

# News Diggers!

Ear to the ground

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**Immigration stop Mubalama from traveling to Angola with Dora Siliya** <sup>P2</sup> <sup>P5</sup>

**Chirwa narrates how middlemen duped govt in maize-gate scandal**



**In a drunken state...**

**Cop threatens to shoot Garry Nkombo for resisting search** <sup>P2</sup>

**By Joseph Mwenda**  
Government will soon privatise Indeni Petroleum Refinery, a move that may put an end to the country's importation of crude oil. And in an exclusive interview, Energy minister David Mabumba told Diggers! that the government

## GOVT TO SELL INDENI

was wasting money by involving itself in the importation of petroleum products. Meanwhile, Finance minister Felix Mutati has back-pedaled on his statement to Parliament that by March 1, 2017, the government would officially surrender the procurement function of finished petroleum products to the private sector. In his 2017 national budget speech Mutati announced that government would pull out of the petroleum sub-sector because its involvement was unsustainable. He added that the government was examining the viability of Indeni Petroleum Refinery and TAZAMA. *...continues on P3*

# ECZ raises security concerns around printing ballots locally

By Sipilisiwe Ncube

Electoral Commission of Zambia senior public relations officer Sylvia Bwalya says the commission has no problem with printing the 2021 ballot papers locally as long as government has capacity to meet the required security specifications.

And Bwalya says ballot papers for three by-elections to be held on April 25 have arrived in the country.

Recently, President Edgar Lungu pronouncement that 2021 ballot papers would be printed locally as government would recapitalize government printers.

Commenting on the pronouncement, Bwalya said the commission had no objections as long as government had capacity to meet the required specifications.

"The ballot papers have a certain quality and security specification which has to be met, so for as long as that is met, the commission has no problem with printing," Bwalya said.

And Bwalya said the ballots for council chairperson elections in Masaiti District and two local government elections in Ipongo Ward of Chibombo district and Kasamba Ward in Nchelenge District arrived yesterday at 14:30 hrs.

"Two political parties are participating in the Masaiti council chairperson election, that is PF and UPND, while PF, UPND, and UNIP are participating in local government elections," Bwalya said.

"The Commission is very much ready to conduct these

elections on the 25th of April, 2017. We have already done our voter education training and we have also done publicity for the candidates as our mandate. Ballot papers for these by-elections arrived yesterday at 14:30 hrs on the emirates flight. And the arrival was witnessed by the participating political parties. The verification process will follow in the presence of participating political parties and the stakeholders later on." She said the ballot papers would be deployed to various centres where the elections would take place at an appropriate time. "We expect all participating political parties to abide by the electoral code of conduct, we don't expect that there should

be any violence, as ECZ, we have put in place mechanisms to ensure that there is no violence during these elections. We have conflict management committees at district level and all the committees have been meeting in Masaiti and in all these other areas where the by-elections will take place. We also have political parties' liaison committees who meet to update the political parties on what is happening," said Bwalya. "We also expect all NGOs and the media that are going to cover these elections to be accredited. Accreditation started on 10th march and will end on 1st April, 2017."

## Cop threatens to shoot Nkombo, wife

By Mukosha Funga

Fuel attendants stopped a police Constable from shooting Mazabuka UPND member of parliament Garry Nkombo, following an altercation at a filling station.

The incident happened in the wee hours of Sunday (March 26, 2017) as Nkombo and his wife were returning home from attending a wedding.

A witness narrated to News Diggers! that the

couple stopped over at Petroda service station in Lilayi area.

"They stopped over just after midnight to put fuel. Mr Nkombo's wife was driving a black 4X4. As soon as they stopped, this officer, Ngoma who

guards the ZANACO ATM came and demanded to search their car," the witness narrated. "Ba Nkombo refused and told him to get away. The officer started threatening them, saying he had the right to search any vehicle. So at this point Mr Nkombo got angry because he noticed that his wife was getting scared by the officer. So he came out of the car and ba [officer] Ngoma grabbed him, started pushing him around. This angered Nkombo who wrestled him back. The witness said officer Ngoma then cocked his AK47 rifle and aimed it at Nkombo and his wife, ready to fire.

"The officer was still charging at Mr Nkombo, but this time he raised the gun and threatened to shoot Nkombo if he resisted being searched. He was not saying why he wanted to search the vehicle, he was just saying it was his duty to search any vehicle," narrated the witness.

"Mr Nkombo's wife was really scared and she was begging the Honourable to leave the officer because the man wanted to take on the armed officer, but we tried to help separate them."

When contacted, Nkombo said the officer was drunk.

"My wife and I were going home in Chilanga from a wedding. My wife was driving and she stopped to put gas in the car at Petroda Lilayi. After we stopped, a drunken policeman forcefully demanded to search our car. It was around midnight, he threatened to shoot at me and he cocked his AK 47 and aimed," narrated Nkombo.

In this video, the officer is seen aiming his weapon at the member of parliament and demanding to search his car.

## Immigration stop Mubalama from traveling to Angola with Dora Siliya



Mark Mubalama at Lusaka Magistrates Court -Picture by Tenson Mkhala

By Mukosha Funga

Immigration officers yesterday stopped Agriculture Minister Dora Siliya from traveling with her boyfriend Mark Mubalama to Angola.

And Mubalama appeared for questioning today at immigration offices despite his nationality dispute having been settled in the Lusaka Magistrates' Court.

A Zambia National Airports official, who sought anonymity, disclosed that Mubalama and Siliya checked-in at the airport on Tuesday for a trip to Angola but that immigration officers confronted the Minister and confiscated her boyfriend's

Zambian

passport. "The incident happened yesterday afternoon as the President (Edgar Lungu) was on the [airport] tarmac welcoming Ethiopian Prime Minister [Hailemariam Desalegn]. When Honourable Siliya arrived [at Kenneth Kaunda International Airport] with the same Mark, some police and immigration officers came from where the President was and stopped them. They told Mark to show them his passport. The minister was very shocked but she told him to show them," the source narrated. "After he produced the Zambian passport, the officers took it and got him outside where he

was surrounded by a group of police officers. They were even laughing at the minister saying 'instructions from the top.' Dora just stood there and she was so embarrassed because other passengers were watching."

The sources narrated that at that point, Siliya arranged a lawyer who got Mubalama out of where he was detained for questioning.

"So after the lawyer spoke to the immigration guys, they released him but held on to the passport. They also told him to report to immigration this morning. What was so embarrassing was that the President was here at the airport when this happened and

the officers came from his entourage to work with our immigration here to stop him from flying out," said the source.

"But Dora herself was allowed to leave, so it was just embarrassing for her that she ended up travelling alone while the boyfriend remained detained. She is in Angola as we speak, but we don't know whether it's official duty or private."

According to immigration sources, Mubalama took himself for questioning at 09:00 hours today.

"He was questioned over the same nationality issue. He came at 09:00 hours and he was told that there is need to interview his relatives again. So a

team will go to interview his grandparents in Ndola since he said his mother died. He said his mother's name is Grace Bweupe. He also named one of his living parents as Maureen Bweupe who lives in America. So the issue is probably his father. Although he can be Zambian by the fact that his mother is Zambian, there are issues surrounding the information that he used to obtain a Zambian passport," the immigration source explained.

"He also said that Chief Mushili is his grandparent, so the team will go, probably with him to Ndola to talk to those relatives."

Asked why the charge had been resuscitated after being settled in court, the source said it was normal under a nolle prosequi.

"The court entered a nolle, what that means is that the matter can be revived at any point if more evidence against the accused has been found," said the source.

When contact via WhatsApp for a comment, Siliya responded with a photo of herself in Angola with a caption: "Just finished a courtesy call on the Minister of Agriculture of Angola. Angola wishes a to learn how we have developed the seed industry in Zambia which exports over 300,000mt in Africa. We are here to visit an Israeli farming project which produces vegetables and cereals for exports through outgrowth schemes."

# GOVT to sell Indeni

**From front page**

“Mr Speaker, the petroleum sub-sector is also embedded with inefficiencies and unsustainable Government involvement. In order to ensure efficiency and disengage Government from the sector, the procurement of finished petroleum products will with effect from 1st March, 2017 be undertaken by the private sector,” said Mutati.

“Government’s role will be limited to regulation. In the meantime, Government is examining the viability of Indeni and TAZAMA pipeline. Regarding pricing, the Government will adjust prices in line with changes in market conditions.”

When contacted this morning, Mutati said the March 1st deadline was not feasible and the status quo would remain the same until June 2017.

“My colleagues at the Ministry of Energy have been working hard on it. This week he (Mabumba) is going to announce the guideline on the procurement and it will start on the first of June,” Mutati said.

He said the process had delayed because the consultation process took longer.

“It’s done, they are finished. In fact, they went.., that’s why we couldn’t implement it in March because they needed to go to every province and since they have finished now and sorted out all the consultations they reported back to me and asked if we could shift the goal post to first of June. So I said ‘if you are doing a proper job let me know. We will do it that way,’ he said.

Mutati however declined to confirm the planned privatisation of Indeni and Tazama.

“Let’s talk about that when we meet, I think that will be better,” said Mutati.

And when asked to explain why government was hesitant to announce successful bids for fuel procurement, Mabumba said the evaluation of tenders was done but had been put on hold.

He said the ministry would only announce the successful bidder in June when the new modality involving the private sector would be implemented.

“One of the key strategic or policy shifts the ministry is going to be going through is the issue of allowing the private sector a gradual process to start financing of the procurement of petroleum products. At the moment what is happening is that the Ministry of Finance have to look for money to finance the procurement of fuel products. That money can be invested in other productive areas, we are wasting that money.

Because the private sector once you create an enabling environment for them, they will be able to bring private financing and buy fuel on behalf of the government,” Mabumba explained.

He said government had enough stock to last until June.

“Our projection is that the volumes that are remaining should be coming to an end in the month of June 2017. We are not going to engage in new contracts until the new modality begins,” said Mabumba.

“The evaluation of bids was done and it was concluded but it is on hold. We are allowing the private sector to come on board and the thing that the government has to do is to consult people.”

Sources at the Ministry of Energy say the delay in implementing the new modality was because government intended to sell Indeni and Tazama.

“Government is in the process of privatizing Indeni and TAZAMA, that is what the Minister of Finance meant when he said ‘we will assess the viability of Indeni and TAZAMA. Government is no longer interested in importing crude oil,’ the sources explained.

“So there are deliberate decisions being made to slow down the pumping of crude between TAZAMA and Indeni. That is why there is a sharp interest in importing finished products now because importers have advised government that if TAZAMA and Indeni are operating at full capacity, there would be less need for processed petroleum products which are more lucrative to them.”

The sources further disclosed that government intends to contract one company to import processed fuel for distribution to all other Oil Marketing Companies, a move that has sparked bitterness among the OMCs “Government plans to contract one company to import processed fuel and distribute it to others. This has caused a lot of confusion in the process. There are so many hands trying to influence these decisions and to eat,” said the sources.



# MoH says no to marijuana

**By Sipilisiwe Ncube**

The Ministry of Health says it has enough medicines to treat various ailments without the introduction of medicinal marijuana.

And the Ministry of Health says no one should even waste time applying for a permit to cultivate medicinal marijuana.

In an interview, Ministry of Health spokesperson Dr Kennedy Malama said in an interview that Marijuana was a hard substance to manage.

“Regarding the procedure for obtaining a license if someone wants to cultivate cannabis or marijuana for medicinal purposes, let me put it on record that as the Ministry of Health, we have not issued any licenses or permit and that at the moment, we are not able issue that permit,” Dr Malama said.

“I mean the question we can ask you is ‘is there a drug which is missing which you would want to replace with marijuana for medicinal purposes?’ That is the question... your question is on the medicinal use of marijuana, so if we are to answer your question as a Ministry, we are not in a hurry because at the moment, we do have relevant medicine to treat our people for various

ailments. For a substance like marijuana, you need to do your homework very well, because it’s not an easy substance to manage as a country if you opened it up.” And he said that no one should waste time applying for permits to cultivate Marijuana.

“Let me also mention that yes, Marijuana has a

number of uses, some could be positive but others could actually be detrimental to human life. What is on the ground at the moment is that as a Ministry, we are not issuing any license or permit,” Dr Malama said.

“But I think for now what is key is to inform our people that Ministry of Health is not giving any permit or license

for someone to cultivate marijuana for whatever purposes. For now, people should not be coming to the ministry or trying to apply for any license related to that subject,” said Dr Malama, adding that the Ministry would issue a comprehensive on the matter following numerous queries from the public.

# Lungu launches construction of 2000 ZNS housing units

President Edgar Lungu this morning launched the construction of 2000 housing units valued at K1.5 Billion for the Zambia National Service.

And President Lungu says his government will not allow the defence and service wings to live in dilapidated structures.

Speaking during the launch at ZNS Chamba Valley in Lusaka, the Head of State said there is need for uniformed personnel to live in designated areas to make mobilization easy during times of emergencies.

President Lungu said the housing units will be constructed by a Chinese firm in all ZNS camps across the country over a period of



three years. And ZNS Commandant Lieutenant General Nathan Mulenga said the company that has been awarded to build the houses will transfer skills to ZNS personnel. Meanwhile, Shandong Dejian Construction

Company Managing Director, Zhou Zhenqi said his company will invest \$1 million in a plant in Zambia that will be manufacturing building materials for the houses and will create more than 200 jobs.

**HOT FM**

# Amos explains need for ICC consultations

**By Sipilisiwe Ncube**

State House Press Aide Amos Chanda says the ICC debate is one of the most interesting democratic processes Zambia has ever seen. Amos said government would soon issue a statement to restate its position on the need for consultation in democratic processes.

He said in a democratic process, those in power could state their positions but that it was important to allow for consultation.

“The ICC debate is one of the most interesting democratic processes this country has ever seen. All sides are on the same side!

A government statement is due this week to restate its position. No process has been abandoned. In a democratic process those in power can state their position but still allow consultation or even Referendum as was case here, UK and elsewhere. In South Africa, government passed resolution in Parliament to pull out of ICC and proceeded to deposit instruments of cessation at the UN but the Constitutional Court ruled against that and SA has since withdrawn those instruments and remains a member of ICC! A democratic process in this case has been completed,”

Chanda wrote in a statement shared on various social media platforms.

“A Democratic process is a sum total of various state and non state actors from an interplay of varied actions. Here we are dealing with a case of the main opposition party that has no idea how multilateralism works: the UN and the AU are multilateral institutions that now demand evidence of a people driven decision before a member state deposits its instruments! As I said, a Government statement will clarify this position in crystal clear terms.”

By Mukosha Funga

Former Attorney General Musa Mwenye says LAZ decided to represent Nchima Nchito in his personification case because the charges arose from the execution of his duties.

Recently, Lusaka Lawyer Frightone Sichone, wrote to LAZ president Linda Kasonde challenging the association's decision to represent Nchima, a State Counsel, when he was denied assistance in 2008 when Mwenye was its Honorary Secretary.

"When I asked for assistance, LAZ made it clear that they cannot interfere with the judicial process. It indicated that a lot of its members were appearing in various courts of law but that any intervention in any one case would put the association's interest in that matter into question" Sichone wrote.

Sichone wondered whether LAZ was representing Nchima because the current honorary secretary was his sister.

# LAZ can't represent lawyers who have been sued by clients – Mwenye

"The honorary secretary of LAZ, Sashi Nchito, is a biological sister of Mr Nchima Nchito. Could it be the reason why LAZ has now decided to offer protection to its members at this time while the same was not available to me when I needed it because I did not have a relative in the LAZ executive at the time" wrote Sichone.

But in a letter to Kasonde today titled "The Role of the Law Association of Zambia (LAZ) in protecting interests of its members – Frightone Sihcone", Mwenye explained that LAZ decided not to represent him in 2008 because his employer had instituted a criminal complaint

against him unlike in Nchima's case whereby he was slapped with a criminal charge whilst doing his job.

"I refer to the above caption and to letter of the 6th instant, from Mr Sichone to yourself which was reported in today's Daily Nation newspaper Vol. 3 issue 1604. In his letter, Mr Sichone makes specific mention of me and my role in LAZ as Honorary Secretary at the time LAZ decided not to intervene in investigations into his duties as Commissioner of Lands, a position he held as a public officer. Mr Sichone asks an important question, what was the difference between his situation and that of State

Counsel Nchima Nchito over which LAZ has appointed me as Counsel. I feel duty bound to respond to this important question, particularly as I was custodian of the LAZ records at the time," Mwenye explained.

"The difference is in fact extremely elementary in my humble opinion. Mr Sichone was a public officer whose employer had instituted investigations into his conduct as a public officer. He was an employed advocate and, his own client, the government, decided to investigate him and, I believe subsequently laid a criminal complaint against him. To the best of my recollection, except in the most exceptional

circumstances, LAZ does not intervene to protect lawyers from complaints from their own clients. Certainly, in my time on the LAZ Council and ultimately as LAZ president, LAZ did not shield any of its members from complaints from their own clients, unless there were compelling and exceptional reasons for doing so. I recall that there were no exceptional reasons to warrant intervention in Mr Sichone's case."

Mwenye recalled that one of the reasons LAZ could not represent Sichone was that he had allocated a piece of land to LAZ which he had already allocated to someone else.

"In fact, there was one very important reason why LAZ could not intervene. Mr Sichone, as Commissioner of Lands, had allocated a piece of land to LAZ for the construction of the LAZ house. The LAZ Council, later discovered that this piece of land was under investigation for a prior allocation that Mr Sichone had made, and LAZ could not be seen to be involved in what, the investigations at the time considered to be a cover up. Mr Sichone may wish to clarify this issue," he wrote. Mwenye noted that in Nchima's case, his client was neither complaining against him nor had he commenced a criminal proceeding against him.

"Although I believe in the merits of Mr Nchito's case, I cannot comment on the merits of Mr Nchito, SC's case, but I can say that I accepted instructions from LAZ because I believe that in his case, the position is different. Mr Nchito, SC is representing a client and in the course of his duties, his clients' opponent has commenced criminal proceedings against him. Mr Nchito's client is not complaining against him nor has he commenced a criminal complaint against him. This case is in fact peculiar," he stated.

Mwenye also recalled another instance when LAZ had to move in to protect the integrity of the profession.

"You will recall madam president that when Mr Stephen Lungu was president, I was appointed by LAZ to join the case of the People v Mohan Matthews in order to protect the integrity of Mr Robert Simeza, SC, who had come under, what LAZ considered, attacks for simply doing his

job as a lawyer. On the day I placed myself on record, Mr Stephen Lungu was in court robbed, and placed himself on record as LAZ president. I duly represented the interests of the profession in that case, as I intended to do in the case of the People v Nchima Nchito, SC. The Learned Attorney Mr Likando Kalaluka, SC, will recall this case because he, together with Mr Bonaventure Mutale, SC were Mr Simeza SC's opponents in the matter," wrote Mwenye.

"In this regard, my views are that LAZ has in the past moved in to protect the integrity of the profession, whenever the ability of lawyers to fearlessly and independently defend their clients has been at threat and I have been privileged to have represented the association in the past. Finally, I wish to clarify that I have represented LAZ on several matters and at no time, has LAZ paid me for my services. The case of The People v Nchima Nchito, SC is no exception. I believe the many lawyers who have represented the association have in the vast majority of cases done so, with no payment whatsoever and this is as it ought to be. I trust that I have offered some clarification in service to the profession."

Nchima is accused of posing as an Advocate of Post Newspaper (in liquidation).

"On dates unknown but between 1st November, 2016 and 13th February, 2017, at Lusaka in the Lusaka District of the Lusaka Province of the Republic of Zambia, jointly and whilst acting together with other persons unknown, did personate and being principal partner in the firm of Messrs Nchito and Nchito Advocates as an Advocate of the Post Newspapers Limited (in liquidation) contrary to section 387 (1) of the Penal Code CAP 87 of the laws of Zambia by holding as and acting with Messrs Nchito and Nchito Advocates as an Advocate for the Post Newspapers Limited," read the indictment in part.

When the matter came up before Lusaka principal magistrate Greenwell Malumani on February 27, Mwenye, appointed by LAZ, stood to represent him

But this was not been received well by critics and a horde of PF cadres stormed the LAZ secretariat last week demanding Kasonde's resignation.



Former Attorney General Musa Mwenye

## Judge refuses to stay M'membe's appeal

By Elias Banda

LUSAKA High Court judge Fulgence Chisanga says applications to stay a matter in which Post founder Dr Fred M'membe is challenging attempts by Investrust Bank Zambia to assign the debt owed to it by the Post Newspapers Limited to

an entity aligned to Lewis Moshosho are misconceived.

This is in a matter where five former Post Newspaper employees, who petitioned the court for the winding up of the company, asked judge Chisanga to stay proceedings in Dr M'membe's appeal pending determination in

order to consolidate the matters.

The five, including Zambia Revenue Authority want their matter before judge Sunday Nkonde and the new matter commenced by Dr M'membe to be consolidated saying they have similar parties and the same subject matter.

The petitioners argued that if proceedings in the new matter were not stayed, the application to consolidate matters would be rendered academic in that there can be adverse orders or rulings which could be made in the new matter which could affect the determination of the matters.

But in her ruling yesterday, judge Chisanga said

the application was misconceived.

"It is analogous to an appeal against refusal of injunctive relief, or refusal of leave to apply for judicial review. In the premises, I refuse to stay proceedings in cause number 2017/HPC/0050 for want of jurisdiction," ruled judge Chisanga.

Last November, former employees of the Post Newspapers Limited (In liquidation) Andrew Chiwenda, Roy Habaalu, Bonaventure Bwalya, Mwendalubi Mweene and Abel Mboozu petitioned the Lusaka High Court to liquidate the company so that they could be paid their arrears.

## Murder accused herbalist fails to secure bail

By Elias Banda

LUSAKA High Court judge Pixie Yangailo has thrown out an appeal of bail application by traditional healer Chilufya Chileywa commonly known as Kalonga Kanono.

Kanono is in this matter charged with attempted murder of his sister Josephine whom he shot with a pistol.

Judge Yangailo in her ruling agreed with the subordinate's refusal to grant bail on the premise that Kanono was likely to interfere with witnesses if granted bail.

The state through state senior state advocate Mercy Pondamali Lungu also opposed the bail application based on the findings that Kanono was likely to interfere with witnesses particularly the victim Josephine.

Judge Yangailo said it was not in the interest of proper justice that persons accused of crimes were seen or heard to be tampering with witnesses.

"Accordingly, the applicant is denied bail and the application is dismissed," she ruled.

Last month, Lusaka magistrate Albert Mwaba denied Kanono bail on the same grounds.

State prosecutor Christopher Nyambe said if granted bail, Kanono would most likely interfere with the victim who is the key witness in the matter.

He also said Kanono had threatened to kill the victim once he was released from the remand prison.

## Court orders Zesco to compensate Chitundu

By Elias Banda

The Industrial Relations Court has ruled that Cyprian Chitundu was wrongfully dismissed from Zesco.

In this judgement, Chitundu had sued Zesco for unlawful dismissal.

In a judgment delivered yesterday, High Court judge Martin Musaluke ordered Zesco to pay Chitundu twenty four months salary including allowances he was entitled to as compensatory damages for unfair dismissal.

"The claim for wrongful dismissal succeeds and the first respondent is ordered to pay the complainant nine months salary including any allowances he was entitled to as compensatory damages. The claim for leave pay for the period 15 February, 2015 to 7 September, 2015 succeeds and

the respondent is ordered to pay the complainant," judge Musaluke ordered.

Judge Musaluke also awarded costs to Chitundu.

He said Chitundu's termination of employment could be said to have been inflicted in a traumatic way which caused undue distress on him.

"No explanation was presented at trial why such a decision was made after the complainant executed the contract of employment guaranteeing him stay at the first respondent only to be put on forced leave after two days. Further, the complainant was awaiting redeployment for over six months until 7th September, 2015 when his contract was abruptly terminated without being redeployed as earlier informed," said judge Musaluke.

By Mirriam Chabala

The Zambia Cooperatives Federation has narrated how middlemen duped government and struck a deal in Malawi, while demanding a commission from Zambia for the supply of maize to that country.

In this 10 minutes video, ZCF executive director James Chirwa explains that the Ministry of Agriculture, authorised the maize transaction between the federation and the Malawian government.

He added that both the Zambian government and ZCF did not know that an agent (Kaloswe Commuter and Courier Ltd) contracted in the purchase and supply of maize had gone to Malawi to close a deal with that government's department of agriculture (ADMARC).

Chirwa says the US\$34 million maize deal, meant to be a government-to-government transaction, went sour after agents from Kaloswe went to demand commission from him.

"Kaloswe entered into a contract with ZCF on 31st May, 2016 and the contract that Kaloswe entered into with ZCF was that Kaloswe was going to find maize on behalf of ZCF at \$215 per ton, COB which means Cost On Board. So we were selling the maize without any cost at all in 2016," Chirwa explained.

"It came to our attention that Kaloswe also after that went to Malawi and entered into a contract with ADMARC for the supply of the same 100 000 metric tonnes of Maize. So it appears that Kaloswe was like in the middle, they were going to buy from ZCF and sell it to ADMARC."

Chirwa claimed that the ZCF did not know that Kaloswe was holding two big institutions.

"Kaloswe could buy the maize from ZCF and transport it up to Lilongwe without us knowing that we were dealing with...without knowing that this person has actually held two big institutions, one this side and the other that side," narrated. "You see, had this ADMARC paid Kaloswe cash, Kaloswe was going to come here and pay us cash, you understand? If ADMARC had in their procedures that they could pay cash, they would have paid Kaloswe cash and Kaloswe was going to manage to complete this deal and pay off ZCF."

He said Kaloswe went further to demand for a trade agent fee.

"They came to ask for commission which we refused [to pay] and the reason we refused is very simple. ZCF could not supply Kaloswe with money because ZCF did not appoint Kaloswe as a trade agents or its trade agent to source for market of maize on its behalf, so there was no agency agreement. How do we pay commission? Commission is paid to an agent. If auditors came here and said I have paid Kaloswe they would say 'how come you have paid someone who

# Chirwa narrates how middlemen dubbed government in maize-gate scandal

was supposed to pay you money to give them maize? It is our refusal to pay the commission that brought all that; because this is public money, we just don't dish out like that," narrated Chirwa. He said ADMARC then approached ZCF in order to transact directly.

"The next thing we got was a visit by Malawi people to say 'we want to have a business contract with you' and then we started negotiating with government that lets give Malawi some Maize using ZCF...so that's the status. Asked why the Ministry of Agriculture did not use the

Food Reserve Agency in the government-to-government maize deal, Chirwa said the Zambian government was at liberty to choose which institution to work with in any transaction.

He further claimed that ADMARC did not pay ZCF the \$34 million until

the deal got sour because the Malawian-government agency was waiting for the maize to be delivered first. One-week efforts to get a reaction on contact number 0977347712, advertised on the company letterhead, Kaloswe Commuter and Courier Services Ltd did not

answer calls.

A check at plot 23 Buluwe Road Woodlands, found some old abandoned tracks and no visible office for Kaloswe. Response for a press query sent to kaloswe@gmail.com was still being awaited by the time of writing.

## Zambia among most unequal countries



Children in Seba village of Sinda district inspect their mice traps early morning - Picture by Joseph Mwenda

By Charles Mafa

Zambia is now one of the most unequal countries in the world; with 10 per cent of citizens receiving 52 per cent of all income, while the bottom 60 per cent gets just 12 per cent says Brenthurst Foundation head Greg Mills.

And Mills says in a bereft of ideas, the government has reverted to populist methods of "squeezing investors".

In his analysis titled 'Zambia's mining investor schizophrenia' published by South Africa's Daily Maverick on March 2, 2017, Mills observed that economic growth had drastically fallen in the past two years.

"Zambia was a poster child for the Africa rising era in the 2000s, when its economy grew at 7% annually. Three externally driven changes made the boom times possible: surging commodity prices fuelled by China's burgeoning appetite, an increase in aid coupled with debt relief, and the ability to fund governments through new bond issues. We know now, in today's more difficult times, that across Africa this growth had little to do with better governance or, for that matter, governments' development vision, focus and actions. In Zambia, when Chinese interest slackened and the copper price went

down, economic growth slowed, the effects worsened by inconsistent tax policy and a spendthrift government. Growth fell to just 2.9% by 2015, and 3.6% last year, barely enough to maintain current per capita incomes and wholly inadequate to generate the employment required, especially by the large number of young people looking for jobs," Mills stated. Mills stated that a debt servicing crisis was around the corner.

"Debt, from which Zambia was all but totally relieved in 2006, now stands at just under \$10-billion, or half of gross domestic product. Much of the new debt taken out under the Patriotic Front government (which took over in 2011), more than \$3-billion in just four years, has been spent on civil service salary increases. The public service numbers 237,000 of the 625,000 people in formal employment, and consumes more than half the government budget. Public service salaries have increased by nearly 60% in real terms under the PF government, now led by Edgar Lungu," Mills said.

"The cost of debt servicing is estimated at 17% of the budget (or 3% of GDP) in 2016, or \$850-million. There is a larger crisis just around the corner:

some \$750-million of debt matures in 2022, \$1-billion in 2024, and \$1.25-billion between 2025 and 2027."

He stated that Zambia had become one of the most unequal countries.

"Despite the claims of those who said that growth was the result of better governance, the problem now is precisely that it wasn't. To the contrary, Zambia has become among the most unequal countries worldwide as the proceeds of growth were redistributed among the Lusaka-based elite. Today the top 10% of Zambians receive 52% of all income, while the bottom 60% of the 16-million population gets just 12%," Mills stated.

And Mills stated that the Zambian government was squeezing investors.

"Bereft of ideas, rather than take difficult political steps the government has sidestepped its responsibility in reverting to tried and trusted populist methods of squeezing foreign investors, behaving less like a poster-child than a predator. Much of the country's recent boom has been based on the fresh investment made in the country's mines after privatisation. But Lusaka only agreed to sell its crown jewels when there was absolutely no other alternative," he stated.

"Even so, judging from their actions, successive Zambian

governments apparently prefer to see the mining industry as crooks conniving to undercut the state and rip off Zambians. First Quantum and ZCCM-IH have invested over \$2.5-billion in Kansanshi. There have been a number of years when Kansanshi, alone, has been responsible for as much as 90% of Zambia's corporate income tax, totalling to date \$3.7-billion. It has also invested close to \$200-million in CSR and education projects. Wage and electricity payments have injected another \$50-million monthly into the Zambian economy from mines that did not exist in 2000."

He stated that it would be hard for Zambia to attract other investors.

"In return, following the abrogation by the previous Zambian government of the original, more investor-friendly development agreements in 2008, First Quantum has received a grand total of 80% of Kansanshi's declared dividends amounting to \$800-million (ZCCM-IH receiving \$200-million), a long way from paying back the investment. Still, with its \$800-million and backed by further loans, First Quantum has built Sentinel at a cost of \$2.3-billion, which will add another 300,000 tonnes of

copper and more than 4,000 jobs to Kansanshi's 270,000 tonnes and 8,000 jobs. Now ZCCM-IH has instituted a legal action against First Quantum (and is threatening similar action against others) over the extent of interest payable on retained earnings at Kansanshi, despite these being ploughed back into the mine and its associated smelter, stated Mills.

"Given Kansanshi's earnings it's hard to see that any better investment opportunity ever existed in Zambia. It's hardly an action to encourage First Quantum's directors to travel to Zambia, let alone attract other, serious investors who always look to see the way in which those already present are treated. While the Zambian government is desperate for cash to keep itself afloat, and this may be little more than a negotiating ploy, treating your most important investor this way risks a lot of hurt. How painful this will be depends on Lusaka's next move. Lacking fresh development thoughts, it has nowhere to go. This has led it to tap existing sources such as First Quantum, rather than sign on to an IMF programme, trim government, make savings and grow the economic base, investment and jobs."

Journalism can never be silent because that is its greatest virtue. It must speak, and speak immediately, while the echoes of wonder, the claims of triumph and the signs of horror are still in the air. That's what Henry Grunwald teaches us.

Indeed, there is nothing we can speak better than journalism, and we do speak it fluently. We would like to speak now while the claims of triumph, signs of uncertainty and the fear of totalitarianism is growing in the Republic of Zambia.

Our voice is new, full of hope, determination and purpose. We are sure you will appreciate it and we will do our best to give you reason for supporting us. We are also not naïve to the fact that, for whatever reason, you may choose to dislike our voice, and it's within your rights to ignore it. You can choose not to hear us, but we ask that you protect our constitutional right to speak.

We want to be part of the political, economic and social life circle of this country because we cherish it so dearly. We are eager to amplify the voice of those who cherish our country as much as we do, be they from the ruling party or the opposition.

The Patriotic Front may pride itself in running

News

# Diggers!

Ear to the ground

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# Here we come

a government with a functioning executive, an effective legislature and a firm judiciary, but no government survives in the absence of a critical Fourth Estate. Even flawless governments in developed countries appreciate the role of a critical press. Our government is far from perfect, especially in the face of political divisions, budget deficits and dwindling foreign investments, and it should embrace a free press more now than ever before in order to inspire accountability and donor confidence.

That is why we cannot stop thinking about the state of the media in Zambia, because the less you think about your oppression, the more you tolerate it.

The less you think about the danger of corruption, the more you accept it as a normal state of affairs. To become free, you first have to be acutely aware that you are a slave. In Zambia, we are satisfied with the pronouncements made against corruption, but that is only because we are not brave enough to realise that corruption and outright theft are extending the ever-widening gap between the poor majority and the rich few.

We are made to believe that President Edgar Lungu is fully aware of the fact that he has corrupt individuals running government with him, hence his statement on November 4, 2016, questioning the alertness of the Anti-Corruption

Commission while his ministers and indeed his advisors are amassing illegal wealth.

This is what gives birth to Diggers! News Diggers! This is what brings us here. President Lungu must be very proud of us because we are not only here to become the first Zambian online newspaper publication, registered with PACRA, ZRA and National Archives, but also to help him clean the mess. We are here to help the President stump out corruption and to assist the judiciary to met out deserving punishment on perpetrators.

Of course we cannot say how guilty or innocent President Lungu is of corruption, but if he is truly unhappy with the

performance of the Anti-Corruption Commission as he put it, then he must be pleased with our birth because we believe so dearly in his declared fight against corruption. We will work with the President closely on this fight. We will try our best, with the help of Zambian whistleblowers, to check that his ministries, his office and indeed his house are free of corruption – we will tell him what the Anti-Corruption Commission is hesitant to say.

It will be our earnest aim to report news, all news – bad or good – in a concise and informative form; in a language that is understood by a bus driver and a foreign diplomat. Our interactive multi media platform

will report news as early, if not earlier than anywhere else, with impartiality.

We have our ears to the ground, but the process of gathering news at Diggers! is unique and thorough. We are not excited to feed the public with unverified facts. Although you will mostly learn of breaking news from us, we are keen to present a fair, balanced, objective report at first instance. We promise that if you hear it from us, then it's true.

The team of dedicated young journalists employed at Diggers! has been in-house trained to practice ethical journalism, free of malice, propaganda, perjury or plagiarism. We shall, therefore, not publish hate speech; and for the same reason, we will stay away from involving ourselves in any political agenda or sponsorship.

Take time to browse through the various categories of our platform as we populate the audio and video channels. We encourage whistle-blowers to carefully read the security guidelines outlined on the top link before sending us sensitive documents. You are also welcome to visit us physically at the address indicated on the bottom right corner.

Welcome to Diggers!

# My Money My Data:

## *Why should Internet bundles expire?*



**Michael Chishala is a Zambian blogger, Engineer and ICT Specialist in web and database programming.**

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Imagine withdrawing one thousand Kwacha from the bank and keeping it in an envelope at home. A month later, a shop attendant refuses to accept your money for a transaction saying your banknotes are expired. How would you feel? I am sure you would rush to your bank for a colourful exchange of words with the branch manager.

That is exactly the same way I feel when I buy Internet data bundles and they expire before I have exhausted them. How about you? Are you happy to see your data bundles expire while the provider keeps your money without it losing value?

About 15 years ago in the early days of the Cellphone industry, this exact system was used by mobile phone

providers. Whenever you bought talk time, it would expire after a designated number of days.

It used to be very infuriating to buy airtime and find it expired on the day you wanted to make that really important phone call. It was impractical to keep track of the expiry date, so sometimes you would be forced to make calls to people you don't really want to hear from, just to avoid losing your airtime before the expiry date. There was a big public outcry over this and eventually, the practice was abolished, much to the relief of everyone who was privileged enough to own a cellphone.

Zambia Information and Communications Technology Authority

(ZICTA) Unfortunately for all of us, the Zambia Information & Communications Technology Authority (ZICTA) has been sleeping at the wheel concerning the matter of data bundles. All Internet providers sell data bundles with an expiry date condition.

Why is this retrogressive practice allowed? Why should we be forced to consume our Internet data bundles within a fixed number of days? Why should we be made to go into overdrive watching videos and downloading things a day before the bundle expires? Why should we lose Gigabytes and Gigabytes of data and money to Internet providers? Just like airtime credit, Internet Data bundles must never

expire!

The main functions of money are distinguished as: a medium of exchange, a unit of account or store of value. That means that any item or verifiable received as a purchase must carry the same value of the quantity of currency used in the exchange. Therefore if cash is kept unused, deliberately or otherwise, for a month, it can not lose its value. Data bundles are money. We pay good money for Internet data and we deserve to consume it whenever, wherever and however we want. It was a fair exchange of value for value.

Whichever way you look at it, the whole practice is unacceptable and feels like theft because Internet service providers happily

get our money upfront but oftentimes do not give us the full value of our cash. Any left over data from an expired Internet bundle has a monetary value. We should not allow the Internet service providers to reach into our pockets and get our money.

If the logic of expiring talk time was accepted by everyone, why doesn't the same logic apply to data? We should be free to use the data as and when we want because it costs nothing for the Internet providers to remove the expiry dates. It costs them nothing even if someone uses their bundle over 6 months. Everything is controlled by automated software.

I call upon ZICTA and the rest of my fellow Zambians to stand up and join the campaign against this abuse by Internet service providers. We cannot accept the explanation that this is a global practice; why can't Zambia take the lead for once and stop this?

It is #MyMoneyMyData



## FIFA assures Africa of seven places in WC

By Tenson Mkhala

FIFA president Gianni Infantino has assured Africa of at least seven places if the World Cup is expanded to a Forty-eight-team tournament in 2026.

Reacting to African football leaders, who last week asked FIFA to double the continent's current allocation of five places when the tournament is expanded, Infantino said the number could rise further depending on agreement with the FIFA council.

"Africa will have seven or more countries in the FIFA World Cup due to the FIFA Council's confirmation of forty-eight countries which will participate at the tournament," Infantino said.

The proposed new format will see an initial stage of sixteen groups of three teams, followed by a knockout stage for the remaining thirty-two.

The number of tournament matches will rise from sixty-four to eighty, but the eventual winners will still play only seven games.



The Zambia U20 team celebrating a goal

## Bwalya moves motion to impeach FAZ boss

By Mirriam Chabala

NORTHERN Province Armature Football Association (NPAFA) has called for the removal of Football Association of Zambia president Andrew Kamanga.

In a statement issued today, NPAFA General Secretary Chimponda Bwalya said Kamanga would have to be removed from his position at this year's FAZ Annual General meeting for failing to perform.

He said his association arrived at that decision after discussing notices during a council meeting conducted in the Province.

"Following the notice for council meeting and in accordance with Article

26.2 (X) of the Football Association of Zambia constitution, we hereby wish to submit for inclusion of the item on the agenda to be discussed at the coming Annual General Meeting on 25th March, 2017," Bwalya said.

He said the submission of the agenda item of removing Kamanga from his position to the FAZ council meeting, was in accordance with the FAZ constitution.

"We submit the removal of the FAZ president Mr Andrew Kamanga from office in accordance with Article 28.2(i) and (ii). Details will be made available on the floor of the House," said Bwalya.

## Chilufya shrinks Malepe as Zambia beats S/Africa

By Mukosha Funga

Zambia has beaten South Africa 1-0 in the CAF under-20 semi-final match played in Lusaka.

The junior Chipolopolo toiled to find the back of the net, but fell short on several occasions as Amajita captain Tercious Malepe proved too tough to penetrate.

Both sides shared fruitless chances on target as the local fans grew impatient. The game was pushed to extra time after a barren 90 minutes.

Zambia's Edward Chilufya then nicked in a header from a Prosper Chiluya

free kick to shrink Malepe's mojo in the second half of extra time.

The lone goal booked Zambia's slot for a final at the ongoing tournament.

Meanwhile, an investigation is going on at Heroes Stadium after police threw teargas canister during the match, in unclear circumstances.

Police followed some soccer fans who were leaving the stadium and threw yet another teargas canister, causing a near stampede.

The confusion caused panic at the stadium as people started fainting. Babies were crying while the

frustrated fans cursed in various languages.

Play was stopped two minutes before the end of the first half of extra time, but was continued after about 10 minutes.

After the game, Police spokesperson Esther Mwata Katongo said her officers used teargas to disperse an

unruly mob of soccer fans. "There was a mob outside Heroes Stadium which mobilised and wanted to break through and force their way into the stadium while the game was still on. After police repelled them, they started throwing all sorts of objects at them, and this prompted officers

to discharge teargas to disperse them," explained Katongo.

"All this was happening outside but due to wind, the gas also affected those that were inside. Our advice is that all those without tickets should stay away from the stadium unlike causing confusion."

## Kalusha withdraws from FIFA council race

By Diggers Reporter

FORMER Zambian football icon Kalusha Bwalya has withdrawn from the FIFA council race.

Bwalya, a CAF committee member who was one of the three contenders that included strong Ghanaian Football Federation president Kwesi Nyantakyi and Leodegar Tenga of Tanzania made the announcement to supersport.com just 12 days before the elections in Addis Ababa on March 16.

The former Africa footballer of the year and former FAZ president said he made the decision after introspection and decided to pull out for the sake of 'unity' in football.

"After a lot of soul searching, I have decided to step aside from the upcoming FIFA council member seat for the sake of peace in football," Kalusha told supersport.com.

"I want to take this opportunity to wish both Kwesi Nyantakyi and Leodegar Tenga the best in the upcoming elections as they seek to foster more relationships for Africa."

The elections are slated for March 16 in Addis Ababa where other positions will also be contested including the CAF presidency.





# STALE MATE IN HARARE

*By Diggers Reporter*

Zambia and Zimbabwe have played out to a draw in a friendly international at National Sports Stadium in Harare.

Both sides drew blanks in what was Chipolopolo's first international engagement since November 12, 2016 when they drew 1-1 away to Cameroon in a 2018 World Cup qualifier.

But the result was an improvement for coach Wedson Nyirenda against Zimbabwe who beat his Zambia side 1-0 in another friendly on November 5 in Harare.

Zambia now turn their focus to June when they host Mozambique in a 2019 AFCON group qualifier.

