



# CONCOURT OUT OF ORDER - SPEAKER

## I have powers to interpret law, Constitution - Matibini

By Sipilisiwe Ncube | Assembly Dr Patrick Matibini | Constitutional Court's ruling | to interpret both the law and the  
SPEAKER of the National | says he disagrees with the | that he overstepped his mandate | Constitution.



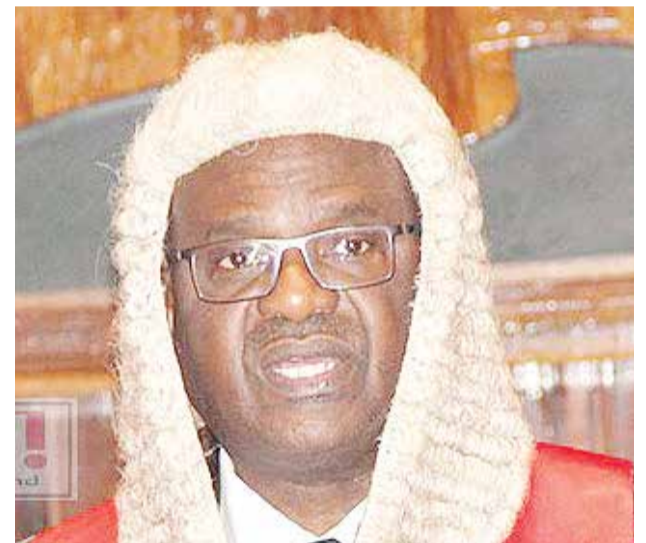
Zambia Air Force Warrant Officer Class 2 Caroline Mutale helps President Edgar Lungu sanitize his hands as he boards the Presidential Jet in Mbala - Picture by Salim Henry

And Dr Matibini says instead of confining itself to the specific complaint before it when he declared the Roan seat vacant, the ConCourt went outside the rennet of the complaint and commented on a matter that had not even been canvassed by the parties.

Dr Matibini said this when he rendered part of his ruling on a point of order raised by Mazabuka Central UPND member of parliament Garry Nkombo on why parliament wanted to continue debating on the Constitution Amendment Bill Number 10 when there was an active matter before the court.

"The observation by the Constitutional Court that the Speaker, and this is the Speaker, that the Speaker has no power to interpret the law and the Constitution..."

Story page 10



Speaker of the National Assembly Dr Patrick Matibini

## KK fought corruption better than Lungu - Wynter

By Julia Malunga

RAINBOW Party general secretary Wynter Kabimba says first president Dr Kenneth Kaunda handled corruption better than President Edgar Lungu because the latter insists on holding onto corruption-accused ministers.

Story page 5

## Exercise patience on your salaries, govt tells lecturers

By Julia Malunga

HIGHER Education Permanent Secretary Kayula Siame says University of Zambia (UNZA) lecturers should exercise patience as they await payment of their salaries because the Ministry is working to ensure grants are released to them as soon as possible.

In an interview, Siame, however, said she could not give an exact date on when the funds would be released, but hoped that it would be before the students re-opened classes

next Monday, June 29.

"Remember, we indicated that we give them grants, and from the grants, we pay the salaries. Yes, there may be..."

Story page 4

## Lungu a lame duck president, not the right advocate for constitution amendment - Sangwa

By Ulande Nkomesha  
CONSTITUTIONAL lawyer John Sangwa says as a lame duck President, Edgar Lungu must focus on consolidating his gains rather than pushing for constitutional amendments.

And Sangwa says the gazetting amendments to Bill 10 is madness, unlawful and crazy.

Meanwhile, Sangwa says other than telling lies, those advocating for Bill 10 have failed to justify it to the masses.

Speaking on Radio Phoenix's Let the People Talk, Tuesday, Sangwa said because

President Lungu's term was almost coming to an end and he is not eligible to re-contest, his

agenda in trying to amend the constitution cannot be trusted.

Story page 3

## Police ponder arresting youths: "Even the bush is a public place"

Story page 2

## ACC nabs local court magistrate for corruption

Story page 4

# PF using COVID-19 to shackle opposing views – Milupi

By Sipilisiwe Ncube

ADD president Charles Milupi says forcing youths to protest in the bush is a bad mark on Zambia's democracy.

And Milupi says Health Minister Dr Chitalu Chilufya should also explain why it seems most Zambians are immune to COVID-19.

Commenting on the youth protest which was carried out on Monday, Milupi observed that government was using COVID-19 to shackle opposing views.

"What happened yesterday (Monday) is a very bad mark on the democratic development of this country Zambia starting from President Lungu, Home Affairs Minister Stephen Kampyongo, Inspector General of Police Kakoma Kanganja and all those that were involved in those decisions. They should be ashamed of themselves. We are reminded that the PF as a party are in a court now and they have successfully been joined to a case on intra-

party democracy and they are fighting protection with the constitution. They should not be selective on what provisions of the constitution they wish to uphold," Milupi said.

"The right to assemble, the right to demonstrate, the right to freely express one's opinion is enshrined in the constitution. The youths that have risen up have picked up the subjects that are relevant to themselves and relevant to this country such as governance, corruption, what is happening on the economic front, on gold mining and so on. These are matters that are at the core of the existence of this country. The fact that they have chosen to demonstrate is

a constitutional right to gather, to assemble and to express their opinions. And they notified the police a long time ago. The role of the police constitutionally is to provide security. If you look at what happened yesterday, you saw armored vehicles, armed police people driving up and down the whole of Lusaka. It clearly demonstrates that the police had more than sufficient capacity to provide the security that is constitutionally required by those that were scheduled to demonstrate."

Milupi said it was unfair that PF officials had continued holding gatherings.

"To hide behind COVID-19 is like a man hiding

behind his own finger. They themselves as PF we know that they have been gathering, they have been carrying out their campaigns. COVID-19 cannot be used as an excuse only to shackle those that have opposing views to government. Besides that, COVID-19 has not been fully explained to the citizens of this country. The Ministry of Health has totally failed to lay on the table the impact of COVID-19 on this country. We don't know the technical terms like the re-infection rate, we don't know which part of the curve we are, whether we are still on the exponential rise or whether we have reached the plateau or

whether the situation is going down. They are using it as a means to expose their political ambitions, those who are in the forefront. They are using it as a means to attract funding which they abuse as has been happening. Look at the United States of America, it is the worst hit country in terms of COVID-19, Britain too, and we have seen demonstrations against its people," Milupi added.

And Milupi asked Dr Chilufya to explain why it seemed most Zambians were immune to COVID-19.

"In Zambia today, the

Ministry of Health needs to explain to us why we are not seeing the expected deaths that we should have seen. Is it the nature of us as Zambians with our immune system? Is it the food we eat? Is it the blood groups that most of us have? Is it because we have a young population? All these reasons need to be put in public domain so that government can come up with decisions that will not unduly restrict the freedoms and economy of this country. Now to all of the sudden, when it suits them best, they are all over with arms because of COVID-19. Let them go into markets and see whether the people who gather there are practicing social distancing, whether they are wearing masks or whether they are sanitizing and so on. They are not. But why is it that these laws are just applicable to our own youths that want to protest?" asked Milupi.

## Police ponder arresting youths: "Even the bush is a public place"

By Sipilisiwe Ncube

POLICE Spokesperson Esther Mwaata Katongo says the command is yet to make a decision on whether or not to arrest those who participated in the youth protest because the bush is also a public place.

On Monday, some Lusaka youths sent police on a wild goose chase when they decided to hold their much anticipated protest at an undisclosed location despite not having a permit.

And in an interview, Katongo said police would decide at their own convenient time on what course of action to take.

"We are going to make a decision as police whether or not to arrest them. We have not arrested anyone. We will decide as police on the necessity of arresting them or not because whether you are in the bush or where the bush is also a public place. It does not only mean that a public place is on the road or where. Even in the bush, it's a public place. So, we are going to decide and that will be decided at our own convenient time," Katongo said.

When asked about why police allowed Lusaka Province Minister Bowman Lusambo to host a lunch with 400 taxi drivers when other stakeholders were being denied permits because of the pandemic, Katongo said she wasn't aware about his activities but encouraged anyone with complaints to take them to the right office.

"I am not aware of Honorable Minister Bowman Lusambo having that meeting. But in all instances, when there is a complaint or a concern, there is always a regulating officer, those who are complaining should go and table the matter," said Katongo.

By Ulande Nkomesha

PRESIDENT Edgar Lungu's vigorous campaign to compel the Church and traditional leaders to favour Bill 10 is unreasonable and reveals that the PF have a hidden agenda.

Commenting on President Lungu's recent trip to Northern Province where he engaged with traditional and church leaders on Bill 10, Kambwili said the PF had a hidden agenda in trying to push through Bill 10 into law.

"It is unreasonable! It just shows that there is something unreasonable they want to push. That is why we are saying this Bill is not for the people of Zambia. How many Bills have gone to Parliament? Have you ever seen such a vigorous campaign by the Head of State giving money to some NGOs, just to go and try and convince the people? Have you ever seen that kind of thing in this country before? It means there is something that they are hiding in Bill 10. The people of Zambia have said what is wrong with Bill 10; why are they not withdrawing the Bill? Withdraw the Bill, take it back to the people, the Church Mother Bodies must be involved, or political parties must be involved," Kambwili said.

"Let us agree to disagree in dialogue that will be chaired by the Church Mother Bodies so that we decide what is going to go in the Constitution, that is what the people of Zambia are asking for. So, President Lungu, if he is not careful, God will punish him very badly! He is everywhere busy campaigning when the other people are not campaigning and you call that a democracy? The attitude of 'give and take' genuinely is the approach to take in the constitution-making process; not a one-man decision wanting to push! There have been men in this country who have tried to do that, where are they today?"

He argued that President Lungu and the PF wanted

## Lungu's vigorous campaign for Bill 10 shows PF has hidden agenda – Kambwili

to enact Bill 10 because it removed Article 52 in the 2016 Amended Constitution, which gave rights to citizens to petition a presidential nomination, among others.

"One wonders why they should be so much in a hurry to try and pass Bill 10. They are lying to the people that they have removed what people didn't want. There are only two ways of removing what people don't want; firstly, is to withdraw the Bill and re-draft it; secondly, is when the actual voting is done. Before the actual voting is done, they need to open by two-thirds. The danger is that if the MPs open by two-thirds, the remaining steps is simple majority. So, what we don't want is the MPs to open the master key by two-thirds because they can manipulate the process, we don't trust

them. So, the easiest they can do is just withdrawing the Bill, not that gazette they did where they were cancelling things, no!" he said.

"We want a Bill that is going to be presented in First Reading without the contemptuous issues, particularly the amendments of Article 52, which seeks to remove the rights of the citizens to petition a presidential nomination. Secondly, we don't want to give power to the President to create provinces, alter boundaries and create constituencies, no! That has to be done through the normal delimitation and according to the population of the people after census or, indeed, after every five years."

Kambwili appealed to the Church not to be used by the PF in campaigning for Bill 10. "Bill 10 is not good. The

best thing you can do is to bring those people together to agree to disagree and again move forward. But why are they failing? He is saying 'everyone was consulted.' Why did the PF run away from the dialogue organized by the three Church Mother Bodies to look at the Constitution? Why did they run from Church Mother Bodies now they are going to churches to lobby support? The problem is that some of these churches, also, have become sell-outs. But you understand that money is the source of evil," bemoaned Kambwili.

"We know that the PF has too much money that they have stolen and they are dishing out money like nobody's business! That is why you see some churches, NGOs have gone to support this Bill 10, not that they like it, but it is a money-making venture for them. We want to appeal to our churches that, please, don't sell the flock, you are shepherds and we expect you to shepherd the sheep properly."

## There's a listening problem on Bill 10, the Church has been clear – Chikoya

By Mirriam Chabala

THE Church has always given clear guidance on its position regarding Bill 10 but the PF government has chosen not to listen, Council of Churches in Zambia (CCZ) general secretary Fr Emmanuel Chikoya has lamented.

Reacting to President Lungu's call on the Church to be clear about what was wrong with Bill 10, Fr Chikoya said efforts had been made to have high-level meetings with those in authority, but that the gates of "higher offices" were always closed.

Fr Chikoya said it was strange that President Lungu was claiming not to have heard the submissions of the Church on Bill 10 when so many meetings had been held behind the scenes over the matter.

"How clear does he want us to be? Because the Church has been clear. And why is it difficult to meet the Church? Believe you me, efforts have been made to have high-level meetings, but they've landed on deaf ears. So, is it really prudent for one to go to a certain platform and showcase to the world that the Church is unclear on Bill 10? I don't think so, we are not

unclear. One would, therefore, say that maybe there is a listening problem because the message from the Church is very loud and clear that when the process that produces something is not owned, the process of that product is always going to be contested. If you go back to the enactment of the NDF (National Dialogue Forum) Act, the Parliamentary Select Committee after they received submissions, they recommended for the withdrawal [of Bill 10]. But what did we see? We saw the arrogance of numbers and that Bill or Act was passed into law from that rushed process of a dialogue in eight days," Fr Chikoya said.

"That was supposed to be a National Dialogue Forum. I don't know what people understand. It was not a National Constitutional Forum. So, that is a defective process and unceremoniously, the all-inclusive dialogue was abandoned because there was a premature miscarriage caused by government. So, it's very strange that, today, despite all the meetings that were held behind the scenes, we would be turning around and saying that. What kind of being clear do you want to hear?

Because the message is already loud and clear and these are documented; someone can just Google and see the messages that have been shared and you will be able to see what have been the most contentious issues."

Fr Chikoya reiterated some of the problematic clauses which the Church had identified in Bill 10.

"You need parliamentary oversight over debt contraction; you can't bring back deputy ministers; you can't give the mandate to someone, who has just slightly edged the other to form government with a minority. No, we want a majority-elected (Republican) President, given the full mandate so that they don't spend all the five years trying to build their hold on leadership. What are you trying to cure by removing the 50 (per cent) plus one? That will create more problems. And when you talk about the differently-abled, what stops any political party during the adoption process to adopt differently-abled people right now? What stops the politicians from ensuring that there are enough women MPs? Nothing. So, we would rather not be 'doubting Thomases, but 'verifying Thomases' on this matter.

We can't trust them (government); this is just an issue of people trying to hide their plans. And what is the guarantee that this will be implemented once enacted if the laws that are already there are not being implemented? And they want to undo the FIC (Financial Intelligence Centre) and then put it as a department somewhere else, is that progressive? That is not progressive, it is retrogressive. If anything, we need FIC to be strengthened. So, at the end of the day, I think the voice of the Church has been loud and clear, let's just clear whatever wax is in our ears and listen," he said.

Fr Chikoya encouraged government to listen to opposing views.

"When people reach out, listen to them. Unfortunately, there seems to be something wrong with the gates of some of these high offices in this country because they are unreachable and yet there will be claims publicly later on that, 'tell us ABCD.' People have whispered so many times! But so sometimes they will begin to shout publicly when what has been whispered is not being heeded to by those that are expected to act," said Fr Chikoya.

**By Ulande Nkomesha**  
 CONSTITUTIONAL lawyer John Sangwa says a lame duck President, Edgar Lungu must focus on consolidating his gains rather than pushing for constitutional amendments.

And Sangwa says the gazetting amendments to Bill 10 is madness, unlawful and crazy.

Meanwhile, Sangwa says other than telling lies, those advocating for Bill 10 have failed to justify it to the masses.

Speaking on Radio Phoenix's Let the People Talk, Tuesday, Sangwa said because President Lungu's term was almost coming to an end and he is not eligible to re-contest, his agenda in trying to amend the constitution cannot be trusted.

"Is President Lungu the right messenger for Bill 10? That is what we should be talking about. Is he the right person, can he sincerely be the advocate for the amendment of the Constitution? In my view, I will tell you no. Why? Because he is a lame duck President. We are talking about, he has 13 months before he leaves office and he is not eligible for re-election and the question is, Should he be the face of trying to amend the Constitution? The answer is no! Because what will be his agenda?" Sangwa asked.

"When you are in that position and you are going towards the end of the term, the issue is to consolidate on your gains, the issue is to focus on your legacy. You cannot use the Constitution as a political tool, you can't! It has been used before, we shouldn't allow it to

be used again. We cannot allow for a Constitution to be used as a political tool to favour a party in power against its opponents. That has never been the objective of the Constitution. The Constitution has to remain politically neutral."

Sangwa insisted that Zambia should be more focussed on fixing the economy.

"There are always priorities in a country, I can't believe that anybody who is sincere and is in this country can say amending the constitution is a priority for this country, it is not. We have far more complexed and pressing issues. We have a situation where in 2011 the country's external debt was less than a billion dollars that is what we owed, total external debt. Today, that debt is projected to reach \$20 billion, it's crazy! How are you going to pay back that sum of money?" he asked.

And Sangwa described gazetting of amendments to Bill 10 as crazy and illegal.

"Whatever is going on is crazy, it is unbelievable that with nearly 100 years of legislative experience, we are going through the crazy situation that we are in. First of all, there are two things, there is a bill which is already in the National Assembly, it stopped at the second reading, then there is another bill which was gazetted in June issued under a special gazette signed by the Secretary to the Cabinet. A country like Zambia where we have had 60 years of independence we know better. Whatever has happened is madness, no sane people could

# Lungu a lame duck president, not the right advocate for constitution amendment – Sangwa

do what they have done. First of all, there is no provision in our laws that in the middle of the legislative process, that you can gazette another bill seeking to amend the bill that is in the assembly outside the assembly. There is no such a law. In any case, this is lawlessness. In fact, it violates the constitution. We have a procedure and that procedure for amending laws is provided for in the Constitution," Sangwa said.

"If they want to change, they can pull out the one which is before the assembly pending a second reading then they can now re-present the one which was gazetted in the National Assembly. Then that becomes the official bill. Now the implication will mean that restarting the process all over but they can't do it both ways. This is an unofficial document, it has no legal foundation whatsoever, but the official bill is what is in the National Assembly."

He said the gazetting of amendments indicated that the President was intervening with the legislative process.

"The decision to make laws, especially government bills starts with the President. The President makes a decision 'we need a bill', a bill is formulated. Before the bill is passed onto the assembly, it has to be signed by the Attorney General, then it is passed on to the assembly. Now clearly, the one who issued that memo does not even understand how this country is supposed to work, does not even understand what

Parliament is. Parliament is not a body, it is a concept. You have the National Assembly and the President working together and the product of that cooperation is always an act of parliament. So, the President generates the bill, it is received by the assembly and the assembly debates that bill. Once the assembly debates that bill, it can approve it with or without amendments. Once the bill has been passed on to the assembly, the only time the President will see it is after the process in the National Assembly is complete, then the bill is passed. When it is passed, it is taken to the President and then the President will now look at 'it is this what I sent you', if he agrees with it, he gives it assent, he signs it then it becomes law. If the President does not agree with what the assembly passed, he sends it back with his recommendations, that is the procedure we have. There is no provision to pull out a bill in midstream, it's lawlessness. The President has to wait until the assembly finishes its job and that is the only time he can have a say," Sangwa said.

"There is no provision that you can pull it out, [pull] whatever they have written out, that is crazy! They wrote with parliamentary amendments, there are no Parliamentary amendments, there is nothing like that in any law. There is a procedure in how the National Assembly makes its decision. If

you are going to say these are parliamentary amendments, it pre-opposes that they were agreed upon in the National Assembly. No! There has been no such a procedure, the only way the assembly does that, the assembly must have a quorum and depending upon the nature of the issue it has to receive support of a requisite number of votes. This Bill 10 hasn't gone through that process. So this is interference by the President in the legislative process, in the work of the assembly; what the assembly is supposed to do is simply reject that because then the assembly is being treated like a rubber stamp. It clearly shows that the President has no respect for the assembly."

Meanwhile, Sangwa said other than lies, those advocating for Bill 10 had failed to justify it.

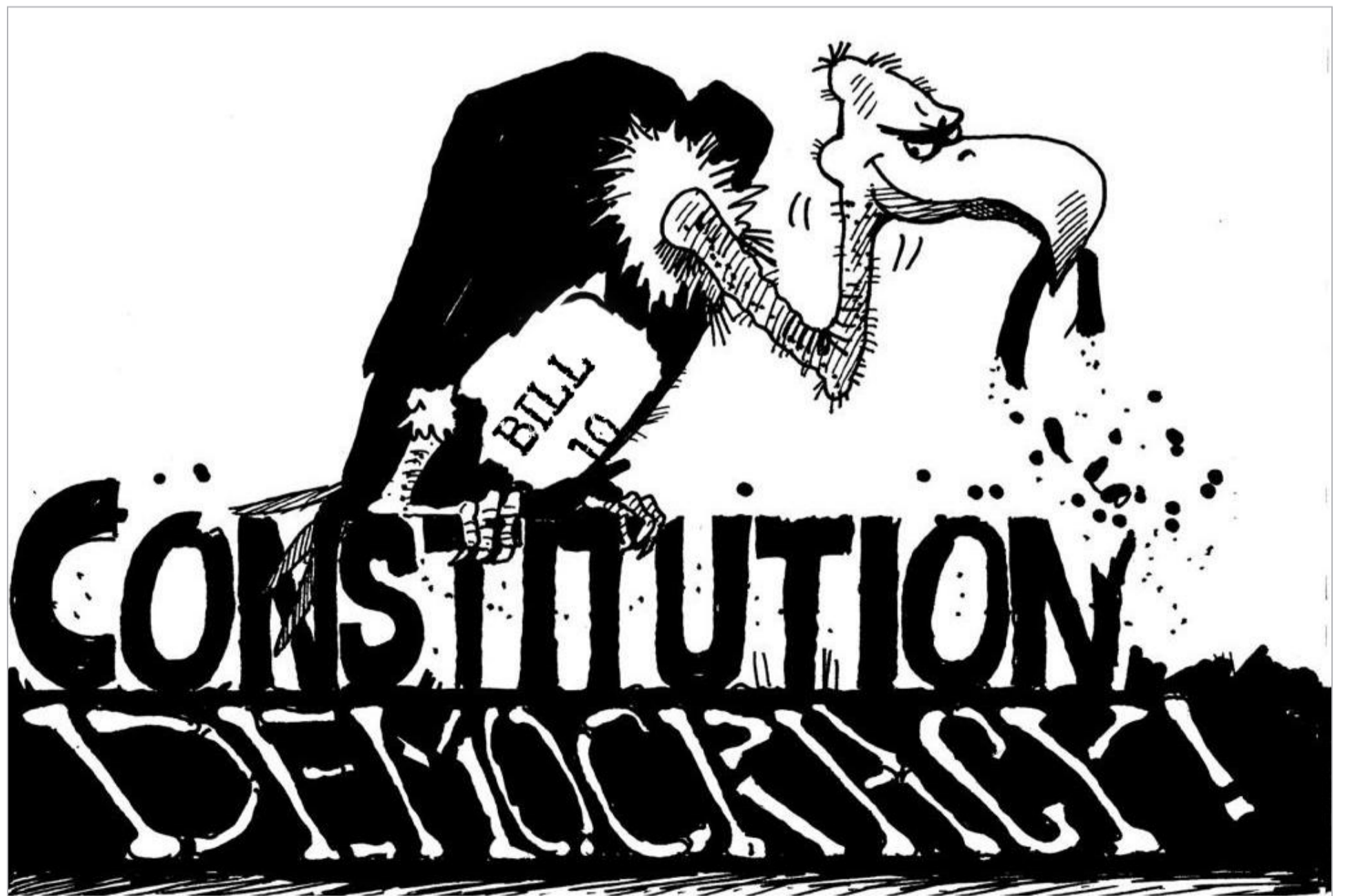
"So far, I have not heard any convincing cases other than lies. For instance, nowadays you don't know how accurate information is but the President is on record having said we support Bill 10 because it will stop chiefs wrangles, and so forth. Those arguments are crazy, totally insane because there is nothing in Bill 10 which addresses that issue and anybody who goes on that path basically doesn't understand how the institution of chiefs work," he said.

Sangwa said PF had complicated the process because they were not being

sincere.

"Really, in all honesty, I have taken an oath to defend the Constitution and I stand by that because I have carefully looked at it and there is nothing good in it. They have further added to the confusion; the publication of the gazette in June just adds to the confusion. The whole process of amending the Constitution should be simpler for the people to understand to know what is at play. Do you know what you need to do? You need the Constitution as amended in 2016, you will need to have Bill 10, which was gazetted last year, you also need to have this fake document which was published in June, three documents in order to make sense out of it who does that? Yet, if you are sincere and honest, you simplify the process, you don't complicate because you want a buy in from the people," said Sangwa.

"Even I was struggling to make sense out of it. My job is all about reading, what about the common on the street because that Constitution is also being amended in his name. Where does he first of all derive the time and expertise to be able to go through that exercise? How do we even relate to these two documents? What is the significance of the June one? What is the significance of the original Bill 10? All these things ought to be explained."



By Natasha Sakala

FINANCIAL analyst Trevor Hambayi says government's move to issue an K8 billion COVID-19 bond will only add to Zambia's heavy debt burden without addressing the core needs of the private sector who still require much-needed liquidity to jumpstart the economy.

And Hambayi has observed that a stimulus package for Small-Medium Enterprises (SMEs) is the only strategy that can be used to help the country out the current recession because they constitute around 90 per cent of the economy and are the most hit by the impact of inflation.

In an interview, Hambayi, who is also senior partner at Development Finance Associates (DFA), argued that the K8 billion COVID-19 bond issuance was not the right strategy for addressing needy sectors of the economy because it only increased the country's debt position.

"Firstly, what I heard is they were trying to use the bond to raise money to pay off their arrears, which includes the pension and for the goods and services they have collected. It is obviously positive that they are looking at having to pay off their

# K8 billion COVID-19 bond will increase debt burden – Hambayi

arrears, so in terms of that bond, government owes K50 billion in terms of arrears, but it is obviously not the right strategy we should have taken because what we are doing now is increasing our debt position by issuing out a bond. Where we are at the moment is that we had arrears, which they have gotten from the private sector, and they are not paying any interest on it. So, my first view in terms of them having to do this was that I thought maybe they might be speaking to say, the IMF, to say, 'can you give us an interest free loan to pay the arrears and then we are not increasing our debt position.' The debt is still the same, but we are now going to have to take on an interest loan to pay this debt, which will increase our loan liability," Hambayi said.

"The second aspect is, yes, it is imperative that we need to clear these arrears. But in terms of clearing our arrears, we must be doing in a way that does not increase our debt

position, which is the current challenge the country is facing. And the third aspect is that we need to be able to find resources that are speaking to actually creating a stimulus; the K10 billion that we had is that we needed to find ways to increase access for the private sector so that the K10 billion is used and then any additional amount that comes on board after they have used what they have. Right now, the uptake on the K10 billion has been very low, but...the conditionalities that are going with it will make it difficult to access."

He further observed that the Zambian economy still required an economic stimulus package tailored specifically towards SMEs to help them pull through the COVID-19 pandemic and help them grow their businesses.

"As a country, we are potentially facing a recession

that our economic growth will fall into the negative numbers before the end of the year due to the impact of COVID-19 and there is no other strategy that we should be using in terms of dropping out of this other than to create a backup stimulus to support the private sector to start to grow their business. The key aspect for our country, like Zambia, is that we must appreciate that 90 per cent of our private sector are SMEs so we must be looking at strategies that are going to support SMEs to access funds for us to be able to rebuild our economy, there is no other direction that we can take," said Hambayi. "That is what we have and that is what we need to work with. If we do decide that we want to support the big businesses, then we are losing 90 per cent of our entire country in extreme poverty because that is what the hands

of our incomes of the people really have reduced to almost a half because of the escalating prices and the increase in inflation. So, it's important that we start talking about creating actual value that is going to be rolled out to our people."

Cabinet, Monday, approved in principle the

establishment of an K8 billion economic stimulus package that would be financed through the issuance of the COVID-19 Bond, with its allocation expected to go towards the needy areas of the country's economy, including payment to retirees, contractors and suppliers.

It also resolved that it was necessary to provide an economic stimulus through the issuance of the COVID-19 Bond to improve liquidity levels in the economy that had reduced due to the Coronavirus pandemic.



## Lungu directs ministers to find solutions to youths' woes

By Sipilisiwe Ncube

CHIEF Government Spokesperson Dora Siliya says President Edgar Lungu is concerned about the welfare of youths across the country and has directed all government ministries to come up with workable solutions to address their needs.

According to a statement from the Ministry of Information and Broadcasting, Tuesday, Siliya said this during a brainstorming meeting with four other cabinet ministers in her office, Tuesday.

"President Edgar Lungu is concerned about the welfare of young people across the country and has since directed all Government ministries to work together and come up with workable solutions to address their needs," Siliya said.

Siliya said President Lungu and government wanted to work with young people and ensure that their aspirations are met.

She said government was aware of the economic challenges which young people were currently grappling with which had made it difficult for them to continue with their small businesses.

"Government has heard the concerns of our young people and is working hard to find solutions to help them. The President has directed all Ministries not to work in silos but together to address the challenges of our young people," Siliya said.

Siliya said the Coronavirus has worsened the situation for youths as it has restricted movement of people including young businessmen and women.

"We are aware that our youth want solutions today. Let me assure them that we are alive and sensitive to their needs and we are doing all we can to help them come out of their current situation," said Siliya.

Those that attended the meeting were Fisheries and Livestock Minister Professor Nkandu Luo, Gender Minister Elizabeth Phiri, Community Development and Social Services Minister Kampamba Chewa, and Youth and Sport Minister Emmanuel Mulenga.

And Mulenga urged the youths across different sectors to always seek dialogue when airing their grievances.

"Young people have made their submissions. One of such submissions is the need for inclusion in governance but we have people whose desire is to continue using them to throw stones a thing they cannot allow their own children to do. These people are the ones who are saying no to these progressive and serious ideas in Bill 10. One wonders what the motive of those old men and women who have continued to claim that they are young. When we were in school they said they were young, and many years down the line they are still calling themselves youth. According to the law, a youth is anyone who is below the age of 35," said Mulenga.

By Natasha Sakala

THE Anti-Corruption Commission in Chirundu has arrested a Chiawa Local Court Magistrate and Clerk of Court for corrupt practices.

The commission stated that Jackline Chiposhi, 47, and Tryson Lishosho, 56, both residents of Kafue Local Court Grounds, are jointly charged with one (1) count of Corrupt Practices by Public Officer Contrary to Section 19 (1) as read with Section 41 of the Anti-Corruption Act No. 3 of 2012.

Particulars of the offence are that on dates unknown but between 1st November 2018 and 30th December 2018, in Kafue District, Jackline Chiposhi and Tryson Lishosho being public officers jointly and whilst acting together, did corruptly solicit for ZMK2,500 cash gratification, as an inducement or reward to reduce the compensation payable in a divorce case at Chiawa Local Court.

In a statement availed by ACC corporate affairs officer Crystal Mwale, Jackline Chiposhi is further charged with one count of the offence of Corrupt Practices

## ACC nabs local court magistrate for corruption

by a public officer, contrary to Section 19 (1) as read with Section 41 of the Anti-Corruption Act No. 3 of 2012.

"Details are that on 3rd December 2018, in Kafue District, Lusaka, Magistrate Chiposhi being a Public Officer, corruptly received K2, 500 cash gratification, as an inducement or reward to reduce the compensation payable in a divorce case at Chiawa Local Court," read the statement.

The duo has since been released on bond and will appear in court soon.

## Exercise patience on your salaries; teach students, govt tells lecturers

By Julia Malunga

HIGHER Education Permanent Secretary Kayula Siame says University of Zambia (UNZA) lecturers should exercise patience as they await payment of their salaries because the Ministry is working to ensure grants are released to them as soon as possible.

In an interview, Siame, however, said she could not give an exact date on when the funds would be released, but hoped that it would be before the students re-opened classes

next Monday, June 29.

"Remember, we indicated that we give them grants, and from the grants, we pay the salaries. Yes, there may be a delay, but we are trying to ensure that all the grants that we give them will be provided. I can't give a date, but I am sure as soon as possible, the Ministry of Finance is releasing the grants. We are just calling upon the lecturers to exercise some patience so that they can teach students; they have been away for some time. Let us wait, maybe they

will receive their funds before that," urged Siame.

On Monday, UNZALARU general secretary Dr Kelvin Mambwe cautioned that lecturers would not teach when the University re-opened next Monday until salary arrears were cleared.

"The University has announced that it is reopening on June 29 for the classes that are supposed to be graduating. We are saying that bringing students to the University when the University has not prepared for industrial harmony will be chaotic! We are owed two salaries for May and June, lecturers and other workers have not been paid. So, as UNZALARU, our members are not going to work amidst a situation where they have not been paid. Not until they are able to pay us the two salaries are we going to provide the lectures to our students. Failure to pay the two salaries at the same time, we have told them we are not ready to teach the students. They should not expect to see us on the 29th not until they give us what they owe us," said Dr Mambwe.

And Copperbelt University Academics Union president Dr Derrick Ntalasha on Monday said the lecturers would only move to teach once May salaries were paid.



President Edgar Chagwa Lungu (c) being saluted by Major Melody Siisii (r) at Samora Machel Air Base in Mbala before departure for Lusaka on Sunday, June 21, 2020. PICTURE BY SALIM HENRY

By Julia Malunga

RAINBOW Party general secretary Wynter Kabimba says first president Dr Kenneth Kaunda handled corruption better than President Edgar Lungu because the latter insists on holding onto corruption-accused ministers.

And Kabimba says he finds it difficult to sympathize with people calling for withdrawal of Bill 10 because they decided to ditch platforms that were created for them to air their views.

Speaking when he featured on Live FM's Live Issues radio programme, Tuesday, Kabimba said the fight against corruption under the PF remained lukewarm due to President Lungu's reluctance not to dismiss his corruption-accused ministers to allow for unperturbed investigations.

"We have to deal with corruption and fight it very strongly, but that has been the weakness of the PF. The fight against corruption has been lukewarm. According to the public perception, PF has not moved at the pace that the public has expected it to move over corruption. For example, you have ministers that are alleged to be investigated; now, what I know myself from KK's time is that, if you are being investigated for corruption, you cannot be allowed to stay in office.

# KK fought corruption better than Lungu – Wynter

In fact, Kaunda would fire and I think that was the right thing to do. You know that ministers and other appointed officials by the President serve at a pleasure of the President. So, there is no specific law that says, 'if a minister is investigated, therefore, he must be fired.' But KK looked at it from a moral standpoint that, 'it defeats the purpose of fighting corruption if my minister, who is investigated for corruption or has even been formally arrested cannot continue in office,'" Kabimba said.

"So he relieved them of their duties. He appointed them much later sometimes as governors and whatever. But at least he sent a message to the public of zero tolerance towards corruption. I know that President Lungu has argued that, 'I can't fire somebody because they are being investigated.' That is his stance. But I am giving this comparative scenario between KK and President Lungu now. And if you asked me which one of the two handled issues

of corruption better, I would say KK did. And this is what has made the fight against corruption difficult. This is what has made the public take the view that President Lungu is not serious about fighting corruption."

He wondered how the government planned to run an airline without conducting a feasibility study.

"Even this argument that is coming up now about the national airline is more out of pride than economic sense. It is all very well to want to wear a suit even when you cannot afford it because that satisfies your emotions. But running an airline is an expensive venture. This is an airline that we want to introduce without any feasibility study. There has not been any feasibility study to figure out how this is going to be a success story. Look at other airlines that have made a mark in Africa; Ethiopian Airlines is the best in Africa," he said.

"If it (Zambia Airways) becomes a joint-venture, maybe, it may have some semblance of success because you know even Kenya Airways that is what it has

done. South African Airways, I am sure you have heard or read it is bankrupt, it is broke, it insolvent and the South African economy is 10 times larger than the Zambian economy. So, you are telling me that South Africa can fail where you are going to succeed? And you are exempt from Coronavirus? Let us be serious about issues. The airline industry is competitive and it is not easy to run."

And Kabimba maintained that the Rainbow Party supported Bill 10.

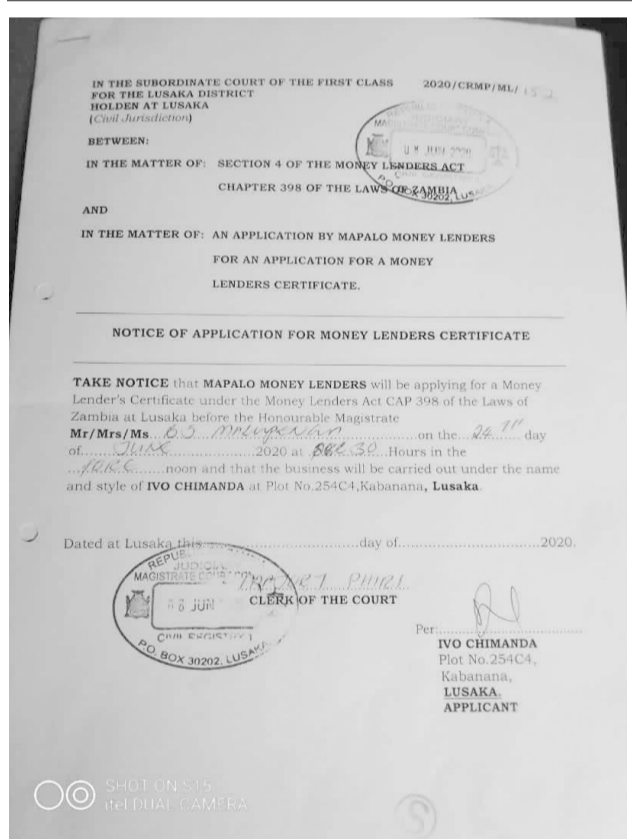
"Bill Number 10 is a Bill I support. I support it because we participated in this Bill. In other words, we participated in the National Dialogue Forum (NDF) to which all stakeholders were invited without exception or were at liberty to attend. Some of us chose that if we are going to see amendments made to the 2016 Constitution Amendment, number 2, we must participate in this process. So, we wanted to be at the NDF to prove whether or not the PF was doing this in bad faith, some of us attended. Some groups, individuals, civil society organizations decided

debate and run out of breath," he said.

When asked how the PF had managed the economy, Kabimba said their performance was bad.

"The performance is bad in all honesty, truth be told. This is a runaway economy from the PF. I don't think they have an idea how to turn it around. Instead of being analytical about it, they are being simplistic about it. I think this also fits into the attitude of us Zambians. When Mrs (Margaret) Mwanakatwe was minister of finance, there was so much outcry that 'she is a bad minister of finance' and that she must be relieved so that the economy gets better for whatever reason people put forward. When Mwanakatwe left, the kwacha was at K12 (per dollar), now the kwacha is at K18 almost K20," said Kabimba.

"We can't even qualify to have a meeting with the IMF (International Monetary Fund). I am not an IMF fan, but we can't even qualify to get on an IMF programme, which will just make things worse than they are now. So, it is clear that the government has no idea on how to turn this economy round. We have invested in road infrastructure very well, but some of the roads are not going anywhere. They are going to areas where there is absolutely no economic activity."



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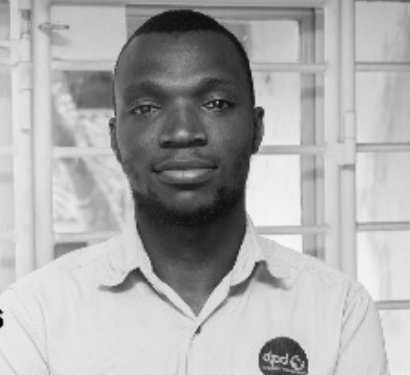


# CTPD'S MONDAY OPINION

This is a weekly column aimed at sharing CTPD's perspective and steering public debate on various issues pertaining to Trade & Investment Law, Public Finance Management, Extractives and Human Development.

## TODAYS TOPIC:

**Development Financing: The Untapped potential in unclaimed assets. Lessons from Kenya and USA (Florida) with Ibrahim Kamara**



# DEVELOPMENT FINANCING: THE UNTAPPED POTENTIAL IN UNCLAIMED ASSETS. LESSONS FROM KENYA AND USA (FLORIDA)

## INTRODUCTION

THE importance of an efficient and well-functioning financial system to a country's economic growth and development today is widely recognised and appreciated. The 2008 global financial crisis brought the world largest economies and other countries to undertake collective actions to safeguard the financial sector and bolster public confidence. The financial system plays an important role in the development process- particularly through the financial intermediation process. The work done to reform and deepen the financial sector on the African continent is centred around the recognition of its significance in the driving of economies and changing the fortunes of many lives. In this regard, one of the areas that need attention is in the management of unclaimed financial assets. Savings and deposits institutions, banks, brokerage firms and pensions schemes are the ones that are holding these resources and it is therefore proper to institute mechanisms and measures that will ensure increased access, transparency, accountability and efficiency. This will streamline the process and structures and thus facilitate owners to know and have more so access these assets.

## UNDERSTANDING UNCLAIMED FINANCIAL ASSETS

The issue of unclaimed financial assets has been recognised globally as an ethical, governance and development problem needing urgent attention in the form of regulatory frameworks and sensitisation of the populace. Under the legal principle of bona vacantia, the Government is the bonafide custodian of unclaimed property in any modern state. As such, many developed countries have developed explicit policy frameworks for the management of unclaimed financial assets.

International best practice includes the management of information and data related to such assets. This typically entails the identification of unclaimed financial assets according to prescribed definitions as well as the segregation, reporting and remittance of such assets into a central reclaim fund and the establishment of an unclaimed assets agency to regulate and manage these assets. The portion of remitted funds in excess of those required to meet claims of asset owners is invested for social, community, and economic benefit.

of a market economy, and not unique to any country. Some of the reasons that have been identified as the cause of unclaimed assets includes; Death; Poor record keeping; Relocation regionally or globally/overseas; Ignorance, Negligence and even forgetfulness. In Africa, the culture of record keeping is not engrained, and people seldom write wills and there are huge assets lying because the rightful owners cannot be traced. Such assets are usually as a subject of targeted fraud and there are even companies that write them back as profits when they don't trace their rightful owners.

Most developed counties have explicit policy frameworks for managing unclaimed financial assets. Best practice in the management of such assets include the establishment of frameworks that meet the following thresholds;

- i. Holders – identification of unclaimed financial assets according to prescribed definitions;
- ii. Owners – perpetual right to reunification
- iii. Institutions – segregation & ring-fencing of funds, and mandatory reporting
- iv. Investment – remittance to & management of funds by and institution, that subsequently invests for social, community and economic benefit

Countries like Australia, Canada, UK, Ireland, Malaysia, Kenya, New Zealand and the United States have made major strides in the management of unclaimed assets and Zambia can borrow from their experiences. The following pictorial illustration of countries that have established unclaimed assets regimes in the globe.

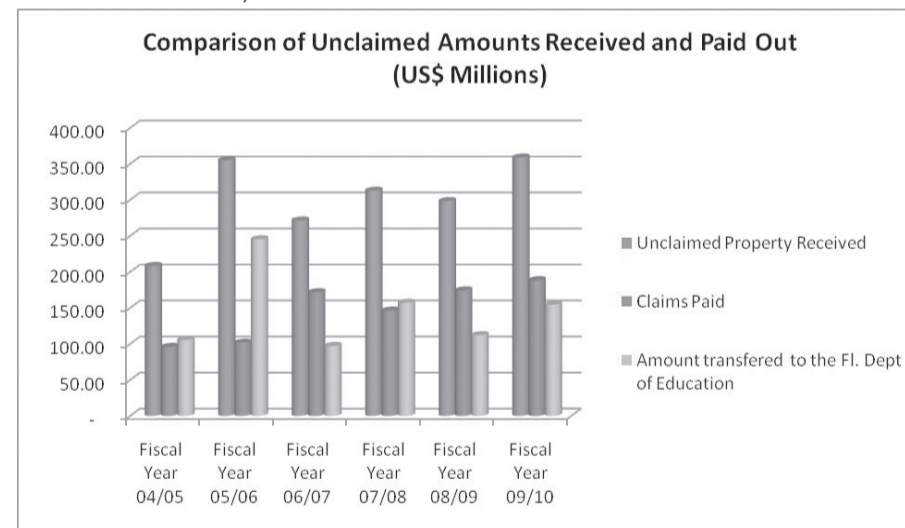


US EXPERIENCE: STATE OF FLORIDA

In the State of Florida (US) for example, an unclaimed assets regime was established in 1961 and so far, the Florida Department of Financial Services, Bureau of Unclaimed Property has made tremendous progress. Unclaimed Property accounts always remain claimable – indefinitely. Until claimed, however, the funds are used to help support Florida's public schools. The following is a summary of how it has performed thus far;

- Received Since Program Inception - \$ 3.7 Billion
- Claims Paid Since Program Inception - \$1.6 Billion
- Net \$ Transferred to Florida Department of Education Since Program Inception - \$2.0 Billion.

Figure 1: Unclaimed Assets in the State of Florida FY 2004/05-2009/2010



## KENYAN EXPERIENCE

In its efforts to address the lack of an elaborate legal regime to manage unclaimed financial assets, the Ministry of Finance in Kenya appointed a Taskforce in 2008 to carry out a baseline survey to find out the extent of the problem and where possible make recommendations. The Taskforce surveyed institutions in the Banking, Capital Markets, and Insurance sectors. The total amount of reported unclaimed assets amounted to KSh.9.1 billion. Of this total, banks reported KSh.7.4 billion, listed companies KSh.1.5 billion, insurance companies KSh.283 million, The National Social Security Fund (NSSF), which falls within the Pensions category, reported Kshs. 243 million. The Kenya Power and Lighting Company (KPLC), was categorized within the utility firms and it reported a total of KSh.66.8 million. The taskforce concluded that the reported totals of unclaimed assets were far below what was estimated.

The Unclaimed Financial Assets Authority (UFAA) was established pursuant to the Unclaimed Financial Assets Act No. 40 of 2011, Laws of Kenya. The Act provides a legislative framework for dealing with unclaimed financial assets. The need for this law was occasioned by the perceived colossal sums of unclaimed assets being held by individual institutions in Kenya. The Board of Directors to UFAA was appointed under Legal Notice No.16272 of 9th November 2012

Section 48 of the Unclaimed Financial Assets Act 2011  
The Authority has so far received claims amounting to KShs. 421.2 million and 1,227,585 units of shares from 6,667 claimants. Out of these, claims amounting to 166.9 million and 908,107 units of shares have been paid to 2,125 claimants. (<https://www.ufaa.go.ke/index.php/component/content/category/90-trust-fund>)

Table 1: Unclaimed Financial Assets Proceeds (unaudited financial statements for the year ended 30th June, 2015)

Institution type	Amount KSh.000
Commercial Banks	1,897,937
Listed companies	645,102
Insurance Companies	449,257
Telecommunication Companies	187,306
National Debt Office	87,113
<b>Total</b>	<b>3,266,715</b>
<b>Less: Amount invested</b>	<b>3,203,818</b>
<b>Cash balance</b>	<b>10,302</b>
<b>Receivable</b>	<b>52,595</b>

\*UFAA Accounts  
Table 2: Status of the trust fund as at 31 March 2019

Asset type		Amount KShs.
CASH	Cash remitted	13,489,576,169.30
	FOREX reported	65,192,442.25*
<b>Total</b>		<b>13,554,768,611.55</b>
UNIT TRUST	Volume	8,151,824.26 units
	Estimated value (Kshs.)	18,060,061.61
SHARES	Volume	564,017,982 units
	Estimated value (Kshs.)	25,756,988,673.64*
<b>Total estimated Fund value</b>		<b>39,329,817,346.80 **</b>

And 1,454 Safe deposit boxes  
NB: \* denotes estimated value at prevailing market rate.  
\*\* denotes estimated Fund Value for assets

remitted and reported.  
\*Source: <https://www.ufaa.go.ke/index.php/trustfund> accessed on 4th June 2020  
Table 4: Sectoral Performance as a percentage of Fund Value

Description	Year		
	2014	2015	2016
<b>Sector</b>			
<b>Banking</b>	65.10%	66.41%	66.44%
<b>Listed companies</b>	4.74%	15.79%	18.98%
<b>Insurance</b>	29.97%	10.60%	8.53%
<b>Telecommunications</b>	0.19%	5.70%	5.50%
<b>Saccos</b>	0.00%	0.10%	0.10%
<b>Pension funds</b>	0.00%	0.40%	0.27%
<b>Others</b>	0.00%	1.00%	0.18%

\*Source: UFAA  
The information above clearly demonstrates that unclaimed assets are on the increase and the slow rate of claims provides an opportunity to

the person whose name the account is held. This return will include such details as, the classification of funds and the personal details of the holder. However, there is limited information to set guidance or a clear indication on how such funds are handled.

Conclusion  
Zambia's debt situation is worsening due to limited and insufficient resource mobilization. With Covid 19 shuttering world economies, Zambia has not been spared with the 2020

national budget been revised downwards due to focused reduction in revenues as a result of poor performance of the economy which has directly affected revenue mobilization. This calls for innovative approaches for domestic resource mobilization. Unclaimed assets have been used in different jurisdictions as a tool for increasing nontax revenue and economies like Zambia can borrow lessons on how this has worked and domesticate these approaches to fit its domestic context.

In the African continent, Kenya has made progress and has a lot of experience that Zambia can learn from. The agency established has been operations for more than 5 years and this provides a good case study

## Recommendations

1. Establishing a taskforce to ascertain the quantum of unclaimed financial assets in the Zambian Economy
2. Development of policy and legal framework on unclaimed financial assets that will also include the utilization of such funds
3. Adoption, passage and implementation of the policies and laws
4. Benchmarking with jurisdictions that have established unclaimed assets regimes

## Authors

**Vincent K Kimosop**  
Vincent K. Kimosop led the advocacy efforts that led to the passage of the law and Served as the first chair of the Unclaimed Financial Assets Authority (UFAA)

**Ibrahim Kamara** has done extensive work around public finance and is also the current coordinator for the Zambia Tax Platform

Our next topic will focus on the viability of using Gold to prop up national reserves and paying back public debt.

We would like to hear from you, drop us a comment using the details below:

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“**E**DGAR Lungu is a good man, but the people around him are bad”. We can’t count how many times we have heard this expression before. At first it made sense, some bad decisions that we have seen come out of State House could not make sense being attributed to the Head of State. Bad pronouncements suited the ‘bad advisors’ and indeed they took the blame for anything mindless that came out of the presidency.

During the era of Kaizer Zulu and Amos Chanda, President Lungu succeeded at hiding from public scrutiny. He carried himself as a responsible father who had disgruntled, stubborn and untamed sons. Everybody asked the question, why is President Lungu keeping his stubborn advisors? Can’t he see that they are making him unpopular? As a newspaper, we wrote editorial comments, many of them condemning the conduct of the presidential aides at State House.

To the President’s credit (one would say) he let them go, one after another, in very unusual circumstances. It’s over a year today since Mr Amos Chanda left State House and it will soon be a year since Mr Kaizer Zulu was fired. The President has a new political advisor and a new press aide. By any measure, these are the quietest presidential advisors you can ever come across. They are quite a contrast to their predecessors.

So the question we are now faced with as citizens is; how has

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# Kaizer, Amos are gone, so who’s giving Lungu all this bad advice?

this helped State House? Has this move helped in bringing out the glorious side of President Lungu? Is State House making more reasonable decisions now? Is the presidency more dignified now? The answer is a categorical no! In fact, the fact that these new advisors are not (yet) involved in any controversies leaves the President absolutely naked. Anything unreasonable that comes from State House comes straight from President Lungu’s mouth. They let him say it himself so that the people can see him for what he is.

Speaking from a strictly political point of view, one would argue that President Adada actually made a mistake to let his ‘stooges’ go because now the whole country can see the limit of his reasoning. We recall how Honourable

Chishimba Kambwili, Mr Peter Sinkamba and other critics condemned Mr Chanda for “overstepping his boundaries”. He was told on many occasions to stick to his lane as spokesperson, but the former aide would defy that and accept to look ridiculous in an effort to make his boss look reasonable.

Here we are today, there is nobody to take blame for the Head of State’s blunders. Let’s look at the protest by the youths for example. President Lungu personally told the Minister of Home Affairs to make sure that anyone who will take part in the corruption and freedom protest is arrested. “Those of you in Lusaka who are plotting to bring chaos by saying ‘we will demonstrate, no we will do this’, freedom of speech, freedom of

insulting people, we will deal with you under the law, ‘We want freedom! We want freedom, [freedom] to make noise?’, Kamyongo deal with these boys,” said President Lungu. Is it reasonable for a sober President to issue such a directive?

What is wrong with citizens disagreeing with the pronouncements and decisions made by those whom they elected into power? What has President Lungu and his government lost since those youths outwitted the police and conducted their protest in the bush? Where is the chaos that the President said the protesting youths would bring about? Surely, President Lungu’s directive would have been understood, if not condoned, had it come from an advisor, not a

democratically elected Head of State.

In contrast, we are reminded of an incident in August 2017 when UPND leader Hakainde Hichilema was released from prison after months of incarceration. A group of sympathisers organised what they called “thanks giving prayers” but the police banned the church gathering saying the organisers had no police permit. We recall that it was Amos Chanda who persuaded the police command to rescind the ban and that gathering went ahead.

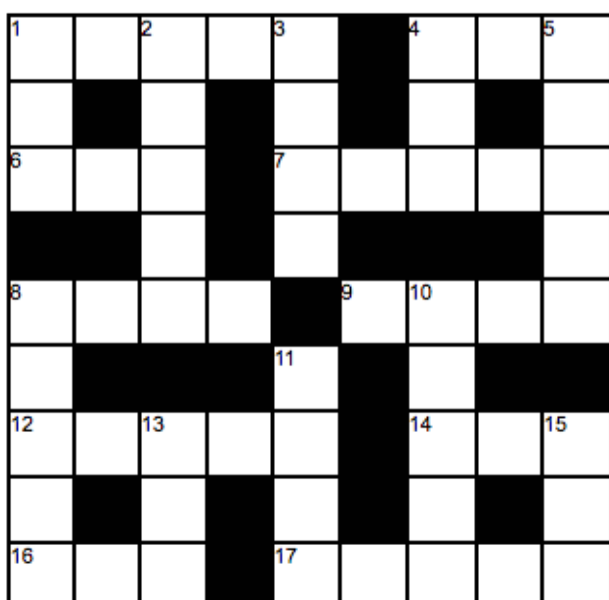
Again in October 2018, a group of civil society organisations asked for a permit to stage a protest against corruption and bad governance at Parliament grounds, the police command in Lusaka objected. When

the organisers of the protest appealed to the Home Affairs Minister, Honourable Stephen Kamyongo shocked the country by overturning the police decision and allowing the protest to go ahead. He then sent police officers to protect the protesters and the PF cadres who attempted to interfere were brutally manhandled by police. These two rare decisions by the minister and the press aide were made without any known directive from the President.

We are trying to contrast this record against the narrative that “President Lungu is a good man, but the people around him are bad.” We don’t know if there are still any people who can buy that story. Which bad people surrounding the President are we going to blame for Mr Lungu’s dictatorial habits now that Amos and Kaizer are no longer at State House? Who influenced him to put a bounty on the heads of Pilato, B-Flow and the other protesting youths?

We do not need to pretend anymore. There is no one surrounding President Lungu who has made him unpopular. There is no decision that he has made or a pronouncement he has issued which can be blamed on ill advice. When he declares public protests a crime, he does not do so because anyone has misled him. In fact, he is the one who has been misleading the people around him, giving them powers they do not have, endorsing corruption and defending dictatorial actions by his ministers. In our view, the people around President Lungu are good, but the president is bad.

## Crossword puzzle No 631



*“We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”*  
- Elie Wiesel

- | Across                     | Down                  |
|----------------------------|-----------------------|
| 1. Vine grown fruit        | 1. Understand         |
| 4. Small green veggie      | 2. Discuss loudly     |
| 6. Picnic game, ___ of war | 3. Happily ___ after  |
| 7. Our planet              | 4. ___ capita         |
| 8. Rendezvous              | 5. Remnants of fire   |
| 9. Loch ___ monster        | 8. Unkempt            |
| 12. Shoplift               | 10. Each one          |
| 14. Ages and ages          | 11. Heavy metal       |
| 16. Craving                | 13. Atomic particle   |
| 17. Laundry appliance      | 15. Neither’s partner |

## Crossword puzzle No 630



# Readers' Feedback

## AND! OPINION: Ministry of Health should be ashamed!

Editor,

"Surprising how an individual can procure US\$18 million worth of drugs without a down or advance payment". - Maxwell Kapwata

"Its not just the ministry of health alone that should be ashamed but the whole government including all of us as citizens. We have become a nation of apologies and shame to an extent that even a Nigerian joker seer 1 is always laughing at us". - Maurice

Chombela Banda

"News Diggers!, the paper that digs deeper. bravo News Diggers!" - Chanda Pochoko

"In Zimbabwe the minister of health was on Friday arrested for irregularities in the awarding of a contract to a new Dubai company to supply protective kits and masks but Mu Zambia kuwayawayafye!!!!" -

Munah Kayns

"Frankly speaking, I'm done with these sickening scandals in this government. So many scandals have hit this government, ranging from #42for42 to gassing, where 51 lives were needlessly lost. In all these scandals, not a single man or woman is known to have been punished. It's life goes on for

this government. So I'm here just waiting for the government scandals for the week beginning 22.06.2020". - Mike Phiri

"Shame indeed!" - Colbert Munjunga

"ACC..... WHAT ELSE DO YOU NEED?" - Mwansa BK

"PF is doing monkey tricks in all the ministries". - Park Muzyamba

### EDITOR'S NOTE:

Go to our News Diggers! Facebook page, select a story you like and jot down your comment. We will pick that as your feedback and get you published on this page. The shorter the comment the higher the chance of getting published. Note that we block Facebook users who use abusive language.

## Mumbi's plea to Catholic bishops to consult their flock before embarrassing govt in the media

Editor,

"Mumbi Phiri have you ever consulted the people of Zambia about bill 10? You seem to know much better than others, more knowledgeable than the Bishops for sure. That's what money can do, you can even go on top of the roof and start insulting people or the clergy". - Boniface Sikana

"Mumbi Phiri you are shameless and a great embarrassment to the Church. The Catholic Church has always been consultative and properly been guiding its flock. It has been the Patriotic Front government who has been elusive and treachery about the National Constitution making process. Posterity will devour you. Shame, shame

Mumbi Phiri. Shame President Edgar Lungu, shame Patriotic Front. PF government refer the Constitution Bill to the people's national REFERENDUM vote!!! - Emmanuel Mwaba

Mumbi Phiri are you a Catholic? If so you know where to find your Parish Father. Go and make your case with him. Bishops are not political leaders who kneel before you for votes. They KNEEL BEFORE GOD in prayer for forgiveness and guidance". - Kanyata Mubita

"The Church has consulted up to the highest level but has been snubbed. Mumbi Phiri and other PF catholics have decided to defy the Church. It is up to them and their God.!!!" - Kamona Mubita

## 'Clergy right not to respond to people with clear motives over Bill 10'

Dear editor,

"Nice response. They don't deserve your precious energy to respond to them. The majority right thinking citizens are with you". - Agrey Siyunda

"History is the best teacher .....sadly some people never learn from it. The writing is on the wall and some people can't see that! People are always confiding with bishops in their everyday work. And so when they speak.... they have the support of

the masses and the graces of the Lord". - James Zimba

"PF shouldn't mess with these bishops!" - Gabriel C Kangwa Jr.

"The Catholic Bishops know what they're talking about; Bill # 10 is not worth their support". - Chivunda Samusungwa

## 'Youths outsmarted cops over bush protest!'

Dear editor,

"Minimum qualifications of the disgrantled youths, Diploma VS minimum qualifications for Zambia Police, grade one term one report form! This is the case of Analog Vs Digital". - Thomas Sankara

"State within a State. They have their own rules for themselves to prosper and benefit and protest without permits and rules for others to make them suffer, to hunt them down, deny protests and insult. A Political Apartheid System. First it starts with tribalism, then corruption, then generous concessions to "foreign investors" then to institutionalise the State within a State by manipulating the constitution with Bill 10". - Fredeico De Santos

"Intelligent + disgruntled= WIN! THIS CALLS FOR CELEBRATION!" - Kenedy Mkandawire

"On the other hand the pictures of police in the streets with machine guns sent the loudest message to the whole world about the current state of affairs in the country. The power of the youth". - Norby Hachy

"You can not compare intelligence to anything, not even the so called power or force, see how the intelligent youths outsmarted the police force... ahahaha, my ribs are cracking". - Clifford Mwashilindi

"Who ever told them that social media does not work in politics should #apologise to them because #wina azalila". - Godfrey Mwitwa Jr.

"Pilato was the master at CHIDUNUNE, he and friends out smarted ba bwana and the whole PF, in shame ati we know where they are!" - Rich MK

"Chasing the wind..." - Chocho Mwanga





# Govt cancels tax treaty with Mauritius

By Diggers! Reporter

CABINET has approved the termination of the Avoidance of Double Taxation Agreement between the governments of Zambia and Mauritius and to commence negotiations of a new Agreement, which will introduce shared taxing rights and anti-abuse clauses.

And Cabinet has also confirmed the services of Lazard Frères, the French financial advisors, alongside a US-based entity, for the provision of advisory services in relation to Zambia's debt management.

According to a statement released by chief government spokesperson Dora Siliya following the 16th Cabinet meeting held at Mulungushi International Conference Centre in Lusaka, Monday, Cabinet approved the termination of the Avoidance of Double Taxation Agreement between Zambia and Mauritius, and to commence negotiations for a new Agreement.

Double taxation is the levying of taxes on the same income (or capital) of the same taxpayer in the same period.

Double Taxation Agreements (DTAs) are designed primarily to prevent juridical double taxation.

Generally, the division is between economic double taxation (same income taxed twice e.g. profits then dividends, wages then VAT), and juridical double taxation (same income taxed in two different countries e.g. profits taxed in country of source and residence).

Currently, the Zambian government has in effect 22 Double Taxation Agreements with various countries, including Mauritius, which was signed on January 26, 2011, but took effect in 2012.

"Cabinet also approved the termination of the Avoidance of Double Taxation Agreement between the Government of the Republic of Zambia and the Government of the Republic of Mauritius and initiate negotiations of a new Agreement which will introduce shared taxing rights and anti-abuse clauses. Cabinet resolved to terminate the Agreement, which came into force on 15th June, 2012, as the Agreement deals with income from a number of specific sources, such as business income, dividends, interest and royalties. It gives exclusive taxation in the country of residence of the receipt of the income. As such, Zambia does not retain taxing rights to tax dividends, interest and royalties arising in Zambia and payable to residents of Mauritius," Siliya stated.

The Zambia Revenue Authority had indicated in recent years on the need to

renegotiate several "outdated" tax treaties to "make source and residence more balanced," according to a Centre for Trade Policy and Development (CTPD) policy brief on DTAs.

In a case study cited in a policy brief, Associated British Foods – the UK parent company of Zambia Sugar Plc – has used Ireland and the Netherlands to route income in order to take advantage of the Ireland-Zambia and Zambia-Netherlands tax treaties, avoiding source taxation in Zambia.

The company used three main tactics to do this, which included cross-border payments equivalent to over US \$13.8million a year – redirected via sister companies in Ireland, Mauritius and the Netherlands.

As a result, the CTPD say, it is estimated that Zambia lost withholding tax revenues of some US \$17.7 million since 2007, when ABF took over the Illovo Sugar Group.

And Siliya added that Cabinet approved the appointment of Lazard to act as financial advisors on behalf of the Zambian government to restructure the country's huge debt portfolio.

"Cabinet also deliberated on the engagement of Lazard Frères of France as financial advisors and Messrs White and Case of the United States of America as legal advisors to the Republic of Zambia in relation to the liability management of its debt portfolio. Cabinet, has as one of its priorities, implementation of measures to restore debt sustainability in order to effectively implement the measures and that in order to do this, government needed the services of experts to engage creditors," explained Siliya.

"The engagement of creditors that are owed money by government is an essential strategy to address the country's prevailing debt sustainability and fiscal challenges, especially in view of the negative impacts of the COVID-19 pandemic, which has further constrained the Treasury's resources envelope. Cabinet is of the view that, to ensure successful negotiations with creditors, it is necessary that government engages the services of reputable financial and legal advisory firms with experience in providing advisory services in relation to the liability management of debt portfolios, including options for debt cancellation, refinancing, re-scoping and postponement of some of the projects. Lazard has also provided advisory services to some countries in Europe, Latin America and a number of African countries and private sector entities."

By Sipilisiwe Ncube

Speaker of the National Assembly Dr Patrick Matibini says he disagrees with the Constitutional Court's ruling that he overstepped his mandate to interpret both the law and the Constitution.

And Dr Matibini says instead of confining itself to the specific complaint before it when he declared the Roan seat vacant, the ConCourt went outside the rennet of the complaint and commented on a matter that had not even been canvassed by the parties.

Dr Matibini said this when he rendered part of his ruling on a point of order raised by Mazabuka Central UPND member of parliament Garry Nkombo on why parliament wanted to continue debating on the Constitution Amendment Bill Number 10 when there was an active matter before the court.

"The observation by the Constitutional Court that the Speaker, and this is the Speaker, that the Speaker has no power to interpret the law and the Constitution was made by the way, obiter dictum, just a remark which is not binding upon future courts. Though it may be respected according to the reputation of the judge, the eminence and the circumstances in which it came to be pronounced. Honourable members, it is self evident in all the preceding cases that the various speakers including of course myself have interpreted relevant provisions of the law in general and the constitution in particular in order to rule on points of order in question.

There are various pieces of legislation that regulate the operations of the National Assembly and notable among these are the constitution itself," Dr Matibini said.

"In view of the forgoing, I am not persuaded by the observation or indeed suggestion by the Constitutional Court in the Kambwili case that the speaker has no Constitutional mandate to interpret the law and the constitution. I do not with respect, agree with the constitutional court that the speaker has no constitutional mandate to interpret both the law and the constitution. Honourable members, my understanding or interpretation or Article 77 (1) of the

## ConCourt wrong, I have powers to interpret law – Speaker

Constitution and section 34 of the National Assembly Powers and Privileges Act is that the National Assembly has power and jurisdiction to conduct its internal affairs. As a matter of fact, the Constitutional Court acknowledge the doctrine of exclusive recognisance in the case of Chishimba Kambwili and the Attorney General when it referred both to Article 77 of the constitution and section 34 of the National Assembly Powers and Privileges Act."

As speaker was rendering the point of order, background voices of some MPs were heard chatting while others complained of system failure, saying that the speaker was talking to himself.

"We are not getting the speaker now. Speaker, we can't hear you. Mr speaker you are speaking to yourself. We are locked with the system, it is failing us. We can't hear anything," the MPs said.

Dr Matibini then posed for a moment until the sound system error was rectified.

In his two and half hours ruling which was sub-divided in four parts, Dr Matibini continued with his disagreement against the Constitutional Court's ruling that he overstepped his boundaries when he interpreted both the law and the constitution.

"Honourable members in my immediate response to the motion, I indicated that I had not had sight of the court process that the honourable member had referred to. Consequently, I stood down the proceedings to enable me examine the court process in order to decide what course of action to take, on resumption of the House, I informed the House that granted the issues raised in the point of order and the documents and precedents both judicial and those founded on parliamentary practice and procedure required to be examined, a lot more time was required to ponder over the point of order, in order to render a measured ruling, I

therefore reserved my ruling. I am now ready to render my ruling," Dr Matibini said.

He said the matter which the case should have addressed was on whether or not his declaration of the Roan parliamentary seat vacant was lawful.

"The constitutional court went on to observe in passing that the speaker has no power or mandate to interpret both the law and the constitution because that is the exclusive preserve of the courts of law. To this end the constitutional court speaking through its precedent, honourable madam justice Hilda Chibomba observed that pages 37 and 38 as follows 'our firm view is that while the speaker was well within his power to respond to the point of order that was raised on the floor of the house, he exceeded his powers when he proceeded to apply the purposive canon of interpretation of statutes. In order to cure the lacuna that he identified in Article 72 of the Constitution as amended, we found that the speaker exceeded the power as the function of interpreting the law and the constitution is vested in the judiciary as provided by Article 119 of the Constitution. Therefore, by ruling as he did, the speaker exceeded his constitutional power as he encroached into the adjudicative function of the courts of the land which are mandated to exercise judicial authority of the republic," Dr Matibini said.

"Honourable members, the question or issue on whether or not the speaker has power to interpret the law and the constitution did not fall for decision. Instead, what the constitutional court was required to pronounce was whether or not my declaration of the Roan parliamentary seat vacant was lawful. Thus, the constitutional court instead of confining itself to the specific complaint before it, the court went outside the rennet of the complaint which it was invited to hear and went on to comment on a matter that had not even been canvassed by the parties."

He said this in responding to a precedence case which was raised by the Nkombo in his main point of order where he has asked why the house wanted to proceed debating on Bill 10 when there was an active case in court.

Nkombo said when the motion to impeach president Lungu was taken for deliberation in parliament, some citizens took the matter to court and the speaker's office said that matter was a subject in the courts of law.

He said three years down the line, the petition against the impeachment motion was still in court and has halted the debate of the matter before the House.

But Dr Matibini did not finish his ruling on the matter due to new parliamentary guidelines which require the House to end business at 17:00 hours.

# Declaring all power lines common carriers meant to boost competition – Nkhuwa

By Natasha Sakala

MINISTER of Energy Mathew Nkhuwa says the recent regulatory and statutory changes make it clear that all transmission and distribution lines in the country are declared as Common Carrier to facilitate a move towards a competitive market.

In a statement, Tuesday, Nkhuwa stated that the National Energy Policy and its accompanying legal instruments would encourage competition and facilitate a gradual shift away from the single-buyer model.

"The Ministry of Energy (MOE) is spearheading a sector wide reform process aimed at fostering development of the Power Sector in response to climate change, in particular the need to address power deficits at times of reduced water levels. This is

demonstrated in the recent adoption of the National Energy Policy (NEP) of 2019 as well as enactment of the Electricity Act No.11 of 2019 and Energy Regulation Act No. 12 of 2019. The National Energy Policy 2019 and its accompanying legal instruments aim to attract strategically-aligned partners to the Country's electricity sector and attract private sector participation. This will encourage competition and facilitate a gradual shift away from the single-buyer model. The recent regulatory and statutory changes also make it clear that all transmission and distribution lines in the country (irrespective of ownership) are declared as Common Carrier – this is to facilitate a move towards a competitive market," Nkhuwa stated.

He stated that Zambia still

remained very open to private energy projects.

"Government is also aware of recent developments that may have been misconstrued or caused uncertainty among private players in the Electricity Supply Industry (ESI), notably the recent deal for 600 Mega-watts (MW) of Solar-PV signed between ZESCO Limited and Power China. As Minister in charge of the Energy Sector, I wish to stress that this development should not be misinterpreted; Zambia remains very much open to Private Projects. Indeed, studies undertaken so far indicate that the current grid infrastructure is capable of absorbing in excess of 1000 MW of power from intermittent energy sources by 2025 and substantially more, going forward," stated Nkhuwa.

"As such the Ministry of Energy

together with all concerned Private Players and Cooperating Partners will continue to support implementation of various initiatives in the Power Sector that promote participation of the Private Sector and ensure the smooth implementation of on-going programs such as the Global Energy Transfer Feed in Tariff (GETFIT) Program and the Intermediary Power Off-taker Concept as approved by Cabinet. Further, it should be noted that MOE will continue to embrace other new and innovative approaches aimed at developing the power sector."

The minister further reiterated government's open-door policy and commitment towards promotion of private sector participation in the development of a robust, diversified and secure power sector in Zambia.

# CAF recommends 4-week drill before league reopening

By Abraham Kalito

THE Confederation of African Football (CAF) has recommended four weeks of training for players prior to league resumption.

Meanwhile, CAF has recommended that member associations ensure that the

players' salary situation is favourable prior to league resumption.

In a communique on guidelines to resume football in Africa, CAF clarified, however, that the national recovery plan would be dependent on

each member association, but that care should be taken to ensure that players had enough time to train to avoid injuries.

"The National Recovery Plan will depend on the context of each MA. Consideration must be

given to the level of fitness of footballers returning to normal training and the measures to be taken to prevent the proposed increased risk of injury. It is desirable that the first two weeks be planned at the rate of one match every seven

days. It is only afterwards that the rhythm of two matches every seven days can be introduced. From 12 days of total inactivity, it is necessary to: Start all over again, find your physical qualities. The first period will be dedicated to medical and athletic tests (Three to four days). Then the players, could resume training individually for seven days before training in small groups for a week," CAF stated.

"Then would come the collective recovery. Sessions of two, with the presence of a physiotherapist, a doctor and two coaches. It was mainly about the 30 x 30 fractional race and the endurance. At the start, it is possible to do this by respecting 1 metre distance between the players (delimited by studs). Week two, in groups of six or seven, every other day in the field. The other day in the gym with sheathing, cycling, resistance work. On

the lawn, they have no right to contact, there is no game, no opposition. These are exercises based on passing circuits or ball race. In week three and four, Progressive collective recovery by group "max 14 players. Group of 18 to 22 players. You have to think carefully to offer relevant exercises despite the safety distances. This will allow the players to touch up the ball, strike the goal and have feelings again."

It has further advised that the players' salary situation should be favourable before the league resumes.

"It is clear that the federations must first ensure that the players' salary situation is favourable for any resumption of training and competition activities. Likewise, psychological assistance should be offered to teams and players. The effect of a withdrawal period combined with isolation has been little studied in the past..." stated CAF.

## 'Arsenal need to cut their losses on Ozil' – World Cup winner 'isn't part of the future', says Keown

ARSENAL need to "cut their losses" on Mesut Ozil and let the World Cup winner move on, says Martin Keown, with the German no longer considered to be "part of the future" in north London.

Ozil, who joined the Gunners from Real Madrid in the summer of 2013, has taken in 254 appearances during his seven seasons in England and scored 44 goals.

The 31-year-old's creativity has proved to be a useful asset at times, but questions over his form and attitude have never been far away.

That remains the case at present, with Mikel Arteta having left the experienced performer out of his plans for the Premier League restart.

A surprising snub has sparked further speculation regarding Ozil's future, with the breaking of a lucrative contract having been mooted for some time.

Keown believes Arteta needs to be forcing that issue in the next window, with Unai Emery having ignored similar pleas and ultimately



paid the price for failing to get Arsenal's house in order.

"The Ozil situation when Emery took the job, I felt at that time the best thing he could have done is to take Ozil away and sell him at that point," former Gunners defender Keown told talkSPORT.

"In fact, I advised him to do that at the time.

"What we have seen with Ozil – for one reason or another, and everyone feels you're picking on him – he's a player that isn't part of the

future at Arsenal.

"They need to cut their losses and let Ozil go, otherwise the other players see the bad habits that he may have.

"I'm assuming he hasn't trained well enough and really given it everything, and the manager now doesn't want to invest any more time in him.

"But when you have someone around the edges of a football club like that, with all of those impressionable young men, it's time for

change.

"Arteta is part of that change and part of that new freshness, but if you don't make the right decisions then you are no longer a part of that, you are a part of the past."

Arsenal, who have seen their faint top-four hopes fade even further on the back of successive defeats to Manchester City and Brighton, will be back in action on Thursday when they take in a trip to Southampton. **GOAL**

## I'm not bitter - Mulenga

By Abraham Kalito

FORMER Chipolopolo winger Clifford Mulenga says he was waiting to come to terms with what transpired in 2012 before he could open up and share it with the world.

Speaking on Millennium Radio's 'Bolotalk' programme, Mulenga said now was the right time to talk about such issues, adding that he was not bitter and did not hold grudges against anyone.

"Well, first and foremost, I would like to say that I'm not here to try and expose anyone or try and win anyone's reputation; I just want to set the record straight. I know it has taken a lot of time but I needed the dust to settle and I needed to come to terms with what had happened. So, I thought now was the best time to just come and talk about what had happened. I also want to make it clear that I'm not bitter and I'm not holding grudges against anyone," Mulenga said.

"I'm aware of the bad tag, the thing is I have always been the outspoken person, I'm bamba. We love being loud and joke around. It's normal for a player when you play for a better team, you would want to shine, for example when you get paid at national level, then you go like, aya ndiye ma bonus yapa club (this is just a bonus for the club). For me, if you go to the national team, just ask who is 'nigger' they will tell you 'nigger' is Clifford Mulenga. I was always free to talk to anyone, even the senior guys, even the coaches can tell you that that boy is crazy."

He said he had contacted former coach Herve Renard who he said he was willing to take part of the blame for his expulsion from camp in 2012.

"I actually talked to Herve Renard yesterday and I talked to him today (Monday) that I would be on a show. From the first time Renard called to the national team, he spoke to me and told me he had heard a lot about me, and that he wants me to work hard and behave well. We never had any confrontations but he did tell me that he heard a lot of bad stories about me but he really thinks I'm a good footballer and he wants me to be part of the team," Mulenga said.

On his relationship with former teammates, he said they talked from time to time.

"...I'm not trying to ruin anyone's relationship. Nshilefwaya ukupwisha ifyupo fyaebene (I don't want to end people's marriages). So, like I said, I'm just setting the record straight because I could have made a better decision then, and I want to apologise to my parents and my siblings. And the way the situation was handled in Guinea is what made me believe that I was used as a scapegoat," said Mulenga. "You know the coach sent me a message yesterday saying if anyone has to be blamed for anything that happened, it had to be him. As disappointed as I was, I don't hold any grudges at all."

## Cristiano Ronaldo breaks Serie A record in Juve victory

JUVENTUS forward Cristiano Ronaldo overtook Rui Costa to become the leading Portuguese scorer in Serie A history on Monday.

Ronaldo slotted a first-half penalty down the middle in Juve's 2-0 win over Bologna, a result that saw the Bianconeri move four points clear at the top of the table.

The goal was Ronaldo's 22nd in Serie A this season, one more than the 21 he managed in his debut campaign in Turin following his move from Real Madrid in 2018.

In reaching 43 goals, the 35-year-old also moved beyond Rui Costa as the Portuguese player with the most goals in Italy's top flight.

Rui Costa spent eight years in Serie A, playing for Fiorentina and then Milan between 1994 and 2006.

Former Manchester

United star Ronaldo remains the top Portuguese scorer in Premier League history having scored 84 times in 196 appearances.

He is also the leading Portuguese scorer in La Liga history having registered 311 goals in 292 appearances for Real Madrid, where he is the all-time leading scorer.

Only Ronaldo's great personal rival Barcelona captain Lionel Messi has scored more La Liga goals.

Ronaldo has been criticised recently after missing a penalty against Milan in the Coppa Italia semi-final and struggling to have an impact in the final versus Napoli.

Former Italy international Luca Toni described Ronaldo's performance in the last four of the Coppa Italia as 'average'. **GOAL**





## Arsenal need to cut their losses on Ozil - Keown

ARSENAL need to “cut their losses” on Mesut Ozil and let the World Cup winner move on, says Martin Keown, with the German no longer considered to be “part of the future” in north London.

Ozil, who joined the Gunners from Real Madrid in the summer of 2013, has taken in 254 appearances during his seven seasons in England and scored 44 goals.

The 31-year-old’s creativity has proved to be a useful asset at times, but questions over his form and attitude have never been far away. *Story page 11*

# JANNY ‘SICK’ OF INACTION

By Abraham Kalito

RENOWNED FIFA referee Janny Sikazwe says he is getting sick and cannot wait any longer to be in action saying refereeing is in his blood.

In an interview with Goal Diggers, Sikazwe said he was patiently following the developments between the Football Association of Zambia (FAZ) and the government regarding the resumption of the league so that he could take to the field.

“Well, refereeing is part of me. And during this period, I have really, really missed refereeing. Both being in action as well as educating the young referees. So for me, I am even getting sick because I’m like, ‘when are we getting back to action?’ I have really missed a lot actually. I’m sure the Football Association is



getting to a conclusion where we will get back to the field, I think sooner or later, which is a positive way and we will see our game of football continue in our country,” Janny said. He further said FAZ had done enough at their level to train referees across the country but that individuals

lacked the personal drive needed to get to top refereeing positions.

“I have always encouraged the young referees, you know the people have always asked me a lot of questions, ‘how do we get to the highest level in refereeing?’ The answer is very simple and clear:

personality. You should have a strong personality. Have interest in refereeing and set a target. When you set a target, start working towards it. My target was to officiate at the World Cup finals. I said I should go to the World Cup. So, when I’m in Zambia and they give me a game, I would take the Zambian league as my training. When I’m taken into FIFA competition, I know this is an exercise,” said Janny.

“If the young referees do that, definitely we are going to see three or four Jannys in the next four years or so. FAZ is doing enough to train referees at their level, it takes an individual, not FAZ in the first place. People look at me, where is he coming from? He is coming from Kapiri Mposhi. Do they have equipment? No, there is no equipment to train referees. But there is plenty of equipment in Lusaka such as OYDC. So, it’s up to an individual, it takes somebody’s heart, not equipment or being forced by FAZ. What they are missing is the personal push.”

## Novak Djokovic tests positive for coronavirus

NOVAK Djokovic tested positive for the coronavirus on Tuesday after taking part in a tennis exhibition series he organized in Serbia and Croatia.

The top-ranked Serb is the fourth player to test positive for the virus after first playing in Belgrade and then again last weekend in Zadar, Croatia. His wife also tested positive.

“The moment we arrived in Belgrade we went to be tested. My result is positive, just as Jelena’s, while the results of our children are negative,” Djokovic said in a statement.

Djokovic has been criticized for organizing the tournament and bringing in players from other countries

amid the coronavirus pandemic.

Viktor Troicki said Tuesday that he and his pregnant wife have both been diagnosed with the virus, while Grigor Dimitrov, a three-time Grand Slam semifinalist from Bulgaria, said Sunday he tested positive. Borna Coric played Dimitrov on Saturday in Zadar and said Monday he has also tested positive.

There were no social distancing measures observed at the matches in either country and Djokovic and other players were seen hugging each other and partying in night clubs and restaurants after the matches.

“Everything we did in the past month, we did with

a pure heart and sincere intentions,” Djokovic said. “Our tournament meant to unite and share a message of solidarity and compassion throughout the region.”

Djokovic, who has previously said he was against taking a vaccine for the virus even if it became mandatory to travel, was the face behind the Adria Tour, a series of exhibition events that started in the Serbian capital and then moved to Zadar.

He left Croatia after the final was canceled and was tested in Belgrade. The statement said Djokovic was showing no symptoms.

Despite the positive test, Djokovic defended the exhibition series. AP

