 Improved Connectivity:** The ATU worked to improve connectivity within and between African countries by promoting the development and deployment of new technologies such as broadband and 5G. By ratifying the Convention Zambia would gain access to the expertise and resources of the ATU to help improve Zambia's connectivity countrywide. This would further aid achievement of universal access to communications and nationwide connectivity.
- 4.2.6 Improved Internet Governance:** One of the programmes being championed by the ATU was the open internet initiative. This was an initiative promoting the network neutrality concept in which information across the worldwide web was equally free and available without variables that depended on the financial motives of internet service providers. This would ensure equal and fair access to information on the worldwide web allowing citizens to participate fully, access information and engage in meaningful discourse. The ATU also implemented principles from the World Summit on the Information Society in which the countries under Article 49 declared that the management of the internet encompassed both technical and public policy issues and should involve all stakeholders.
- 4.2.7 Improved international Visibility:** The ATU was the voice of the Member States in the area of telecommunications. As a coordination and unifying entity, ATU championed the African voice at international fora when coming up with new standards for equipment and devices in telecommunications. By ratifying ATU Convention, Zambia would leverage

on the block solidarity and benefit from increased influence and international visibility to enhance its international profile telecommunications.

- 4.2.8 Increased Investment:** By ratifying the ATU Convention, Zambia would demonstrate its commitment to the ATU and its goals. As a country committed to virtues of transparency and good internet governance, Zambia would boost investor confidence resulting in more investments in its telecommunications sector. This would ultimately lead to increased economic growth and increased sector contribution to the country's GDP.
- 4.2.9 Access to Funding and Technical Assistance:** The ATU provided funding and technical assistance to its member states to support the development of their telecommunications sectors. By ratifying the Convention, Zambia would benefit from capacity building initiatives, both at citizenry and country level, from shared knowledge, resources, and best practices. The country would also gain access to these resources to help address any gaps or challenges in its own telecommunications and overall connectivity infrastructure.
- 4.2.10 Alignment with the National Electronic Government Plan:** As Zambia was advancing her digital transformation agenda, the work of the ATU aligned closely with the National Electronic Government Plan and the Eighth National Development Plan, as it was strongly focused on the development of economic infrastructure in the ICT sector, which was one of Government's priorities.
- 4.2.11 Business and Industry Development:** The ATU recognised the role of public-private partnerships, both at the national and international levels. This was also in tandem with Government's policy direction of encouraging private sector participation in the implementation of electronic services for improved service delivery to the public. The ATU supported and included the industry in its programmes for ICT development, and continued to forge alliances in the African ICT business sector, as sector members of the organisation.
- 4.2.12 Strategic Linkages:** The ATU was strategically linked with several international telecommunications organisations on one hand. On the other hand, one of the priorities for Zambia was to have a digital economy. The ATU thus provided a networking platform and support in this regard.
- 4.2.13 Infrastructure:** As Zambia advanced its digitalisation services, the ATU would continue to coordinate ICT infrastructure programmes and priorities such as submarine cable, terrestrial networks and satellite technology. This would ensure effective inter-connectivity within a country and between countries, regions and continents.
- 4.2.14 Spectrum identification for 5G systems:** The ATU would not only yield direct revenue to the treasury via spectrum licensing fees, it would also create jobs, enhance broadband services and enhance social-economic development by enabling other sectors.

5.0 CONCERNS RAISED BY STAKEHOLDERS

While stakeholders supported the Agreement, they raised a number of concerns as outlined below.

5.1 Financial obligations in form of annual subscriptions and research

Stakeholders noted that according to Article 25 of the ATU Constitution, each member state was required to pay annual contributions to the Union. The annual contributions were a source of financing for the Union. Stakeholders were of the view that while there were several benefits associated with ratifying the ATU Convention, Zambia was a State Party to several other international instruments and had in some cases failed to meet its financial obligations in form of annual contributions or subscriptions. This had a negative effect on the country's image at the international level.

In addition, according to article 27 of the ATU Constitution, if a Member State (s) and/or Associate Member(s) undertook research with the assistance of the Union, the expenditure relating to research should be borne by the Member State (s) and/or Associate Member (s).

The stakeholders urged the Government, through the Ministry of Finance and National Planning, to ensure that annual subscriptions and expenditure were budgeted and paid to avoid defaulting and to protect the image of the country.

5.2 Governance Structure of the ATU

The Committee was informed that the governance structure of the ATU consisted of the following four organs:

- Conference of Plenipotentiaries;
- Administrative Council;
- Technical and Development Conference; and
- General Secretariat.

The stakeholders expressed concern that the Technical and Development Conference should be the core organ of the Union, given its focus on technology issues. Combining roles that could be played by four different organs may end up diluting the effectiveness of this critical organ in fostering the developmental agenda of the ICT sector on the continent.

The stakeholders, therefore, were of the considered view that at an appropriate time in the future, there should be an amendment to the Constitution and the Convention to realign the organs of the Union to its mandate, by creating more focused organs that would specifically look at different aspects of ICTs development and standardisation, across the continent. Creating more focused organs would facilitate the creation of standards that could eventually be adopted as world standards within the telecommunications sector. This would ultimately bring Africa on the world stage as an equal partner in ICT development and the mission of the Convention of envisioning an Africa that is empowered as a full and active participant in the global information and knowledge society, would be enhanced.

5.3 Member State to serve on the ATU Council

Stakeholders were concerned that the Union permitted each Member State of the Council to designate one person to serve on the Council who may, if necessary, be assisted by one or several advisers. There was no reference made in the Convention to the requisite qualification that the designated person from each sub-region should have in order to serve on the Administrative Council.

The stakeholders, therefore, suggested that the person designated to serve on the Council should have the minimum qualification as stipulated under Article 2 (2.4) of the Convention and may, if necessary, be assisted by one or several advisers.

5.4 Holding of an Ordinary Session

Stakeholders observed that Article 9 (4) permitted the Council to convene an Ordinary Session once every year at the Seat of the Union. However, the Council may, at the invitation of a member state, meet in the territory of that member state. The Council may convene in an extraordinary session upon the agreement of a two-thirds majority of its members.

Stakeholders proposed that strict guidelines should be issued restricting the unnecessary use of this clause that would otherwise undermine the legitimacy of the chosen seat or headquarters.

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

After carefully scrutinising the Convention and taking into consideration the submissions from various stakeholders, the Committee supports the ratification of the ATU Convention. In doing so, the Committee makes the observations and recommendations set out hereunder.

6.1 The Committee observed that one of the objectives of the ATU Convention was to promote the development and adoption of appropriate African telecommunications/ICT policy and regulatory frameworks. In line with this objective, Zambia had in place the *Information and Communication Technologies Act, No 15 of 2009*; the *Cyber Security and Cyber Crimes Act, No 2 of 2021*; the *Data Protection Act, No 3 of 2021*; and the *Electronic Communications and Transactions Act No 4 of 2021*, as the main pieces of legislation that formed the legal framework for governing the ICT sector in Zambia.

The Committee in view of the above, recommended that ratifying the Constitution and Convention would not necessitate significant changes to the existing legal framework. It was noteworthy that the ICT Policy of 2023 provided for the review of the *Information and Communications Technologies Act*. Further, Cabinet approval in principle to amend the *Cyber Security and Cyber Crimes Act* was obtained in 2022. This gave the country an opportunity to promptly domesticate or align the laws to the objects of ATU, where necessary.

6.2 The Committee was cognisant of the fact that when it came to international agreements or conventions. The Committee notes that regard was paid to the impact on the sovereignty of the Republic. In that regard, the Committee

considered Article 15 of the Convention on sovereign rights of member states of the Union.

The Committee, therefore, urged the Government to ratify the Convention because the sovereignty of the Republic was guaranteed in as far as development and regulation of ICTs was concerned.

- 6.3 The Committee notes that ATU aims to promote collaboration and cooperation among African countries in the telecommunications sector. In addition, the Committee observes that by becoming a party to the ATU, Zambia will gain access to technical expertise, resources and best practices from other African countries. Further, The Committee notes that being a party to the union would allow Zambia to participate more actively in regional initiatives led by ATU. This will provide Zambia with a platform to contribute to regional telecommunications policies and initiatives

The Committee, therefore, recommends that ratifying the Constitution and Convention will strengthen Zambia's relationships with other African nations and regional organisations, leading to improved coordination of telecommunications policies, regulations and projects. The Committee is of the view that ratifying the Convention will further help align Zambia's regulations with regional standards, potentially facilitating trade and investment in the telecommunications sector. The Committee, therefore, recommends that it is important that the country ratifies the Constitution and Convention.

- 6.4 The Committee notes that whereas Zambia is among the founding Member States of the ATU, it has not yet ratified the ATU Convention as required by Article 17(1) which provides that the ATU's Constitution and the Convention should be ratified by each of the signatory Governments.

The Committee, therefore, recommends that Zambia should ratify the ATU Constitution and Convention, not only as a legal requirement, but more importantly, for the country to enjoy full rights and derive maximum benefits from the ATU. These benefits are a key contributor to achieving the nation's goal of sustaining the digital economy. In addition, it is highly desirable that the country ratifies the ATU Constitution and Convention as the majority of the SADC countries have already done so.

- 6.5 The Committee further notes that the Convention entitles Zambia to key privileges and rights as outlined in the ATU statutes. The privileges and rights to be enjoyed by Zambia on the ratification of the Convention will include full participation in all activities, meetings, and conferences of the Union, the right to nominate candidates for elective positions, including the ability to elect and be elected to the Administrative Council of the Union.

Therefore, the Committee recommends that Zambia should ratify the Convention in order to fully participate in all activities of the Union.

- 6.6 The Committee notes that Members States are required to pay annual subscriptions in order to contribute the sources of income of the Union. The

Committee is hopeful that Zambia will not default in this very important requirement.

In view of the above, the Committee urges the Government through the Ministry of Finance and National Planning and the Ministry of Technology and Science, to ensure that annual contributions are budgeted for and paid on time to protect the country's image at the international level.

- 6.7 The Committee observes that ATU's objectives of promoting telecommunications and ICT policy development and investment across Africa are laudable and will benefit Zambia and other Member States.

The Committee recommends that that ATU should put in place regulations to provide for upholding of sovereignty of member states over their national telecommunications and ICT policies. The Union should limit its authority and guidance to overall strategic goals and objectives, and areas of mutual interest and cooperation.

- 6.8 The Committee observes that the financial obligations and dispute settlement mechanisms of the ATU are unclear and could pose risks to Zambia's interests and sovereignty. For example, there is no clarity on the proposed scale of contributions and the consequences of arrears. There is also no clarity on the criteria for resolving disputes among Member States or with the African Union.

The Committee, therefore, recommends that more clarity and transparency should be provided in the Convention and regulations.

- 6.9 The Committee observes that ATU includes provisions aimed at promoting the development of telecommunications infrastructure in African countries.

The Committee, therefore, urges that Government to ensure that once the Convention is ratified, the country should fully seize the opportunities available for accessing funding for the expansion of its telecommunications network.

- 6.10 The Committee observed that Zambia had in place *Telecommunications Act, Chapter 264 of the Laws of Zambia; Data Protection Act, No.3 of 2021* and *Cyber Security and Cyber Crimes Act No.2 of 2021* in the telecommunications sector.

In view of the above, the Committee recommends that if necessary, amendments to the three pieces of legislation, and any other, should be made to ensure that they fall in line with the ATU Convention.

7.0 CONCLUSION

The Committee scrutinised the ATU Constitution and Convention and is of the considered view that its ratification is in the best interest of the country. The ratification of the ATU Constitution and Convention will offer numerous direct benefits to member states, both individually and collectively, through various ATU programmes that will be conducted in collaboration with other countries. These programmes will champion the African voice at international fora.

The Committee recommends that once Zambia ratifies the ATU Constitution and Convention, the country should be granted key privileges and rights as outlined in the ATU statutes. This will include among others, the right to nominate candidates for elective positions, including ability to elect and be elected to the Administrative Council of the Union and full participation in all activities, meetings, and conferences of the Union.

We have the honour to be, Madam Speaker, the Committee on Media, Information and Communication Technologies mandated to consider the ATU Constitution and Convention.



Eng. Raphael S Mabenga, MP
CHAIRPERSON

March, 2024
LUSAKA

Appendix I

List of National Assembly Officials

Mrs Doreen N C Mukwanka, Director - Social Committees

Mrs Chitalu K Mumba, Deputy - Social Committees

Ms Betty P Zulu, Senior Committee Clerk (SC-2)

Mr Fanwel M Chiwama, Committee Clerk

Mrs Racheal M Kanyumbu, Administrative Assistant

Mr Daniel Lupiya, Committee Assistant

Appendix II

LIST OF WITNESSES

Airtel Zambia
Copperbelt University
Ministry of Justice
Ministry of Foreign Affairs and International Cooperation
Ministry of Finance and National Planning
Ministry of Technology and Science
Ministry of Information and Media
Infratel Zambia
Smart Zambia
University of Zambia
Zambia Institute of Mass Communication
Zambia Information and Communication Technology Authority
Zambia University College of Technology