



MILINGO MUST GO

Pilato, others prematurely before High Court - ECZ

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...he can't be taking KCM money for himself - Kalala

By Ulande Nkomesha
FORMER State House chief policy analyst, Jack Kalala has prodded President Edgar Lungu to immediately revoke the appointment of Milingo

Lungu as Konkola Copper Mines Liquidator following revelations that he abused his authority by paying US\$1.6 million to a company in which he has personal interest.

A scandal has emerged (KCM) in which the mining giant has...
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DPP's office has been captured - Ndulo

By Mukosha Funga

WILLIAM Nelson Cromwell Professor of International and Comparative Law Muna Ndulo says it seems that in Zambia today, the police have taken over the constitutional responsibilities of the Director of Public Prosecutions, a situation which has led to many people being unfairly charged with serious non bailable offences.
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We're still in talks with Zambia over Covid relief fund - IMF

By Julia Malunga

THE International Monetary Fund (IMF) says discussions are underway regarding the Zambian government's plea for emergency relief assistance towards the COVID-19 pandemic.

Responding to a press query, IMF senior communications officer Lucie Mboto Fouda said discussions with the Zambian government were ongoing.

"The Zambian authorities have requested fund support for their economic programme to restore macroeconomic stability as well as emergency financial assistance to deal with the COVID-19 pandemic and its impact. Discussions with the authorities are ongoing," Fouda stated.

And the Fund noted the Zambian government's

request to Eurobond holders to suspend...
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Lusaka woman, her lover get K5,000 fine for concealing infant's death

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Deputy Inspector General of police In charge of Operations Bonny Kapeso disperses New Hope MMD supporters who had gathered at police headquarters to show solidarity to their leader Nevers Mumba yesterday - Picture by Tenson Mkhala

Kapeso chases Mumba's cadres, says he doesn't want ifyabupuba

By Julia Malunga

DEPUTY Inspector General of Police in charge of operations Bonny Kapeso yesterday chased some MMD cadres from police headquarters who went to offer solidarity to their leader,

Nevers Mumba, saying he doesn't want "ifyabupuba".

And Police spokesperson Esther Katongo has confirmed that police summoned Mumba because of remarks which he issued that the

recently held Lukashya by-election was rigged by the ruling Patriotic Front.

Meanwhile, MMD vice-president Rueben Sambo says it is not appropriate for the Police to summon people who speak their mind.
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2021 budget will worsen exchange rate - Msokotwane

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FINALLY, ACC NABS

CHITOTELE

...over unexplained wealth, property

"The minister concealed proceeds of crime"



PF has secured new markets

Anything pornographic unacceptable, I'm in the background

FQM offers 20% share Mine for US\$70

MINISTERS STEALING

...we need a lifestyle audit - Kambwili

President Lungu and his ministers have been accused of stealing... we need a lifestyle audit



Nawakwi, Wynter, Saki and Mutati should define their alliance - Milupi

DP to sue Chifuta for contempt

Zambia vulnerable

FIKAPWA!

#BallyWillFixIt



By Natasha Sakala
FINANCE Minister Dr Bwalya Ng'andu says there is nothing embarrassing about Zambia's request to suspend Eurobond interest repayments because it is normal procedure and the first step towards the country's debt restructuring programme.

And Dr Ng'andu says government deliberately did not alter the existing 2019 mining fiscal regime to make Mineral Royalty Taxes (MRT) tax deductible because some mining companies are still in the habit of perpetuating transfer pricing.

Speaking when he featured on ZNBC's Sunday Interview Programme, Dr Bwalya Ng'andu argued that the Ministry's issuance of the consent solicitation to suspend its interest repayments on Zambia's US \$3 billion worth of Eurobonds should not be misconstrued to mean that the country had defaulted on its debt.

"It is not negative, it's not an embarrassment, and this is not the reason why it [Zambia] has been downgraded. The problem with people is that we have too many people who talk about things they don't understand! We don't spend enough time to try to understand something. We announced some months back that we had hired a team to work with us on the process of debt restructuring. I have indicated that consent solicitation is a normal process when you are dealing with holders of bonds. You ask them, 'would you be willing to give us the space, would you be willing to restructure?' The whole process of a debt servicing standstill is to give you the period within which you can work towards coming up with a more structured and perhaps a longer term restructuring agreement. Remember, the process we have begun should lead to some kind of debt restructuring. That shouldn't

Nothing embarrassing about delayed Eurobond repayment – Ng'andu

be an embarrassment! That's what we said we would do, and what we have done is just the first stage in the process," Dr Ng'andu said.

"It's accepted in dealing with Eurobonds, and that's what all the countries that have found themselves in the same position that we are in, that's what they have done and they have been successful in getting the adequately accepted restructuring agreement. Now, I need to explain this because there has been a lot of talk going around that we have defaulted on the Eurobond. That conclusion is wrong! I think what you need to know is that a consent solicitation is a customary process where the issuers of Eurobonds engage the holders of these notes in the event that you are seeking to have a change in terms under which the bonds were issued. Now, one of the reasons we need to do that is what I have explained that the other creditors that we are approaching would like to see that all the creditors that we are involved with are behaving in the

same way towards us because if I have borrowed money from you and you give me a suspension of my payment, but in the meantime I am paying somebody else I owe money to, you will be saying, 'wait a minute, why are you doing that?' So, we are operating on the basis of a pari passu principle here that all creditors should be treated equally."

When asked whether borrowing locally and crowding out the private sector was an option, Dr Ng'andu noted that he has no choice but to borrow to avoid growing the fiscal deficit further.

"Firstly, external debt I did explain that when it comes to external debt financing, we stopped contracting commercial debt so there is no problem as far as that is concerned but one has to look at the choices that you have. The choices that I have are these, that I increase my budget deficit through higher domestic financing than I would want to do that I can finance education, I can finance health, I can finance recreational all these things that I have to finance. At

this point in time yes because if I don't do that [crowd out the private sector] it means that I won't finance education, but here is the thing calculation is that as we go forward, we will begin to see a gradual increase in taxable revenue and even non tax revenue because as the effect of the lockdown begins to wear out and more activity comes back into play and businesses become more active, we should be able to see an increase in revenue from the traditional ways which we raise revenue," he said.

And Dr Ng'andu said he did not alter the 2019 mining fiscal regime to make MRT tax deductible because of transfer pricing being perpetrated by several mining companies.

"One of the things that people accuse us of doing is not having a consistent policy regime in as far as mining companies are concerned. So, I left them alone this year because I think that with the improvement in (the copper) price, they should continue to operate as they have been operating in a much

better and improved environment than has been the environment this year, and probably even last year, the biggest issue that I know in as far as the mining companies are concerned is the issue that Mineral Royalty Tax should be tax deductible, but right now it is not. I have not addressed that issue and the reason why is that it takes me back to exactly why we are where we are. The reason why we went this way was that there was a lot of transfer pricing that was being perpetrated by a number of mining companies, we know this to be a fact and we know that we don't have the capacity to police adequately that transfer pricing so our position was, 'fine, play the games you want to play, but we will be content with just taking our mineral royalty tax and leave it at that,' he disclosed.

"I now that that kind arrangement is unfair for a company that declares profit. At the time we were preparing this budget, we were toying with the idea, what do you do about companies that declare profit, should we give

them the same treatment as those companies, which don't declare profit, which have not declared profit for the last God knows how many years...? So, it requires a little more thinking so that we don't put measures that within the next few months will be subject to severe criticism, as being inadequate, as not producing the right outcome."

Meanwhile, Dr Ng'andu announced that the FISP was also under review to ensure all stakeholders got more value under the programme.

"Over and above what we have already given, agriculture is one sector in this country that enjoys a lot of incentives and I would like to see people in agriculture doing more with the incentives that we have given because there is a tendency for people to just demand incentives and in the end, these incentives become nothing worse than just a loss of revenue, just a route through which revenue is lost. We would like to see more paid back to us in return for what we are giving," said Dr Ng'andu.

"In fact, what we have is actually a drop from what we have spent this year, we obviously went over the budget because of the various stresses that occurred during the course of the year. But like I said, FISP is under review and the figure that we have of K5.3 billion is something that I think they will meet in requirements for the year and in fact in terms of the financing for this, this is going to be financed from commercial bank financing and I think that has already been done; the contracts have already been secured to that extent, but as we go beyond the coming year, we should be able to come up with a totally different arrangement in this space."

Discussions with Zambia on COVID-19 relief funding ongoing – IMF

By Julia Malunga
THE International Monetary Fund (IMF) says discussions are underway regarding the Zambian government's plea for emergency relief assistance towards the COVID-19 pandemic.

Responding to a press query, IMF senior communications officer Lucie Mboto Fouda said discussions with the Zambian government were ongoing.

"The Zambian authorities have requested fund support for their economic programme to restore macroeconomic stability as well as emergency financial assistance to deal with the COVID-19 pandemic and its impact. Discussions with the authorities are ongoing,"

Fouda stated.
And the Fund noted the Zambian government's request to Eurobond holders to suspend debt service payments for six months, starting on October 14, 2020.

"We take note of the Zambian authorities' request to Eurobond holders to suspend debt service payments for a period of six months starting on October 14, 2020. We also note their commitment to finding a consensual and collaborative resolution to the debt sustainability issues Zambia is currently facing," stated Fouda.

Last week, government asked for a suspension of debt interest payments on all three of Zambia's Eurobonds for a period of six

months, effective October 14, 2020, in response to the country's challenging and stressed fiscal situation.

According to a statement availed by Secretary to the Treasury Fredson Yamba, the Ministry of Finance placed a request to bond holders of the US \$3 billion worth of Eurobonds to freeze interest payments for a six-month period in view of government's tight fiscal constraints and challenging macroeconomic environment.

Zambia issued three Eurobonds worth US \$750 million, US \$1 billion and US \$1.25 billion in 2012, 2014 and 2015, with the US \$750 million and US \$1 billion bonds maturing in 2022 and 2024, respectively.

By Zondiwe Mbewe

THE Electoral Commission of Zambia (ECZ) has argued that Musicians Chama Fumba, popularly known as Pilato, Maiko Zulu, Brian Bwembya and others are prematurely before the Lusaka High Court as the commission is guided by the Electoral Process Act in carrying out the voter registration exercise.

ECZ adds that the law provides for a redress mechanism for persons aggrieved with the registration process.

The commission has therefore urged the Lusaka High Court not to grant the three musicians and two youths leave to commence Judicial review, submitting that their seeks to stay ECZ's mandate to register voters and compile a register of voters as is enshrined under the Constitution and the Electoral Process Act.

In this matter, Pilato, Zulu, Bwembya and two others have applied for leave in the Lusaka High Court to commence Judicial Review proceedings against the decision of ECZ to compel duly registered voters to present themselves before registration officers for verification under a new register for the 2021 general elections.

Pilato, Maiko, Bwembya, aka B Flow and two youths – Nawa Sitali and Muleta Kapatiso – on behalf of the people, argued that the decision by ECZ which required currently validly registered voters in terms of the law to participate in a process that amounts to re-registration of voters in a period of one month is illegal.

They have further argued that ECZ's decision amounted to deregistering voters without notice and following laid down procedure, which was contrary

to the law.

The applicants are now seeking an order quashing ECZ's decision for being irrational, procedurally improper and illegal and an order, compelling ECZ to re-take its decision and act within the powers vested in them by the law.

They further want if leave was granted, hearing of the Judicial Review application should be expedited and that it should operate as a stay of ECZ's decision which requires already

registered voters to present themselves before a registration officer again or be precluded or prevented from voting in the 2021 general elections.

However, in an affidavit in opposition to notice of application for leave to apply for judicial review, ECZ through, its chief electoral officer Patrick Nshindano, argued that this was not a suitable matter for the court to exercise its discretion to grant the applicants leave for judicial review and stay the

Pilato, others prematurely before High Court – ECZ

alleged impugned decisions.

"I verily believe that the applicants are prematurely before this honourable court as the respondent (ECZ) is guided by the Electoral

Process Act in carrying out the voter registration exercise and the law provides for a redress mechanism for persons aggrieved with the registration process," he stated.

"I'm further advised by the respondent's advocates and I verily believe that the applicants action herein seeks to stay ECZ's mandate to register voters and compile a register of voters as is enshrined under the Constitution of Zambia and the Electoral Process Act."

Nshindano stated that the applicants had failed or neglected to serve the originating process on ECZ in order to allow them to prepare for inter parte hearing.

He stated that ECZ in the performance of its functions was guided by relevant electoral laws which include inter alia the Constitution of Zambia and the Electoral Process Act.

Nshindano stated that the process of registration of voters was prescribed under the Electoral Process Act and Regulations promulgated under the said Act.

He stated that contrary to the allegations by the applicants, the registration of voters and the prescription of the cut off dates with respect to the registration of voters and the compilation of the register of voters was prescribed under the Electoral Process Act.

Nshindano stated that there was a similar matter pending hearing before the Constitution Court under cause no. 2020/CCZ/0010 and also another similar matter which was on all fours with the intended application, pending continued hearing before High Court judge Mwila Chitabo.

Zambia records 19 new COVID-19 cases

By Natasha Sakala

THE Minister of Health has announced that the country has recorded 19 new COVID-19 cases out of 1,158 tests done in the last 24 hours, with 37 recoveries.

And the Minister has expressed concern over the opening of borders by neighbouring countries, saying if not properly handled, it might see a surge in new transmissions.

Speaking during the COVID-19 briefing, Monday, Dr Chitalu Chilufya said the country currently had 36 patients in admission facilities, 23 of whom were on oxygen support.

"Zambia has recorded 19 new cases out of 1,158 tests done in the last 24 hours and that brings the total number of cases so far to 14,660. We have not recorded any deaths in the last 24 hours and therefore the number of deaths still stands at 332. We have discharged 37 patients from Lusaka and the Copperbelt and in our health facilities we have under our care, 36 patients, 23 on oxygen and these again are in Lusaka, Copperbelt, Central, North Western, Eastern, Luapula and Southern provinces," he said.

And Dr Chilufya announced that government had introduced a new PCR platform that would be able to carry out 5,000 tests a day and get rid of backlogs.

Dr Chilufya added that the country had continued to record a downward trend in the number of cases being recorded and

called for increased community monitoring as neighbouring countries begin to open their borders.

"Country men and women, the countries that are surrounding us are opening borders and we see borders that were closed for a long time re-opening in the next few days. It is for this reason that Zambia has escalated its surveillance at points of entry, be it at ports of entry or the airports or land points of entry. So we will be seeing re-enforced surveillance activities in Livingstone, Kazungula, Chirundu and this is to ensure that we protect the country from new infections. While we will be demanding COVID-19 free certification, we will still sample a few cases to ensure that we do not randomly get cases. This is in line with the internationally agreed protocols," said Dr Chilufya.

"We continue to battle COVID-19 as a country and the trend that we see over the weekend is a general downward trend and the general downward trend is seen at the point where we are doing all our surveillance in the health facilities and even in our communities. However, we have continued to increase our community screening and testing and contact tracing and therefore we will be able to see that there will be a few more cases picked out of the ramped up community screening and testing that will ensue shortly. Generally the downward trend remains evident and it is important

that we continue monitoring the epidemic by improving our community screening and testing and also contact tracing."

Meanwhile, director infectious diseases Prof Lloyd Mulenga said they had received an overwhelming response from those who had recovered from COVID-19 as they were presenting themselves to health facilities for monitoring.

"The response has been overwhelming from those that have recovered from COVID-19 and so far we have continued the Tuesdays and on Mondays we are having the investigations for those that are presenting to the clinics and as we all know that handling COVID-19 doesn't just affect those in infectious diseases, we working with the pulmonologists and also with the cardiologists, they do the examinations to do with peoples lungs and also with peoples hearts. The major finding which we have is that most of those that were on oxygen they have problems breathing even after sometime because of the fatigue. Fortunately what we have observed is that those patients that had developed diabetes so far we have observed five of them whom we have even stopped giving insulin and other drugs related to lowering the sugar levels. They have now turned back to normal and we are observing this closely but some of them they have continued again presenting symptoms for them having sugar disease," said Prof Mulenga.



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2021 budget will worsen exchange rate – Msokotwane

By Zondiwe Mbewe

UNLESS debt is addressed, we are building a house on a foundation made out of clay, says former finance minister Situmbeko Musokotwane.

Commenting on the 2021 budget in an interview, Musokotwane, who is also Liuwa UPND member of parliament, Musokotwane lamented that rather than reducing debt, the 2021 budget was increasing it.

He said this would mean the exchange rate could be worse than K20 to a dollar.

“For all those promises that we have heard, unless the debt issue is addressed, all those promises will end up zero, nothing will happen. It is paramount that the issue of the debt is addressed more seriously. The fundamental problem the economy is

facing is that of debt and this budget doesn't reduce debt, it is increasing debt. By increasing debt, you can be assured that the exchange rate is again going to get into pressure. The K20 to the dollar is going to increase to something worse. If there are youths out there trained as teachers waiting to be deployed in government, it will not happen because the money which is supposed to pay their salaries is going to service the debt,” he said.

“Unless we address the issue of debt, even the employment opportunities will remain depressed. So the debt management is the foundation of all the issues about the economy now, unless it is addressed, then we are building a house on the foundation made out of



Situmbeko Musokotwane

clay.”

Musokotwane said there was no sufficient recognition and acknowledgement of the debt problem and how it was affecting the budget and the economy.

“There is not sufficient recognition and acknowledgement of the debt problem and how it's affecting the budget and the economy. What is being projected is COVID-19. I say so because on one hand, if you read the relevant parts of the [budget] speech, the minister was talking about how they have cancelled some loans that were in the pipeline and so forth, that is fine. But my quarrel about the budget is that the deficit still remains very big by historical standard and also by international standard. The fundamental issue of reducing the debt is not being addressed in this budget because debt is increasing because the deficit is bigger. Automatically when the deficit is big, it means more borrowing at the time when we should reduce the debt,” he said.

And Musokotwane also noted that allocations to the health and education sectors in the budget had continued to reduce while the money going to debt servicing was

increasing.

“The allocations going to health and education, if you look at periods from 2012 to now, those allocations are getting less and less while the allocation to debt servicing is getting more and more. If most of the money goes to servicing the debt, it means you can only get that money by reducing health, reducing education, the very thing that we should be funding even more. But shares of education and health are declining in the national budget,” said Musokotwane.

On Friday, Finance Minister Dr Bwalya Ng'andu announced that government will spend K119.6 billion in 2021, with more than K27 billion of that amount due to be spent on servicing Zambia's external debt.

Announcing an unprecedented K119.96 billion 2021 budget, which translates to 32.6 per cent of Gross Domestic Product (GDP), Dr Ng'andu announced that of this amount, K68.0 billion, representing 18.5 per cent of GDP, will come from domestic revenues and grants, while the balance of K51.6 billion is due to be raised through financing, which includes loans and grants.

Chief Sikoonga sues 2 for selling land to foreigners without his consent

By Zondiwe Mbewe

SENIOR chief Sikoonga of the Tonga speaking people of Chirundu and Siavonga districts has sued his former deputy chief and his former representative in the Lusaka High Court for allegedly selling land to foreigners without his consent, while he was unwell.

Senior Chief Sikoonga (Isaac Muzokela) and his son Israel have sued Peter Choonga (his former deputy chief) and Jethro Mandeva (former representative) as the defendants.

Senior chief Sikoonga is seeking an order to stop the duo from masquerading as deputy chief Sikoonga and representative of senior chief Sikoonga to conduct any clandestine meetings; to issue land ownership certificates; commit any nuisance and or disturbing his son's (Israel) peaceful enjoyment of the role as his representative until the determination of the matter.

He also wants an order compelling the former deputy chief to surrender the motor vehicle, Toyota Quantum registration No. AIB 5170, village registers, blank land ownership certificates, the stamp and the seal to the chief's council.

Senior chief Sikoonga further wants an order that the certificates issued by the defendants without the consent of him are null and void as well as an order compelling them to account for the illegally allocated land.

He also wants damages, interest and costs.

In a statement of claim filed in the Lusaka High Court, chief Sikoonga stated that he was unwell for some time after being diagnosed with cancer and was in and out of hospital.

He stated that the traditional group called Bana Mainga chose Choonga as his deputy chief to represent him in carrying out duties in the chieftom.

Senior chief Sikoonga stated that Choonga was given conditions on how the deputy chief would operate and that on certain issues he (chief Sikoonga) would be the final decider to make decisions and to be the signatory on land transactions.

He, however, stated that Choonga and Mandeva took advantage of his sickness and dubiously started selling land to foreigners without any consent from him, contrary to the conditions and, therefore, constituted their own committees to the detriment of the Chieftom.

The chief stated that the duo engaged in transactions of big pieces of land and foreigners were issued land certificates without his knowledge.

He stated that he was informed of the defendant's misdeed from the masses within the chieftom and Bana Mainga, but he could not do anything as he was sick.

Chief Sikoonga stated that the defendants have continued to be masquerading as deputy chief and representative even after knowing very well that they ceased to hold such posts immediately after the dissolution of their committees and suspensions of their duties.

He stated that after his recovery, his son, Israel, was appointed to assist carrying out the duties of the chieftom, but the defendants were protesting despite the approval from Bana Mainga.

Senior chief Sikoonga stated that since Choonga and Mandeva were dropped from their positions, they have been fueling confusion by conducting clandestine meetings to discredit his governance.

2021 Defence budget critics arguing from a point of ignorance – Chama

By Julia Malunga

DEFENCE Minister Davies Chama says people criticising the budgetary allocation to his Ministry are arguing from an ignorant point of view because defence personnel need resources to continue safeguarding national security.

Last Friday, Finance Minister Dr Bwalya Ng'andu unveiled a K119.6 billion 2021 national budget, which proposed to spend over K5.6 billion, representing 4.7 per cent of the total budget, in defence services and around K3.1 billion, representing 2.6 per cent of the budget, on public order and safety.

But the UPND has argued that the continued huge budgetary allocation to defence, security and public order showed that the ruling PF was preparing for a “possible war during the 2021 general election.”

In an interview, however, Chama said operational funds were allocated to ensure that security personnel were being well looked after to continue maintaining national security.

“We have our men and women in uniform. They need wages, they need to maintain their equipment, they need to maintain their operations, capabilities and they are spread out in all parts of the country. In manning our borders, they are involved in disaster management and a lot of other operations. So, for those who are criticising...unless they want to do away with defense forces, which is undesirable. I think we need peace and the security of this nation to be maintained. The allocation is not that much in comparison to last year and the years before,” Chama said.

“Whenever the budget is out, people want something to critic the budget for and sometimes they single out the Defence Ministry that ‘there is no war in this country.’ But it is critical for the maintenance of peace and security for our nation. Do you want the men and women in uniform to move from Lusaka to Mpulungu and to other border areas on foot? They need equipment. And to operate in these areas, they need food. That is why operational funds are allocated to make sure that our troops are looked after. Unless they (critics) are saying, ‘they should not move around with guns and ammunition.’ Is that how you maintain the defence force? Not at all. So, those arguments do not hold water.”

Chama said those who criticised the Defence Ministry budget allocation were also arguing from an ignorant perspective.

“Do a comparison, look at the figures for last year and for this year, then you can argue from a very informed position. Don't look at the overall figure that has been provided, but go through the details of the budget, personal emoluments. Our desire is to provide them accommodation, but because of scarcity of resources, we can't provide for each and every one in uniform to the desired level,” said Chama.

“Those who are criticising have not looked at the details of the budget, that is why for lack of a better term, maybe they are arguing from an ignorant point of view. In comparison, with other ministries, like the Ministry of Health and Ministry of Education, I don't think they are at the same level in terms of allocation. You know, we have been losing soldiers through death, retirements and resignations and we have not recruited for a number of years now. So, we intend to make sure that we recruit and we need to make sure that there should be money provided for recruitment. People will always want to find something to talk about and criticise instead of looking at the positive aspect of the budget.”

PF's position on Lungu's eligibility motivated by selfish interests – Haimbe

By Ulande Nkomesha

LUSAKA lawyer and UPND Lusaka Central aspiring candidate Mulambo Haimbe says the PF have interpreted the Constitution relating to President Edgar Lungu's eligibility to stand in 2021 to suit their own interests.

In an interview, Haimbe expressed disappointment that the PF had repeatedly interpreted the law to suit their own interests by insisting that the Head of State was eligible to be re-elected for a third successive time next year, when in fact not.

“There is also a simple fact that before the Constitution was amended (in 2016), the President had already been elected under the previous Constitution. So, you cannot then now come around and say that it should be interpreted in a way that it is favourable to him. We maintain that there is nobody who is scared to stand against him come 2021. Unless Bill 10 passes, which is also an impossibility, he will be challenged, let him file his nomination, he will be challenged in court and the PF may end up having no candidate, so they do it at their own risk,” Haimbe cautioned.

He said President Lungu's interpretation of the law should equally be taken with a pinch of salt as he was the same one that misled the country on the illegal stay of Cabinet Ministers in office after Parliament was dissolved prior to the 2016 election.

“Of course, everybody is entitled to their own interpretation and how they interpret the law, not all the professionals will have the same interpretation of every particular law provision. As I say, that I would like to put a reminder to the people of Zambia that the very same President in 2016 pronounced himself in a Cabinet meeting where he says, ‘his Ministers could continue in office’ despite what the Constitution said and he actually laughed at the people of Zambia that this was the interpretation and that is how it should be. Few months down the line, the Constitutional Court said, ‘no, you were wrong, those people served illegally in office.’ So, an interpretation from him and those that support him need to be taken with that pinch of salt because of past experiences,” he said.

He reiterated that the Amended

Constitution remained clear that a Republican President elected twice was not eligible to stand again.

“It is surprising that the ruling party wants to be an authority on its own on matters, which they don't have expertise. At the end of the day, it is a legal issue and the Law Association of Zambia is espoused with responsibility of speaking on legal matters, and the Association has come out clearly just as several legal practitioners, including John Sangwa, has come out clearly; Kelvin Bwalya Fube has also come out clearly and I have also come out clearly that the Constitutional Court did not pronounce itself on the question of the President's eligibility to stand for 2021,” said Haimbe.

“It pronounced itself to the question as to what amounts to a full term and whether or not the President is eligible is still out there. The position that we take is that he is not eligible for the simple fact that the very same Constitution says, ‘a person who has twice been elected as President cannot stand.’ The Constitution is very clear that nobody is entitled to a third term, whether it is a three-year term whatever it is.”



Talking Business with Chibamba Kanyama

Chibamba Kanyama is founding partner of Bridges Limited; Corporate Leader; public speaker; communication specialist and strategist

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The little things in Board Conversations

I HAVE never been part of a board where blows were exchanged because of serious disagreements among board members. It happens in some countries but not in Zambia. This is primarily because in Zambia culture, we are a little bit diplomatic and courteous in the way we deal with one another. This does not mean individuals usually leave every board meeting happy and satisfied with the way the business was managed. Some feel injured or disrespected by fellow board members during deliberations. They may not raise issues but will seek to hit back at some point when given an opportunity.

We should establish that any board is a blend of diversity. Some are emotionally stronger than others. We are also influenced by belief systems induced to us through our cultural background and religious convictions. On top of that, board members are of diverse intellectual complexion through which certain communication undertones carry a bigger message than what is being said. When you have a professor sitting on the same table with a traditional leader you expect the comprehension of issues will be at variance. Business goes on with condor as we generally value better relationships than confrontation.

Even among the intellectuals on the board, the skill sets are never uniform and can be a source of serious problems when debating issues on the table. As a communications expert, I expect all other members of the board to consider my opinions on any issues about media, public relations and protocol to be final. Apparently, my experience in Zambia is that even when I am wrong as an expert in the area, not many will challenge me, thinking they will offend me by

•••

‘Apparently, I found that even at the IMF, board discussions took that pattern. It was an unwritten rule but somehow, you were not expected to offer a counterargument by saying, ‘I don’t agree with you’ or ‘You are misled; you are wrong.’

•••

doing so. In truth, and depending on my level of maturity, I will be highly offended if anyone does, more so without first recognising my strength of opinion as an expert in the area.

If you disagree with a lawyer on a legal matter, even if your argument has merit, the discussion may not wind down easily. It is likely there will be references to various legal cases, including Max Job Verses JT Inc of 1617 just to show you how your argument is poorly reasoned, flawed and lacking in both substance and in practice. The lawyer believes by being on the board as a legal expert, the others are there to welcome the legal opinions without challenging them.

In other words, when we get to board meetings, we all have our intellectual territories that we do not want challenged. The key issue in this article is about how little issues emanating from our conversations as board members stifle the bigger picture, making us lose direction, fail to conclusively deal with issues that face the business and end up being a disharmonious board. It is the same things such as body language that make a board dysfunctional.

These challenges were not common in years past when boards were generally ‘Old boys Clubs’, full of companions moving from a golf course into a boardroom. These individuals would have gone through the phases of group dynamics, bonded and able to read one another’s sentiments without the risk of a mis-heard. It is not so much the story today when board members know every little about one another except a simple orientation of who is who. How can boards have effective conversations among them, leading to resounding resolutions on any matter?

HEADMAN ETIQUETTE

In his book, the 7th Habit, Stephen Covey shares a principle that should be upfront in all conversations, ‘Seek first to understand, then to be understood.’ He says most people do not listen with the intent to understand; they listen with the intent to reply. I have many times been a victim of this when I am totally convinced of my position on a matter. I will be breathless inside my chest, waiting for my turn to speak out.

As the other individual is talking, sharing ideas that are opposed to mine, I am constructing my own reaction and never taking account of the counter arguments. There is an inner ego that am contending with; first, not accepting that I can be challenged within my own territory. A lot of things cloud out my mental state at that moment, this time thinking about my comparative achievements in society, education, and general exposure.

And that is why my immediate response is to first tackle on personality and not on substance, ‘Let me tell you from my 25 years’ experience in the public and private sector, plus my time at the IMF...’ This approach is quite common in board meetings. We do not listen to arguments. Even if we do, we never want to accept that the other person can raise a better idea than we have done. We fail to understand that the essence of diversity

in board rooms is to avoid groupthink, where individuals merely rubberstamp ideas pushed forward by the so-called thought leaders and experts.

Thought leaders who fail to read their own incapacities are a danger to any board. No one has the monopoly of wisdom. Our own forefathers, the headmen in the villages, understood the power of listening to diverse opinions. The Headman etiquette allowed those village leaders to deal with disagreements by first listening to the arguments of the counter-party, restrain themselves from responding, and then before they put their own counter argument, will repeat what had just been said, ask if they heard correctly and once there is confirmation they had heard correctly, will now put across their own arguments.

Apparently, I found that even at the IMF, board discussions took that pattern. It was an unwritten rule but somehow, you were not expected to offer a counterargument by saying, ‘I don’t agree with you’ or ‘You are misled; you are wrong.’ Counterarguments started with, ‘I really appreciate your viewpoint. I understand the position you have raised regarding the danger of approving the RCF for Zambia. I have a different perceptive though.’ At times, you will not even know the fellow board member had disagreed with you because of the way they communicate. I call this, ‘Headman Etiquette.’

SELF REGULATION

Psychologists have found that we all suffer from perceived threats. Most of these perceived threats emanate from conversations, especially when someone says something that challenges us. If a fellow board member disagrees with me on a matter, my reactive response is being on self-defense. They call this, amygdala hijack. All animals react badly to any perceived or real threat. It takes just six seconds to burst out in anger. We feel threatened for our ego, our pride, our reputation and possibly, our position on the board, ‘Why is she disagreeing with my opinion? Could it be she has been discussing with the Minister about me?’

There are not many of us who fail to engage the rational part of the brain, the logical neocortex, able to sober up whenever something we do not agree with is said. All we can do is pause a bit, breath in, ask fundamental questions, ‘Why has she raised that issue? Is she attacking me, or she is reasoning like a normal board member who understands her oversight responsibilities? Is it worthy taking a personal battle over a board matter? Is it about me or about the business?’

Self-regulation is one of the elements of emotional intelligence. We cannot do much about what the other person does whenever there is a disagreement. However, there is something we can do ourselves in managing a potentially heated up conversation. We can own our response. Instead of feeling threatened and insecure, we can reason it out as a mature member of the board. At the end of the day, the board should win even if we lose.



2021 BUDGET IS A KALOBA BUDGET

By Hakainde Hichilema , UPND President

THE national budget that was presented by the Finance Minister Hon. Bwalya Ng'andu, the last of the PF Government, is worrying and a reflection of total failure in economic management. Firstly, the week started with the announcement that Zambia will not only fail to pay the first Eurobond bullet payment due in 2022, but is having challenges in paying the interest owing on Eurobonds up to April 2022, and calling on creditors for a meeting on September 28, 2020, to discuss the Eurobond debt service suspension.

Fair enough, this is a commendable effort to admit that things are not the way they should be, especially if it means we shall soon get on a program to live within our means as a country. Therefore, our creditors and the citizens expected that the budget would address how going forward, the government will be on course to make necessary adjustments to place the country on a path of sustainable debt, and ease the suffering of the Zambian people.

Shockingly, the Minister of Finance plans to finance the 2021 budget through borrowing K51.6 billion (US\$2.6 billion), representing 43.1 percent of the total budget. Of this K51.6 billion, the PF wants to borrow K27.7 billion or \$1.4 billion from external sources, an amount equal to total interest payments on external debt and about the size of our reserves. What this means is that, on the one hand, PF has hired White & Case LLP, a law firm, and Lazard Freres financial advisory firm, to help negotiate for the restructuring of the debt and suspension of interest payment, while on the other hand, seeking additional debt that will increase the publicly disclosed external debt to \$13.4 billion. The Finance Minister is actually contradicting himself over debt contraction. On one hand, he has cancelled all loans contracted in the past which are still in the pipeline. Pipeline loans represent loans not yet disbursed but officially agreed to by government in the past. On the other hand, the Minister is proposing to contract new debt. This is a serious contradiction in the budget. Does it mean the Minister is cancelling pipeline loans because he is not the one who sanctioned them and wants new loans which he will sign himself?

Worryingly, the budget is shallow on specific measures to be implemented in areas of identified opportunity envisaged to deliver the recovery; case in point is how the citizens can take advantage of the continental free trade area and the industrial parks. Given the poor track record of the PF administration at the execution level, such lack of details spells doom on the horizon, and prolonged economic uncertainty if this government is given an opportunity to present another national budget.

Our other significant concerns on the 2021 budget are as follows:

- We are extremely concerned about the planned domestic financing of K17.4 billion, or 15% of the budget, and the consequences of inflation therefrom. With the change in Management at the Central Bank, there is a likelihood of a spike in the money supply, and inflation is very real. Excessive money printing risks bringing the much-dreaded situation of stagflation, in which we have both high inflation and low growth. Zambians need assurances that this will not be the case.

- Given that domestically generated revenue from Zambia Revenue Authority and other government agencies is a paltry K66.0 billion and yet to pay our public workers and service our debt, we need K74 billion, we have reached the point we feared most as a country. Simply put, we cannot pay our workers and debts without borrowing.

- Out of the K66.0 billion that will be generated domestically, PF is expecting to raise 5.5 percent or K6.6 billion of the budget through fees and fines – how can you run government expecting to make money charging those who drill boreholes because the government is failing to provide water, hoping your citizens can commit traffic offenses and other misdemeanors to collect fees from them?

- Zambia Revenue Authority will start charging more for imported second hand cars, that they have decided to call high-value motor vehicles. They are back to that old system that they discarded. They have decided to exclude the so-called high-value motor vehicles from the definition of used motor vehicles, and adjust them to ad valorem import duty. Surprisingly, the government has reduced duty on electric cars! Do we even have cars running on electricity instead of fuel in Zambia?

- While the budget has given K175 per month as a relief to lower-income earners earning K4,000, this cannot cushion the devastating impact inflation and depreciation of the Kwacha has had on the less privileged members of our

society.

- We continue to argue that the PF has wrong priorities. We find it strange that the budget line for health was increased by only 3% in the middle of a deadly pandemic. Adjusted for inflation, the PF has reduced the allocation in real terms. In the current 2020 budget, it is understandable that not enough money was budgeted for Covid-19 because the pandemic had not yet struck Zambia. In the 2021 budget, we expected the government to set aside enough resources to fight the pandemic. Surely, why should the government continue to depend on donations from well wishers to fight the pandemic when government has the opportunity to allocate resources towards the health of the people? Further, we also note that government set aside K202 million as gratuity for MPs. At the same time, we appreciate that they worked for this money, like many public servants that have not yet obtained their pension. A normal father will not ask his children to tighten their belts while he continues feasting. Government should also prioritize paying the outstanding pensions of those public servants who spent over 30 years serving this great nation.

We have also observed that government has allocated K3 billion towards public order and safety next year. In the current budget for 2020, government again allocated huge sums of money towards public order and safety. What we have seen is government ordering military- like trucks for the police. To attack civilians? Why should we spend K3 billion to stockpile teargas and other weapons for 2021 elections?

We can point out further shortcomings in the 2021 budget, including the need to close the wastages and leakages through by-elections and corruption, we will leave it here for now. This budget doesn't attempt to address the challenges our country is facing. We need to go back to the drawing board. Like the way we pointed out way before, that your careless borrowing was unsustainable, we stand ready to provide guidance on the economy to alleviate the suffering placed on our society.



By Mukosha Funga
 WILLIAM Nelson Cromwell Professor of International and Comparative Law Muna Ndulo says it seems that in Zambia today, the police have taken over the constitutional responsibilities of the Director of Public Prosecutions, a situation which has led to many people being unfairly charged with serious non bailable offences.

In an article titled "The moral arc of justice: Zambia persecutions or prosecutions, the DPP's role", Monday, Prof Ndulo said police were not qualified to draft charges.

"The criminal prosecution system in Zambia has given most Zambians cause for concern. Currently, one of the most alarming practices is the police charging people with serious unailable crimes and keeping them behind bars on the pretext that they are waiting for instructions from the DPP office on how to proceed in the case. The DPP then inordinately delays giving the instructions which results in the accused remaining behind bars for a protracted period of time. This scenario suggests that in Zambia, the police have captured the prosecution service, and have taken over the constitutional responsibilities of the DPP and determine who is prosecuted, when, and for what. The police arrest and draft charges and then refer the matter to the DPP. In

Police have captured DPP's functions, laments Ndulo

practice, it should be the other way round. The Police should arrest people and prepare the docket and hand it over to the DPP to determine whether a criminal charge is sustainable on the evidence provided and the drafting of charges. Drafting charges requires legal training which the police do not have. Investigation (a police function) and prosecution (prosecution function) are two distinct functions," Prof Ndulo stated.

He listed some cases which, he argued, had badly drafted charges.

"A number of recent cases demonstrate the appalling levels of drafting criminal charges in Zambia. In the Mushipe sedition case, the drafters of the charges were ignorant of the legal definition of sedition and the magistrate expressed surprise that a charge was brought on the facts presented to the court which did not disclose sedition by any stretch of imagination. In 2018, Hakainde Hichilema was charged with treason and the charge sheet did not disclose

an overt act—a necessary element in any treason charge. In 2016 Mwaliteta and others were charged with robbery for questioning election results. They were acquitted after spending a year in detention. In the Laura Miti and Pilato case in Livingstone where the two were charged with assaulting police officers and disorderly conduct, the police officers who testified could not agree on what happened at the church where the offence is alleged to have occurred. This is very basic legal knowledge which any well trained lawyer should know. Part of the Criminal Procedure course in the law degree teaches one how to draft criminal charges and criminal law course teaches lawyers the elements of the crimes. Clearly, in Zambia as the cases above demonstrate, the charge is more important than its outcome," he wrote.

Prof Ndulo stated that weaponizing the justice system undermined democracy.

"Fair and effective prosecution is essential to a properly functioning criminal justice system and to the maintenance of law and order in a democratic state. The

individuals involved in a crime – the victim, the accused, and the witnesses – as well as society as a whole have an interest in the decision whether to prosecute and for what offence, and in the outcome of the prosecution. The decision to prosecute or not to prosecute is of great importance and have far-reaching consequences for an individual. Even where an accused person is acquitted, the consequences resulting from a prosecution can include loss of reputation, disruption of personal relations, loss of employment and financial expense, in addition to the anxiety and trauma caused by being charged with a criminal offense," Prof Ndulo stated.

"A wrong decision to prosecute or, conversely, a wrong decision not to prosecute, both tend to undermine the confidence of the community in the criminal justice system. For victims and their families, a decision not to prosecute can be distressing. The victim, having made what is often a very difficult and occasionally traumatic decision to report a crime, may feel rejected and doubted. The worst consequences are in

situations where the criminal justice system is weaponized to fight political opponents. Weaponizing the justice system undermines democracy."

Prof Ndulo said it was sad that people were being taken to court on defective charges because the DPP had let police take the upper hand.

"As a prosecutor in the Legal Affairs office in the 1970s, we reserved Thursdays as a day to visit the Lusaka Central Police to vet dockets. We went through dockets with the police and advised them to close dockets when the facts did not reveal a crime and asked them to gather further evidence where this was necessary in order to sustain a charge. Nowadays people are brought to court on defective charges and the Police have taken the upper hand while the Director of Public Prosecutions now seems to follow the police with cap in tow. The practice represents the degradation of the prosecution services, this has fundamentally compromised governance and placed at risk the reliability and predictability that is demanded of the criminal justice system by the rule of law. Apart from this sad development, this exemplifies the corrosive effect on our institutions and on the fundamental concept of the

right of the accused person to a speedy trial," Prof Ndulo stated.

"There are only two possible explanations for the situation, either the DPP office is compromised and is playing political games or the office lacks the necessary integrity or competence to undertake competent prosecutions."

He said prosecutors were always supposed to act with fairness and on behalf of the community.

"If someone is in charge of prosecutions, they would have to give directions or furnish guidelines to the police, including investigative officers and prosecutors setting out standards of professional responsibilities and essential duties of prosecutors. In prosecution matters, the DPP must act on behalf of the community. Prosecutors must always act with fairness and detachment with the objectives of establishing the truth and ensuring a fair trial. A prosecutor's overarching duty is not to win a case, but that justice shall be done. The foundation of a criminal justice system in a democratic state is 'due process of law' which requires law enforcement officers and prosecutors to safeguard 'fundamental fairness' in the administration of justice. That is the presumption of innocence and a fair process by which an individual is investigated, and charged. If an investigation or prosecution does not or cannot provide due process for its subjects, the DPP is duty bound to stop the prosecution," stated Prof Ndulo. *Story Continues on P10*

MEN'S CLINIC

Prof. ALI (+260978972504)
 Prof. Ali has been legalized to import the (Muvule) herbal remedy which has been naturally pounded and squeezed from the roots of the muvule tree, used for thousands of years ago in East Africa make men's penis big and strong

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BOOKING FOR
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Why keep Milingo at KCM when there's no liquidation going on?

WE can't wait to hear what the Konkola Copper Mines Liquidator, Milingo Lungu, has to say about the US\$1.6 million KCM scandal in which he has been implicated. We can't wait to see how the battle among the PF cadres is going to pan out and who will end up the rightful beneficiary of this tender. We can't wait to see if KCM will ever get the so-called Heavy Fuel Oil, which necessitated the US\$1.6 million payment to this questionable company called Cashfin. But today, we just want to remind our readers that what is happening at our biggest mine is something that we have written and warned about before.

At some point, those who were warning government to

News Diggers!

Ear to the ground

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handle Vedanta with care sounded like they had been paid by foreigners to sing their agenda. When we said innocent Zambians were going to pay because of the PF's carelessness, some people accused us of not being patriotic. Here we are now!

At first, they came up with all sorts of lies to try and explain why a company that is in liquidation was continuing to operate as if there was just a change of management. The answer is in what is happening now. They wanted KCM as a milking cow. They wanted KCM to empower

cadres. They wanted the mine to make money for themselves and for campaigns.

Liquidation is liquidation; you cannot change its definition to suit government's position and you cannot use it to hide your intentions from the public. Liquidation is not the same as receivership, or insolvency, or care and maintenance. Liquidation simply means winding up a company, for whatever given reasons, and selling its assets so that it ceases to exist. The Post was liquidated, it is gone! All its assets were sold and the company does

not exist anymore. How come KCM which was placed under liquidation in May 2019 is still operating as if everything is normal?

Who is Milingo Lungu at KCM? Is he a liquidator or the new CEO? What is his role now, seeing as the company is not under liquidation as the public was made to believe? This man is not a mining expert, he doesn't understand anything about the mining sector. It's not his field. So why is government keeping Milingo in that position? Is it to distribute tenders to PF cadres and their bosses?

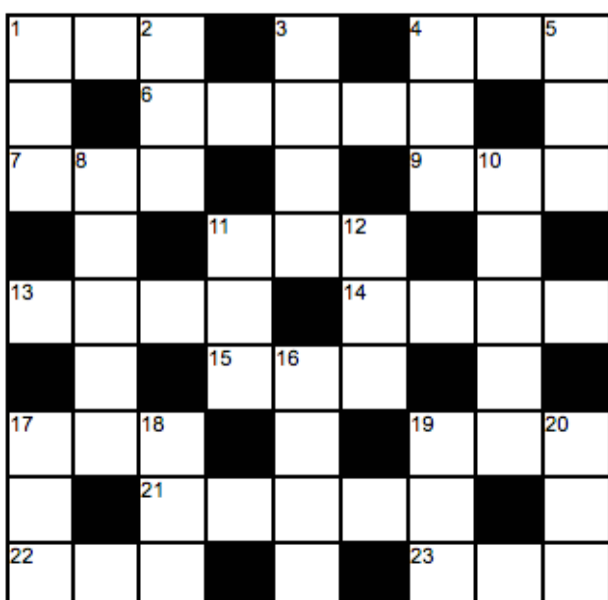
The PF government must be ashamed about what is happening at KCM. They told the people of Zambia that they were liquidating Konkola Copper Mines because the investor, Vedanta, had failed to pump in the required capital to sustain operations and keep the workers in employment.

The people of Zambia must know that KCM has no cash flow at the moment and is relying on government resources to pay the over 13, 000 employees. No one should lie that KCM is more viable now than before or that it's making

more profit now than before. So the people must know that when they hear about US\$1.6 million being shared among PF cadres, they must know that it is their taxpayers money being squandered. If the KCM wage bill is US\$2 million a month, where is government getting this money? It is the innocent taxpayers who have been forced to take over this liability.

They said the workers, suppliers and contractors at Konkola Copper Mines needed a more serious investor to take care of their concerns, where is the investor? Is this what you promised the people of Zambia? Why are thieves in PF regalia siphoning public resources through a bogus liquidation process and calling it government intervention?

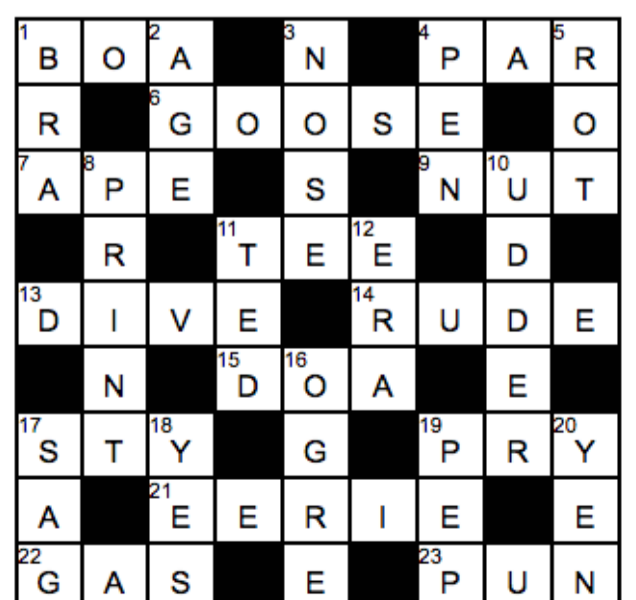
Crossword puzzle No 700



*"Empty your mind, be formless, shapeless, like water. Be water, my friend."
- Bruce Lee*

- | Across | Down |
|----------------------------|-----------------------------|
| 1. Feathery scarf | 1. Swimsuit top |
| 4. Better than a bogey | 2. Get older |
| 6. Barnyard honker | 3. Snout |
| 7. Mimic | 4. Writing utensil |
| 9. Food from a shell | 5. Spoil |
| 11. Kickoff aid | 8. Fingertip crime clue |
| 13. Jump head first | 10. Cow part |
| 14. Impolite | 11. Danson from "Cheers" |
| 15. ___ favor | 12. Significant time period |
| 17. Pig's home | 16. Shrek is one |
| 19. Ask too many questions | 17. Hang loosely |
| 21. Spine-tingling | 18. Affirmative |
| 22. Petroleum | 19. Vitality |
| 23. Funny play on words | 20. Hankering |

Crossword puzzle No 699



Readers' Feedback

ZICA's probe on HoneyBee, I.Dore's alleged audit fraud

Editor

"All relevant authority are zzzzz, who owns this company?!" - Sage Mulenga

"Unless I dont know, the reason for investigation is to establish facts. But if facts are already there, then your investigations are to cover up and hide the same facts. By trying to investigate you want to look away from already established facts which are on your table". - Asa Amisi

"Share waste of time, applying butter on the face of the public". - Vincent Kanyembo

"Honeybee was supposed to be followed by DEC, ZCS, CCPC. Not ZICA because it deals with maths". - Chingumbe Charity

"Let them be persecuted!" - Max Mwiimbu

"ZICA is misleading the nation. Who owns Honeybee and is it registered? What audit fraud are they talking about?" - Victor Chansa

'How can the UN cushion Lungu's mismanagement of the economy?'

Editor,

"I thought his people said that there is no debt burden in Zambia, why is he asking for help now, where is dora siliya she should explain this to us Zambians". - Emmanuel Banda

"Zambia's mess is created by few greedy Politicians not Covid 19. This an embarrassed to the world. A visionary selfless exemplary real servanhood and genuine sacrificial Leadership of late president Mwanawasa redeemed us from Hipc now we want to know who has taken us backwards into debt burden which our children's children will struggle to pay back. Where is the honour or dignity of living a temporary luxury life

through borrowing...!!! Where is the dignity????" - Kenny Sefuka

"How can the UN cushion Lungu's mismanagement of the economy mwebantu? let him not hide behind covid, the problems started way back before covid, warnings were given but him and his cronies were busy labelling those giving out advice as bitter individuals". - Chola Mung'oma

"Ba Mwankole! No one will give Zambia any debt relief under Mr Lungu. Just vote them out just so maybe the new government can beg for debt relief". - Diana Kaumba

"Let the infrastructure the PF regime boast about settle the

country's debt and here is a lesson that pride comes before a fall why should the Zambians vote for more problems next year are we out of our minds". - Jamali Jay Ngoma

"Visionless, this is same President who together with his Ministers said that there is no country that does borrow, Pay kaili. Just sell that jet and pay nkhangole". - Dennis Tyson Phiri

"This man has no shame! His fellow heads of state are managing their countries well with little and manageable debt, him he wants debt cancelation so that he borrows again! This is his making and not any ones fault! Mulekwatako insoni bashi Bantu!" - Che Guavara

ND! OPINION: Threatening to arrest opponents on International Day of Democracy

Editor,

"Normally dictators don't celebrate International Day of Democracy... it's taken as counterproductive to them. All he's fixated on is; How to lock up HH so that there is no competition, again typical of dictators". - Josh Godwin Musuku

"As if the PF knows 15 Sep is Democracy Day". - Moses Mumba

"A "country" which always says what it doesn't mean and means what it doesn't say. How can a country move forward like that when citizens don't know whether they coming or going? Our elected public officials are a strange breed of humanity. They go to the people to seek

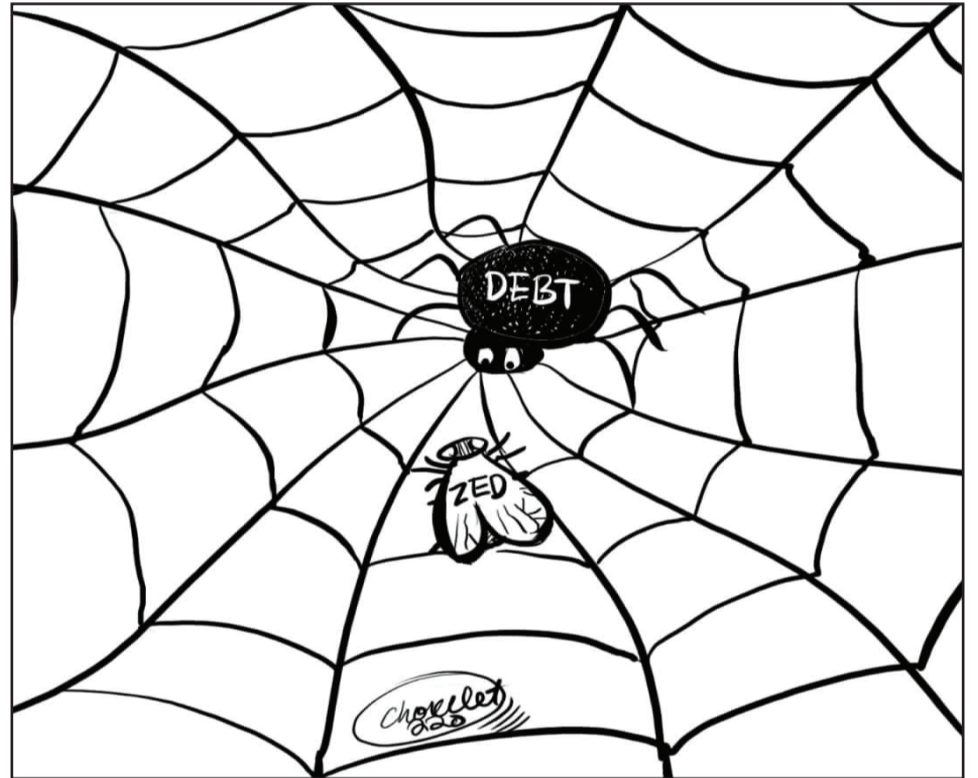
power, often on bended knees, to be used for public good, which should include allowing citizens to choose their leaders freely. But as soon as these officials get the power, the preoccupation is not to lose it at all costs including denying those who gave them POWER in the first place, the right and freedom to choose freely who they want to be their leaders. But here is the truth. How you use power while you still have it determines how power will treat you when you no longer have it. Let power not rob you of your common sense, logic and humanity. That power you

wield is a privilege given to you by the people. It does no belong to you. Sooner rather than later, the true owners will reclaim it. Prepare for that time because it surely will come". - Kanyata Mubita

"Dictatorship and oppression dominating". - Preston Kasempa

Editor,

"The 2021 budget at K119.616 billion representing 32.6 percent of the GDP. This places the GDP K366.920 billion. Divide the budget by 12 gives K9.96 billion a month which the government needs. Therefore how much should be the tax rate? Divide 32.6 percent which the budget represents of the GDP by 12 being



12 months and you get 2.7166 percent. 2.7166 percent of the GDP gives K9.96 billion which is the budget per month and multiplying that figure by 12 gives you the budget of K119.626 billion over a calendar year. What this means as taxes are well above 2.716 percent is simple. The reality on the ground is taxes in the Zambian budget are higher. If the Zambia budget was to consume the entire GDP then the monthly rate would be 8.3 percent. Note taxes in the past were extremely low. In 1965 July 8th Finance Minister A. Wina announced a shocking "mini-budget" with big increases in custom duties for wines, spirits, private cars, washing machines, TV sets and the more expensive types of radios. Duty on cars has increased from 7.5 percent to 22.5 percent in an attempt as he said; "it is vitally necessary for Zambia to build up its reserves of foreign exchange so as to provide for the heavy imports of capital goods required for the implementation of the development plan." As taxes today are above 8.3 percent per month a different scenario occurs. As taxes are above the 8.3 percent threshold, the government will collect the budget, spend it, re collect it, spend it, recollect it, spend it in a cyclical pattern many times in a single budget year, hence leaning to the left. In effect it will be like Keynesian economics and

K119.6bn 2021 budget

the printing of money except instead of printing physically, the printing is done by recycling it. Taxes thus become compounded. Government tax at 30 percent in the first cyclical or month would extract that value leaving 70 percent. Then in the next cycle extract another 30 percent leaving 40 percent. The next 30 percent extraction in real terms is facing 40 percent left of the economy and in real value terms is 70 plus percent. It is just within the first three cycles (3 months or 90 days) that the whole value of the GDP for the whole year is gone. The next cycle extracts 30 percent on a 10 percent left of the GDP meaning the tax in real terms is 300 percent. There is no room for the private sector. Once the value is extracted of savings, investments of ordinary people the whole nation government borrows against a "fiscal and economic crisis" as the purchasing power of the Kwacha collapses. Once all the GDP is consumed by the fourth cycle the economy enters the informal phase. People get paid but their salaries buy next to nothing as government has consumed it's value. In reality the budget represents 320 percent of the national budget

and Zambia will go through many budgets within a calendar year. For example Zambia may well go through 24 budgets in a calendar year as government re-cycles the budget. Of course we blame COVID, poor copper prices etc but it is just that the Ministry of Finance needs mathematicians to help them get their maths correct. As the "rule of thumb" goes the budget equals the export revenue in US dollars and the budget represents a tenth of the currency in circulation. On September the 11th 2020, as recorded in the Bank of Zambia Statistics Fortnightly 2020 Vol. 27 No 19, the currency in circulation was pegged at K11.3 billion close to a tenth of the national budget whose US dollar value at K20 per US dollar stands at US\$5.98 billion which shadows the budget. However allowance has to be taken into account if the budget was prepared at the beginning of the year (January 2020) hence the value in US dollars terms changed to about US\$7.9 billion when the Kwacha to the US dollar was around K15 per US dollar. Consequently total bank assets and liabilities will consequently a similar shadow pattern". - Fredeico De Santos

EDITOR'S NOTE:

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By Ulande Nkomesha
FORMER State House chief policy analyst, Jack Kalala has prodded President Edgar Lungu to immediately revoke the appointment of Milingo Lungu as Konkola Copper Mines Liquidator following revelations that he abused his authority by paying US\$1.6 million to a company in which he has personal interest.

A scandal has emerged at Konkola Copper Mines (KCM) in which the mining giant has paid US\$1.6 million (about K32 million) to a company allegedly bought by liquidator Milingo Lungu through his relative Dingiswayo Ndhlovu, for the supply of Heavy Fuel Oil

Milingo must be removed from KCM immediately – Kalala

(HFO).

Meanwhile, PF cadres are up in arms fighting for the ownership of Cashfin, the company that has received the US\$1.6 million from KCM.

According to KCM sources close to the liquidator, Milingo approached Chilinda, a known PF cadre, asking to buy his company, which he allegedly used to syphon money for a

purported consignment of HFO, that was not delivered.

The sources narrated that after buying the company through his relative (Ndhlovu), Milingo processed a full payment of US\$1.6 million in one day, before his relative withdrew US\$1.1 million and paid it to unknown third parties.

In an interview Kalala said Milingo needed to be removed in order to pave way

for investigations.

“This is a very fresh and current issue that needs to be investigated. We should not waste time on stale issues we should focus on current issues. This is a matter that requires urgent attention. Milingo was appointed by the President to run the mine and what I have read is that he used a certain company which he has interest in. In my view that is not the first thing he has done he has been doing it in the past and with other PF surrogates, that is how they have been making money,” he said.

“KCM is being run down. Any investor trying to go there will find it is a shell. The ideal thing is that President Lungu must relieve Milingo of his duties immediately. The challenge is that can Lungu do that? Maybe he has an interest in it himself, can he do it? Already we can say the people of Zambia should not expect Lungu to do something serious. Sadly, DEC and other institutions can go in but they will be frustrated. That is the challenge we have at the moment. For now it is very difficult to investigate these cases of corruption.”

He said the problems at KCM started from the manner in which the company was repossessed from its parent company, Vedanta.

“This scandal doesn’t come as a surprise. Why it doesn’t surprise is because the manner in which they took over the company was not proper. Given the record that PF has demonstrated in this country, to me it doesn’t come out as a surprise, for them it was an opportunity to steal as they are stealing now. Milingo is not the only one, you recall that [Nathan] Chanda was

mentioned that he had been given a huge contract, does that money end up with these people or somewhere? If the President can’t take action against his people then it means that the President has got interest,” Kalala said.

He warned that with the reported scandals involving alleged corruption, Vedanta would go out laughing.

“So we need a report on KCM, what has been the performance of KCM since government and Milingo took over? In this KCM issue it is Vedanta who is going to go out laughing; because what it is, is that we didn’t follow the right procedure to takeover the mines. In any case we were not supposed to take over. If there were failures which the company was making, government should

have taken them to court. Taking over a mine is not a solution. Governments all over the world are not good at running businesses, they are destroying the confidence for potential investors to come in,” said Kalala.

In May 2019, Zambia’s President Lungu, while on a visit to the the Copperbelt, announced his government takeover of the country’s biggest mining company that employs over 13,000 workers.

Following the takeover of the mine from Vedanta Resources PLC, minority shareholder ZCCM-IH appointed Milingo as provisional liquidator for KCM and to take charge of all assets in order to facilitate the transition process of liquidation.

After his appointment, Milingo said that ZCCM-IH had lost confidence in the way Vedanta was running the affairs of KCM.

He then said operations at the mines would continue, as suppliers would be paid by the liquidator to keep the business going.

Lsk woman, her lover get K5,000 fine for concealing infant’s death

By Zondiwe Mbewe

LUSAKA Principal Resident Magistrate Mwaka Mikalile has fined a 24-year-old woman and her lover K5,000 each for concealing the death of the woman’s baby, failure to which they will be jailed six months’ simple imprisonment.

In this matter, Praxides Sikamena, a hairdresser and Davison Simunji, 32, a machine operator both of Lilayi Estates were charged with concealing the death of a child, to which they pleaded guilty.

Particulars of the offence were that on July 27, 2020, Sikamena and Simunji jointly and whilst acting together, concealed the death of a child, Rejoice Sikamena.

Facts in the matter were that on June 24, this year, Sikamena gave birth to a baby girl.

On July 27, around 05:00 hours, while she was sleeping with her lover Simunji and the baby on the same bed, it was discovered that the baby had died.

Upon informing her lover of the child’s death, Simunji advised her not to tell the death to anyone and proposed that they dispose of the body secretly.

The two then left their residential area in Gondwe Compound and dumped the infant in the bushes of Miller Farms in Lilayi area.

At the time the child was born, Sikamena was no longer with the baby’s father, Lawrence Mulonga, who she had lived with for 14 days after the child was born before they went separate ways.

And when Sikamena went to collect her

belongings, including that of her child at her former house, some neighbours questioned the whereabouts of the baby.

At this point, Sikamena got jittery and ran away, but was apprehended by members of the public, who took her to the police.

Magistrate Mikalile had in the last session convicted Sikamena and Simunji of the charge.

In mitigation, the convicts asked for mercy and forgiveness.

Sikamena said she did not know that what they did was wrong, whereas Simunji said it was the first time to be found in such a situation and that he did not know what to do.

And when the matter came up for sentencing, Monday, Magistrate Mikalile said she took into consideration the convicts’ mitigation and the fact that the two had pleaded guilty.

She, however, said the two could not claim not to have known what they were doing because ignorance of the law was no defence.

Magistrate Mikalile said the death of a human being was a significant issue and that it was inconceivable that the convicts hid such an activity.

“It is unimaginable that you decided to throw away the body of the deceased. Every dead person deserves a decent burial. What you two did was wrong and barbaric,” said Magistrate Mikalile.

She, therefore, fined them K5,000 each, failure to which they will be sent to jail for six months’ simple imprisonment.

Kapeso chases Mumba’s cadres, says he doesn’t want ifyabupuba

By Julia Malunga

DEPUTY Inspector General of Police in charge of Operations Bonny Kapeso yesterday chased some MMD cadres from police headquarters who went to offer solidarity to their leader, Nevers Mumba, saying he doesn’t want “ifyabupuba”.

And Police spokesperson Esther Katongo has confirmed that police summoned Mumba because of remarks which he issued that the recently held Lukashya by-election was rigged by the ruling Patriotic Front.

Meanwhile, MMD vice-president Rueben Sambo says it is not appropriate for the Police to summon people who speak their mind.

Mumba arrived at the police headquarters at around 09:54 hours. He addressed his supporters, urging them to remain strong.

After addressing his supporters, he was later driven in, as his supporters followed him, marching towards the main gate of the police headquarters whilst

chanting slogans and carrying placards.

But a few minutes later, Kapeso, together with a few other police officers came out of the premises and ordered the cadres to leave.

“Umfweni mwebana bakwa Lesa aini, ifyabupuba tabaleta ku headquarters. Nga muleleta ifyabupuba ku (Listen to me you people of God, don’t bring stupidity to the police headquarters. If you are bringing stupidity to the police headquarters) this is a wrong place for you. The Police called Dr Nevers Mumba alone in his capacity. We do not want this nonsense at all and we warned you that we don’t want you to take advantage of the police. There is no way you can come and sing at the police station and say muledabwa (we will surprise you). With immediate effect as I speak now can you disperse! And I am going back in the next two minutes if I find anybody here don’t blame me. Can you disperse!” exclaimed Kapeso.

And speaking to journalists after he Mumba interrogated, Sambo said the police acted in a professional manner.

“We are unable to delve into any of the enquiry. It was cordial, it was friendly. I think the police treated it with absolute professionalism. I think at the moment any queries, any questions related to inquiry that they are making are best handled by the police spokesperson in order that the enquiry does not hit any snag at all,” Sambo said.

When asked if the probe was long, Sambo said; “Well, it wasn’t long because there were a lot of pleasantries. In the beginning you needed to go to this office and clear this and that. The inquiry itself was amicable, cordial, friendly and that is how come we are out within two hours.”

When asked if it was right for the police to summon people that spoke their mind, Sambo said it was not appropriate.

“We have indicated that in fact, that may not be the appropriate way to go for the police. However, what has happened is that it turns out that it is an inquiry that they are making and we are available,” said Sambo.

And in a statement, Monday, Katongo explained why Mumba was summoned.

“Police summoned Dr Nevers Mumba who came to Police Service Headquarters today around 10:00. His summoning is based on a statement he recently made which is circulating on social media where he brought out several issues bordering on the just ended Lukashya Parliamentary by-elections. He was called in for an inquiry as the matters he alleged have to be investigated,” stated Katongo.

Meanwhile, at around 11:30 hours, NDC leader Chishimba Kambwili went to offer his solidarity but as he tried to enter the premises, police blocked him and he was told to leave.

Police have captured DPP’s functions, laments Ndulo



From P7

“Among the myriad ways the government can violate due process are through ‘vindictive’ uses of its law enforcement powers and through public comments on the purported guilt of a subject that impairs the presumption of innocence and a fair trial. Prosecutors wield enormous power. They make the first critical decision on whether to deploy the ultimate power of the state – the power to punish – against particular targets. The degree to which, and the ways in which, prosecutorial power is checked largely defines a society’s conformance to the rule of law. The power can be exercised to pursue the innocent, to impose punishment without trial or conviction, and to pressure targets to compromise or capitulate rather than bear risks and costs of asserting their rights or innocence. Where the system is unchecked, it allows unprincipled prosecutors to impose drastic punishments on selected targets without the constraints traditionally associated with the rule of law.”

Prof Ndulo said there was need to recapture the police and the prosecution service.

“In closing, I would like to say that it is important that we set to recapture the police and the prosecution service so that we ensure that prosecutors carry out their functions in accordance with the constitution which provides that the Director of Public Prosecutions shall be independent in the performance of her functions. The DPP and her prosecutors should exercise their functions free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason. They should at all times uphold the rule of law, integrity of the criminal justice system and the right to a fair trial,” stated Prof Ndulo.

“For us as a country to reign in the prosecution authority, prosecutors and the police, the judiciary needs to play its part in ending the blatant abuse of the criminal justice system. The judiciary is critical to safeguarding the rights of people and should not act like a department of the executive. There are many good judges in Zambia but sadly, there are also many who act as if they were a branch of the executive. These are the ones doing irreparable harm to the judiciary. The judiciary have the power to dismiss cases that are clearly an abuse of the prosecutorial service.”

Barbra Banda's brace rescues Shanghai Shengli from Beijing Phoenix defeat

BARBRA Banda was in a superb form as her brace helped Shanghai Shengli earn a 2-2 draw against Beijing Phoenix in Monday's Chinese Women's Super League championship encounter.

The Zambia international wrapped up her campaign in the first round for Shanghai on a high, scoring a goal and an assist to reach 12 goals after a 3-1 victory over Shandong Sports Lottery in their last outing.

In the second-round opener, the 20-year-old striker continued from where she left off as she made up for her misses, opening the scoring for Shanghai with a brilliant finish on the brink of half-time.

Beijing, however, bounced back in the second half when Wang Yanwen profited from a poor clearance inside the area to cancel out Banda's opener seven minutes after the restart.

Ma Xiaoxu turned the encounter on its head as she fired in a volley from close range to hand Beijing a shock lead five minutes later.

With Beijing almost certain to claim the three points against Shanghai, Banda found a late breakthrough to net the crucial equalizer with her second of the match inside injury-time.

Banda, who played from the start to finish, has now scored 14 goals in 10 matches for the Shanghai



Shengli side in her maiden season.

The result means Shanghai are third after the first match in the first round - tied with second-placed Beijing Phoenix on one point.

After the draw, Banda and her Chinese outfit will aim to claim the top spot when they face Wuhan in the second match on October 2. **GOAL**

Zesco will bounce back, says Numba

By Abraham Kalito
NEWLY appointed Zesco United FC coach Mumamba Numba says he will not make speedy and radical decision at the club but instead continue with the team's philosophy of winning major trophies.

The gaffer, who acknowledged that there are high expectations following his appointment, also said he will not rush to bring in reinforcements but will only do so after an assessment.

"I am humbled to be given this chance to coach ZESCO United. The objective for me is to continue with the

philosophy of the club which is about winning titles and playing competitive football. This is a big team that has been consistent in the last decade. I know the expectations are very high especially with the good work my predecessor did. It is important to pick up from there and take the team to the next level. What is important is for players to prove that they are worth being at this football club. I am not here to make speedy and radical decisions. I will give everyone the same opportunity so that they can prove themselves worth keeping. Our additions to the squad will be based on the assessment we will make from the current setting," Numba said.

He said it was a disappointment that the club failed to qualify for the CAF Champions league and that his target would be to do so this season.

"My philosophy has always revolved around mixing young and old players. I can see that there are already young players who are fighting to get first team football. I will give them a chance to play but they must prove to us that they can play for this club by working hard and remaining disciplined.

They will be given a chance to thrive. It is sad that we failed to qualify for CAF next season due to unforeseeable circumstances. However, it is important that we focus on getting back to our winning ways. The first target is of course to retain the title and qualify for CAF competitions. What is crucial is for everyone to give their whole to this great football club. We will definitely bounce back," said Numba.

Janza thanks Napsa honour

By Ngosa Chalwe and Abraham Kalito

NAPSA Stars technical director Honour Janza says the club has what it takes to reach the group stage of the 2020/2021 CAF Confederation Cup.

Last week, Napsa unveiled Janza as the director of football at the club after he quit his post at eSwatini side, Mbabane Swallows.

In an interview with Napsa media officer Gwen Chipasula, Janza said the club had been improving in the previous seasons and had what it took to make it.

"My impression is that it is a team that is on the track to get great honours to itself and also the country.

If we are to rate it from the previous performance in the league, it has almost equal chances to go far, may be group stage and beyond," Janza said.

"I say so because I saw the way they fought in the Zambian league and I think at one point, they were almost fighting relegation but I think the way they fought and built up their strength, for me, I think the momentum which they have, if maintained, there are a lot of chances that Napsa can get to the group stage."

He said the current Napsa squad gave him hope that the club would compete like any other club, despite it being their first time to play continental football.

Napsa and Green Eagles will be representing Zambia in the Confederation Cup while league champions Nkana and runners up Forest Rangers will play in the Champions League.

Meanwhile, Janza said he was honoured to have been appointed at Napsa.

"I am humbled with the appointment that Napsa has given to me, for showing confidence and trust in me to be the technical director of the club. To me, it is an honour and I just want to thank the board, the executive and the rest of Napsa for the offer that I have been given," said Janza.

Maritzburg courts Shonga

By Ngosa Chalwe

CHIPOLOPOLO striker Justin Shonga is believed to be on the radar of Premier Soccer League (PSL) side Maritzburg United after falling out of favour at Orlando Pirates.

South Africa publication Soccer Laduma reports that United have reignited their interest in the striker who has been linked with an exit from the club for some time.

"After being linked with Pirates, striker Justin Shonga earlier in the 2019/20 season, Maritzburg United are believed to have renewed their interest in the Zambian forward, with the Pietermaritzburg-based side looking to strengthen their striking department in anticipation of the 2020/21 season," the publication reports.

The 23-year-old had a tough season as he did not score a single goal, having made only three starts the entire season, and had been excluded from Pirates' bio-bubble squad due to disciplinary issues.

Indications are that the KwaZulu-Natal outfit are contemplating on signing the player on loan, where he would reunite with his former teammate Thabiso Kutumela, who has been in fine form.

Shonga showed glimpses of his brilliance when he first arrived at Bucs, under the club's former coach Milutin Sredojevic, but is yet to reach his full potential, and it now remains to be seen if Bucs are open to sending him on loan or decide to sell him outright.

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When is voter registration starting?



Maritzburg courts Shonga

By Ngosa Chalwe

CHIPOLOPOLO striker Justin Shonga is believed to be on the radar of Premier Soccer League (PSL) side Maritzburg United after falling out of favour at Orlando Pirates.

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Barca close on €25m Dest deal

BARCELONA are closing in on a final deal for Ajax right-back Sergino Dest, but their worrying financial situation looks likely to hamper any further signings before the summer transfer window closes.

Goal has learned that Barca will officially announce the signing of Dest on either Monday or Tuesday having already reached an agreement over a €25 million (£23m/\$29m) deal with Ajax.

The 19-year-old will not travel to Camp Nou until after his transfer is finalised, but he has already said his final goodbyes to teammates and staff members at Johan Cruyff Arena.

Dest will become newly-appointed Barca manager Ronald Koeman's first major signing in Catalunya, but further additions are expected before the transfer deadline in La Liga on October 5.

Goal can confirm that Manchester City centre-back Eric Garcia is top of the club's list of defensive targets, and that they are also prioritising the signing of a new striker following Luis Suarez's switch to Atletico Madrid.

The Uruguayan followed Arturo Vidal, Ivan Rakitic and Nelson Semedo out of the Camp Nou exits, and Barca are also planning to offload Samuel Umtiti, Rafinha, Jean-Clair Todibo and Martin Braithwaite in the coming days. **GOAL**

✓ Online Pre-registration

Online Pre-registration will start on Monday 21st September, 2020 to Friday 6th November, 2020. Visit the website: www.ovr.elections.org.zm to commence your application.

✓ Mobile Voter Registration

The Mobile Voter Registration will be conducted from 07.00 hrs to 18:00 hrs every day at various registration centers in all the districts. The exercise will run from October 28th to November 30th, 2020.



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