



# Press Statement

## **Memorandum Submitted to the Parliamentary Select Committee on Media, Information and Communication Technologies of the National Assembly of Zambia by the ICT Association of Zambia Outlining the Ramifications of the Proposed Independent Broadcasting Authority Bill N.A.B No. 27 of 2025.**

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The ICT Association of Zambia on 18th November 2025 appeared before the Parliamentary Select Committee on Media, Information and Communication Technologies of the National Assembly of Zambia and submitted a memorandum as an insightful contribution to the legislative review process of the proposed Independent Broadcasting Bill, N.A.B. No. 27 of 2025 which has been proposed to repeal and replace the existing Independent Broadcasting Authority Act, Cap. 171.

The Association, broadly, noted a number of progressive areas in the bill that included but not limited to:

- i. Comprehensive Regulation and Modernization
- ii. Pluralism and Diversity Emphasis
- iii. Clear Licensing Structure
- iv. Robust Governance and Independence
- v. Consumer Protection and Standards
- vi. Enforcement Powers
- vii. Financial and Reporting Transparency

The Association also submitted before the committee the following areas of concern that needed to be revisited to strengthen the bill.

1. That there would be potential bureaucratic overreach and delays
2. Ministerial Powers and Appeals:
3. Heavy Penalties and Restrictions

Some of the recommendations that were made to mitigate the identified concerns included:

- i. Introduction of graduated sanctions
- ii. Limitation to criminal penalties
- iii. Ensuring procedural safeguards
- iv. Promotion of awareness and compliance
- v. Consideration of alternatives to imprisonment

Further concerns were also submitted around the proposed regulation in line with online broadcasting.

ICTAZ commended the provision which aimed to bring order and "sanity" to a rapidly expanding and sometimes unregulated online broadcasting space, addressing issues such as content quality, consumer protection, and broadcasting standards.

However, ICTAZ argued that while the provision was good, it brought a number of issues that needed reconsideration.

The Association argued that although online broadcasting was included, some definitions and boundaries remained broad or vague, possibly creating regulatory uncertainty for digital content creators.

Specifically, the Association submitted the following concerns:

- That imposing mandatory licensing requirement for all online broadcasters could create significant barriers to entry, especially for small-scale, grassroots, or independent content creators.
- Over regulation of online space: That the online broadcasting environment is vastly decentralized and dynamic, making traditional licensing models cumbersome and potentially ineffective.
- That requiring licenses could constrain freedom of expression and media pluralism online, where diversity of voices and ease of access were key features.
- That the licensing process would entail administrative fees, compliance demands, and regulatory oversight that could disproportionately burden smaller operators who are unable to absorb these costs or meet compliance.
- That policing online broadcasting effectively requires significant technical and regulatory resources, especially given the global and borderless nature of the internet.
- That overly stringent licensing conditions may advantage established media companies better able to navigate regulatory systems, undermining the potential for diverse media ownership and competition in the online broadcasting sector.

To address the above, the Association recommended among many other submissions:

1. To clarify and narrow ambiguities through clear definitions and criteria for what constitutes online broadcasting services and explicitly detail what is excluded to avoid regulatory uncertainty.

A specific example that was given was the need for an explicit definition of the word "Personal" in the exemption part of the definition of "online broadcasting service".

2. To ensure proportional and contextual regulations: ICTAZ submitted that there must be a way to differentiate regulations to be proportional to the nature and reach of the online services. An example that was given was that personal streams or blogs should have minimal or no regulation, while larger online broadcasters with mass audiences and commercial interests should comply with licensing and content standards. One parameter that could be considered in the size of the audience.
3. To provide for regular review and updating mechanism: ICTAZ further submitted that there must be a mechanism for regular review and updating of the classes of broadcasting services as online media technology and usage evolve. This will allow the Authority to respond to emerging media forms without legislative delays.

4. To safeguard freedom of expression online: The Association submitted that, there is need to avoid over-regulating content types that are primarily personal, data-driven, or communicative to preserve freedom of expression and promote diversity in the digital space.
5. To ensure proper classification of online broadcast licenses: The Association also recommended that, there is need for the classification of an online broadcast licenses to be representative of the various online platforms and coverage of platforms such as podcasts, online channels, or social media special interest groups

The Association further made submissions regarding Section 35, which obligates subscription broadcasters to carry free-to-air channels selected by the Minister.

The concern raised was that the provision could compromise the commercial interests and editorial independence of subscription service providers.

It was presented that the Minister of Information having the power to prescribe a channel to be carried as free-to-air by subscription broadcasters raised the many concerns among them:

- i. Interference with commercial autonomy
- ii. Risk to editorial independence
- iii. Potential breach of regulatory autonomy
- iv. Commercial and financial burdens
- v. Lack of transparent criteria and consultation
- vi. Threat to consumer choice
- vii. Possible legal and constitutional challenges

Lastly but certainly not the least, ICTAZ noted the necessity for regulatory oversight by accessing some information from media players to monitor compliance. This provision is fundamental for effective regulation in investigating complaints, or assess licensee performance. It is also intended to promote transparency and accountability essential for public trust in broadcasting services.

While the Association noted this to be a progressive section, it also observed the following concerns to this provision.

- i. Broad but vague scope
- ii. Potential for administrative burden
- iii. Confidentiality and commercial sensitivity risk
- iv. Enforcement clarity needed
- v. Balance between authority powers and licensee rights

In view of the concerns highlighted above, the Association submitted the following recommendations:

1. Definition of the scope and limits: ICTAZ recommended the amendment of the section or accompanying regulations to clearly specify the type, frequency, and scope of information to be requested to avoid arbitrary or onerous demands.

2. Introduction of confidentiality protections: ICTAZ recommended the inclusion of strict confidentiality controls and sanctions for improper use or disclosure of sensitive information provided by licensees pursuant to the Data Protection Act and guidelines.
3. Provision of procedural safeguards: The Association submitted that there must be safeguards and requirements by the Authority to provide licensees with reasons for information requests and a formal process for appealing or contesting onerous or irrelevant demands.
4. Inclusion of provisions for proportionality: The Association submitted that there is need to ensure that information requests are reasonable and proportionate to the Authority's regulatory purposes to minimize the administrative burden, especially on smaller entities.
5. Offer clear Non-Compliance Remedies: Last but not the least, ICTAZ submitted that there must be a provision to define the penalties or enforcement mechanisms for failure to furnish information to provide clarity and procedural fairness.

In conclusion, the ICT Association commended the Parliamentary Select Committee for the thoughtful review of the Independent Broadcasting Authority Bill, 2025. The Bill represented a significant and necessary overhaul of Zambia's broadcasting regulatory framework to reflect the contemporary media landscape, particularly embracing digital and online platforms while promoting pluralism, diversity, and consumer protection.

ICTAZ, however, submitted that several concerns demanded careful consideration and reconsideration subsequently amendment, including the risks of excessive ministerial influence over the Authority, the potentially disproportionate penalties for unlicensed broadcasting, and challenges in regulating rapidly evolving online broadcasting effectively and fairly.

ICTAZ submitted that addressing these concerns through clearer definitions, transparent governance processes, proportional sanctions, and protection of media freedom would ensure that the Bill fosters a vibrant, diverse, and accountable broadcasting sector.

The ICT Association sincerely thanked the Honorable Members of the Parliamentary Select Committee on Media, Information and Communication Technology for their dedication, openness to stakeholder input, and commitment to strengthening Zambia's broadcasting sector. The Association concluded by indicating that it stood ready to collaborate further in refining the Bill to achieve an enabling regulatory environment that balanced effective oversight, media freedom, and innovation in Zambia's dynamic media space.

Visit [www.ictaz.org.zm](http://www.ictaz.org.zm) for a full memorandum.

**Issued By:**



Clement Sinyangwe (Dr.)  
**President**