

Empowering regulators to protect consumer rights in the ICT sector

BASELINE POSITION ZAMBIA 2009

David Mukosa, University of Zambia

TABLE OF CONTENTS

- 1 Overview of Information Communication Technology in Zambia 1**
 - 1.1 Introduction 1
 - 1.2 Fixed, Mobile, Internet subscriber growth rate and Mobile market share 2
- 2 Legislative and self-regulatory frameworks 3**
 - 2.1 The Constitution 3
 - 2.2 Telecommunications Act 1994..... 4
 - 2.3 Information and Communications Technologies Bill - 2009 5
 - 2.4 The Telecommunications (Consumer Protection) Regulations 6
 - 2.5 Self Regulation 7
- 3 Level and type of complaints..... 7**
 - 3.1 Consumer Awareness 8
 - 3.2 Consumer Literacy 9
 - 3.3 Capacity of the Communications Authority 9
- 4 Processes in place to resolve complaints 10**
- 5 The role of the regulator 10**
- 6 Consumer organisations and related bodies..... 11**
 - 6.1 The Zambia Competition Commission..... 11
 - 6.2 The Zambia Consumers Association..... 12
 - 6.3 The Zambia Weights and Measure Agency 12
 - 6.4 The Zambia Bureau of Standards 12
 - 6.5 Consumer Related Bodies 13
- 7 The role of the media 14**
- 8 Policy and legislative input 15**
- 9 Conclusion..... 16**
- 10 Works Cited..... 17**
- Appendix I..... 19**
 - ICT Indicators Update in Zambia 19
 - Complaint Procedure..... 20
 - Customers Complaint Acknowledgement Form..... 21
 - Consumer Leaflet 22
- Appendix II 24**
 - Complaint Procedure at Zambia Competition Commission 24

EMPOWERING REGULATORS TO PROTECT CONSUMER RIGHTS IN THE ICT SECTOR: BASELINE POSITION, ZAMBIA 2009

1 Overview of Information Communication Technology in Zambia

Box 1: How many consumers are involved?

| | |
|---|---|
| Projected Mid-Year Population (2008) ¹ : | 12,525,791 |
| Mobile subscribers (2008) ² : | 3,207,679 |
| Fixed line subscribers (2008) ³ : | 90,600 |
| Telecommunications Operators: | Cell Z, MTN Zambia, Zain Zambia, ZamTel |
| Internet subscribers (dial-up and other accounts) (2008) ⁴ : | 18,078 |
| Mobile Internet subscribers(2008) ⁵ : | 791, 464 |

1.1 Introduction

The telecommunications market in Zambia was liberalised in the mid 1990s. This was the direct result of the ushering in of the liberalisation policy of 1992, after the introduction of multi-party politics in Zambia. The government-owned monopoly, the Postal and Telecommunication Corporation (PTC), had been the exclusive provider of postal and telecommunication services. The 1994 Telecommunications Act led to the break up of the PTC into the Zambia Telecommunication Company (ZamTel) Limited and the Zambia Postal Corporation (ZamPost), to provide telecommunications services and postal services respectively. Since then, the country has recorded a substantial proliferation and innovation in telecommunication service provision.

The introduction of Internet use in Zambia was pioneered by ZamNet Communication Systems, a University of Zambia company, in 1995, the same year in which ZamTel introduced now-obsolete analogue cellular phones. The resulting effect of competition in the Information Communication Technology (ICT) sector influenced the need for regulation in this sector. To fulfil this need, the Communications Authority of Zambia (CAZ) was created in July 1994 as the national ICT regulatory authority through an Act of Parliament⁶. The Communications Authority of Zambia is a statutory body that regulates provision of all Information Communication Technologies services including products, and it supervises the radio frequency spectrum.

Currently, most segments of the ICT sector in Zambia are relatively liberalised and competitive. Such segments include mobile communications, information technology and

¹ CSO (2009), *The Monthly*, Vol 75, June 2009, Central Statistical Office, Republic of Zambia, Lusaka, available online at http://www.zamstats.gov.zm/media/vol_75_2009_the_monthly_june.pdf

² CAZ (2009), *ICT Indicators Update in Zambia*, Communications Authority of Zambia, Lusaka, available online at http://www.caz.zm/index.php?option=com_content&task=view&id=92&Itemid=101

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ (1994), *Telecommunications Act, No 23, Cap. 469*, Republic of Zambia, Lusaka

the Internet. The telecommunication sector has three major competing mobile networks and a monopoly fixed-line operator. The major players in the mobile network market in Zambia are: Cell Z, MTN Zambia and Zain Zambia, with Vodacom of South Africa now seeking to enter the market. ZamTel is the exclusive provider of fixed-line services in the country. The internet market has recorded some upward subscriber growth since 2001, with the number of Internet Service Providers (ISPs) increasing. The country also recorded the introduction of mobile internet access in 2007. Players in the Internet market are: AfriConnect, BringCom, CopperNet Solutions Limited, Epochal Digital Technology, Microlink Technologies, MTN Zambia, Post Link Limited, Quick Edge, Realtime Zambia Limited, UUNet Zambia, Zain Zambia, ZamNet Communication Systems and ZamTel Online. ZamTel is currently laying out a country-wide fibre backbone⁷, which will enhance speed and provide versatile means of voice and data connections within and outside Zambia.

1.2 Fixed, Mobile, Internet subscriber growth rate and Mobile market share

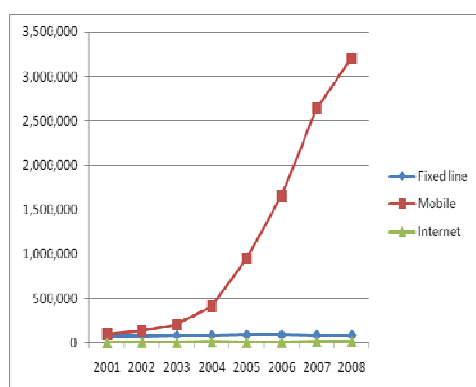


Figure 1. Subscriber growth rates 2001 – 2008⁸

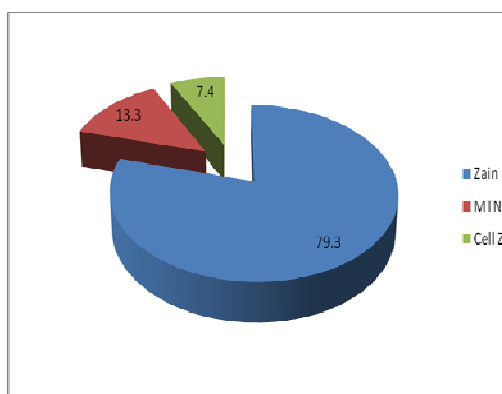


Figure 2. Mobile Market share March 2008⁹

Figures 1 and 2 show, respectively, telephony subscriber growth from 2001 to 2008, and the mobile providers' market share in 2008. The mobile cellular communication sector has experienced explosive growth over recent years, as preference has soared for mobile cellular communication, as can be seen from the graph at left (Figure 1). By contrast, the fixed-line network has remained stagnant, and even lately recorded negative growth. Zain Zambia is overwhelmingly the dominant mobile cellular communications operator in the country, with a market share of 79.3% (see above), although some evidence suggests that MTN has begun to gain ground¹⁰. Even the smallest of the three mobile operators, Cell Z, now has a customer base more than double that of fixed-line provider ZamTel.

⁷ ZamTel (n.d), *New Fibre Network*, Zambia Telecommunication Company, Lusaka, available online at http://www.zamtel.zm/index.php?option=com_content&task=view&id=58&Itemid=75

⁸ Graph based on (2009), *ICT Indicators Update in Zambia* data from Communications Authority of Zambia, Lusaka, available online at http://www.caz.zm/index.php?option=com_content&task=view&id=92&Itemid=101

⁹ Graph based on data from CAZ (2009), *Country Paper for Zambia*, presentation on CRASA website by CAZ Acting CEO, Mr Richard Mwanza, 31 March 2009, available online at http://www.crasa.org/docs/reports/ctry_rp09/Zambia%20Report%202009%20Presentation.pdf

¹⁰ MTN reports 582 000 subscribers in Zambia as at September 2008 (MTN (2009) 'MTN subscribers exceed 80 million', Mobile Telecommunications networks, Johannesburg, available online at <http://www.mtn.com/media/overviewdetail.aspx?pk=372>), which would suggest a market share moving towards 20%

2 Legislative and self-regulatory frameworks

2.1 The Constitution

The Constitution of Zambia guarantees freedom of expression. This is expressed in Article 20 of the constitution. Chapter 1 of this article states that “Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to impart and communicate ideas and information without interference, whether the communication be to the public generally or to any person or class of persons, and freedom from interference with his correspondence”¹¹.

Whereas the article above effectively protects freedom of expression, it may leave a number of questions unanswered in a dynamic information communications and technology era of today. Questions as up to what level this freedom can be infringed on, technologically, arise. When the above article was drafted, it could not have been envisaged that ICT would be at the centre stage of communication as it is today. The constitution, like many constitutions worldwide, unfortunately contains no specific guarantees of consumer protection, either in general or directly in relation to ICT goods and services.

However, consumer rights find a much stronger expression in the draft constitution proposed by the Mung’omba Constitution Review Commission¹², and which is currently being considered by the National Constitution Conference (NCC). This draft constitution addresses the plight of consumers of services as such as communication, water, power and other utilities. In the past, providers of such services were not directly compelled to offer quality services to consumers as per operators licence specifications. Services have been offered to consumers to whatever level of service the providers deemed sufficient for the consumer.

On consumer rights the draft constitution states that:

Consumers have the right to –

- (a) goods and services of appropriate quality, quantity and use;*
- (b) information necessary for them to gain full benefit from the goods and services;*
- (c) protection of their health, safety and economic interests; and*
- (d) adequate compensation for defects that cause them loss or injury*¹³.

Further the draft constitution requires Parliament to “enact legislation to provide for consumer protection and for fair, honest and decent advertising”¹⁴. These provisions, if adopted, will revolutionise the level of rights and degree of protection available to Zambian consumers.

¹¹ Article 20, Chapter 1, (1991) ,*Constitution of Zambia*, Republic of Zambia, Lusaka

¹² Mung’omba Constitution Review Commission (2005), *The Constitution of Zambia Bill*, Lusaka, available online at http://www.ncczambia.org/media/the_constitution_of_zambia.draft.pdf

¹³ Ibid Section 66 (1)

¹⁴ Ibid

2.2 Telecommunications Act 1994

The ICT sector in Zambia is currently still regulated by the Telecommunications Act of 1994¹⁵, which establishes the Communications Authority of Zambia (CAZ) as the regulator for telecommunications. The Authority is mandated to supervise and promote the provision of telecommunications services throughout Zambia. The specific functions of the Authority include a consumer protection mandate to “promote the interest of consumers, purchasers and other users of telecommunication services (including, in particular, those who are disabled or of pensionable age) in respect of the prices charged for, and the quality and variety of, such services and apparatus supplied for the purpose of such services”¹⁶.

The Act gives the CAZ powers to vary the conditions of the licence or attach new conditions where a licensee “has on repeated occasions contravened the conditions of the license, or has been the subject of such complaints by the users of the service provided by the licensee”¹⁷. Furthermore, the Act gives the CAZ powers to revoke an operator’s licence where the licensee “has been a subject of such complaints by the public as, in the opinion of the Board, to warrant action”¹⁸. The Act also gives the minister powers to establish a Telecommunications User Advisory Committee whose principal function is to consider complaints and comments from users of telecommunications services¹⁹. In the Telecommunications (Consumer Protection) Regulations, subsequently issued by CAZ in terms of this Act²⁰, consumers are, however, following global best practice, advised to initially launch their complaint to the service provider and, only when they are dissatisfied with the outcome, to escalate this to the Communications Authority, putting their complaint in writing.

Through the Regulatory Alliance, which was established in 2005 to bring together the sector regulators responsible for ICT, energy and water, respectively the Communication Authority of Zambia (CAZ), the Energy Regulation Board (ERB) and the National Water Supply and Sanitation Council (NWASCO), Consumer Watch Groups (CWGs) have been formed in several districts where the three regulators have offices. The Regulatory Alliance has facilitated the forming of seven (7) Consumer Watch Groups in the following towns: Lusaka, Ndola, Kitwe, Chingola, Luanshya, Mufulira and Mongu²¹. This has provided a level of representation by consumers in issues of water, energy and ICTs, although there appear to have been some administrative difficulties in their operation²².

The Telecommunications Act provides for nine members on the Regulatory Board overseeing CAZ. The new Information and Communication Technologies Bill goes on to keep the previous stipulation by the Telecommunications Act (1994) that one member of the Regulatory Board shall be a person nominated by the Zambia Consumers Protection Association, along with other stakeholder representation, including nominees from the

¹⁵ (1994), *Telecommunications Act, No 23, Cap. 469*, Republic of Zambia, Lusaka. This Act is in the process of being replaced by The Information and Communication Technologies Bill, currently before Parliament

¹⁶ (1994), *Telecommunications Act, No 23 of 1994, Cap. 469*, Republic of Zambia, Lusaka, Section 5 (2) (b)

¹⁷ Ibid, Section 8(3)

¹⁸ Ibid, Section 12

¹⁹ Ibid, Section 19

²⁰ CAZ (nd): *Consumer Protection Regulation*, Communications Authority of Zambia, Lusaka, available online at: http://www.caz.zm/index.php?option=com_content&task=view&id=52&Itemid=55

²¹ ERB (nd), “*Organisational Profile*” leaflet by Energy Regulation Board, Lusaka

²² Interview: 12 August 2009 with Mrs. Susan Mulikita, Communications Authority of Zambia, Lusaka

National Farmers' Union and the trade union movement²³. This varied representation on the Authority's Board, whilst not new, may serve to strengthen the voice of ICT consumer interests.

2.3 Information and Communications Technologies Bill - 2009

The Information and Communications Technologies (ICT) Bill was drafted in 2007 and enacted by Parliament in July 2009. This new Bill, once given presidential assent, will repeal the existing Telecommunications and Radiocommunications Acts, both of 1994. One of the objectives of the new Bill is to "protect the rights and interests of service providers and consumers"²⁴. The ICT Bill contains more detailed provisions with regard to the powers of the regulatory authority and consumer protection in particular. In the consumer affairs section, the ICT Bill takes into account a number of consumer issues such as quality of service, complaints procedures and a service provider code of conduct, which was not the case before²⁵. The consumers will have more say on what type of service they are getting from market operators if the regulators effectively implement the new ICT Bill's guidelines on consumer protection.

On Consumer Affairs generally, the Information and Communication Technologies Bill requires service providers to:

- (a) *meet such minimum standards of quality of service as the Authority may specify and publish;*
- (b) *deal reasonably with consumers; and*
- (c) *address consumer complaints; in accordance with the guidelines issued by the Authority under this Act*²⁶.

The Bill goes into considerable detail in respect of guidelines for the handling of complaints, empowering the Authority to "establish guidelines for the making, receipt and handling of complaints of consumers regarding the provision of [ICT] services... [which] shall be binding on licensees"²⁷. The guidelines are fairly extensive and may include "procedures for meeting consumer needs and requirements; the handling of consumer complaints and disputes, including an inexpensive arbitration process... the compensation of consumers in the event of a breach of the Code of Conduct; the protection of consumer information"²⁸. The guidelines are backed by suitable sanctions, with the Authority given the power to "resolve any complaints from consumers in relation to matters of service provision and consumer protection including the quality of service or the failure by a licensee to comply with [the] consumer protection guidelines"²⁹.

A further consumer protection provision of the new Bill is the requirement that the Authority should implement a "code of conduct for licensees" covering issues such as the "provision of information to consumers... provisioning and fault repair...persons with

²³ First Schedule, Part I, 1(2),(2009), 'Information and Communication Technologies Bill', Republic of Zambia, Lusaka, available online at

http://www.parliament.gov.zm/index.php?option=com_docman&task=cat_view&gid=107&Itemid=113

²⁴ Ibid.

²⁵ Ibid, Part VII Consumer Affairs

²⁶ Ibid, 67 (1)

²⁷ Ibid, 68 (1)

²⁸ Ibid, 68(3)

²⁹ Ibid, 68 (4)

disabilities...consumer charging [and] billing...practices”³⁰. Such a code will considerably strengthen protection of ICT consumers, although the section remains vague in respect of enforcement sanctions.

Another significant milestone that this Bill has achieved is to change the name of the Authority from Communication Authority of Zambia to an all-encompassing Zambia Information and Communication Technology Authority (ZICTA). Taken together, the consumer provisions in the Bill represent a considerable advance for Zambian ICT consumers.

2.4 The Telecommunications (Consumer Protection) Regulations

The Communications Authority ensures that consumers make informed choices and get affordable, efficient and high quality services. The consumer protection mandate to the Authority under the Telecommunications Act has been implemented through the Telecommunications (Consumer Protection) Regulations which were developed by the Communication Authority after consultation with stakeholders at national level. The Communication Authority issued these regulations in 2004, and revised them in 2006, once they had been accepted by all stakeholders. Among other things, the regulations specifically outline consumer rights, consumer choice, complaint handling procedure and penalties. The consumer rights embody essential elements such as, full disclosure, privacy, high quality, reliable sources, timely accurate bills and redress, responsive regulator authority, emergency services, market abuse and safety”³¹.

Section 10 of the regulations provides an outline of the consumer complaints handling procedure. The complaint should initially be lodged with the service provider, but, where a consumer is not satisfied with the licensee’s feedback, the consumer can refer the complaint to the CAZ, which will then investigate the matter.

The CAZ does not have to wait for consumer complaints to reach it, but may take the initiative to launch its own investigations on any matter relating to the provision of service which in its view warrants an investigation by the authority³². The investigation can range from poor service provision by inferior technical capacity provided, to failure to offer acceptable service levels to consumers by service providers. The investigation could also be breaches of contract between consumer and operators where such contracts exist.

These investigative powers are backed by the right to impose sanctions on recalcitrant operators with the authority granted powers to suspend, or revoke or refuse to renew the license on its expiry where the licensee has breached any of the provisions of the consumer protection regulations³³. The Authority has from time to time warned operators that it would revoke their licence but has never actually taken such action to date against any operator.

³⁰ Ibid, 69 (2)

³¹ CAZ (n,d), *Telecommunications (Consumer Protection) Regulations*, Communications Authority of Zambia, Lusaka, available online at http://www.caz.zm/index.php?option=com_content&task=view&id=52&Itemid=55

³² Ibid as stipulated under section 11 of the Regulations.

³³ Ibid Section 21 of the CAZ (n,d), *Telecommunications (Consumer Protection) Regulations*, Communications Authority of Zambia, Lusaka

2.5 Self Regulation

There are several organisations in Zambia that exercise some form of self regulation in the ICT sector. Internet Service Providers, for example, are regulated by the Internet Service Providers Association of Zambia (ISPAZ). This is an association composed of Internet Service Providers in the country and formed under the Societies Act³⁴. Although this association has no statutory powers, its constitution has a provision for dealing with consumer complaints regarding the quality of service provided by its members. The issue of consumer protection is, however, only obliquely mentioned in the mission statement of this association which reads “ISPAZ’s mission is to provide a non-profit forum through which Internet Service Providers can address issues of common interest and interface with industry stakeholders *so that end-users receive world-class service* and industry participants earn a fair return on their investments”³⁵. ISPAZ can, in appropriate cases of consumer complaint, advise its member to take remedial measures. Unfortunately, ISPAZ appears not to have a website. It is, therefore, unclear how consumers will learn about these provisions, and find out how to lodge complaints, much less how the outcomes of such complaints will be publicised.

Among other bodies that exercise some form of self-regulation in the ICT sector is the Computer Society of Zambia. The mandate of the society includes protecting consumers from unscrupulous computer professionals who may provide poor quality services. However, the only remedy available is to expel an offending member from the professional body. Such an expelled member, may, nonetheless still continue to undertake ICT-related duties as there is no legal requirement for ICT experts to belong to the Computer Society of Zambia before they can be allowed to provide ICT services. The services being referred to here are professional ICT services and not necessarily aimed at those who will trade in ICT equipment and the like.

3 Level and type of complaints

There appears to be a pronounced level of illiteracy on the part of the general Zambian subscriber with respect to the procedures for lodging ICT complaints. Anecdotal evidence suggests that even seemingly well-informed, well-educated consumers do not push their complaints further than the service provider or do not know the way forward after being dissatisfied with the service provider’s resolution³⁶. The formal research to be undertaken as part of this project should indicate if this trend is more widespread.

Anecdotal evidence suggests that many complaints have arisen from poor quality of service and high call tariffs. It is, however, notable that many subscribers do not bother to find out the true translation of the so many times advertised calling rates. It is a common trend to find subscribers complaining about the deficits of one service provider compared with another. In general, the complaints end there and some subscribers change networks with the hope of finding better quality of service and lower tariffs. Consumer literacy and knowledge of rights comes into play in this respect. CAZ has produced circulars, brochures

³⁴ Chapter 119 of the *Laws of Zambia*

³⁵ Mission statement of the Internet Service Providers Association of Zambia, *emphasis added*, website unavailable

³⁶ Informal interviews (2009) with colleagues and students at the University of Zambia

on complaint procedures; however, access to this literature requires urban location and generally being knowledgeable of your consumer rights.

Operators are required to submit quarterly reports to CAZ on the numbers and types of complaints received from consumers, although this was not reflected in the 2007 CAZ Annual Report, the document available at the time of writing this report. On Quality of Service (QoS) standards, the referred to report indicates that “a consultative process with key industry stakeholders³⁷” was used to develop standards to be adhered to by service providers. “[These] standards are also aimed at empowering consumers of services as it provide a forum by which consumers can participate in the process of determining the level of service being provided to them”³⁸.

3.1 Consumer Awareness

The Communications Authority undertook among other things “ research related work during the 2008 period and substantial progress had been made in ... research activities [such as] Consumer Awareness and Perception Study, aimed at gauging the Authority’s effectiveness in awareness programmes, and the public perception [of the Authority]”³⁹. A joint study was conducted by the CAZ and a researcher from the University of Zambia on the “Consumer and Public Perceptions of the Communications Authority of Zambia”. The report was concluded and written in July 2008 and the following conclusions were revealed following the involvement of 1,965 respondents countrywide:

- (a) “..., the results indicated partial support of the statement that the dissemination of information by the CAZ about its existence and role has been unsatisfactory.
- (b) ..., the results did not indicate support for the statement that the CAZ according to the perception of the public and consumers had performed unsatisfactorily in providing supervision to the service providers.
- (c) ..., the results indicated support of the statement that the public and consumers are not well informed about their rights”⁴⁰.

The above mentioned indicators may reflect the need for the CAZ to evaluate their approach to consumer awareness. There is need for the CAZ to strategise on the methods of implementation that will enhance the awareness of consumers’ rights to the public. In the same vein of awareness, the CAZ has published posters on consumer rights. The posters are based on the consumer rights contained in Section 4 of the Telecommunication (Consumer Protection) Regulations. This effort is indeed commendable, although the dissemination of this information has limited accessibility to rural parts of the country. Such an exercise would certainly require substantial funding as it may be desirable to translate the posters in some major local languages in order to accommodate the majority of the population that may not be able to read the posters in English. The CAZ has

³⁷ CAZ (2007), *Annual Report 2007*, Page 8-9, Communications Authority of Zambia, Lusaka

³⁸ Ibid

³⁹ CAZ (2009) ‘Country Paper for Zambia’, (page 19), presentation on CRASA website by CAZ Acting CEO, Mr Richard Mwanza, 31 March 2009, available online at http://www.crasa.org/docs/reports/ctry_rp09/Zambia%20Report%202009%20Presentation.pdf

⁴⁰ Mwaba O C Sidney .Dr, CAZ (2008), A joint study on “Consumer and Public Perceptions of the Communications Authority of Zambia”. Communications Authority of Zambia, Lusaka

produced these posters in the major local languages that are spoken in Zambia and these include Bemba, Lozi, Luvale, Nyanja and Tonga. The CAZ has gone public on these by having road shows and series of meetings in all provinces of Zambia. These awareness campaigns have included both the service providers and the consumer community. The Joint Consumer Watch groups referred to earlier also serve to strengthen consumer awareness and empower consumers despite some teething problems.

3.2 Consumer Literacy

According to the 2000 national census statistics, a large segment of the Zambian Population remains uneducated and illiterate. Since 1990, 45 % of the population aged 5 years and above remained illiterate. The level of illiteracy remained higher among female than male population. The problem of illiteracy is more common in rural than in urban parts of Zambia. More than half of the rural population aged 5 years and above has been identified with illiteracy since 1990. Nearly all provinces registered very marginal changes in the proportion of the population that can read and write in any language between 1990 and 2000, when the adult literacy national average was 67.2%⁴¹.

The information on consumer protection is mainly being disseminated in English and this limits the number of persons who can read and assimilate the information accurately. It has been observed that currently, services in the ICT Sector particularly mobile telephony are no longer a preserve of the literate urban population. Even those who can not read and write extensively utilize ICT services. Any awareness campaign in the sector should take cognizance of this fact. Another aspect related to literacy is that of lodging of complaints. According to Section 10 of the Telecommunications (Consumer Protection) Regulations, consumers are expected to lodge their complaints using a form designed for that purpose. These forms are in English. A number of users are, therefore, not in a position to fill these forms in order to lodge a formal complaint and are, therefore, discouraged from pursuing their complaints. Admittedly, it could be costly to provide forms in various local languages. However, if consumer protection is to be a reality, it is essential to devise simple complaints procedures.

3.3 Capacity of the Communications Authority

The ICT sector is highly technical and dynamic as technological innovations are a trend being experienced day by day. Continuous skill development in ICT is one of the necessary facets to effectively administer such a sector. ICT service providers are naturally in a better position to keep abreast of any developments in the sector compared to national regulators. This imbalance poses a great challenge to the Regulatory Authority and invariably undermines its capacity to effectively superintend the providers of ICT services. The capacity issue are being addressed by the CAZ, as well as by other self regulatory bodies such as Computer Society of Zambia through committees established by the Ministry of Transport and Communication which is the line Ministry for ICT. Capacity needs to be built through a deliberate, continuous staff development programme to ensure that its members of staff are always up-to-date with the current ICT trends.

⁴¹CSO (2000), *Zambia Census Analysis*, Central Statistical Office, Republic of Zambia, Lusaka, available online at http://www.zamstats.gov.zm/media/cen_atl.pdf

The Communication Authority has shown determination in extending their regulatory capacity in consumer awareness⁴². This can be seen from a number of consumer awareness programmes that were carried out in various districts of Zambia in the year 2008. Strategic media campaigns were carried out to empower consumers with awareness of consumer protection issues. The Authority participated in various activities including road shows where they showcased their services in relation to consumer protection. Workshops to sensitize disabled consumers about their rights and obligations on respect of ICT services were tackled. The first ever National Consumer Conference aimed at bridging the gap between service providers, consumers and regulators was carried out in 2008 by the Regulatory Alliance. The second National Consumer Conference was held in January 2009.

4 Processes in place to resolve complaints

The process to resolve complaints is outlined in the Telecommunication (Consumer Protection) Regulations starting with the completion of the form, investigations and resolution of the complaint⁴³. However, considerable consumer education is still needed for the consumer to implement and follow up the laid down complaint procedures. Some leaflets have been developed and distributed, indicating that the consumer should in the first instance attempt to resolve the complaint with the service provider. In the event that the consumer fails to achieve a satisfactory resolution to the problem, the consumer may refer such a complaint to the regulator⁴⁴.

As mentioned previously, under these regulations CAZ has extensive investigative and adjudication powers. These include awarding of compensation in cash or kind in relation to the complaints. The authority may also refer any complaints to a suitable operator's body, depending on the nature of the complaint. The CAZ website contains information on such general complaints and consumers are encouraged to air their views and comments on the CAZ website for the Authority's attention⁴⁵, (Refer to sample Complaint Procedure⁴⁶, Customer Complaint Acknowledgement Form and Consumer Leaflet in Appendix I).

5 The role of the regulator

Following the economic downturn in the 1990s various Acts of Parliament were enacted to ensure the regulators provided among other things issuance of licences, promotion of competition by setting operating standards, receiving and attending to complaints from consumers. In this respect, the CAZ had to establish some regulation to promote and protect consumer interest. Section 15 of the Telecommunications (Consumer Protection) Regulations gives the regulator, the CAZ, powers to develop industry key performance indicators (compliance standards). These indicators provide a benchmark that service operators are supposed to meet and continuously observe. Failure to meet these key performance indicators constitutes an offence. The regulator, under section 10 of the regulations, is mandated to issue complaints registration procedures and forms to be used.

⁴² CD from CAZ, ERB, NWASCO (2009), *The Regulatory Alliance National Consumer Conference* held at Mulungushi International Conference Centre, January 26th-27th, 2009, Lusaka

⁴³ Section 10 of the CAZ *Telecommunications (Consumer Protection) Regulations*, Lusaka

⁴⁴ CAZ (nd), *Consumer Rights Information* leaflet, Communications Authority of Zambia, Lusaka

⁴⁵ CAZ (nd) *Telecommunications (Consumer Protection) Regulations*, Lusaka

⁴⁶ CAZ (nd), *Complaint Procedure*, Communications Authority of Zambia, Lusaka, available online at http://www.caz.zm/index.php?option=com_content&task=view&id=49&Itemid=52

The regulator may investigate any complaints referred to it and may also initiate own investigations as provided under section 11 of Regulations. While the regulator has not taken direct action, it has issued warnings to operators whenever it has observed complaints raised. The regulator can institute penalties as provided under the Act and the regulations. The regulator is responsible for the dissemination of consumer rights to the public.

“The Authority has established a consumer affairs unit comprising three officers. The unit’s functions include:

- (a) *Receipt and investigation of consumer complaints*
- (b) *Conduct consumer education programmes*
- (c) *Formulate consumer protection regulation*

[The Authority] had faced a number of problems in [its] complaint resolution mechanism. Firstly, operators took long in responding to investigations especially for those whose headquarters are outside Lusaka. Secondly, [the Authority] never knew officers within the providers who were dealing with consumer complaints in that all correspondence was made to the chief executive officers”⁴⁷.

The Consumer Affairs Unit committee ensures that all personnel dealing in consumer complaints both with CAZ and the service providers work collectively. This committee has been instrumental in formulating streamlined consumer complaint handling procedures and has substantially improved on time taken to offer a response to the complainant.

6 Consumer organisations and related bodies

This section identifies other bodies that deal with issues that are consumer related. The representation may not be exclusively for ICT related complaints. These bodies include the Zambia Competition Commission, Zambia Consumers Association, The Weights and Measure Agency, Computer Society of Zambia, e-Brain forum, Energy Regulatory Board, National Water Supply and Sanitation Council and others.

6.1 The Zambia Competition Commission

The Ministry of Commerce Trade and Industry is the government body mandated to oversee among other things competition and fair trade throughout the whole country. Zambia has established competition laws. The Zambia Competition Commission (ZCC) a Statutory Body corporate mandated with the responsibility was established under the Competition and Fair trading Act Section 4 of Chapter 417 of the Laws of Zambia to prevent anti-competitive and restrictive business practices and to promote consumer welfare. The law came into force in February 1995. The Commission is an autonomous corporate body under the Ministry of Commerce, Trade and Industry. The enforcement of systematised competition and consumer protection in Zambia has been in existence since 1997. The primary purpose of such a system has been to ensure that individuals and businesses complied with the competition, fair-trading and consumer protection law⁴⁸.

⁴⁷ CAZ (13th August, 2009) , ‘*Status of Consumer protection in Zambia*’ presentation at ‘Empowering regulators to protect consumer rights in ICT sector’ launch workshop by CAZ Consumer Affairs Manager, Mr. Katwamba Mwansa in Lusaka

⁴⁸See Zambia Competition Commission website online at http://www.zcc.com.zm/the_promotion_and_protection_of_consumer_welfare_and_interests_in_zambia.php

The Competition and Fair trading Act deals with agreements, decisions and concerted practices by firms and organisations that prevent, distort and restrict competition in Zambia, which in turn affect consumer welfare. The ZCC is aware that there are cases when consumer rights have been violated by dishonest traders and, therefore, this body provides the procedures on how a consumer can lodge the complaint against the erring trader, up to the resolution of the complaint (Refer to Appendix II). This, to some level, gives consumers protection and representation against violation of their rights by traders.

The ZCC is currently engaged in a process to develop a comprehensive national consumer protection policy, leading to a comprehensive consumer protection law. Details are currently not yet publicly available, so it is unclear to what extent the position of consumers of ICT goods and services will be strengthened.

6.2 The Zambia Consumers Association

The Zambia Consumer Association (ZACA) is the major consumer body in Zambia. The country has seen late development of consumer protection bodies and ZACA was established in the year 2000. ZACA is a leading consumer advocacy voice in Zambia. ZACA's main activities are complaints handling and campaigning. Its campaign areas are fair trade (checking for product weights) and health (tobacco control and chemical safety). ZACA works in collaboration with regulatory bodies in Zambia to address consumer complaints. The Association had three major campaigns in 2007-2008: Zambia's ratification of global tobacco treaty; a campaign on underweight products on the market and a lead poisoning awareness campaign⁴⁹. Representation of the Zambia Consumer Association has been observed in some Zambian ICT forums and workshops.

6.3 The Zambia Weights and Measure Agency

The Zambia Weights and Measure Agency (ZWMA) is a statutory body that falls under the Ministry of Commerce and Industry. This body ensures fair trade in transactions where measurements are made and it provides consumer protection in commercial transactions that requires accurate measurement by seller. According to section 32 of the Weights and Measures Act, Chapter 403 of the Laws of Zambia, one of the principal objectives of the committee is to protect consumers from false statements as to weight, measures⁵⁰. However, in its current form, it would require great legal ingenuity to successfully invoke the provisions of the act with regards to ICT related services. The Act does not contain any unit measurements pertaining to ICT such as bandwidth and other units that are a basis for service charges in the ICT sector.

6.4 The Zambia Bureau of Standards

The Zambia Bureau of Standards (ZABS) specializes in standardisation, quality assurance and testing. One of its roles is to coordinate the efforts of producers and consumers in the improvement of appliances, processes, new materials and products. The Bureau is

⁴⁹See Consumer International website at <http://www.consumersinternational.org/Templates/System/MembersDetails.asp?NodeID=99093%20&int1stParentNodeID=89655&int2ndParentNodeID=92711&int3rdParentNodeID=92711&int4thParentNodeID=92711&int5thParentNodeID=92711&int6thParentNodeID=92711>

⁵⁰See Ministry of Communications Trade and Industry homepage <http://www.mcti.gov.zm/>

established under Section 4 of the Standards Act, Chapter 416 of the Laws of Zambia. The Act empowers the Bureau to establish both voluntary, compulsory and export standards. In the event that a commodity is supplied in contravention of a compulsory or export standard, the person to whom the commodity was supplied may recover from the supplier as a debt any money paid for the commodity. Under section 10 of the Act, the minister is empowered to direct the supplier of a defective commodity to recall the commodity in a specified manner and within a specified period⁵¹.

Enforcing certain compulsory standards offers consumer protection from unscrupulous suppliers who may supply inferior products. The Bureau does not have capacity to monitor and effectively implement the provisions of the Act, countrywide. The Bureau only has offices in Lusaka and a few major towns in the country. Like other government institutions, funding is inadequate and staffing levels low thereby undermining its operations. Lately, there have been campaigns in Lusaka where counterfeit music and video compact disks have been confiscated and destroyed.

6.5 Consumer Related Bodies

Apart from the Communications Authority of Zambia, there are organizations that are mandated to protect consumer rights. These organizations are not confined to the ICT sector and, therefore, take a much broader view of consumer protection. They are, nonetheless, important to consumers of ICT services since by virtue of their generality, ICT consumers can also be embodied in the protection by such bodies.

6.5.1 Regulatory Alliance

In the quest to propagate consumer protection, a national regulatory alliance has conducted two annual conferences in 2008 and 2009 to discuss and find out solutions of mutual interests between *Zambian regulators and consumers*.

The second National Consumer Conference under the theme “Regulation: Key to Effective Service Delivery and Consumer Protection” was hosted on 26 and 27th January, 2009. This event hosted by the Regulatory Alliance comprising CAZ , ERB and the National Water and Sanitation Council attended by over 250 delegates from within Zambia, offered a unique platform for regulators, services providers and consumers in communication, energy and water sectors. Unlike other mostly urban represented conferences, one highlight was that there was rural consumer representation and presentation at the conference. Discussions and attempts to resolve the complaints were held and those that could not be resolved were recorded for the presentations to the relevant authorities for further action.

The following were the key objectives of the conference:

- (a) Bridging the gap between service providers, consumers and regulators;*
- (b) Enlightening consumers on their role in the regulation of service provision;*
- (c) Creating a sensitized Zambia consumer community that is aware of its rights and obligations in the use telecom, energy and water;*
- (d) Availing service providers an opportunity to outline the challenges and constraints they face;*

⁵¹ Ibid

(e) *Providing a platform for consumers to express what they would like to see in the various sectors technology, tariffs, and differently abled*⁵².

6.5.2 Computer Society of Zambia

The Computer Society of Zambia is an association of professionals in the Information and Communication Technology (ICT) industry. However, membership is also open to ICT students and non-ICT professionals. It is a non profit making organisation and whose membership is open to any ICT person or organization irrespective of nationality, religion, race or sex. The Society has a number of objectives most important of which is to be a professional forum for persons and organisations directly or indirectly involved in Information and Communication Technologies (ICTs) in Zambia. Among other objectives, the society provides a vehicle for advising the government and industry on information technology and informatics as well as its implications for the country⁵³.

6.5.3 e-Brain forum

Established in June 2001, the e-Brain Forum of Zambia is a national multi-stakeholder organisation whose over-riding objective is to develop a common knowledge-sharing community on the use of ICTs to foster social and economic development. e-Brain is a member - based organization and active in the areas of policy dialogue, awareness raising and membership support. One of e-Brain objectives is to promote advocacy activities on the effective use and application of ICTs including awareness raising and knowledge sharing⁵⁴.

7 The role of the media

The media plays a pivotal role in highlighting not only technological advancements but also short-comings in the ICT sector particularly those that affect consumers. For instance, the media have in the recent past highlighted the topical issue of international gateway in the country through a series of articles that were published in one of the major daily newspapers, *The Post*.

Zambia has only one available international gateway through ZamTel. The International gateway has an impact on consumers as open access to it by many service providers could provide the potential of reducing international communications costs. Congestion or indeed failure of the only available international gateway can adversely affect availability of ICT services to consumers.

There have also been some articles on the issue of the Voice over Internet Protocol (VoIP). Further, the media also helped in highlighting the ICT policy formulation process in the country. The media has made the general public aware of the Information and Communications Technologies (ICT) Bill, currently on the table in Parliament.

⁵² CD from CAZ, ERB, NWASCO (2009), The Regulatory Alliance National Consumer Conference held at Mulungushi International Conference Centre, January 26th-27th, 2009, Lusaka

⁵³See Computer Society of Zambia webpage online at http://www.csz.org.zm/index.php?option=com_content&view=article&id=47&Itemid=79

⁵⁴See ebrain forum website online at http://www.ebrain.org.zm/index.php?option=com_content&task=view&id=1&Itemid=1

Cases that deal with issue like prices and, poor services are occasionally brought up by ICT advocacy forums, in letters to the editor, or through op-ed pieces. Through these channels forums are able to make some impact on these issues as individuals will not easily get a hearing from the line Ministries.

The media has also been used to publicise the facilities and promotions of a particular network. Some of these adverts have been misleading in that they present the provider's network as congestion-free while the truth on the ground may be different.

Issues of network outages and the public outcry have been reported in the media. Recently, in June 2009, one network had an outage lasting two days. The media covered this issue and the apology which was tendered to the nation by the network provider in question⁵⁵.

Notwithstanding the above, it should be observed that the media has an inherent limitation in articulating some ICT-related issues since they mostly tend to be highly technical. There is, therefore, need to train media personnel on ICT- related topics to enable them confidently to write on ICT matters. Another option would be for ICT experts and academics to contribute articles and op-ed pieces to reputable daily papers for publication. There is also need to address the issue of a regular column in the daily and popular newspaper to write on ICT-related issues and particularly on matters pertaining to consumer rights. The articles should be written in less technical jargon to enable even ordinary consumers understand the message. When consumers understand their issues and rights with clarity, they will be able to make right and informed choices.

8 Policy and legislative input

The policy formulation processes have been mostly consultative and consumers have had significant input. This is manifested in the formulation of the National ICT Policy which was adopted by Government in 2007. Consumers were consulted through public debates and workshops during which consumers were given an opportunity to discuss the draft policy. A total of three sessions were held at national level, people invited to these workshops were from all walks of life, and it included, people from consumer groups, practitioners, traditional leaders, and politicians. Furthermore, a number of workshops were held at provincial level. The consumer protection body was also included on the committee that prepared the ICT draft policy. Consumers, under what is termed as “the pillars” of the policy, were constantly consulted during the policy formulation process. The process of consultation included, written submission or oral contribution at the time the team was in particular areas of the country. There were representatives from, amongst others, the agriculture sector, the education sector, the youth and bodies involved in gender related issues.

With regards to legislation, consumers are consulted at various levels and in various forms. For instance, during the formulation of the new Information and Communications Technologies Bill, submissions were obtained from various consumers and other ICT market players. A one-week consultative workshop was held in the capital city, Lusaka. The major concern is whether an ordinary consumer can effectively contribute towards this

⁵⁵ See Muvi Television website, this article is available online at <http://www.muivitv.zm/newsindepth.php?id=348>

consultative process. There is a danger that the final product may still be skewed towards the dominant market players whose representatives can ably articulate highly technical matters as is usually the case in the ICT sector. The line ministry has made comments on such issues before together with the Non-Governmental Organisation Coordinating Council (NGOCC) and other lobby groups⁵⁶.

9 Conclusion

This report mentioned that the geographical location of the regulators is concentrated in the major urban centres, along the line of rail. The regulator's physical presence is more pronounced in the country's capital city and, therefore, most of the influence in consumer protection and education may effectively be felt in Lusaka. This has provided a drawback in effective dissemination of consumer rights information in areas devoid of the regulators presence. Budget constraints and limited manpower makes it difficult for the regulators to have their presence felt country-wide and as a result some service providers have taken advantage by providing services that are below standard in areas seemingly outside the scope of the regulators.

Bearing this in mind, pertinent concerns must be addressed in order to empower regulators to protect consumer rights in the ICT sector. Will the new Information and Communications Technologies Bill prove adequate in its provision of consumer protection? Will the regulator be empowered enough to put in practice its stipulations? How might the process be improved in ensuring that illiterate consumers know about their rights and complaint procedures available? How can gender-based barriers be removed to ensure effective complaint resolution from both sexes? How easy can it be made for rural consumers to complain? How can the attitude and addressing of consumer issues be improved for low-income consumers?

A comprehensive addressing of the questions raised in this concluding part of the Zambia baseline position report to be considered in this research will help the regulators, operators and consumers in meeting their obligations in letting the consumer know and practice their rights. Out of this research project it is hoped that the Communications Authority of Zambia will be empowered to develop and implement a string action plan to strengthen and improve its protection of consumers in the ICT sector.

--- ends ---

⁵⁶See http://www.ngocc.org.zm/index.php?option=com_frontpage&Itemid=1 for monthly bulletins on NGOCC advocacy

10 Works Cited

Article 20, Chapter 1 of 'Constitution of Zambia (1991)', Republic of Zambia, Lusaka.

CAZ (2007), *Annual Report 2007, Page 8-9*, Communications Authority of Zambia, Lusaka

CAZ (13th August, 2009), 'Status of Consumer Protection in Zambia' presentation at 'Empowering regulators to protect consumer rights in ICT sector' launch workshop by CAZ Consumer Affairs Manager, Mr. Katwamba Mwansa in Lusaka

CAZ (2009), 'ICT Indicators Update in Zambia' data from Communications Authority of Zambia, Lusaka, available online at http://www.caz.zm/index.php?option=com_content&task=view&id=92&Itemid=101

CAZ (2009), ICT Indicators Update in Zambia, Communications Authority of Zambia, Lusaka, available online at http://www.caz.zm/index.php?option=com_content&task=view&id=49&Itemid=52

CAZ (nd), Consumer Rights Information Leaflet, Communications Authority of Zambia, Lusaka

CAZ (nd), Telecommunications (Consumer Protection) Regulations, Communications Authority of Zambia, Lusaka, available online at: http://www.caz.zm/index.php?option=com_content&task=view&id=52&Itemid=55

CD from CAZ, ERB, NAWASCO (2009), The Regulatory Alliance National Consumer Conference held at Mulungushi International Conference Centre from January 26th-27th, 2009 in Lusaka

Chapter 119 of the Laws of Zambia

Computer Society of Zambia webpage http://www.csz.org.zm/index.php?option=com_content&view=article&id=47&Itemid=79

CSO (2000), Zambia Census Analysis, Central Statistical Office, Republic of Zambia, Lusaka available online at http://www.zamstats.gov.zm/media/cen_atl.pdf

CSO (2009) *The Monthly*, Vol 75, June 2009, Central Statistical Office, Republic of Zambia, Lusaka, available online at http://www.zamstats.gov.zm/media/vol_75_2009_the_monthly_june.pdf

CAZ (2009), 'Country Paper for Zambia', presentation on CRASA website by CAZ Acting CEO, Mr Richard Mwanza, 31 March 2009, available online at http://www.crasa.org/docs/reports/ctry_rp09/Zambia%20Report%202009%20Presentation.pdf

ebrain forum website available online at http://www.ebrain.org.zm/index.php?option=com_content&task=view&id=1&Itemid=1

ERB (nd), *Organisational Profile*” leaflet by Energy Regulation Board, Lusaka

Informal interviews with colleagues and students at the University of Zambia

Interview: 12 August 2009 with Ms Susan Mulikita, Communications Authority of Zambia, Lusaka

Ministry of Communications, Trade and Industry homepage <http://www.mcti.gov.zm/>

Mission statement of the Internet Service Providers Association of Zambia

MTN (2009), ‘MTN subscribers exceed 80 million’, Mobile Telecommunications networks, Johannesburg, available online at <http://www.mtn.com/media/overviewdetail.aspx?pk=372>)

Mung’omba Constitution Review Commission (2005), *The Constitution of Zambia Bill*, (2005 Lusaka,) available online at http://www.ncczambia.org/media/the_constitution_of_zambia.draft.pdf

Muvi Television (2009), information available online at <http://www.muvitv.zm/newsindepth.php?id=348>

Mwaba O C Sidney .Dr, CAZ (2008), A joint study on “Consumer and Public Perceptions of the Communications Authority of Zambia”. Communications Authority of Zambia, Lusaka

Republic of Zambia (1994) ‘Telecommunications Act’, No 23 of 1994, Cap. 469, Lusaka

Republic of Zambia (2009), ‘Information and Communication Technologies Bill’, Republic of Zambia, Lusaka, available online at http://www.parliament.gov.zm/index.php?option=com_docman&task=cat_view&gid=107&Itemid=113

The Non-Governmental Organisations Coordinating Council (NGOCC) on http://www.ngocc.org.zm/index.php?option=com_frontpage&Itemid=1 for monthly bulletins on NGOCC advocacy

Zambia Competition Commission webpage at http://www.zcc.com.zm/the_promotion_and_protection_of_consumer_welfare_and_interests_in_zambia.php

Zambia Consumers Association (ZACA) information available online at <http://www.consumersinternational.org/Templates/System/MembersDetails.asp?NodeID=99093%20&int1stParentNodeID=89655&int2ndParentNodeID=92711&int3rdParentNodeID=92711&int4thParentNodeID=92711&int5thParentNodeID=92711&int6thParentNodeID=92>

ZamTel (n.d), *New Fibre Network*, Zambia Telecommunication Company , Lusaka . Available online at http://www.zamtel.zm/index.php?option=com_content&task=view&id=58&Itemid=75

Appendix I

ICT Indicators Update in Zambia

Mobile Phone Growth Trend in Zambia

| Year | Country Population | Subscribers | Per 100 Inhabitants | Mobile Internet | Growth rate (%) |
|------|--------------------|-------------|---------------------|-----------------|-----------------|
| 2000 | 9,885,591 | 49,957 | 0.505 | - | 32.47 |
| 2001 | 10,089,492 | 97,900 | 0.97 | - | 95.97 |
| 2002 | 10,409,440 | 139,258 | 1.338 | - | 42.25 |
| 2003 | 10,774,382 | 204,150 | 1.895 | - | 46.6 |
| 2004 | 11,089,691 | 413,120 | 3.725 | - | 102.36 |
| 2005 | 11,441,469 | 949,558 | 8.299 | - | 129.85 |
| 2006 | 11,574,190 | 1,663,051 | 14.369 | - | 75.14 |
| 2007 | 11,708,450 | 2,639,026 | 22.539 | 215,472 | 58.68 |
| 2008 | 11,900,000 | 3,207,679 | 26.955 | 791,464 | 21.54 |

Internet & ISP Connectivity Data–Zambia

| Year | Country Population | Total Subscribers | Per 100 Inhabitants | Type of Internet | | Growth rate (%) |
|------|--------------------|-------------------|---------------------|------------------|-----------|-----------------|
| | | | | Dial Up | Broadband | |
| 2001 | 10,089,492 | 8,248 | 0.082 | 7,627 | 621 | |
| 2002 | 10,409,440 | 11,647 | 0.112 | 10,826 | 821 | 41 |
| 2003 | 10,774,382 | 12,000 | 0.111 | 10,857 | 1,143 | 3 |
| 2004 | 11,089,691 | 16,288 | 0.147 | 15,334 | 954 | 36 |
| 2005 | 11,441,469 | 10,882 | 0.095 | 10,179 | 703 | -33 |
| 2006 | 11,574,190 | 11,996 | 0.104 | 10,067 | 1,929 | 10 |
| 2007 | 11,708,450 | 17,946 | 0.153 | 12,578 | 5,368 | 49.6 |
| 2008 | 11,900,000 | 18,078 | 0.152 | 12,484 | 5,671 | 0.73 |

PSTN SUBSCRIPTION

| Year | Country Population | Subscribers | Per 100 Inhabitants | Per 1000 Inhabitants | Growth rate (%) |
|------|--------------------|-------------|---------------------|----------------------|-----------------|
| 2001 | 10,089,492 | 85,680 | 0.849 | 8.49 | 2.83 |
| 2002 | 10,409,440 | 87,674 | 0.842 | 8.42 | 2.33 |
| 2003 | 10,774,382 | 88,561 | 1 | 10 | 1.01 |
| 2004 | 11,089,691 | 90,663 | 0.818 | 8.18 | 2.37 |
| 2005 | 11,441,469 | 94,665 | 0.827 | 8.27 | 4.41 |
| 2006 | 11,574,190 | 93,427 | 0.807 | 8.07 | -1.31 |
| 2007 | 11,708,450 | 91,789 | 0.784 | 7.84 | -1.75 |
| 2008 | 11,900,000 | 90,600 | 0.761 | 7.61 | -1.29 |

Complaint Procedure

First step

Before you complain to the Authority, complain to your service provider first. It is advisable that you do this in writing so that you have a record for yourself. After receiving a response if you are not happy with it, then can you complain to the Authority.

Second step

Visit, write or call the Authority to register your complaint. All verbal complaints should be followed by a physical visit or a written detailed complaint so that it is fully understood. The manner in which a complaint is lodged will highly be dependent on the nature of the complaint.

For example complaints related to poor quality of service in a certain area can be made over the telephone while those related to billing should be written and supported by documentary proof.

Your written complaint should bear the following information:

- Full names
- Contact address
- Contact telephone, email address or fax numbers.

We also request that you attach all the relevant documents related to your case.

COMMUNICATIONS AUTHORITY

LICENSING AND CONSUMER AFFAIRS DEPARTMENT

Customers Complaint Acknowledgement Form

1) DETAILS OF COMPLAINANT

- a) Name:
- b) Surname:
- c) Postal Address:
- d) Physical Address:
- e) Contact Telephone Numbers:
- f) Fax Number:
- g) Email Address:

2) DETAILS OF COMPLAINT

- a) Who is the complaint against:
- b) Particulars of the Officer Dealt with (C/F A above):
-
- c) What is the nature of the complaint:
-
-
- d) Date/Time when the event Occurred:
- e) Action taken by the service provide against who the complaint is made:
-
-
- f) Attachments handed over:
-

3) DETAILS OF PERSON RECEIVING COMPLAINT

- a) Name:
- b) Position/Department:
- c) Time of Receipt of Complaint:
- d) Advise to Complainant:
-
- e) Action taken:
-
- f) Recommendations:
-
-
- Signature Date
- Supervisor's comments/Instructions
-

Consumer Leaflet

The Act mandates the Authority to:

“Promote the interests of consumers, purchasers and other users of telecommunications services (including in particular those who are disabled or of pensionable age) in respect of the prices charged, the quality and variety of such services”.

What are your rights as a consumer?

Some of your rights are enshrined in the service agreement entered into between yourself and the service provider. Ensure that you read and understand the agreement before you sign it. The service agreement may also be enshrined in conditions of sale in a SIM pack for the pre-paid customers.

However, there are a number of rights which may not be contained in the service agreements and these include:

Disclosure: You have a right to receive clear, conspicuous and complete information about rates and conditions for available and proposed products and services from service providers.

Choice: You have a right to affirmatively select a telecommunication provider and services.

Privacy: You have lawful choice to personal privacy which should be protected against unauthorized access to or use of personal conversation or information.

High Quality, reliable service: You have a right to high quality, reliable service. Timely, accurate bills and redress: You have a right to accurate and understandable bills for services consumed and to fair, prompt redress for problems related to bills or that may arise during the use of services.

Emergency services: You have a right to call emergency services toll free.

Market abuse: You have a right to be protected from market abuses such as unfair trade practices, including false and misleading advertising and anti-competitive behaviour.

Making complaints: You have a right to lodge a complaint with your provider and receive a satisfactory response. If you are not happy with the response you have a right to report the provider to the Authority.

How do you complain to the Authority

First step

Before you complain to the Authority, complain to your service provider first. It is advisable that you do this in writing so that you have a record for yourself. After receiving a response if you are not happy with it, then can you complain to the Authority.

Second step

Visit, write or call the Authority to register your complaint. All verbal complaints should be followed by a physical visit or a written detailed complaint so that it is fully understood. The manner in which a complaint is lodged will highly be dependent on the nature of the complaint.

For example complaints related to poor quality of service in a certain area can be made over the telephone while those related to billing should be written and supported by documentary proof.

Your written complaint should bear the following information:

- Full names
- Contact address
- Contact telephone, email address or fax numbers.

We also request that you attach all the relevant documents related to your case.

FEEDBACK TO YOUR COMPLAINT

You should ensure that you receive a feedback to your complaint within fourteen working days of filling the complaint.

WHERE TO YOU LODGE A COMPLAINT.

Walk in to either Plot 3141
Corner Lumumba/ Buyantanshi Roads
Heavy Industrial Area, Lusaka

Or Photocopying House
Buteko Avenue, Ndola.

Email: info@caz.zm, pro@caz.zm, cazn@coppernet.zm

Write to: The Controller
Communications Authority
P.O. BOX 36781, Lusaka

The Controller
Communications Authority
P.O. BOX 70728, Ndola
Telephone 21-1 - 246698, 21-1-241236
02- 620865/7, Fax 21-1- 246701, 21-2-620806

Appendix II

Complaint Procedure at Zambia Competition Commission

How to complain

There are many instances when the consumer rights are violated by traders and because of the long judicial process in Zambia, consumers usually give up and their concerns or violations are not redressed. The Zambia Competition Commission established a consumer complaint desk in 1998 where consumers can lodge in complaints. This is done by giving full details of the violation such as name of the violator, date of violation, location, time where possible, nature of the complaint and the complainant's full particulars.

HOW TO COMPLAIN

There are five ways in which a consumer can lodge in a complaint with the Zambia Competition Commission and these are by:

- Physical visit to the Commission's offices;
- Phoning the Commission;
- Writing a letter to the Commission;
- E-mailing the Commission at the following e-mail address: zcomp@zamtel.zm and;
- Faxing

However, in making a complaint, consumers should note that for their complaints to be effective, the Commission needs evidence of purchase from the trader or seller e.g. receipts or receipts rather than mere suspicion of wrong doing.

WHAT WILL ZCC DO WITH THE COMPLAINT

In the first instance, the Commission will check that the complaint can be dealt with under the Competition and Fair Trading Act. If the complaint involves one of the regulated sectors for example energy, telecommunication, water etc, it will normally be referred to the relevant regulator who will then pursue the matter directly with the complainant. In this case the complainant is usually informed of the development before the matter is referred to other regulators.

However, if the subject of the complaint falls under the Competition and Fair Trading Act, Complainants are usually told on how the Commission proposes to deal with their complaints and complainants are usually kept informed of the progress being made in redressing their complaints.

Possible Redress

Refunds by traders under the Competition and Fair Trading Act are available when there is concrete evidence of a breach of one of the provisions under section 12 of the Act by a trader. Consumers have a right to cancel the purchase transaction or contract and demand for a refund if any of the provisions under section 12 of the Act are breached.

However, to obtain a refund, a consumer should:

- Return the goods within reasonable time;
- Not dispose of, lose, or destroy goods;
- Not allow the goods to become unexchangeable through failure to take reasonable care to preserve them;
- Not damage the goods by using them in an abnormal way;
- Provide proof of purchase where possible, which could include a cash register receipt or a witness; and
- Provide details of violations of Section 12 of the Competition and Fair Trading Act.

Email Address *

Name *

Company

Telephone

Please detail your complaint *

Send