

REPORT OF THE COMMITTEE ON INFORMATION AND BROADCASTING SERVICES FOR THE FIFTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY, APPOINTED ON THURSDAY 24TH SEPTEMBER, 2015

Consisting of:

Mr K J Pande, MP (Chairperson); Dr C K Kalila, MP; Mr S Chungu, MP; Mr B Chitafu, MP; Dr E C Lungu, MP; Mr S Sianga, MP; Mr A Kasandwe, MP; and Ms M Lubezhi, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

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

Functions of the Committee

2.0 The functions of your Committee, as set out in the National Assembly Standing Order No. 157 (2), are to:

- a) study, report and make appropriate recommendations to the Government, through the House, on the mandate, management and operations of the Ministry of Information and Broadcasting, departments and agencies under its portfolio;
- b) carry out detailed scrutiny of certain activities being undertaken by the Ministry of Information and Broadcasting, 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/or certain existing legislation relating to the Ministry of Information and Broadcasting;
- d) examine annual reports of the Ministry of Information and Broadcasting, departments and/or agencies under its portfolio in the context of the autonomy and efficiency of Government Ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders; and
- e) consider any Bills that may be referred to it by the House.

Meetings of the Committee

3.0 Your Committee held twelve meetings during the period under review. Your Committee's report is divided into two parts. Part I contains the topical issue on which your Committee undertook detailed inquiry and Part II is on the consideration of outstanding issues from the Action-Taken Report on your Committee's Report for the Fourth Session of the Eleventh National Assembly.

Committee's Programme of Work

4.0 Your Committee's programme of work was as set out below.

- a) Consideration of the Action-Taken Report on the Committee's Report for the Fourth Session of the Eleventh National Assembly.
- b) Consideration of the topical issue: *The Importance of Access to Information in a Democracy: The Zambian Situation.*

Procedure adopted by the Committee

5.0 Your Committee sought both written and oral submissions from relevant Government ministries, Civil Society Organisations and other relevant institutions on the topic under study.

PART I

CONSIDERATION OF THE TOPICAL ISSUE

The Importance of Access to Information in a Democracy: The Zambian Situation

Background/Rationale

6.0 Access to information is a crucial element in the effort to reduce corruption, increase accountability, and deepen trust between citizens and their governments, particularly in a democratic dispensation such as the one Zambia is in. Public access to Government-held information allows individuals to better understand the role of Government and the decisions being made on their behalf. An informed citizenry can hold their Government to account for their policies and citizens can more effectively choose their representatives. Of equal importance is the use of access to information laws to improve the lives of people as they request information relating to health care, education, and other public services.

Zambia has grappled with the access to information legislation for the last decade, without success, the nearest being in 2002, when the Bill was withdrawn from Parliament at Second Reading Stage. The democracy which Zambia is striving to enhance cannot thrive without access to information for all that need it.

Your Committee, therefore, resolved to interrogate this matter in order to appreciate why such an important ingredient to democracy has eluded Zambia for such a long time and to help the Government to resolve it.

In order to gain insight into the topic, your Committee interacted with witnesses as listed below.

- (i) Ministry of Information and Broadcasting;
- (ii) Ministry of Foreign Affairs;
- (iii) Ministry of Home Affairs (Police Service);
- (iv) University of Zambia, School of Mass Communication;
- (v) Independent Broadcasting Authority (IBA);
- (vi) Media Institute of Southern Africa - Zambia Chapter (MISA-ZAMBIA);
- (vii) Panos Institute, Southern Africa;
- (viii) Zambia Institute of Policy Analysis and Research (ZIPAR);
- (ix) Transparency International –Zambia;
- (x) Foundation for Democratic Process (FODEP);
- (xi) Women for Change (WFC);
- (xii) Zambia Civic Education Association (ZCEA);
- (xiii) Non-Governmental Organisation Coordinating Council (NGOCC);
- (xiv) Southern African Centre for Constructive Resolution of Disputes (SACCORD); and
- (xv) Zambia Centre for Interparty Dialogue (ZCID).

CONSOLIDATED SUMMARY OF STAKEHOLDERS' SUBMISSIONS

7.0 Presented hereunder, is a summary of stakeholders' submissions.

7.1 Defining Access to Information

Your Committee was informed that access to information was premised on the principle that the public should obtain information, mainly which is in the possession of the state, for the purpose of being informed about the activities of the state. Decision-makers were expected to presume disclosure and promote a culture of openness. According to Article 19 of the Universal Declaration on Human Rights, *everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

In this regard, an individual's right to information is related to their freedom of expression and access to information is, therefore, the practical implementation of the right to information. Further, your Committee learned that one of the major principles on which access to information legislation operates is that of maximum disclosure. The purpose of access to information legislation is to provide the framework or process through which the public can access either general information or information pertaining specifically to the person seeking the information, which is held by public authorities. When deciding whether to release

information to a person seeking access, decision-makers are expected to proceed from a presumption in favour of disclosure and this presumption is based on the public's 'right to know.

Your Committee was informed further that the Declaration of Principles of Freedom of Expression, as adopted by the African Commission on Human and Peoples' Rights, outlines the basic principles of Access to Information in *Article 4*, where it states that "Public bodies hold information not for themselves, but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law." It also provides that the right to information (Access to Information) shall be guaranteed by law in accordance with the principles as outlined below.

- i. Everyone has the right to access information held by public bodies.
- ii. Everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right.
- iii. Any refusal to disclose information shall be subject to an appeal to an independent body and/or the courts.
- iv. Public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest.
- v. No one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society.
- vi. Secrecy laws shall be amended as necessary to comply with freedom of information principles.
- vii. Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies.

7.2 Benefits and/or ramifications for enacting the Access to Information Law as it relates to good governance in Zambia

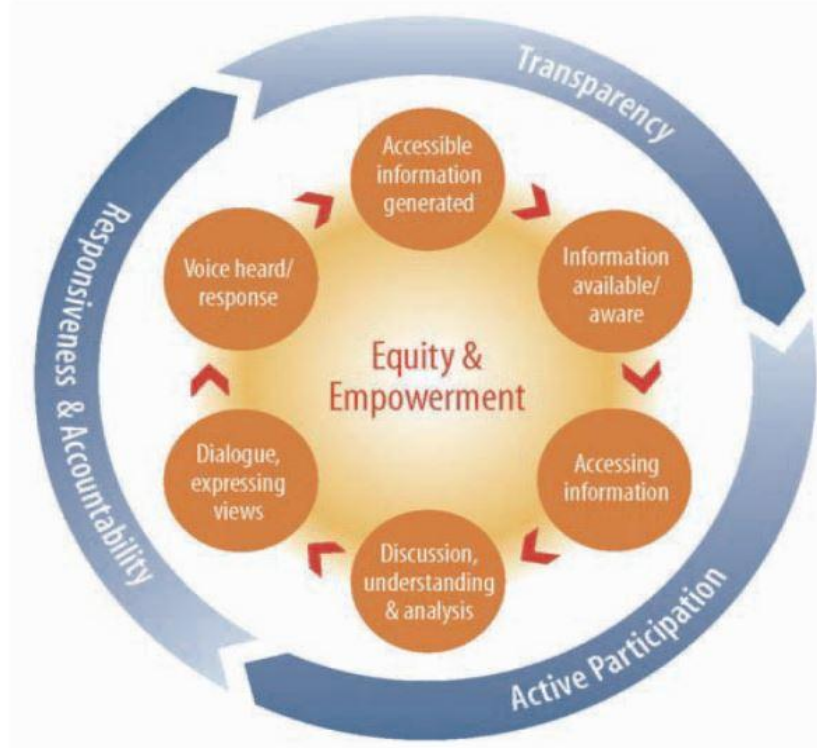
7.2.1 General

Stakeholders informed your Committee that generally, in addition to allowing access to information upon request, most access laws also specifically require proactive disclosure of information regarding public consultations, regular open meetings of committees and councils and any other opportunities for the public to participate in policy-making. Good access laws could, therefore, also provide a useful oversight and participation mechanism for citizens and watchdogs such as NGOs, who are sometimes left out of key policy and budget processes. Further, your Committee was informed that democracy and national stability were generally enhanced by policies of openness which engendered greater public trust in elected representatives. This was crucial, as without the support and trust of the people, the Government would face resistance to proposed policies and programmes and implementation would be more difficult. Conflict also became more likely, particularly if the Government secrecy exacerbated perceptions of favouritism

and/or exclusion. Systems that encouraged communication and gave people the ability to personally scrutinise Government decision-making processes reduced citizen's feelings of powerlessness and weakened perceptions of exclusion from opportunity or unfair advantage of one group over another. It effectively reduced the distance between Government and people and combated feelings of alienation.

On tackling corruption, your Committee was informed that the World Bank estimated that corruption could reduce a country's growth rate by 0.5 to 1.0 percentage points per year. The harmful effects of corruption were especially severe on the poor, who were hardest hit by economic decline, most dependent on the provision of public services and least capable of paying the extra costs associated with bribery, fraud and the misappropriation of economic privileges. In this context, the right to information had proven to be an effective antidote to corruption, equipping parliamentarians, anti-corruption bodies and the public with a tool to breakdown the walls of secrecy that shielded corrupt officials. A legally entrenched right to access documents held by the Government (and in some cases, by private bodies) could be used to collect hard evidence of malfeasance and hold officials accountable. The right to information also serves as an important deterrent. The knowledge that a decision may be open to review by the public at a later stage, could discourage the decision-maker from acting dishonestly. Officials would be aware that it would be much more difficult to hide their bad behaviour from public scrutiny.

Figure 1: An illustration of the benefits accrued to enacting the ATI law.



7.2.2 **The Government**

Your Committee was informed that access to information would inevitably help the Government maintain its integrity. Since access to information has a strong correlation with accountability, it might help to act as a safeguard, which may help to reduce the incidence of corruption in the delivery of Government services.

Your Committee, further learnt that access to information is a two-way street. This entails that in as much as the Government might be a key stakeholder in the process of producing information; it also has the responsibility and thus the need to acquire information from its citizens so as to assess the impact of its policies and to adjust them accordingly. This ultimately would result into people having faith and trust in the Government because it would be responsive and proactive to the needs of the citizens. Access to information has also been identified as a key feature that the Government must employ to ensure a proper and effective functioning of a healthy democracy. This was so because the works of committees, the efficacy of Parliamentary questions, the effectiveness of opposition parties and pressure groups, all depended on availability of and accessibility to information.

7.2.3 **The General Public**

With regard to the benefits accruing to the general public, your Committee learnt that since access to information legislation is recognition that governments held information in trust for the public, who gave them the mandate to govern on their behalf, the public had the responsibility of holding their leaders accountable. In general, Access to Information is an organised and transparent system that guarantees citizens access to relevant information to enable them make informed decisions and effectively participate in the governance process. Your Committee was informed that for democracy to function, leaders needed to be held to account for what they said and did. The claims they made needed to be checked, openly and impartially, which was only possible if the citizenry were knowledgeable through access to all necessary information.

Your Committee was informed that this line of thought was based on the understanding that an informed citizenry was equipped to participate fully in public life, help determine priorities for public spending, receive equal access to justice, and hold public officials accountable. Therefore, the relationship between information and power was profound. Without information, people had no power to make choices about their Government, no ability to meaningfully participate in the decision-making process, to hold their governments accountable, to thwart corruption, to reduce poverty, or, ultimately, to live in a genuine democracy.

Your Committee further learnt that there seemed to be consensus among stakeholders that when governments and quasi-government agencies were left to operate under a veil of secrecy, people were denied the right to know about public affairs and the media were left to only speculate and survive on rumours. Poor public access to information was understood to feed corruption, allowing back-

room deals which only benefited a few rather than the majority. It impeded on citizens' ability to assess the decisions of their leaders, and even to make informed choices about the individuals they elected to serve as their representatives. Therefore, stakeholders saw access to information as a key to fighting corruption and enhancing the public's capacity to exercise their rights. As a rule, he or she who has the most information will have the greatest success in life.

7.2.4 The Media

With regard to what Access to Information entailed for the media, your Committee heard that although the mass media were often referred to as the fourth branch or arm of Government because of the power they yielded and the oversight they exercised as 'watchdogs', experience had shown that it was increasingly difficult for them to obtain official information from the public as well as private institutions due to the culture of secrecy. In many countries, it was an offence for public officers to give certain kinds of information to the public, including the media, without express permission from powers that be. This created a serious problem for the investigative journalist seeking information as public officers were usually unwilling and/or scared to give the media information. Journalists could, therefore, hardly secure any information through official sources. This forced them to resort to what might be termed unlawful means of obtaining information or just thriving on rumours. Simply put, no information would be described as 'leakage'. Access to Information law, would, therefore, introduce integrity of information due to the clear and transparent process set out for accessing it. Essentially, this would cut out rumour mongering and reliance on 'leaked' information from secret informants.

7.3 Best practices surrounding access to information issues in other parts of the world in general and Africa in particular

Your Committee learnt that Access to Information (still termed as Freedom of Information in some parts of the world), was not a new law or aspect of governance. Countries such as Sweden and Finland were said to have enacted legislation in that regard as early as 1766. Since then, there had been an upward trend in the enactment of the Access to Information laws with close to one hundred countries having enacted it already. Your Committee was informed, however, that most governments were reluctant to disclose information relating to national security, defence and international relations. In any case, the American approach required institutions to show that disclosure of classified material would cause harm to national security. The laws of Ireland and New Zealand required proof that harm would be caused by disclosure, but allowed ministers to issue certificates preventing review of their decisions to deny access.

Your Committee learnt that the 1999 British proposal denied any right of access to information held by some security and intelligence agencies and allowed ministers to issue certificates limiting review of decisions to withhold information relating to national security that was held by other agencies. There was similar variation in the treatment of information relating to other state interests. In Ireland and New

Zealand, ministers may issue certificates limiting access to information about law enforcement. The British Government proposed to deny any right of access to certain law enforcement records. Some laws also exempted information if disclosure would undermine Government's capacity to manage the economy.

Your Committee was informed that in South Africa, secrecy was a function as well as an effect of undemocratic rule for quite a long time. Throughout the Apartheid era, South Africa's increasingly paranoid white minority Government suppressed access to information on social, economic, and security matters, in an effort to stifle the opposition to its policies of racial supremacy. Security operations were shrouded in secrecy. Government officials frequently responded to queries either with hostility or misinformation. Press freedom was habitually compromised, either through censorship of stories or through the banning and confiscation of publications. Information became a crucial resource for the country's liberation forces and their allies in international solidarity movements, as they sought to expose the brutality of the apartheid regime and hasten its collapse. Consequently, opposition groups came to see unrestricted access to information as a cornerstone of transparent, participatory and accountable governance. This consensus was ultimately captured in South Africa's new Constitution. One of the most important aspects of the interim Constitution that guided South Africa's transition to democracy was the introduction of a Bill of Rights designed to ensure equal protection for a broad range of human, socio-economic and civil rights, irrespective of race, gender, disability, belief, and other factors. Among the rights upheld was that of access to publicly-held information. Section 23 of the interim Constitution stated: "Every person has the right of access to all information held by the state or any of its organs in any sphere of Government in so far as that information is required for the exercise or protection of any of their rights."

Your Committee was informed that in Africa, thirteen countries had enacted Access to Information legislation, representing 24%, as compared to five prior to 2011, which represented only 9%. The countries that had enacted Access to Information laws in Africa included the following: South Africa, Angola, Zimbabwe, Uganda, Côte D'Ivoire, Nigeria, Niger, Ethiopia, Tunisia, Guinea and Liberia. Although the uptake of the Access to Information law on the African continent was significantly low, there had been an increase in the rate of enactment. Your Committee was informed, however, that there were countries in Africa where the Access to Information law was just on paper.

Stakeholders informed your Committee that for most of the countries that had not yet enacted this law, a draft form of the Bill was available and many were making a move towards the enactment of the Access to Information law. Some of the countries with draft Bills pending adoption included: Burundi, Egypt, Kenya, Botswana, Malawi, Ghana, Rwanda, Senegal, Mozambique, Sierra Leone, South Sudan, Tanzania and Zambia. Some of the significant developments with regard to Access to Information in Africa are as indicated below.

- i. The African Platform on Access to Information (APAI) Declaration was adopted at the Pan-African Conference on Access to Information (PACAI) held on 19th September, 2011, in Cape Town, South Africa. The document lists a number of key principles intended to advance the right to access to information in all its dimensions, nationally, regionally, and internationally, and represents the first declaration on access to information on the African continent.
- ii. The African Commission on Human and Peoples' Rights passed 'Resolution 222' in 2012. This resolution authorised the Special Rapporteur on Freedom of Expression and Access to Information in Africa to include access to information in the Declaration of Principles on Freedom of Expression. It further recommended that the African Union officially recognises September 28th as International Right to Know Day in Africa.
- iii. In 2013, the Model Law on Access to Information prepared by the African Commission on Human and Peoples' Rights was adopted and sets a standard for Access to Information in Africa.
- iv. In 2013, the Midrand Declaration on Press Freedom in Africa was adopted by the Pan-African Parliament, which calls on African Union member states to adopt and review access to information laws.

You Committee learnt that in enacting a law to access to information, the standards listed below should be followed.

Principle 1: Maximum Disclosure

Freedom of information legislation should be guided by the principle of maximum disclosure. The principle of maximum disclosure holds that all information held by public bodies should presumptively be accessible, and that this presumption may be overcome only in very limited circumstances.

Principle 2: Obligation to Publish

Public bodies should be under an obligation to publish key information. Freedom of information implies not only that public bodies should accede to requests for information, but also that they should publish and disseminate widely documents of significant public interest.

Principle 3: Promotion of Open Government

Public bodies must actively promote open government.

Principle 4: Limited Scope of Exceptions

Exceptions to the right to access information should be clearly and narrowly drawn and subject to strict “harm” and “public interest” tests.

The Article 19 Principles of the Universal Declaration of Human Rights set out a three-part test for exceptions as follows:

- the information must relate to a legitimate aim listed in the law;
- disclosure must threaten to cause substantial harm to that aim; and
- the harm to the aim must be greater than the public interest in having the information.

Principle 5: Processes to facilitate Access

Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available.

Principle 6: Costs

Individuals should not be deterred from making requests for information by excessive costs.

Principle 7: Open Meetings

Meetings of public bodies should be open to the public.

Principle 8: Disclosure takes precedence

Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed.

Principle 9: Protection of Whistleblowers

Individuals who release information on wrongdoing (whistleblowers) must be protected.

7.4 Reasons for the withdrawal of the Freedom of Information Bill from Parliament in 2002

Your Committee was informed that on 22nd November, 2002, after thirteen years of the struggle for the enactment of the Freedom of Information Bill, (FOI), the Minister of Information at the time, presented the FOI Bill N.A B. No. 22 of 2002, to Parliament for its first reading. In the policy debate, it is reported that the Government “viewed information as a national resource which could be made public to benefit public debate and understanding.” This Bill provided for the formation of the Public Information Commission (PIC) with representation from the Ministry of Information and Broadcasting Services; journalists; legal fraternity and;

four people who had distinguished themselves in their professions or offices. The PIC was to be appointed by the President on recommendation from an independent appointment committee. The provisions of the Bill exempted the Army, Police, National Service, Air force and the intelligence community from being subjected to this law. Your Committee was informed that sadly, on 18th December, 2002, the FOI Bill was withdrawn from Parliament without much explanation. The media fraternity condemned the withdrawal. On 30th December, 2002, the then Minister of Information said the FOI Bill would be brought back to Parliament the following month, January 2003, promising that by 2004 it would become law, but it was never to be.

The Executive on its part informed your Committee that the Freedom of Information Bill was withdrawn from Parliament in 2002, because the internal consultative processes within the Executive had not been exhausted at the time the Bill was taken to Parliament. The Bill had aspects which the then leadership felt needed further consultations to make the Bill relevant to the local scenario.

7.5 Steps taken to address issues that warranted the withdrawal of the Bill's from Parliament in 2002

With regard to what had been done since the withdrawal of the bill in 2002, your Committee learnt that steps presented hereunder had been taken by the Ministry of Information and Broadcasting Services, in conjunction with the Ministry of Justice.

- i. The Task Force on Access to Information, comprising a number of organisations and eminent individuals to spearhead the re-drafting of the Access to Information Bill, was formed in 2012.
- ii. The Task Force exhausted internal and external consultations culminating in the completion of the draft Access to Information Bill.
- iii. In 2013, Cabinet approved in principle, the introduction of the Access to Information bill in Parliament. Following the approval, the draft Bill was referred to the Legislative Committee of Cabinet for further input.
- iv. From January, 2014, the Legislative Committee of Cabinet, chaired by the Ministry of Justice, had been meeting with the Ministry of Information and Broadcasting Services to finalise the Bill before it could be re-submitted to Cabinet and later to Parliament.
- v. The Legislative Committee directed that changes should be made to the draft bill regarding disclosure of information for deceased persons, handling of information by the requester, composition and administrative provisions for the Access to Information Commission, regarding financing and budgeting. The Ministry completed the revision of the Bill to incorporate the observations and had since submitted the Bill to the Ministry of Justice and onward submission to the Legislative Committee.

vi. The Ministry of Justice advised the Ministry of Information and Broadcasting Services to engage a legal expert to identify and review all the laws that could be in conflict with the Access to Information Bill once enacted into law. The expert was engaged and identified the following laws:

- a) *the Electoral Commission Act;*
- b) *the National Assembly (Powers and Privileges) Act;*
- c) *the Official Oaths Act;*
- d) *National Archives Act;*
- e) *the State Security Act;*
- f) *the Copyright and Performances Rights Act;*
- g) *Protected Places and Areas Act; and*
- h) *Electronic Communications and Transactions Act;*

Your Committee was informed that the process to amend these laws and consultations with the affected Ministries and Agencies which would be coordinated by the Ministry of Justice was on going.

7.6 Challenges faced by successive Governments with regard to legislating for the Access to Information

Pertaining to the challenges successive Governments had faced with regard to legislating for Access to Information, your Committee was informed that successive Governments had displayed a lack of understanding of the essence and mandate of governance in a democratic system. Your Committee heard that the Government was originally expected to operate on the principle of maximum disclosure, as the citizens should receive full information from the office bearers running Government for them. Unfortunately, this had not been the case and every attempt to have the Bill presented to Parliament had received unfavourable action. Your Committee was further informed that there was a misconception that Access to Information was a media law. The Access to Information law was seen by the Executive as a provision that would empower journalists to pry into individuals' private lives. This misconception had been coupled by a general lack of political will as several opportunities and Sessions of Parliament had convened without even much effort on the part of the Government to present the Bill.

Your Committee learnt that Zambia had had various governments, from three different political parties led by six Presidents, issuing various statements on the bill from 2002.

7.7 The way forward

With regard to the way forward, your Committee was informed that Access to Information was a tool for development and the Zambian Government would do well to enact it if its desire was to see sustainable development take root in Zambia. The Government should seriously consider enacting the Access to Information Bill as it would address the high poverty levels in the country by curbing resource

wastage and ensuring that the Government was truly responsive to the needs of the people. Ordinary Zambian citizens were losing out on key opportunities including trade opportunities because Government wings were used to the culture of secrecy. Above all, the Government needed to marshal sufficient political will. Specifically, the Government needed to expeditiously:

- i. deal with outstanding national constitutional issues including self-guarding Access to Information provisions in the Constitution;
- ii. adopt and adapt the African Union's ACHPR's and Organisation of American States' Model Access to Information laws to reflect the Zambian situation;
- iii. request the AU, EU and relevant organs of the UN to assist with the drafting and perhaps, financing of local and international expertise, to help draft the Access to Information Bill; and
- iv. subject the draft Bill to public debate before taking it back to Parliament.

Committee's Observations and Recommendations

8.0 Your Committee makes the observations and recommendations as set out hereunder.

- (i) Your Committee observes that the perception that the push for the enactment of the Access to Information is a media agenda and the Government treating it as a media, rather than a human rights issue, has contributed to the reluctance to enact it. The Access to information law is seen as a provision that will empower journalists to pry into individuals' private lives, particularly Government officials.

Your Committee urges the Government to treat Access to Information as a fundamental human right and as such, consider it an obligation to respect (not to interfere in someone's exercise of the right), protect (put in place laws that guarantee the enjoyment and exercise of the right) and fulfil (provide adequate resources) this right by enacting the Access to Information Legislation.

- (ii) Your Committee observes that there have been too many conflicting statements from the Executive on how soon the Access to information Bill will be enacted and even on whether it is a necessary piece of legislation in Zambia.

Your Committee recommends that in order to reduce despondency and confusion in the public, the Government should take one unified stand on the Access to Information law and avoid conflicting statements.

- (iii) Your Committee observes that the Government has not published the revised version of the draft Access to Information Bill to allow for awareness and scrutiny and comments by members of the public, civil society and other stakeholders in order to build consensus.

Your Committee urges the Executive to publish the revised version of the draft Access to Information Bill in order to create awareness and accommodate scrutiny and comments from members of the public, civil society and other stakeholders in order to build consensus. Further, the draft Bill should also be published in the seven official vernacular languages.

- (iv) Your Committee observes that the process of reviewing laws that may be in conflict with the Access to Information law has taken longer than expected, causing the public to suppose that the Government is using this process to buy time and avoid enactment of the law.

Your Committee urges the Government to expedite the reviewing of laws that may be in conflict with the Access to Information law and remove the perception that the Government is using ‘delaying tactics’ and ultimately avoid enacting the law.

- (v) Your Committee observes that there is no National Media and Information Policy to provide a policy frame-work for the enactment of the Access to Information law.

Your Committee consequently recommends that the Government, through the Ministry of Information and Broadcasting Services, should expedite the formulation and operationalisation of the National Media and Information Policy to provide a policy frame-work for the enactment of the Access to Information law.

- (vi) Your Committee observes that there is a general lack of political will manifesting itself in procrastination on the part of Government in enacting the Access to Information law.

Your Committee, therefore, urges the Executive to “walk the talk” and show political will by enacting the Access to Information law.

- (vii) Your Committee notes that the Government of the Republic of Zambia has failed to take advantage of the Model Law on Access to Information prepared by the African Commission on Human and Peoples’ Rights, which sets a standard for Access to Information in Africa.

Your Committee, in this regard, recommends that the Government should take advantage of the Model Law on Access to Information provided by the African Commission on Human and Peoples’ Rights, and adapt it to the Zambian environment.

- (viii) Your Committee observes that the absence of the Access to Information law has hampered sustainable development, thereby making Zambia drop in its ranking on the Human Development Index.

In this respect, your Committee recommends that in order to guarantee sustainable development, involvement of the general public in governance issues and improvement of the people's welfare, the Government should, as a matter of urgency, enact the Access to Information law.

- (ix) Your Committee observes that Institutions of higher learning such as the University of Zambia, School of Mass Communication, have not been engaged either in the formulation or sensitisation of the public on the issue of the Access to Information law.

In view of this observation, your Committee urges the Government to take advantage of institutions of higher learning such as the University of Zambia, by tapping in their knowledge in matters of national importance such as the Access to Information legislation.

- (x) Your Committee notes that there is a strong perception that the public media is being used as the ruling party's tool and/or newsletter instead of covering all national events of importance including opposition political party activities.

In this regard, your Committee recommends that in order to clear the perception that public media houses are being used as the ruling party's tool and/or newsletter, the Government must guarantee editorial sovereignty and ensure that public media houses function as truly public institutions that will cover all events of national importance, including opposition political party activities, particularly as the nation heads towards general elections.

PART II

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

Community Radio Stations in Zambia

Your Committee made recommendations as stated hereunder.

9.1 National Community Media Policy

Your previous Committee had recommended that the Government should formulate and implement a national community media policy that will recognise the unique role the sector was playing; additionally, the policy should, among its objectives, aim at making this sector sustainable.

Executive's Response

Through the Action-Taken Report, your Committee was informed that the Government was in the process of formulating the National Information and Media Policy which when adopted, would include measures to encourage the establishment and sustainable development of community media. Community media had been defined to include radio, television and print. In addition, the Government had recognised the need for capacity building for all media and the Policy would provide measures to address this need.

Committee's Observations and Recommendations

While noting the response, your Committee requests the Executive to provide a time-frame within which this policy will be developed and give an update on progress.

9.2 Community Media Fund

Your previous Committee had recommended that the Government should expand the mandate of the Independent Broadcasting Authority (IBA) by creating a Community Media Fund, meant to support community radio stations. Additionally, the Government through the local authorities, should come up with a deliberate policy to allocate an annual grant, possibly a percentage of the Constituency Development Fund (CDF) to progressive community radio stations in order to help them meet their operational costs. Further, the Government should also come up with a deliberate policy for public sector adverts to be channelled to community radio stations in order to support their financial base. Overall, the Government should encourage commercial, local and international agencies to support the development and operations of community radio stations through their corporate social responsibilities.

Executive's Response

Through the Action-Taken Report, your Committee was informed that the Government would review the mandate of the Independent Broadcasting Authority to take into account the developments in the broadcasting sector. This was in line with the global trends where broadcasting was migrating from analogue technologies to digital technologies. Further, the recommendation to establish a media trust fund was being studied and at an appropriate time, the Government would inform the House on the course of action.

Regarding the use of Constituency Development Fund (CDF) allocation, your Committee was informed that the Government had already devolved this mandate to local authorities and already some constituencies were allocating the funds to community radio stations. The Government may not, however dictate a specific percentage allocation from CDF for community radio stations because that would be going against the CDF guidelines which had already been established.

Pertaining to placing adverts on community radio stations, your Committee was informed that this was already being done by Government and other stakeholders. Many Government Departments and Agencies placed their adverts on community radio stations. The decision to place adverts was determined by the advertisers depending on their objectives in the messages.

Committee's Observations and Recommendations

Your Committee urges the Government to provide a time-frame within which the IBA's mandate will be broadened to encompass new trends in broadcasting.

9.3 Zero-rate duty equipment for Community Media

Your previous Committee had recommended that the Government should, as a matter of urgency, zero rate duty on all equipment imported by community radio stations. This would help grow the sector and enable the radio stations purchase modern equipment that would respond to current media demands.

Executive's response

In the Action-Taken Report, your Committee was informed that the Government had welcomed the proposal. However, the final decision to approve the changes to the taxes was made by the Legislature after the Government had made the tax proposals. Most equipment for content production and transmission, like computers and transmitters were already enjoying very low duty charges. Therefore, there may be no need to zero-rate duty on such equipment.

Committee's Observations and Recommendations

Your Committee notes the response and urges the Executive to treat this matter as a-one-off and state clearly whether or not the equipment will be zero rated as proposed.

9.4 Revision of Journalism Curriculum

Your previous Committee had recommended that the Government should revise the current journalism and mass communication curricula taking into account the concept of community radio in order to enhance the capacity of the radio stations.

Executive's response

Your Committee was informed, through the Action-Taken Report, that the Government through the University of Zambia had already revised the mass communication curriculum to include community radio. In addition, the Department of Mass Communication was in the process of running a course targeted at community media. Further, the Technical Education Vocation and

Entrepreneurship Training Authority (TEVETA) had also revised the Journalism diploma curriculum to include community radio and entrepreneurship. However, this curriculum was undergoing approval process before it could be released to colleges.

Committee's Observations and Recommendations

Your Committee requests an update on the approval process and eventual release of the TEVETA curriculum.

9.5 Licence Fees

Your previous Committee had recommended that the Government, through the IBA, should reduce the licence fees for community radio stations in order to allow them operate at minimal costs given the harsh administrative costs associated with community radio stations.

Executive's response

Your Committee was informed, through the Action-taken Report, that licence fees for community radio stations were already very low and were meant to cover the cost of processing applications for registration, and renewals and therefore, may not be adjusted downwards. However, the Government was reviewing the whole cost of doing business in order to minimise the burden on businesses and some of the licensing fees may eventually be reduced, abolished or merged in future.

Committee's Observations and Recommendations

Your Committee urges the Government to state how soon the reduction and/or abolition of licencing fees and other related costs will be effected and provide an update.

9.6 Recapitalising of Zambia Daily Mail and Times Printpark Zambia Limited

Your previous Committee had recommended that the Government, as the sole shareholder, should recapitalise the Zambia Daily Mail and Times Printpak Zambia Limited. In this regard, the Government must allocate substantial amounts of money in the National Budget towards the recapitalisation of the two public media companies and ensure the timely release of funds to enable the companies, among other things, diversify and move away from reliance on newspaper sales and advertising as sources of revenue for their operations.

Executive's response

Your Committee was informed, through the Action-Taken Report that the process of recapitalising the public media companies had already started. The Government had so far released K12.5 million to the public media companies of which K3.5million had been released to the Times Printpak Limited, K2.5 million to the Zambia Daily Mail and K6.5 million to ZNBC. The recapitalisation programme of public media was an on-going one and the Government was committed to this programme.

Committee's Observations and Recommendations

Your Committee notes the response and urges the Executive to improve funding of public media houses and to provide continuous update on the matter.

9.7 Advertisement Debt

Your previous Committee had urged that the Government, through the Minister of Finance, must recover the money owed to the public print media houses by Government ministries and departments by deducting what is owed to the media houses at source before the money is disbursed to the recipient institutions. Furthermore, in an effort to avoid future debts, the Government must put in place a deliberate policy that bars Government ministries and departments from placing advertisements in the two companies' publications on credit. Additionally, the Government must allocate adequate funds intended for advertisements in the National Budget for Government ministries and departments. This money should be deducted at source every time an advert is placed by Government ministries and departments.

Executive's response

Your Committee was, through the Action-Taken Report, informed that the Government had already issued a policy guideline to all ministries not to place advertisements on credit. In addition, the Government through the Ministry of Finance was already facilitating the repayments of debt owed by ministries to the public media houses. The decision of not advertising on credit was a double edged sword for the public print media. When Government ministries and departments stopped this facility, then the sales volume for the companies got significantly affected. What the companies had been advised was to manage their debtors prudently to allow for good business operations.

Committee's Observations and Recommendations

Your Committee urges the Government to provide a ceiling on how much debt from Government Ministries must be allowed after which advertisements should cease and also provide a timeframe within which this will be done.

9.8 **Production Cost of Newspapers**

Your previous Committee had urged the Government to consider subsidising the production cost of newspapers in order to cushion the Zambia Daily Mail and Times Printpak Zambia Limited from the ever rising cost of newsprint.

Executive's response

Through the Action-Taken Report, your Committee was informed that the Government would not subsidize the operations of the newspapers. However, the Government was working to generally reduce the cost of doing business and promote productivity in companies which included the public print media companies.

Committee's Observations and Recommendations

Your Committee notes the response and awaits a progress report on the measures that had been put in place to reduce the cost of doing business and promote productivity in companies generally.

9.9 **Statutory Debt**

Your previous Committee had recommended that the Government should convert the two institutions' statutory debt into share capital.

Executive's response

Through the Action-Taken Report, your Committee was informed that the Government had noted the recommendation and would review it. However, this process should not affect the operations of other Government agencies involved in the institutions' statutory debt.

Committee's Observations and Recommendations

Your Committee requests for an update on the review process.

9.10 **Terminal Benefits**

Your previous Committee recommended that the terminal benefits of K22.6 million affecting the operations at Times Printpak needed to be offset by the Government in a form of recapitalisation.

Executive's response

Your Committee was, through the Action-Taken Report, informed that the terminal benefits owed to employees could be adequately handled by the Company itself. What the Government was financing as recapitalisation funds was being used to

acquire new equipment and other facilities to enable the Company improve its performance. Therefore, the funds being released for recapitalisation may not be used for paying terminal benefits.

Committee's Observations and Recommendations

Your Committee maintains its recommendation that as shareholders, the Government should, of necessity, take over the dismantling of terminal benefits in order to get retired officers off the pay roll.

9.11 Pension Scheme

Your previous Committee had recommended that upon liquidation of the accrued benefits, the Government should change the current pension scheme from benefit-defined to contribution-defined specifically for new entrants. This measure will, among other benefits, reduce the huge financial burden that the institution is currently facing.

Executive's Response

Through the Action-Taken Report, your Committee was informed that the Government had taken note of the recommendation and would engage Times Printpak to consider the proposal to change the current benefit-defined pension scheme to contribution – defined, especially for new entrants as a way of reducing the huge financial burden.

Committee's Observations and Recommendations

Your Committee requests the Government to provide a time-frame for the consideration and implementation of the recommendation and provide an update on the matter.

9.12 Implementation of Media Policy

Your previous Committee had recommended that the Government must “walk the talk” on the implementation of the Media Policy considering that this issue has been raised on several occasions.

Executive's Response

Your Committee was informed that the draft Information and Media Policy had already been prepared and would be submitted to Cabinet for approval and subsequent implementation.

Committee's Observations and Recommendations

Your Committee urges the Executive to state specifically when the policy will be presented for Cabinet approval and subsequent implementation.

9.13 Privatising of Government Media

Your previous Committee recommended that once the toxic debt of the two institutions was offset by the Government, the Government must completely privatise one of the two companies and maintain the other because the Zambia Daily Mail and Times Printpak Limited were both Government printing Companies performing the same function, but reduce its shareholding in order to guarantee impartiality.

Executive's Response

Through the Action-Taken Report, the Government informed your Committee that it had not decided to privatise any public media, rather the focus for the Government was on recapitalisation of the public print media. To that effect, the Government had already started financing the recapitalisation process starting with K12.5 million in 2015 budget which had already been released.

Committee's Observations and Recommendations

Your Committee urges the Government to still consider the option of remaining with one print media, considering the narrow space within which the Daily Mail and Times of Zambia operate.

9.14 The Accessibility to Public Media by Persons Living With Disabilities Vis-À-Vis Deaf Persons

9.14.1 Your previous Committee had noted the challenges faced by both private and public television stations with regard to the adherence to Section 49 of the Persons with Disabilities Act No 6 of 2012 and recommended as set out below.

The Government, through the Ministry of Community Development, Mother and Child Health, must ensure that both public and private television visual media institutions include, in their staff establishment, full time and part-time Sign Language Interpreters.

Executive's Response

Your Committee was informed that the Government was already in the process of ensuring that television visual media had Sign Language Interpreters in their staff establishment. For instance, the Zambia National Broadcasting Corporation recently conducted

interviews on 21st July, 2015 to recruit both full time and part time Sign Language Interpreters. Other institutions would also be encouraged to do so, which shall be in line with the *Persons with Disability Act No.6 of 2012*.

Committee's Observations and Recommendations

Your Committee notes the response and awaits a progress report on the recruitment of sign language interpreters in line with the Persons with Disability Act No. 6 of 2012.

- 9.14.2 The Government should recognise and develop one official Sign Language. Furthermore, the Government must ensure that the decision on the official Zambian Sign Language must be done in consultation with the deaf community and other relevant stakeholders.

Executive's Response

Through the latest Action-Taken Report, your Committee was informed that the Government through the Ministry of Community Development, Mother and Child Health had written to the Ministry of Education to develop a standard curriculum which would ultimately lead to having one official sign language. This was done after consultation with organisations for the deaf and other stakeholders during a meeting which was held on 24th December, 2013.

Committee's Observations and Recommendations

Your Committee requests the Executive to provide an update on the response from the Ministry of Education and the outcome of the consultative meeting, as well as the way forward on the matter.

- 9.14.3 The Ministry of Community Development, Mother and Child Health, in collaboration with the Ministry of Education, Science, Technology and Early Education, was urged to develop a standardised curriculum for Sign Language Interpretation and identify a certifying body that would oversee the certification and licensing of sign language interpreters. Furthermore, the Ministry of Community Development, Mother and Child Health should provide a list of accredited Sign Language Interpreters in order to provide guidance to both the public and private institutions.

Executive's Response

Through the Action-Taken Report, your Committee was informed that the Government, through the Ministry of Education, Science,

Technology and Early Education had started the process of developing a standardized curriculum for the sign language interpretation and a certifying body was yet to be identified with proposals being the Examination Council of Zambia, or the University of Zambia. Consultations on these were under way and it was hoped that this process would be concluded before the end of the year.

Committee's Observations and Recommendations

Considering that 2015 ended, your Committee requests for an update on this matter.

Executive's Response

- 9.14.4 The Government, through the Ministry of Community Development, Mother and Child Health, should sensitise the Boards and Management of both the public and private television stations on the need to adhere to the provisions under *Section 49 of the Persons with Disabilities Act No. 6 of 2012*.

Executive's Response

Your Committee was informed that the Government, through the Ministry, had taken note of the need to sensitize the Boards and Management of both private and public television stations. A program would be drawn in collaboration with the Zambia Agency for Persons with Disabilities (ZAPD) to undertake the exercise.

Committee's Observations and Recommendations

Your Committee resolves to get an update on how far the Executive has gone in sensitising Boards and Management on this matter.

- 9.14.5 The Government must provide tax incentives on subtitle and text decoding equipment for both public and private television stations in order to promote Sign Language in the Country.

Executive's Response

Your Committee was informed that the Government, through the Ministry of Community Development, Mother and Child Health would consult the Ministry of Finance on the possibility of providing tax incentives on sub title and text decoding equipment in order to promote Sign Language in the country.

Committee's Observations and Recommendations

Your Committee requests for an update on the consultations between the two ministries with regard to tax incentives.

- 9.14.6 The Independent Broadcasting Authority (IBA) was urged to expedite the development of relevant guidelines on content regulations that would ensure all television stations adhered to Section 49 of the *Persons with Disabilities Act No. 6 of 2012*. Additionally, the guidelines should make it mandatory for both the public and private television stations to provide Sign Language interpretation inserts, captions or subtitles during the local news and when broadcasting important national events as well as televising documentaries and programmes containing critical issues of national importance.

Executive's Response

Your Committee was informed, through the latest Action-Taken Report that the Government had taken note of the recommendation for the IBA to expedite the development of relevant guidelines on content regulations that would ensure that all television stations adhered to *Section 49 of the Persons with Disabilities Act No.6 of 2012*.

Committee's Observations and Recommendations

Your Committee requests for a timeline within which the guidelines will be developed and disseminated to concerned institutions.

- 9.14.7 The Zambia Agency for Persons with Disabilities should expedite the appointment of inspectors as provided for under Section 58 of the *Persons with Disabilities Act No. 6 of 2012* to ensure that the provisions of the Act are complied with including access to information.

Executive's Response

Through the Action-Taken Report, your Committee was informed that the Government concurred with the recommendation that the Zambia Agency for Persons with Disabilities should expedite the appointment of inspectors as provided for under section 58 of the *Persons with Disabilities Act No.6 of 2012*.

Committee's Observations and Recommendations

Your Committee notes the response and awaits a progress report on the appointment of inspectors.

FOREIGN TOUR TO THE UNITED REPUBLIC OF TANZANIA

9.15 Promotion and Development of Community Radio Stations as a Tool for National Development

Your previous Committee undertook a foreign tour of the United Republic of Tanzania. The objective of the tour was for your Committee to share experiences with regard to the promotion and development of community radio stations as a tool for national development. Based on its findings, your Committee recommended as set out below.

Committee's Observations and Recommendations

- 9.15.1 The Government, through the IBA, should initiate and implement modalities of public participation in the registration process; this may be by way of public hearings in the proposed places of establishment.

Executive's Response

Your Committee was informed that the recommendation was noted. The Independent Broadcasting Authority had started to advertise the availability of radio broadcasting licensing spaces. The public consultation in the form of public hearings had not yet begun but the IBA was working on the modalities.

Committee's Observations and Recommendations

Your Committee awaits an update on the public hearings.

- 9.15.2 The Government should, as a matter of urgency, establish a roadmap for the migration of radio terrestrial broadcasting from analogue to digital broadcasting in order to allocate the much needed resources. Further, the Government must zero-rate duty on digital equipment to allow community radio stations access the much needed equipment and partner with the private sector in the migration of the community radio stations from analogue to digital broadcasting;

Executive's Response

Through the Action-Taken report, your Committee was informed that the Government was aware of the migration of radio terrestrial broadcasting from analogue to digital by 2020 and had already incorporated migration in the approved National Digital Migration Policy. The Government would provide the necessary interventions to minimise the cost of the migration, especially for community radio

stations and these interventions might include tax and non-tax considerations.

Committee's Observations and Recommendations

Your Committee notes the response and awaits a progress report on the progress made on the migration process, as the deadline draws near.

- 9.15.3 ZICTA and other relevant stakeholders should venture into wider public sensitisation on the benefits of migrating from analogue to digital radio broadcasting and its ramifications. Further, the information about the migration must be translated in the seven major local languages for the rural communities to understand.

Executive's Response

Your Committee was informed that the approved National Digital Migration Policy had recognised the need to undertake a campaign to sensitise the Zambian public and all affected stakeholders on digital migration for both radio and television. The sensitisation meetings would take on board the concerns and views of the general public, media houses and all stakeholders. This was with a view to allaying any fears regarding the migration process and its resultant impacts on all affected stakeholders.

Committee's Observations and Recommendations

Your Committee requests for an update on how the campaigns have progressed.

- 10.0 **CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE THIRD SESSION OF THE ELEVENTH NATIONAL ASSEMBLY**

- 10.1 **Media Policy**

- 10.1.1 Your previous Committee had recommended that the Government should immediately formulate the media policy which would guide the operations of the media.

Executive's Response

Through the latest Action-Taken Report, your Committee was informed that the draft Information and Media Policy had already been prepared and would be submitted to Cabinet for approval and subsequent implementation.

Committee's Observations and Recommendations

Your Committee awaits an update on the matter which has been outstanding for such a long time.

10.2 **Repealing of Media Laws**

Your previous Committee had recommended that the Government must ensure that Zambian media laws that impeded on media freedom were repealed in order to bring them in line with current media trends to facilitate for media freedom.

Executive's Response

Your Committee, through the latest Action-Taken Report, was informed that in the process of developing the Access to Information (ATI) Bill, the Government had identified a number of laws that impeded media freedom. The Government had since ensured that these laws which impacted on the access to information and media freedoms were also amended in order to ensure that when the Bill was enacted, it did not conflict with other laws. The process to amend the laws and the consultations with the affected Ministries and agencies would be coordinated by the Ministry of Justice.

Committee's Observations and Recommendations

Your Committee requests for an update on the harmonisation exercise and a time frame within which it will be completed and the Bill enacted.

10.3 **Funding Public Training Institutions**

You previous Committee had recommended that the Government should adequately fund public training institutions and ensure the timely release of funds to enable them purchase modern equipment that would respond to current media trends. Further, your previous Committee had requested for detailed information on the comparative analysis of the 2014 and 2015 funding to training institutions in the National Budget in order to confirm that there has been increased funding. Your Committee further requested the Executive to provide information on which training institutions are currently being run through public private partnerships.

Executive's Response

Through the most recent Action-Taken Report, your Committee was informed that the budgetary allocation to TEVET training institutions

in 2014 and 2015 was K41, 215,000 and K41, 215,000 indicating no change. There were no training institutions under the conventional Public Private Partnerships (PPP) as provided for in the PPP Act. However, there were a few institutions operating with some form of partnership framework. The example of partnership between the Government and First Quantum Minerals (FQM) where under the Kwambula Project was supporting Solwezi Trades Training Institute for training in selected fields. The other example was the partnership between the Archdiocese of Monze and the Government regarding the operations of Kasiya Secretarial College and Choma Trades Training Institute. The Catholic Church provided the infrastructure while the Government provided the training services.

Committee's Observation and Recommendation

Considering that there was no increase in funding between 2014 and 2015, your Committee urges the Government to increase funding to TEVET training institutions.

10.4 **Upgrading Journalism Training**

Your previous Committee had recommended that the Government should ensure that training institutions incorporated a thorough course on media ethics in their curricula. Furthermore, journalism training should be upgraded from diploma to degree level by upgrading existing media training colleges such as the Evelyn Hone College and ZAMCOM into universities.

Executive's Response

It was reported in the Action-Taken Report that currently, a number of Universities such as the University of Zambia were offering degree programmes in Mass Communication. Further, the Government, through the Ministry of Education, Science, Vocational Training and Early Education, was establishing new public universities. Some of the new universities would introduce courses in journalism should the market demand.

It was further reported that the Government through TEVETA had started the process of revising curriculum at all levels and the journalism curriculum was one of those earmarked for revision. It was expected that by the end of 2015, the revision of the diploma level curriculum which should include a course solely on ethics, should be completed.

Committee's Observation and Recommendation

In noting the response, your Committee requests that it be furnished with an update on the matter.

11.0 **CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE SECOND SESSION OF THE ELEVENTH NATIONAL ASSEMBLY**

11.1 **Digital Terrestrial Television Policy**

Your previous Committee had requested for a progress report on the implementation of the Policy and whether the Policy had been harmonised with existing laws such as the *Zambia National Broadcasting Corporation Act*, *Information and Communication Technology Act*, *Independent Broadcasting Authority Act* and *Consumer Protection and Competition Act*

Executive's Response

It was reported in the Action-Taken Report that the Digital Migration Policy which was approved by Cabinet in March 2014, recognised that in order to provide for the smooth implementation of the Policy, *the Zambia National Broadcasting Corporation Act*, *Independent Broadcasting Authority Act*, *Information and Communication Technology Act* and *the Electronic Communications and Transactions Act* should be reviewed. Following the approval of the Policy, the Ministry, in consultation with the Ministry of Justice, would proceed with the process of reviewing the identified pieces of legislation.

It was further reported that the Government had not yet started the review of the ZNBC Act, IBA Act, ICT Act and the Electronic Communications and Transactions Act in order to enable the smooth implementation of the Digital Migration Policy. The Government had however started implementing the Policy. The Government would provide an update to the Committee once this process was started.

Committee's Observation and Recommendation

Your Committee awaits an update on the revision of the four Acts.

11.2 **Affordability of Digital Television Sets**

Your previous Committee had awaited a progress report on whether a waiver of duty on digital television sets and Set-Top-Boxes (STBs) had been put in place and the procurement of the 200,000 STBs for the

vulnerable people.

Executive's Response

It was reported in the latest Action-Taken Report that the Government was proposing to procure 1, 250,000 Set Top Boxes as part of the Digital Migration Project under Phases II and III. Part of this consignment may be provided to the vulnerable people subject to Cabinet approval.

Committee's Observation and Recommendation

Your Committee awaits an update on the matter.

Your previous Committee resolved to await a progress report on whether regulations to protect the environment and avoid technological dumping had been developed and whether the recycling of e-waste had been promoted.

Executive's Response

Through the Action-Taken Report, your Committee was informed that in 2013, Government issued a Statutory Instrument No. 112 of 2013 called the Environmental Management (Licensing) Regulations, which provides among other things, the protection of the environment as well as avoidance of technological dumping of e-waste. In this regard, the regulations provide for the protection of human health and the environment from impacts associated with e-waste as well as the technological dumping of e-waste by regulating the handling, transportation, storage, disposal, transit, trade in, import, and export and trans-boundary movement of hazardous waste. In addition, Zambia is Party to the Basel Convention on the control of trans-boundary movements of hazardous wastes and their disposal.

Further, the regulations provides for the promotion of recycling of hazardous wastes including e-waste in a manner that does not pose a risk to human health, plants, animals and the environment at large. However, Zambia Environmental Management Agency (ZEMA) would work closely with the Ministry of Information and Broadcasting Services as well as ZICTA to specifically develop regulations on e-waste management and guidelines on the disposal of electrical and electronic waste.

Committee's Observation and Recommendation

Your Committee desires to get an update on the collaboration among the Ministry of Information, ZEMA and ZICTA and how far they have

gone in developing the guidelines.

12.0 **CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE FIRST SESSION OF THE ELEVENTH NATIONAL ASSEMBLY**

12.1 **Decentralising Electoral Commission of Zambia**

Your previous Committee resolved to await a progress report on the decentralisation of ECZ as the concern had not been adequately addressed.

Executive's Response

In the Action-Taken Report, your Committee was informed that the Commission had continued appealing to the Government for funding for decentralization. The Commission had not received funding neither for its operations in previous years nor for the 2015 fiscal year.

Committee's Observation and Recommendation

Your Committee urges the Government to fund the Electoral Commission of Zambia in order for it to decentralise its operations expeditiously.

13.0 **CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY**

13.1 **Provision of Information on Islands**

Your previous Committee had resolved to await a progress report on the procurement of the marine boats.

Executive's Response

It was reported in the Action-Taken Report that the Ministry had not provided for the purchase of marine boats for use in providing information on islands due to unavailability of funds in 2014. The Ministry was however, committed to this procurement and would provide for these funds subject to availability.

Committee's Observations and Recommendations

Your Committee urges the Government to treat the matter with the seriousness it deserves and provide the requisite funding.

Conclusion

14.0 Your Committee wishes to express its indebtedness to you, Mr Speaker, for the guidance rendered to it during the Session. Your Committee further wishes to express its gratitude to the Permanent Secretaries of Ministries concerned with the topical issue and Chief Executive Officers of various institutions for their co-operation and input into your Committee's deliberations.

Lastly, your Committee wishes to extend its appreciation to the Clerk of the National Assembly and her staff for the services rendered to it during the Session.

K J Pande, MP
CHAIRPERSON

March, 2016
LUSAKA

APPENDIX I

LIST OF OFFICIALS

National Assembly

Mr S C Kawimbe, Principal Clerk of Committees
Ms M K Sampa, Deputy Principal Clerk of Committees
Mr F Nabulyato, Committee Clerk (SC)
Mr C Chishimba, Assistant Committee Clerk
Ms S E Mwale, Stenographer
Mr R Mumba, Committee Assistant
Mr C Bulaya, Committee Assistant
Mr M Chikome, Parliamentary Messenger