



UNIVERSITY of LUSAKA

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SCHOOL OF LAW

**AN APPRAISAL OF THE INFORMATION AND COMMUNICATION TECHNOLOGY
ASSOCIATION OF ZAMBIA ACT 2018 IN STRENGTHENING PROFESSIONALISM IN
THE ZAMBIAN ICT SECTOR: LESSONS DRAWN FROM NIGERIA.**

BY

MISANJE KAMWENDO

LLB22110652

**Research dissertation submitted for the approval of the University of Lusaka
Senate in partial fulfilment of the requirements for the award of the Bachelors of
Laws. (LLB) 2025**

SUPERVISORS RECOMMENDATION

I MR. THOMAS MALAMA DO RECOMMEND THAT THIS DISSERTATION TITLED “AN APPRAISAL OF THE INFORMATION AND COMMUNICATION TECHNOLOGY ASSOCIATION OF ZAMBIA ACT 2018 IN STRENGTHENING PROFESSIONALISM IN THE ZAMBIAN ICT SECTOR: LESSONS DRAWN FROM NIGERIA.” authored by MRS. MISANJE KAMWENDO done under my supervision, be admitted by the university, I have checked it carefully and I am satisfied that it meets necessary requirements pertaining to the format laid down by the university regulations.



.....
MR. THOMAS MALAMA

(Supervisor)


12th November 2025
.....

(Date)

DECLARATION

I, **MRS. MISANJE KAMWENDO**, do declare that this dissertation titled **“AN APPRAISAL OF THE INFORMATION AND COMMUNICATION TECHNOLOGY ASSOCIATION OF ZAMBIA ACT 2018 IN STRENGTHENING PROFESSIONALISM IN THE ZAMBIAN ICT SECTOR: LESSONS DRAWN FROM NIGERIA.”** which is hereby submitted to the School of Law at the University of Lusaka as part of the requirements for the award of the Bachelors of Laws (LLB) degree, is my original work and has not previously been submitted for the award of a degree at this or any other tertiary institution.

The sources that have been used or quoted have been indicated and duly acknowledged as complete reference.

Signature 

Date 12 / 11 / 25

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DEDICATION

This research is dedicated to my babies, ZewelANJI, SalifyANJI and Ndanji Namukonde, doing this was to show them that they can do whatever they set their minds to.

ACRONYMS

ACS - Australian Computer Society

CPD - Continuous Professional Development

CPN - Computer Professionals (Registration Council of) Nigeria

DC - Disciplinary Committee

DT - Disciplinary Tribunal

IBA - Independent Broadcasting Authority

ICT - Information and Communication Technology

ICTAZ - Information and Communication Technology Association of Zambia

IP - Investigating Panel

IT - Information Technology

MECOZ - Media Ethics Council of Zambia

PECC - Professional Ethics and Compliance Committee

ZAQA - Zambia Qualifications Authority

ZAMEC - Zambia Media Ethics Council

STATUTES

Computer Professionals (Registration Council of Nigeria) Decree No 49 of 1993.

Information and Communication Technology Association of Zambia Act 2018.

CONTENTS

DECLARATION..... iii

ACKNOWLEDGEMENTS iv

DEDICATION..... v

ACRONYMS vi

STATUTES vii

ABSTRACT..... 1

CHAPTER ONE 2

1.0. INTRODUCTION 2

1.1. BACKGROUND OF THE STUDY 3

1.2. STATEMENT OF THE PROBLEM..... 4

1.3. RESEARCH OBJECTIVES:..... 5

1.4. RESEARCH QUESTIONS: 5

1.5. SIGNIFICANCE OF THE STUDY 6

1.6. SCOPE OF THE STUDY 6

1.7. LITERATURE REVIEW..... 7

1.8. METHODOLOGY..... 12

1.9. ETHICAL CONSIDERATION..... 12

1.10. CHAPTER OUTLINE. 12

CHAPTER TWO..... 14

**CONCEPTUAL FRAMEWORKS AND HISTORICAL CONTEXT OF PROFESSIONAL
REGULATION 14**

2.0. INTRODUCTION TO REGULATORY FRAMEWORKS 14

**2.1.1. THE SPECTRUM OF PROFESSIONAL REGULATION: FROM STATUTORY TO SELF-
REGULATION 14**

2.1.2. STATUTORY REGULATION..... 15

2.1.3. SELF-REGULATION 16

**2.1. 4. HYBRID MODELS: THE RISE OF STATUTORY SELF-REGULATION AND CO-
REGULATION 17**

2.1.5. THE CASE OF MEDIA REGULATION IN ZAMBIA: LESSONS FOR ICTAZ..... 18

**THE FAILURE OF VOLUNTARY SELF-REGULATION AND THE SEARCH FOR A LEGAL
FRAMEWORK..... 19**

2.1. 6. THE ROLE OF THE STATE AND THE 'INDEPENDENT' REGULATOR	20
2.1.7. THE APPLICATION TO THE INFORMATION AND COMMUNICATIONS TECHNOLOGY ASSOCIATION OF ZAMBIA (ICTAZ).....	21
A LEGAL MANDATE FOR PROFESSIONALISM.....	21
THE POWER OF REGISTRATION AND LICENSING.....	21
THE ROLE OF THE REGISTERS	22
THE INSTITUTIONAL TRANSITION: FROM VOLUNTARY SOCIETY TO STATUTORY ASSOCIATION.....	23
2.1.8. CONCLUSION.....	23
CHAPTER THREE.....	25
THE SALIENT PROVISIONS OF THE INFORMATION AND COMMUNICATION TECHNOLOGY ASSOCIATION OF ZAMBIA (ICTAZ) ACT OF 2018.....	25
3.0. INTRODUCTION	25
3.1. ESTABLISHMENT, FUNCTIONS, AND CONTINUITY OF THE ASSOCIATION.....	25
3.1.1. CONTINUATION AND RENAMING OF THE PREDECESSOR BODY	25
3.1.2. CORE FUNCTIONS OF THE ASSOCIATION: THE MANDATE OF REGULATION AND DEVELOPMENT	26
3.1.3. THE ASSOCIATION CONSTITUTION AND LEADERSHIP	27
3.2. GOVERNANCE AND ADMINISTRATION: THE EXECUTIVE COUNCIL AND REGISTRAR	27
3.2.1. CONSTITUTION AND MANDATE OF THE EXECUTIVE COUNCIL	27
3.2.2. FUNCTIONS OF THE EXECUTIVE COUNCIL	28
3.2.3. THE ROLE OF THE REGISTRAR AND SECRETARIAT.....	28
3.3. MEMBERSHIP REGULATION AND THE MEMBERSHIP REGISTRATION BOARD	29
3.3.1. ESTABLISHMENT AND FUNCTIONS OF THE MEMBERSHIP REGISTRATION BOARD.....	29
3.3.2. PROCESS OF PROFESSIONAL REGISTRATION	30
3.4. PROFESSIONAL STATUS, LICENSING, AND PRACTICE REGULATION	30
3.4.1. CLASSES OF MEMBERSHIP AND QUALIFICATIONS	30
3.4.2. THE PRACTISING CERTIFICATE AND ITS PROHIBITORY EFFECTS	31
3.4.3. REGISTRATION OF ICT FIRMS AND STUDENTS	32
3.4.4. MAINTENANCE OF PROFESSIONAL REGISTERS.....	33
3.5. ETHICS, COMPLIANCE, AND DISCIPLINARY MECHANISM	33
3.5.1. THE CODE OF ETHICS AND PROFESSIONAL STANDARDS	33

3.5.2. CONSTITUTION AND MANDATE OF THE PROFESSIONAL ETHICS AND COMPLIANCE COMMITTEE (PECC)	34
3.5.3. PROFESSIONAL MISCONDUCT AND DISCIPLINARY POWERS	34
3.5.4. APPEALS AND RULES	35
3.6. GENERAL AND MISCELLANEOUS PROVISIONS	35
3.6.1. OFFENCES AND PENALTIES	35
3.7. CONCLUSION	36
CHAPTER FOUR	38
CRITICAL COMPARATIVE ANALYSIS BETWEEN THE ICTAZ ACT IN ZAMBIA AND ITS COUNTERPART PIECE OF LEGISLATION IN NIGERIA AND DRAWING LESSONS	38
4.0. INTRODUCTION	38
4.1. FOUNDATIONAL DIFFERENCES IN MANDATE AND REGULATORY RIGOUR	38
4.1.2. STRENGTHENING PROFESSIONALISM THROUGH EXPLICIT QUALIFICATION AND REGISTRATION FRAMEWORKS	40
4.1.4. FOSTERING ACCOUNTABILITY: THE DISCIPLINARY MACHINERY	42
4.2. DRAWING KEY LESSONS FOR THE ICTAZ FRAMEWORK	45
4.3. CONCLUSION	46
CHAPTER FIVE	48
CONCLUSION AND RECOMMENDATIONS	48
5.0. GENERAL FINDING AND CONCLUSIONS	48
5.1. SUMMARY OF CHAPTERS	48
5.1.1. CHAPTER ONE	48
5.1.2. CHAPTER TWO	48
5.1.3. CHAPTER THREE	49
5.1.4. CHAPTER FOUR	49
5.2. RECOMMENDATIONS	50
BIBLIOGRAPHY	52

ABSTRACT

The **Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018** represents a pivotal legislative effort to professionalise Zambia's rapidly growing ICT sector. This dissertation provided a critical appraisal of the Act's efficacy in strengthening professionalism by establishing a statutory self-regulatory framework for ICT practitioners. It identified and analysed significant gaps within the Act, including the lack of explicit disciplinary measures for professional misconduct, insufficiently structured continuous professional development (CPD) mandates, and an enforcement mechanism that lacks the robust separation of investigative and adjudicative functions found in more mature jurisdictions. The study argued that these legislative shortcomings potentially undermine the Act's core objective of fostering a culture of high ethical standards, technical competence, and public accountability.

To propose constructive reforms, this research employed a comparative legal methodology, drawing critical lessons from Nigeria's established regulatory model, the **Computer Professionals (Registration Council of Nigeria) Act**. The analysis revealed that the Nigerian framework offers a superior blueprint due to its prescriptive standards, mandatory educational accreditation powers, and a clearly defined disciplinary architecture with separate Investigating Panels and Disciplinary Tribunals. The study concluded by offering targeted recommendations for legislative amendment, advocating for the elevation of ICTAZ's mandate to a standard-prescribing council, the institutionalisation of a separated disciplinary process, the codification of mandatory CPD, and the introduction of professional indemnity insurance requirements. These reforms are posited as essential for Zambia to cultivate a reputable, accountable, and globally competitive ICT profession capable of driving its digital transformation agenda.

CHAPTER ONE

1.0. INTRODUCTION

Information and Communication Technology (ICT) plays a crucial role in fostering economic growth and development in the 21st century, serving as a cornerstone for modernizing various sectors, including education, health, finance, agriculture, and governance.¹ The ICT sector in Zambia has witnessed significant growth over the past two decades, and the government's focus on ICT development has spurred new opportunities for innovation and technological advancement.² However, despite these advancements, there remain critical challenges, particularly in the areas of professional standards, regulatory frameworks, and human capacity building. One of the key legislative efforts aimed at addressing these challenges is the **Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018**,³ which seeks to strengthen professionalism, standardize practices, and foster accountability within the ICT industry in Zambia.

The **ICTAZ Act 2018**⁴ provides a legislative framework for the regulation and development of the ICT sector in Zambia, aiming to elevate professional standards, enhance skills development, and promote ethical conduct among ICT professionals. However, the success of this legislation in addressing the challenges faced by the sector remains uncertain and requires a deeper exploration of similar frameworks in other African nations.⁵ In this regard, it is valuable to examine the experiences of a country like Nigeria, which have undertaken similar reforms to enhance professionalism in their ICT sector. This country has established robust regulatory frameworks, with a focus on professionalization and capacity building within the ICT sector.

¹Kasonde Victor and Christopher Chembe, "An Analysis of the Best Practices for the Implementation of Data Centers in Zambia." 2021

²Ibid

³Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018

⁴Ibid

⁵Bwalya, K.J. (2017) Determining Factors Influencing E-Government Development in the Developing World: A Case Study of Zambia.

The comparative analysis of Zambia's **ICTAZ Act 2018**⁶ with the Nigerian model will help uncover key insights that could inform policy-making, strengthen the ICT profession, and ultimately contribute to the growth and competitiveness of the Zambian ICT sector. This study, therefore, aims to critically assess the effectiveness of the **ICTAZ Act 2018**⁷ in fostering professionalism in Zambia's ICT sector by drawing on lessons learned from the successes of Nigeria.

1.1. BACKGROUND OF THE STUDY

In Zambia, the ICT sector has evolved significantly, becoming an essential driver of economic development. The rapid expansion of internet services, mobile networks, and digital technologies has created opportunities for innovation and socioeconomic transformation.⁸ Despite this progress, however, there have been growing concerns regarding the lack of standardized professional practices, inadequate skills, and the absence of a clear framework for the regulation and certification of ICT professionals. In response to these challenges, the Zambian government, through the Ministry of Transport and Communications, introduced the **ICTAZ Act 2018**⁹ as a means to address these issues by creating a legal framework for professionalization within the sector.

The **ICTAZ Act 2018**¹⁰ mandates the establishment of the Information and Communication Technology Association of Zambia (ICTAZ), which is responsible for the regulation, development, and standardization of the ICT profession. The Act emphasizes the importance of professional conduct, ethics, and continuous education, which are seen as critical components for fostering a well-structured ICT sector.¹¹ Furthermore, the act seeks to address the skills gap in the Zambian ICT industry by advocating for the establishment of certification programs and the development of a national strategy for ICT workforce development.¹² However, the act's implementation has faced challenges,

⁶Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018

⁷Ibid

⁸Ibid

⁹Ibid

¹⁰Ibid

¹¹Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018

¹²Ibid

including limited resources, insufficient awareness, and the lack of a strong partnership between the private and public sectors.¹³

The importance of professionalizing the ICT sector is not unique to Zambia. Across the African continent, countries have recognized the need to develop skilled, ethical, and certified ICT professionals who can contribute to the growth of the digital economy. Nigeria, as regional leader in ICT development, has put in place comprehensive regulatory frameworks that serve as useful reference points for Zambia. Nigeria's experiences provide valuable lessons for Zambia, as they highlight the critical role of well-established professional organizations, industry collaboration, and a regulatory framework that integrates both public and private sector efforts.

The lessons drawn from Nigeria can offer important insights into the strengths and weaknesses of Zambia's current approach, providing guidance on how the **ICTAZ Act 2018**¹⁴ can be refined to more effectively address the challenges facing the Zambian ICT sector. Through a detailed comparison of these countries' strategies, this study seeks to offer a comprehensive evaluation of the **ICTAZ Act 2018** and provide recommendations for strengthening professionalism in Zambia's ICT industry.

1.2. STATEMENT OF THE PROBLEM

The **Information and Communications Technology Association of Zambia (ICTAZ) Act of 2018**¹⁵ was enacted to enhance professionalism and ethical standards in Zambia's ICT sector. However, despite its objectives, the Act contains critical gaps that hinder its ability to foster a culture of professionalism. A key issue is the lack of clear ethical enforcement mechanisms, as the Act does not explicitly define disciplinary measures for misconduct under **Section 4(2) (e)**.¹⁶ Unlike professional bodies in other jurisdictions, such as Nigeria's Computer Society, which has mandatory codes of conduct and sanctions for violations, ICTAZ relies on vague provisions that do not ensure compliance.

¹³Ibid

¹⁴Ibid

¹⁵Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018

¹⁶Section 4(2) (e) of the Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018

Another major gap is the absence of structured continuous professional development (CPD) requirements. While the Act empowers ICTAZ to "maintain appropriate practice standards" under **Section 4(2) (b)**,¹⁷ it does not mandate ongoing training or skills assessment for members. Zambia's ICT professionals may lack incentives to uphold evolving professional standards. Additionally, the Act fails to allocate resources for ethics training and monitoring. Although ICTAZ can levy fees under **Section 4(3)**,¹⁸ there is no requirement to invest these funds in ethics education, compliance audits, or public awareness campaigns. These gaps raise concerns about whether the **ICTAZ Act**¹⁹ can truly elevate professionalism in Zambia's ICT sector. This study will analyze these legislative shortcomings and propose reforms based on comparative best practices from Nigeria.

1.3. RESEARCH OBJECTIVES:

1. To explore the concept of self-regulation of professional bodies such as ICTAZ.
2. To explore salient provisions of the Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018.
3. To conduct a critical comparative analysis between the ICTAZ Act in Zambia and its counterpart piece of legislation in Nigeria and draw lessons therefrom.

1.4. RESEARCH QUESTIONS:

1. What is the concept of self-regulation of professional bodies such as ICTAZ?
2. What are the salient provisions of the Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018?
3. How does the ICTAZ Act in Zambia compare with its counterpart piece of legislation in Nigeria and what lessons may be drawn from such comparison?

¹⁷Section 4(2) (b) of the Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018

¹⁸Section 4(3) of the Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018

¹⁹Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018

1.5. SIGNIFICANCE OF THE STUDY

The study on "An Appraisal of the **Information and Communication Technology Association of Zambia (ICTAZ) Act 2018** in Strengthening Professionalism in the Zambian ICT Sector: Lessons Drawn from Nigeria hold substantial importance for multiple stakeholders, including policymakers, ICT professionals, regulatory bodies, and academia. Firstly, the research evaluates the effectiveness of the **ICTAZ Act 2018** in promoting professionalism within Zambia's ICT sector, which is crucial for ensuring that practitioners adhere to ethical standards, possess requisite qualifications, and contribute to national development through digital transformation. By analyzing the Act's provisions, the study identifies gaps and opportunities for improvement, thereby aiding in the formulation of better regulatory frameworks.

Secondly, the comparative analysis of Nigeria offers valuable insights into best practices that Zambia can adopt. Nigeria has a well-established ICT professional body which has significantly contributed to sectoral regulation, skills development, and industry growth. Drawing lessons from this nation enables Zambia to refine its policies, enhance professional certification processes, and foster stronger public-private partnerships in ICT. Moreover, the study contributes to academic discourse by providing a critical assessment of ICT governance models in developing economies. It also benefits ICT practitioners by highlighting the importance of continuous professional development and adherence to global standards, ultimately improving service delivery and innovation in Zambia's digital economy. Lastly, the findings may guide future legislative reviews, ensuring that the ICTAZ Act remains responsive to emerging technological trends and labor market demands.

1.6. SCOPE OF THE STUDY

The scope of this research encompasses a detailed examination of the **ICTAZ Act 2018**, focusing on its role in enhancing professionalism within Zambia's ICT sector. The study evaluates key provisions of the Act, including registration requirements for ICT professionals, enforcement mechanisms, and disciplinary measures, to determine their

effectiveness in maintaining industry standards. Additionally, the research explores the institutional framework of ICTAZ, assessing its capacity to regulate the sector, accredit professionals, and collaborate with educational institutions for skills development. A comparative dimension is introduced by analyzing regulatory framework in Nigeria, focusing on their professional ICT bodies' structures, mandates, and impact on sectoral growth.

This comparison helps identify transferable strategies that Zambia could implement to strengthen its own regulatory environment. However, the study is limited to the legal and policy aspects of ICT professionalism, excluding technical ICT developments unrelated to governance. The research primarily relies on document analysis, including the ICTAZ Act, policy reports, and case study from Nigeria.

1.7. LITERATURE REVIEW

Alexander, A & Miller, S²⁰ state that if information and communications technology (ICT) is to fulfil its potential in improving the lives of all, then the importance of the professionalism of its practitioners cannot be overemphasized. This is, of course, true of all occupations; but there is an additional reason to highlight this in the case of ICT and other new technologies. The two main facets of professionalism to be emphasized here are moral responsibility and trust, both of which are central to the notion of a professional and to maximizing an industry's, or occupation's, social value. First, responsibility. Taking moral responsibility for one's own actions, or what amounts to more or less the same thing in this context, being morally accountable for what one does, places certain restraints on behaviour. Legal responsibility or accountability obviously places restraints on what one does, but here we are more interested in a situation where few regulations exist. There is a strong link between professionalism and moral responsibility. This paper is different from the work above because it seeks to examine the ICTAZ Act's ethical framework.

²⁰Alexander, A & Miller, S, 2010, Integrity systems for occupations.

Miller, S,²¹ states that a professional has special, and socially useful, knowledge or skills. This places that individual in a position of power relative to those who lack that knowledge, but who have a need for it. They are dependent on the professional. This makes them vulnerable to some extent with respect to the professional and, as individuals, we have greater moral responsibilities towards those who are vulnerable. So, with respect to those with whom they relate professionally, professionals have moral responsibilities over and above their normal moral responsibilities as human beings. An ICT industry, then, comprising people who see themselves as professionals and acknowledge the responsibility that such a role entails, should require less regulation. This paper is different from the work above because it seeks to bring out the gaps that exist in the Zambian law particularly the lack of disciplinary measures for professional misconduct.

Fukuyama, F²² states that another reason why professionalism is important is that professional behaviour engenders trust and a trusting environment has a number of advantages over one that relies on regulation, enforcement and compliance. Living and working successfully in groups requires a degree of trust. I must trust that others will act in ways that are conducive to harmonious living and working, and they must trust that I will do the same. Groups function better the more trust that exists between individuals and, without any trust, they could not function at all. The necessity for mutual trust applies also to economic efficiency. Where there is lack of trust, there must be monitoring and surveillance, filling out of documents and keeping of records, and someone must oversee at least some of these. It is in our self-interest to be highly regarded, to have a good reputation, which is enhanced by behaving well.

In general, people like to be trusted and are perturbed if they are not trusted. This desire to be seen as trustworthy is, in turn, an incentive to behave in a trustworthy manner. The desire to have a reputation of trustworthiness is a matter of self-interest that can be achieved through ethical behaviour. While this motivation is not always paramount and can be overridden by other considerations, for example, financial gain when 'we can get away with it', it is an important consideration, one that must not be overlooked. This paper

²¹Miller, S, 2007, "Institutions, integrity systems and market actors."

²²Fukuyama, F, 1995, "Trust: the social virtues and the creation of prosperity."

is also different from the work above because it seeks to bring out the gaps that exist in the ICTAZ Act of Zambia, particularly the lack of disciplinary measures for professional misconduct.

Haughey, M²³ discusses the fact that, generally, ICT is not seen as a profession by society at large nor, more surprisingly, by ICT practitioners themselves. This he sees as a problem because ICT is so important to almost all industries and for the prosperity of Australia, and 'professionalism is absolutely fundamental to the effect practice of ICT'. The core of the problem, he believes, is that the vast majority of ICT practitioners do not see ICT as a profession. That they do not is borne out by low memberships of relevant professional bodies such as the ACS, by the lack of any certification or licensing of ICT practitioners, and by the view of many that professional organizations are elitist and exclusive. This last point is true, but a profession by its very nature is elitist and exclusive. Most of us are happy for medical professional bodies to be elitist. Furthermore, the author believes that the move to ICT being accepted as a profession by society must begin from within the industry. The practitioners must start to see themselves as part of a profession. This paper differs from the research above because it seeks to draw lessons from Nigeria's legal framework on the best practices of regulating disciplinary measures for professional misconduct in Zambia.

Holmes, N., & Hennessy, S²⁴ state that while an experienced ICT academic, writes more from a practitioner's perspective. He does not so much discuss whether or not ICT is a profession but focuses on what he believes are special responsibilities of the profession. He makes two main points. First, he thinks that programming should be seen as a technical skill and not part of the profession of software engineering and, second, he believes that professionalism needs to be taken beyond software engineering to computing in society in general. ICT professionals should focus on people, not on the technology. He sees three important ethical responsibilities for computing professionals.

²³Haughey, M. (2013). Ethical Issues in ICT Project Management. In Professionalism in the Information and Communication Technology Industry

²⁴Holmes, N., & Hennessy, S. (2007). Continuing Professional Development in ICT for Teachers: A Literature Review

The first is to convince people that technology is not responsible for problems, people are. Blaming computers has become common but is clearly just a simple, and pernicious, way of avoiding responsibility. Second, and related to this, the profession needs to redefine itself in the light of developments that have taken place over the last 10–20 years, where computers have become ubiquitous in society. And, finally, the professions must take more responsibility for the way that ICT is used in society. The technology should be used for more than just making things cheaper and easier. This paper also differs from the research above because it seeks to look at valuable good practices that can be drawn from Nigeria's legal framework on the best practices of regulating disciplinary measures for professional misconduct in Zambia.

Brine, A.²⁵ suggests a different way of considering ethical problems in ICT, informed by his professional experience rather than the academic literature. Instead of concentrating on general social issues he focuses on the development of information technology (IT) systems, taking as the starting point specification, time and resources. There is a lack of certainty in the relationships between these 'three potential moving surfaces.' For example, a lack of understanding of the specification can lead to problems with the project time frame and with cost; a time frame that is too short can lead to cutting corners and it is at this point that unethical practices arise. Brine A gives a variety of suggestions to minimize the potential problems including better project management, breaking the project into manageable pieces, the management of expectations and more engagement between the players.

John Weckert and Richard Lucas²⁶ state that there is a significant difference between a person being considered to be 'professional' in their approach to conducting business, whatever that business may be, and a person being part of a profession and therefore considered to be a professional. This difference has created enormous misunderstanding and confusion within the information and communications technology (ICT) sector, and hampered its progress towards being recognized as a profession. Being part of a profession is a vocation requiring knowledge of some department of learning or science,

²⁵Brine, A. (2004). "Continuing Professional Development: A Guide for Information Professionals."

²⁶John Weckert and Richard Lucas, "Professionalism in the Information and Communication Technology Industry."2013

for example, medicine, law, engineering, architecture, accountancy and, more recently, ICT. Technology, and particularly ICT, more than anything else in recent times, has forever changed our lives and will continue to do so at an ever-increasing rate. Today, anyone with an Internet connection can access overwhelming amounts of information and enjoy instant, global communications. Technology is also the primary enabler and driver of growth in just about every other industry.

Coldwell, J²⁷ states that ICT is driving the significant innovation and advances in medicine, science and mining, amongst other fields. Without ICT the mapping of the human genome would not have been possible. ICT has an important and positive influence on the economy and on productivity, where it is responsible for around 17 per cent of productivity gains. Growth in ICT has an economic multiplier factor of between five and 10 times in other associated areas. This means that in terms of both dollars invested and employment in ICT, there is a factor of five to 10 times the benefit flowing into other parts of the economy. Yet, despite the fundamental importance of ICT to so many other industries and to the economy, very few know or recognize that ICT has the status of a profession and that ICT professionals belong to one of the learned or skilled professions.

While the existing literature effectively establishes the theoretical importance of professionalism, moral responsibility, and trust within the ICT sector, there is a notable gap in scholarly work that conducts a detailed, comparative legislative analysis of the regulatory frameworks designed to enforce these principles in developing nations. The cited studies primarily focus on the conceptual and social aspects of professionalism, or provide a general overview of a single country's approach. They do not undertake a critical legal and policy comparison of specific statutory instruments such as the ICTAZ Act 2018 with similar legislation or professional bodies in other African countries like Nigeria. This study will fill this gap by providing a targeted analysis of the strengths and weaknesses of the ICTAZ Act, specifically by drawing on lessons from the established enforcement mechanisms, disciplinary measures, and continuous professional development (CPD) requirements found in these regional models.

²⁷Coldwell, J, 2008, 'Professional ethics and responsibilities.'

1.8. METHODOLOGY.

This study will use the qualitative research method. The main way this will be done is through desk research. This will be done through the use of internet search engines in order to obtain information from places outside the country or places where the research cannot feasibly go to. This will allow the researcher to use a variety of articles and books and the like.” A qualitative approach was chosen for this study because it allows for an in-depth exploration of the regulatory frameworks and practices in Zambia and Nigeria that govern professionalism in the ICT sector.

1.9. ETHICAL CONSIDERATION.

The researcher commits herself to upholding numerous ethical considerations which will include getting permission from the University of Lusaka to conduct field research. In order to conduct this study, the thesis will ensure that the data collected from the research subjects will not be misused. Further, the researcher makes a pledge not to falsify any data within this research and to use proper channels in finding and collecting all needed data.

1.10. CHAPTER OUTLINE.

CHAPTER ONE: Under Chapter one, the overall overview of the research has been provided giving the background to the research, research problem in relation to the study and research questions, significance of the study, literature review, research methodology and limitation.

CHAPTER TWO: This chapter will be aimed at examining the concept of self-regulation of professional bodies such as ICTAZ.

CHAPTER THREE: This chapter will be aimed at exploring the salient provisions of the Information and Communication Technology Association of Zambia (ICTAZ) Act of 2018.

CHAPTER FOUR: This chapter will be aimed at conducting a critical comparative analysis between the ICTAZ Act in Zambia and its counterpart piece of legislation in Nigeria and drawing lessons therefrom.

CHAPTER FIVE: This chapter shall contain recommendations on the necessary improvements that can be made to the existing legal framework in Zambia in order to improve the law governing professionalism in the ICT sector in Zambia.

CHAPTER TWO

CONCEPTUAL FRAMEWORKS AND HISTORICAL CONTEXT OF PROFESSIONAL REGULATION

2.0. INTRODUCTION TO REGULATORY FRAMEWORKS

The regulation of professional bodies, particularly in sectors critical to public interest such as media and information and communications technology (ICT), is a complex and multifaceted issue. Regulatory frameworks are essential mechanisms for ensuring professionalism, accountability, and ethical conduct. As noted in the Committee on Media, Information and Communication Technologies report, regulation is fundamentally an "arrangement limiting certain behaviour while facilitating specified actions to take place in an orderly manner".²⁸ This chapter will delve into the various models of professional regulation, with a specific focus on self-regulation and its hybrid forms. It will also examine the historical attempts at establishing such frameworks in Zambia, drawing a critical parallel between media regulation and the statutory self-regulation of the Information and Communications Technology Association of Zambia (ICTAZ). The objective is to establish a robust conceptual foundation for understanding the legal and practical implications of the **ICTAZ Act of 2018**.²⁹

2.1.1. THE SPECTRUM OF PROFESSIONAL REGULATION: FROM STATUTORY TO SELF-REGULATION

The literature on professional regulation identifies a spectrum of models, each with distinct advantages and disadvantages. These models are broadly categorised into statutory regulation, self-regulation, and various hybrid forms that blend elements of both. The choice of a model is often a reflection of the prevailing socio-political context and the historical relationship between the state and the professional body in question.³⁰ The

²⁸National Assembly "Report of the Committee on media, Information and Communication Technologies." June, 2019. https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Media%20and%20Information%20Tech.pdf. 20/09/2025

²⁹Information and Communications Technology Association of Zambia Act of 2018

³⁰Ndawana, Y., Knowles, J., & Vaughan, C. (2021). The Historicity of Media Regulation in Zambia; Examining the Proposed Statutory Self-Regulation.

theoretical underpinnings of these models are rooted in the concept of a social contract between a profession and society, where a professional group is granted a certain degree of autonomy in exchange for the promise of ethical conduct and competence that serves the public good.³¹

2.1.2. STATUTORY REGULATION

Statutory regulation, as defined in the provided documents, is a legislative-driven approach that is "principally around the state".³² Under this model, the government, through an act of Parliament, creates a regulatory body with legal authority to oversee a profession. This body is empowered to set standards, enforce a code of conduct, and impose sanctions on errant practitioners. A key characteristic of statutory regulation is its binding nature; compliance is not optional. The **ICTAZ Act of 2018**³³ is a prime example of a statutory framework. The **Act** establishes ICTAZ and grants it specific functions, including the registration of professionals, the regulation of their conduct, and the power to suspend or expel members who fall short of the required standards.³⁴

The rationale for statutory regulation is multifaceted, primarily focused on public protection and ensuring market stability. By creating a legally enforceable framework, the state seeks to protect consumers and the public from unqualified or unethical practitioners. The binding nature of this model provides a uniform standard for entry into the profession and for ongoing practice, which is particularly vital in fields where the public's well-being is at risk, such as medicine or, increasingly, in the digital space. The state's endorsement of a professional body through an Act of Parliament imbues it with a level of authority that no voluntary association can replicate. This legislative backing provides the necessary "teeth" to enforce disciplinary decisions, such as the cancellation of a professional license or the imposition of fines.

³¹Ndawana, Y., Knowles, J., & Vaughan, C. (2021). The Historicity of Media Regulation in Zambia; Examining the Proposed Statutory Self-Regulation.

³²National Assembly "Report of the Committee on media, Information and Communication Technologies." June, 2019. https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Media%20and%20Information%20Tech.pdf. 20/09/2025

³³Information and Communications Technology Association of Zambia Act No. 7 of 2018

³⁴Ibid

However, the statutory model is not without its critics. A significant concern, as hinted at in the media report, is the potential for regulatory capture. This occurs when the regulatory body, intended to act in the public interest, instead serves the interests of the industry it is meant to regulate, or worse, the political interests of the government that created it. The perception of the Independent Broadcasting Authority (IBA) as a "Government watchdog" rather than a truly independent body is a case in point.³⁵ This erosion of independence can lead to a stifling of innovation and professional freedom, as the body may prioritise state directives over the professional consensus of its members. Another critique is the potential for excessive bureaucracy and a rigid, slow-moving regulatory process that struggles to keep pace with rapid technological change, a particularly relevant concern for the fast-evolving ICT sector.

2.1.3. SELF-REGULATION

In contrast, self-regulation is a model where a professional body governs itself without direct state intervention. As the name suggests, the control and monitoring mechanisms are "centred on civil society".³⁶ In a pure self-regulatory model, the association creates its own constitution, code of ethics, and disciplinary procedures. Membership and compliance are often voluntary, relying on the collective will of the professionals to uphold standards. The document on media regulation mentions the establishment of the Media Ethics Council of Zambia (MECOZ) and the Zambia Media Ethics Council (ZAMEC) as attempts at self-regulatory mechanisms in Zambia.³⁷

The core principle of self-regulation is that a profession, by its very nature, possesses a unique body of knowledge and expertise that makes it best suited to govern itself. Proponents argue that self-regulation fosters a strong sense of professional autonomy, encouraging practitioners to take ownership of their ethical standards and professional development. It is seen as a way to avoid state interference and political manipulation,

³⁵National Assembly "Report of the Committee on media, Information and Communication Technologies." June, 2019. https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Media%20and%20Information%20Tech.pdf. 20/09/2025

³⁶Ibid

³⁷Ndawana, Y., Knowles, J., & Vaughan, C. (2021). The Historicity of Media Regulation in Zambia; Examining the Proposed Statutory Self-Regulation

ensuring that professional standards are set by peers who understand the nuances and complexities of the work. This model relies on the implicit "social contract" where the profession promises to regulate itself responsibly in exchange for the public's trust and respect.³⁸

However, the Zambian experience with MECOZ and ZAMEC revealed significant weaknesses. The documents highlight that these councils failed because they lacked statutory authority to "impose sanctions on erring media houses and journalists" and membership was on a "voluntary basis and members could withdraw their membership at will".³⁹ This points to a fundamental challenge of pure self-regulation: the lack of enforceability, which can lead to "unprofessional conduct" and a general lack of accountability.⁴⁰ The inability to enforce sanctions and the optional nature of membership meant that the councils' authority was purely moral, not legal. When faced with a disciplinary issue, a member could simply withdraw, rendering the council powerless. This created a situation where the most egregious offenders were often the ones who chose to remain outside the regulatory framework, undermining the entire purpose of the association.

2.1. 4. HYBRID MODELS: THE RISE OF STATUTORY SELF-REGULATION AND CO-REGULATION

Recognising the limitations of both pure statutory and pure self-regulation, many jurisdictions have adopted hybrid models that seek to find a middle ground. The most relevant model for this dissertation is statutory self-regulation. This model attempts to combine the strengths of both approaches. It is a framework where the professional body is created by a statute, giving it legal authority and powers, but the day-to-day governance, including the enforcement of its code of ethics and disciplinary actions, is managed by the professionals themselves. The statute provides the legal "teeth" that pure

³⁸Ndawana, Y., Knowles, J., & Vaughan, C. (2021). The Historicity of Media Regulation in Zambia; Examining the Proposed Statutory Self-Regulation

³⁹National Assembly "Report of the Committee on media, Information and Communication Technologies." June, 2019. https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Media%20and%20Information%20Tech.pdf. 20/08/2025

⁴⁰Ibid

self-regulation lacks, while the professional-led governance structure aims to preserve the autonomy that can be lost in a purely state-controlled system.

The **ICTAZ Act of 2018**⁴¹ fits squarely within this model. It establishes the Association and its Executive Council, and outlines the legal basis for the registration and regulation of ICT professionals. The Act mandates a "Professional Ethics and Compliance Committee" which has the power to initiate disciplinary action and hear cases of professional misconduct.⁴² This structure is a clear attempt to create a powerful, self-governing body with the backing of the law. The historical context from the media regulation documents suggests that this hybrid model is a response to the failures of purely voluntary associations, which lacked the power to enforce standards and maintain a professional register. The Act for ICTAZ, therefore, represents a maturation of professional regulation in Zambia, moving beyond voluntary associations towards a legally enforceable, self-managed system.⁴³

Another hybrid form is co-regulation, which involves "regulatory collaboration between the state, media and civil society".⁴⁴ This model is more consultative, with the state, professional bodies, and public interest groups working together to develop and enforce standards. While the **ICTAZ Act**⁴⁵ has elements of this through its establishment by the Parliament, the primary responsibility for regulation rests with the Association itself, making statutory self-regulation the more fitting descriptor. Co-regulation is often favoured in environments where the state wishes to encourage dialogue and shared responsibility without ceding all control, and it represents a step towards a more inclusive and democratic form of governance for a professional sector.

2.1.5. THE CASE OF MEDIA REGULATION IN ZAMBIA: LESSONS FOR ICTAZ

⁴¹Information and Communications Technology Association of Zambia Act No. 7 of 2018

⁴²Ibid

⁴³Ibid

⁴⁴National Assembly "Report of the Committee on media, Information and Communication Technologies." June, 2019. https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Media%20and%20Information%20Tech.pdf. 20/08/2025

⁴⁵Information and Communications Technology Association of Zambia Act No. 7 of 2018

The historical attempts at media regulation in Zambia provide a valuable and cautionary context for understanding the development of a statutory self-regulatory body like ICTAZ. The documents paint a picture of a media landscape fraught with uncertainty and political polarisation, where a clear, enforceable regulatory framework has long been sought but has proven difficult to achieve.

THE FAILURE OF VOLUNTARY SELF-REGULATION AND THE SEARCH FOR A LEGAL FRAMEWORK

The repeated failure of voluntary media councils like ZAMEC and MECOZ is a central theme in the provided texts. The reasons for their failure are instructive:

- **Lack of Legal Authority:** These bodies could not legally compel journalists or media houses to adhere to their rules.
- **Voluntary Membership:** The non-binding nature of membership meant that journalists and media houses could simply refuse to join or withdraw if they faced a disciplinary issue.
- **Polarisation and Mistrust:** The media landscape was described as "highly polarised" and lacking in trust, which prevented a consensus from being reached on a common regulatory framework.⁴⁶
- **Absence of a Legal Instrument:** As the Committee's report notes, the media industry itself recommended the need for a "regulatory body that will be backed by a statute in order for it to be accepted and respected by all stakeholders" (Media and Information).⁴⁷

The inability of the Zambian media industry to effectively regulate itself through voluntary mechanisms created a significant gap in accountability. The Committee on Media, Information and Communication Technologies highlighted that a lack of regulation could lead to "unprofessional conduct" and a failure to protect the public from misinformation or

⁴⁶National Assembly "Report of the Committee on media, Information and Communication Technologies." June, 2019. https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Media%20and%20Information%20Tech.pdf. 20/08/2025

⁴⁷Ibid

unethical practices.⁴⁸ The historical narrative, therefore, shows a clear progression from the recognition of a problem (unregulated professionals) to the exploration of different solutions (voluntary councils) and finally to the conclusion that a statutory backing was essential for any regulatory body to be "accepted and respected by all stakeholders".⁴⁹ This journey of the media industry provides a compelling theoretical and empirical justification for the approach taken with the ICTAZ Act.

2.1. 6. THE ROLE OF THE STATE AND THE 'INDEPENDENT' REGULATOR

The provided documents also explore the complex relationship between the state and regulatory bodies. The Independent Broadcasting Authority (IBA) is cited as an example where the term "independent" was seen by some stakeholders as a "misnomer" because the institution was perceived as a "Government watchdog".⁵⁰ This highlights a critical challenge for any statutory self-regulatory body: how to maintain genuine independence and avoid the perception of political interference, even when created by an act of Parliament. For ICTAZ, this means that while the Act provides a legal foundation, the association must actively demonstrate its autonomy in practice, particularly in its disciplinary proceedings and standard-setting functions.

The media report's discussion of the IBA serves as a cautionary tale for ICTAZ. The perception of an institution's independence is as important as its legal mandate. If a regulatory body is seen as a tool of the state, it loses the trust of both the public and its members, and its regulatory function is severely compromised. The **ICTAZ Act**, by vesting the power of self-governance in the hands of the Association's Executive Council and a professional ethics committee, aims to mitigate this risk. However, the true test of its independence will lie in its operational practice, its transparency in decision-making, and its willingness to stand up for professional standards even when they conflict with political interests.

⁴⁸Ibid

⁴⁹National Assembly "Report of the Committee on media, Information and Communication Technologies." June, 2019. https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Media%20and%20Information%20Tech.pdf. 20/08/2025

⁵⁰Ibid

2.1.7. THE APPLICATION TO THE INFORMATION AND COMMUNICATIONS TECHNOLOGY ASSOCIATION OF ZAMBIA (ICTAZ)

The **ICTAZ Act of 2018**⁵¹ represents a direct application of the statutory self-regulatory model to the ICT profession in Zambia. The Act provides a clear, legally binding framework that addresses the weaknesses that plagued the voluntary media councils. It transitions the former Computer Society of Zambia into a more powerful and legally recognised body, marking a significant milestone in the professionalisation of the ICT sector.

A LEGAL MANDATE FOR PROFESSIONALISM

The Act establishes a comprehensive framework for professional conduct and accountability.⁵² It defines the functions of the Association, including the promotion of "professional ethics" and the provision of "professional development" for its members.⁵³ It also establishes a "Code of Ethics" and a "Professional Ethics and Compliance Committee" to enforce this code (ICTAZ-Act-2018.pdf, p. 3). This is a significant departure from a voluntary model, as it gives ICTAZ the legal authority to act on complaints and ensure that all registered professionals adhere to a common standard.

The Act provides a clear legal basis for the Association's authority, which is critical for its effectiveness.⁵⁴ The establishment of a Professional Ethics and Compliance Committee with the power to "initiate disciplinary action" and "hear cases of professional misconduct" transforms the organisation from a social club into a true regulatory body. This legal mandate ensures that members cannot simply ignore the Code of Ethics or disciplinary rulings without facing tangible consequences.

THE POWER OF REGISTRATION AND LICENSING

A central pillar of the ICTAZ Act is the power to register and license professionals. Part V of the Act is dedicated to "MEMBERSHIP, REGISTRATION AND PRACTISING

⁵¹Information and Communications Technology Association of Zambia Act No. 7 of 2018

⁵²Information and Communications Technology Association of Zambia Act No. 7 of 2018

⁵³Ibid

⁵⁴Ibid

CERTIFICATE".⁵⁵ This part outlines the requirements for registration, including the recognition of foreign qualifications, the payment of membership fees, and the process for obtaining a practising certificate. Crucially, the Act also details the conditions for the "Suspension or expulsion" of a professional and the "Cancellation of practising certificate".⁵⁶ These provisions are the legal tools that were absent in the voluntary media councils, and their inclusion in the ICTAZ Act ensures that the association has the authority to regulate its profession effectively.

The Act creates a system of professional closure, where only registered members are legally allowed to practice and use certain professional titles. The provision against "holding out" legally prevents unqualified individuals from misrepresenting themselves as ICT professionals, thereby protecting the public from potential harm.⁵⁷ This is a powerful tool that was not available to the voluntary media councils. The existence of different "classes of membership" also allows the Association to create a structured career path and a clear hierarchy of qualifications, further professionalising the sector.

THE ROLE OF THE REGISTERS

The Act also mandates the creation and maintenance of a "Registers" of information and communications technology professionals.⁵⁸ This register serves a vital public function, providing a definitive list of qualified and accredited practitioners. It also serves as the foundation for the Association's regulatory power, as only those on the register are legally permitted to use the titles for registered professionals.⁵⁹ The existence of a legally-backed, up-to-date register is a cornerstone of effective statutory self-regulation, providing a clear mechanism for both professional recognition and public accountability.

The register is more than just a list of names; it is a public-facing tool for accountability and transparency. For the public, it provides a means to verify the credentials of an ICT professional. For the Association, it provides a clear, official record of all members, which is essential for enforcing the Code of Ethics and administering disciplinary actions. The

⁵⁵Ibid

⁵⁶Ibid

⁵⁷Information and Communications Technology Association of Zambia Act No. 7 of 2018

⁵⁸Ibid

⁵⁹Ibid

Act's requirement for a practising certificate, which must be applied for annually, ensures that the register is kept up-to-date and that professionals maintain their standards through ongoing professional development.

THE INSTITUTIONAL TRANSITION: FROM VOLUNTARY SOCIETY TO STATUTORY ASSOCIATION

The **ICTAZ Act of 2018** is not merely a new law; it represents a significant institutional transition. The Act explicitly provides for the "Continuation and renaming of Computer Society of Zambia".⁶⁰ This is a crucial point, as it shows the evolution of the profession in Zambia from a loose, voluntary "Society" to a formal, legally mandated "Association." This transition is a direct consequence of the historical lessons learned from the media sector and other professional bodies. It signifies a move away from the limitations of a voluntary body and towards a robust, enforceable, and publicly accountable framework.

The legal proceedings and membership provisions outlined in the Act further solidify this transition. For instance, the Act states that any legal proceedings pending against the old Society "may be continued by or against the Association".⁶¹ It also stipulates that a person who was a member of the Society before the Act's commencement "shall continue to be a member as if registered under this Act".⁶² These provisions ensure a seamless and legally sound transition, highlighting the continuity of the institution while fundamentally changing its legal status and powers. This strategic legal manoeuvre is designed to avoid the creation of a new, rival body and instead to build upon the existing professional community, but with a new and powerful legal mandate.

2.1.8. CONCLUSION

This chapter has provided a conceptual and historical overview of professional regulation, with a particular focus on the models of self-regulation and statutory self-regulation. By drawing on the lessons from the attempts at media regulation in Zambia, it is clear that a purely voluntary approach is often insufficient to enforce professional standards and

⁶⁰Information and Communications Technology Association of Zambia Act No. 7 of 2018

⁶¹Ibid

⁶²Ibid

ensure public trust. The failure of bodies like ZAMEC and MECOZ underscores the need for a legal framework that provides regulatory bodies with the necessary authority. The ICTAZ Act of 2018, therefore, can be understood as a direct response to these historical challenges. It establishes a statutory self-regulatory framework that combines the legal enforceability of a state-backed body with the professional autonomy of a member-led association. This hybrid model is designed to provide ICTAZ with the tools it needs to register, regulate, and discipline its members, thereby promoting professionalism and protecting the public interest in the burgeoning ICT sector of Zambia. The transition from a voluntary "Society" to a statutory "Association" represents a maturation of the profession, a move towards a more accountable and robust future, and a strategic application of lessons learned from other regulatory contexts in Zambia.

CHAPTER THREE

THE SALIENT PROVISIONS OF THE INFORMATION AND COMMUNICATION TECHNOLOGY ASSOCIATION OF ZAMBIA (ICTAZ) ACT OF 2018.

3.0. INTRODUCTION

The **Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018**⁶³ marks a watershed moment in the institutionalization and professional regulation of the Information and Communications Technology (ICT) sector within Zambia. Enacted to replace the informal status of the predecessor body, the Computer Society of Zambia, the Act provides a comprehensive statutory framework for the registration, licensing, and conduct of ICT professionals and firms. The legislation is fundamentally aimed at safeguarding public interest, ensuring quality and integrity in the provision of ICT services, and fostering the development of the national ICT sector through enforced standards and ethics. The Act elevates the status of the ICT profession to parity with other regulated professions in Zambia, such as engineering, law, and medicine. This chapter delves into the salient provisions of the **ICTAZ Act**,⁶⁴ systematically analysing the functional, administrative, regulatory, and disciplinary mechanisms established to govern the sector.

3.1. ESTABLISHMENT, FUNCTIONS, AND CONTINUITY OF THE ASSOCIATION

Part II⁶⁵ of the **ICTAZ Act**, encompassing **Sections 3**⁶⁶ to **6**,⁶⁷ focuses on the statutory creation and foundational mandate of the Association itself. This section is crucial as it legally anchors the body responsible for regulating the entire professional domain.

3.1.1. CONTINUATION AND RENAMING OF THE PREDECESSOR BODY

⁶³Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁶⁴Ibid

⁶⁵Part II of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁶⁶Section 3 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁶⁷Section 6 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

A significant provision, detailed in **Section 3⁶⁸** of the Act, is the continuation and renaming of the Computer Society of Zambia into the Information and Communications Technology Association of Zambia. This provision is not merely an administrative change but a legislative recognition of the evolving, broader scope of the profession. By continuing the existence of the Society, the Act ensured a seamless transition, avoiding a regulatory vacuum. The newly established ICTAZ is constituted as a body corporate with perpetual succession and a common seal, granting it the legal capacity to sue and be sued, acquire and hold property, and enter into contracts. Crucially, the Act ensures that all assets, rights, liabilities, and obligations of the former Society are automatically transferred to the Association, providing necessary legal continuity and stability from its inception. Furthermore, all existing members of the former Society were automatically retained as members of the Association under the new regulatory framework.

3.1.2. CORE FUNCTIONS OF THE ASSOCIATION: THE MANDATE OF REGULATION AND DEVELOPMENT

Section 4⁶⁹ comprehensively outlines the functions of the Association, establishing its dual mandate as both a regulator and a professional development body. The primary, most salient function is the regulation and governance of the conduct of its members in the practice of their profession and business. This regulatory authority is backed by the power to maintain and enforce appropriate practice standards that are consistent with the principles of self-regulation and public interest. Beyond direct regulation, the Act vests ICTAZ with the responsibility to represent, coordinate, and develop the ICT profession and promote its interests both locally and internationally. This developmental role includes the critical function of developing, promoting, maintaining, and improving appropriate standards of qualification in the ICT profession.

This provision gives ICTAZ a direct role in shaping the educational curriculum and requisite competencies for entry into the sector, ensuring that Zambian ICT professionals meet globally comparable benchmarks. Furthermore, the Association is tasked with

⁶⁸Section 3 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁶⁹Section 4 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

promoting the integrity and enhancing the status of the profession, including the power to declare any particular business practice undesirable for all or a specific category of ICT professionals. This provision is a powerful tool for ethical enforcement and consumer protection, allowing the Association to proactively address malpractices in the rapidly evolving technology landscape. By charging ICTAZ to develop, promote, and enforce internationally comparable practice standards, the Act explicitly links the local professional environment to the global market, ensuring local expertise is competitive and trustworthy on a global scale.

3.1.3. THE ASSOCIATION CONSTITUTION AND LEADERSHIP

The Act, under **Section 5**,⁷⁰ mandates that the Association must have a Constitution to govern its internal affairs, provided that the Constitution is not inconsistent with the provisions of the Act. This allows the members to define the internal democracy, composition of committees, and rights and obligations of various classes of membership. **Section 6**⁷¹ provides for the President and Vice-President of the Association, outlining the process of their election as specified in the Constitution, solidifying the democratic governance structure of the professional body.

3.2. GOVERNANCE AND ADMINISTRATION: THE EXECUTIVE COUNCIL AND REGISTRAR

Part III⁷² of the Act lays the administrative foundation of the Association, establishing the Executive Council as the primary governing organ and defining the role of the chief administrative officer. This structure ensures accountability and effective management of the Association's broad mandate.

3.2.1. CONSTITUTION AND MANDATE OF THE EXECUTIVE COUNCIL

⁷⁰Section 5 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁷¹Section 6 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁷²Part III of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

Section 7⁷³ constitutes the Executive Council, which is entrusted with the management and control of the affairs of the Association. This Council is the principal decision-making body, responsible for translating the Act's broad provisions into actionable policy and practice. The composition of the Council is structurally defined, typically including the President, Vice-President, National Secretary, National Treasurer, and regional chairpersons, ensuring a mix of executive leadership and geographic representation. This composition is key to ensuring that the Council's decisions are reflective of the diverse professional landscape across the country.

3.2.2. FUNCTIONS OF THE EXECUTIVE COUNCIL

The functions of the Council, as detailed in **Section 8**,⁷⁴ are extensive, covering financial, administrative, and developmental oversight. The Council is responsible for maintaining the Register of members, classifying them into different categories as defined in the Constitution, and ensuring the Register is accurate and accessible. Administratively, the Council is tasked with appointing the Registrar and other necessary staff, managing the Association's finances, and promoting understanding of professional ethics among members. The Council is also explicitly mandated to ensure the Association's financial solvency and accountability by receiving and approving audited financial statements. Significantly, the Council must promote the advancement of the ICT profession through funding research and establishing training centres. This function highlights the Council's forward-looking role in sector development, ensuring the profession remains dynamic and responsive to technological advancements. Furthermore, the Council has the crucial role of recommending to the Minister the prescribing of fees for professional services, thereby influencing the economic stability and fair pricing within the sector.

3.2.3. THE ROLE OF THE REGISTRAR AND SECRETARIAT

⁷³Section 7 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁷⁴Section 8 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

Section 9⁷⁵ provides for the appointment and functions of the Registrar and other staff of the Council. Subsection (1) empowers the Council to appoint a Registrar on terms and conditions it deems appropriate. This means that the Council has discretion to determine the qualifications, remuneration, and other employment conditions of the Registrar. According to subsection (2), the Registrar serves as the chief executive officer (CEO) of the Council, responsible for managing its day-to-day operations and implementing the decisions and policies of the Board under the Board's direction. This places the Registrar in a key administrative and leadership role within the institution. Subsection (3) stipulates that the Registrar must attend all Board meetings and is permitted to address such meetings, meaning they may provide reports, advice, or clarifications on administrative matters; however, the Registrar is not allowed to vote on any issues before the Board, preserving the distinction between administrative and policy-making functions. Finally, subsection (4) grants the Council authority to appoint additional staff including a Deputy Registrar, a Secretary, and any other personnel on such terms and conditions as it considers necessary to enable both the Council and the Board to effectively carry out their functions. This provision ensures that the Council is adequately staffed to fulfill its statutory and operational responsibilities.

3.3. MEMBERSHIP REGULATION AND THE MEMBERSHIP REGISTRATION BOARD

Part IV⁷⁶ of the Act introduces a specialized sub-structure, the Membership Registration Board, which handles the core gateway function of professional entry into the regulated sector.

3.3.1. ESTABLISHMENT AND FUNCTIONS OF THE MEMBERSHIP REGISTRATION BOARD

Section 11⁷⁷ establishes the Membership Registration Board (the Board), which operates under the direction of the Council but is specifically tasked with the critical functions

⁷⁵Section 9 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁷⁶Part IV of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁷⁷Section 11 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

related to professional registration. **Section 12**⁷⁸ outlines the primary function of the Board, which is to perform all registration functions of the Association, except where the Act provides otherwise. This means that the Board serves as the main administrative and regulatory body responsible for overseeing the registration of members, practitioners, or entities governed by the Association. The phrase “except as otherwise provided in this Act” indicates that there may be specific provisions within the Act assigning certain registration responsibilities to other bodies or officers, such as the Registrar, but generally, the Board retains overarching authority in matters of registration.

3.3.2. PROCESS OF PROFESSIONAL REGISTRATION

The Act outlines the registration of information and communications technology professionals in **Section 13**,⁷⁹ establishing the mandatory requirements for professional status in Zambia. A person who seeks to be registered must satisfy the Board that they possess the prescribed qualifications and practical experience relevant to the class of membership being sought. This provision is the linchpin of the Act's regulatory framework, legally distinguishing qualified, regulated professionals from general practitioners in the market. The registration process, which culminates in the issuance of a Certificate of Registration, is a prerequisite for obtaining a Practising Certificate, which is necessary to offer professional services to the public.

3.4. PROFESSIONAL STATUS, LICENSING, AND PRACTICE REGULATION

Part V⁸⁰ is arguably the most impactful section of the Act, detailing the mechanisms by which professional practice is licensed, controlled, and enforced within the Zambian ICT sector.

3.4.1. CLASSES OF MEMBERSHIP AND QUALIFICATIONS

⁷⁸Section 12 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁷⁹Section 13 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁸⁰Part V of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

Section 14⁸¹ stipulates the existence of various classes of membership for ICT professionals, the specifics of which are elaborated in the Association's Constitution. These classes, such as Fellow, Full Member, Associate, and Student, are based on varying levels of academic qualification, professional experience, and demonstrated competence. This tiered structure allows the Association to effectively recognize and regulate a wide spectrum of expertise, from entry-level graduates to seasoned industry leaders. **Section 15**⁸² **Section 15** empowers the Minister, acting on the recommendation of the Association, to formally recognize both local and foreign qualifications for the purpose of registration under the Act. This recognition is to be done through a statutory instrument, which gives the decision legal force and ensures transparency and public accessibility. Importantly, the provision stipulates that only qualifications accredited by the Zambia Qualifications Authority (ZAQA) may be recognized.

Upon successful registration, **Section 16**⁸³ mandates the issuance of a Certificate of Registration, which legally signifies a person's acceptance as an ICT professional in a specified class of membership. This status comes with the obligation to pay membership fees under **Section 17**,⁸⁴ which sustains the Association's regulatory and developmental functions. The Act also provides, under **Section 18**,⁸⁵ for the suspension or expulsion of a professional for failure to meet obligations or for professional misconduct, thus providing a clear mechanism for quality control and ethical enforcement.

3.4.2. THE PRACTISING CERTIFICATE AND ITS PROHIBITORY EFFECTS

The Act introduces the concept of the Practising Certificate under **Section 21**⁸⁶ as the mandatory license for a registered professional to establish and conduct an independent ICT practice or offer professional services to the public. The provision sets out the procedure for application and issuance, requiring the professional to demonstrate commitment to ethical practice and continuous professional development (CPD). **Section**

⁸¹Section 14 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁸²Section 15 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁸³Section 16 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁸⁴Section 17 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁸⁵Section 16 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁸⁶Section 21 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

22⁸⁷ establishes a critical prohibition: the prohibition of the establishment of practice without a certificate. This is reinforced by **Section 20**,⁸⁸ which addresses the offense of holding out. Holding out refers to a person falsely representing themselves as a registered ICT professional or a holder of a valid Practising Certificate when they are not. These two sections are the backbone of the Act's consumer protection mechanism, criminalizing the unauthorized practice of the profession and ensuring that only registered, licensed, and regulated individuals and firms can offer ICT professional services to the public. **Section 23**⁸⁹ mandates the display of the certificate at the place of business, ensuring transparency for clients. **Sections 24**⁹⁰ and **25**⁹¹ govern the ongoing validity of the license, detailing the processes for renewal and cancellation of the practising certificate. Cancellation can occur for reasons such as professional misconduct, failure to renew, or failure to meet the required standards of continuing professional development, reinforcing the concept that professional regulation is an ongoing commitment, not a one-time event.

3.4.3. REGISTRATION OF ICT FIRMS AND STUDENTS

The regulatory reach of the Act extends beyond individual professionals. **Section 26**⁹² provides for the registration of ICT firms, requiring any corporate or unincorporated body intending to operate an ICT practice to register with the Association. This ensures that the corporate entities employing and deploying ICT professionals are also bound by the ethical and practice standards set by ICTAZ. By regulating firms, the Act effectively governs the quality assurance mechanisms at an organizational level. Additionally, **Section 27**⁹³ covers the registration of information and communications technology students. This provision integrates students into the professional ecosystem early on, allowing the Association to track and guide aspiring professionals, foster adherence to

⁸⁷Section 22 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁸⁸Section 20 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁸⁹Section 23 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁹⁰Section 24 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁹¹Section 25 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁹²Section 26 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁹³Section 27 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

the Code of Ethics from the academic stage, and maintain an accurate pipeline for future professionals.

3.4.4. MAINTENANCE OF PROFESSIONAL REGISTERS

Section 28⁹⁴ mandates the maintenance of comprehensive Registers by the Registrar, containing details of all registered professionals, firms, students, and holders of practicing certificates. This public record enhances transparency and allows members of the public, government agencies, and employers to verify the status and credentials of any person or firm claiming to be regulated by ICTAZ. **Sections 29⁹⁵** and **30⁹⁶** address the mechanisms for the removal and restoration of a name on the Register and conditions for disqualification from registration, respectively, providing clear administrative processes for managing professional status.

3.5. ETHICS, COMPLIANCE, AND DISCIPLINARY MECHANISM

The integrity of any self-regulating profession rests on its ethical and disciplinary framework. **Part VII⁹⁷** of the ICTAZ Act establishes a robust structure to enforce the highest standards of professional conduct.

3.5.1. THE CODE OF ETHICS AND PROFESSIONAL STANDARDS

Section 39⁹⁸ mandates the adoption of a Code of Ethics for all ICT professionals. This Code serves as the moral and professional compass for the sector, detailing the expected behaviour, duties owed to clients, employers, the public, and the profession itself. The Code covers critical areas such as confidentiality, integrity, technical competence, and the responsible use of technology. This provision is essential for building public trust and ensuring that technological power is wielded for the benefit, and not the detriment, of

⁹⁴Section 28 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁹⁵Section 29 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁹⁶Section 30 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁹⁷Part VII of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

⁹⁸Section 39 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

society. **Section 32**,⁹⁹ relating to Information and Communications Technology Standards, further empowers the Association to develop and enforce technical standards related to the provision of ICT services. This is a crucial tool for quality assurance, moving beyond just ethics to ensuring technical excellence and interoperability within the Zambian digital infrastructure.

3.5.2. CONSTITUTION AND MANDATE OF THE PROFESSIONAL ETHICS AND COMPLIANCE COMMITTEE (PECC)

Section 40¹⁰⁰ establishes the Professional Ethics and Compliance Committee (PECC), which is the dedicated judicial arm of the Association. The PECC's sole focus is to investigate, hear, and adjudicate cases of professional misconduct brought against registered professionals or firms.

The Act grants the PECC significant powers to initiate disciplinary action under **Section 41**¹⁰¹ and defines its core functions under **Section 42**,¹⁰² which include:

- Investigating alleged cases of professional misconduct.
- Conducting formal hearings under **Section 43**.¹⁰³
- Imposing sanctions where professional misconduct is proven.

3.5.3. PROFESSIONAL MISCONDUCT AND DISCIPLINARY POWERS

Section 44¹⁰⁴ provides a comprehensive definition of professional misconduct, which includes a range of actions from negligence and incompetence to violations of the Code of Ethics, fraud, and misrepresentation. This provision is broad enough to cover the varied and complex nature of ethical breaches in the dynamic ICT field. The powers of the

⁹⁹Section 32 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹⁰⁰Section 40 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹⁰¹Section 41 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹⁰²Section 42 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹⁰³Section 43 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹⁰⁴Section 44 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

Professional Ethics and Compliance Committee under **Section 45**¹⁰⁵ are substantial and include: 1. Imposing a reprimand. 2. Ordering the suspension of a professional or firm from practice for a specified period. 3. Ordering the cancellation of a Practising Certificate and the removal of the name from the Register. 4. Imposing fines, which are paid to the Association. 5. Ordering the person to pay costs for the disciplinary proceedings. These punitive and corrective powers establish the PECC as a credible deterrent against malpractice and a mechanism for maintaining the high standards required by the Act.

3.5.4. APPEALS AND RULES

Recognizing the gravity of the PECC's decisions, the Act provides a right of appeal under **Section 47**¹⁰⁶ to the High Court against any decision, determination, or order of the PECC. This ensures that the disciplinary process is subject to judicial review, guaranteeing procedural fairness and natural justice to the affected professional or firm. Furthermore, **Section 48**¹⁰⁷ empowers the Chief Justice to make Rules regarding the proceedings and appeals to the High Court, formalizing the legal processes involved in professional regulation.

3.6. GENERAL AND MISCELLANEOUS PROVISIONS

The remaining parts of the Act cover important enabling provisions, interpretation, decentralization, and general prohibitions necessary for the Act's holistic implementation.

3.6.1. OFFENCES AND PENALTIES

The Act includes several provisions that create offences and prescribe penalties for non-compliance, thereby giving the legislation teeth. Beyond the aforementioned offenses of Holding Out under **Section 20**¹⁰⁸ and operating without a Practising Certificate under

¹⁰⁵Section 45 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹⁰⁶Section 47 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹⁰⁷Section 48 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹⁰⁸Section 20 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

Section 22,¹⁰⁹ **Section 31**¹¹⁰ outlines Offences regarding information and communications technology professionals. These generally relate to fraud, misrepresentation, or providing false information during the registration or renewal process. **Section 51**¹¹¹ prohibits the transfer of a certificate, ensuring that professional licenses remain non-transferable and specific to the individual whose competence was assessed. **Section 53**¹¹² extends liability to corporate governance, defining Offences by a principal officer or shareholder of a body corporate or unincorporated body, ensuring that individuals responsible for a firm's operations can be held accountable for non-compliance by the firm. The enforcement of these provisions, typically resulting in fines or custodial sentences upon conviction, underpins the seriousness with which the Act treats professional integrity.

3.7. CONCLUSION

The Information and Communications Technology Association of Zambia Act No. 7 of 2018 is a monumental piece of legislation that institutionalizes the ICT profession in Zambia. Its salient provisions, spread across a detailed structural framework, cover the entire lifecycle of professional engagement, from entry requirements and ongoing licensing to ethical compliance and disciplinary action. The Act successfully transforms a voluntary association into a statutory body with a clear dual mandate: to regulate and to develop the sector. The establishment of the Executive Council, the Membership Registration Board, and the Professional Ethics and Compliance Committee creates a sophisticated, multi-tiered governance structure designed to ensure fairness, technical competence, and accountability. By legally prohibiting "holding out" and mandating Practicing Certificates for firms and individuals, the Act effectively ring-fences the professional practice space, protecting the public from unqualified practitioners and enhancing consumer confidence. Ultimately, the ICTAZ Act 2018 serves as the foundational legal instrument for fostering a reputable, highly skilled, and ethical ICT

¹⁰⁹Section 22 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹¹⁰Section 31 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹¹¹Section 51 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

¹¹²Section 53 of the Information and Communications Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

professional ecosystem, essential for driving Zambia's digital economy and transformation agenda.

CHAPTER FOUR

CRITICAL COMPARATIVE ANALYSIS BETWEEN THE ICTAZ ACT IN ZAMBIA AND ITS COUNTERPART PIECE OF LEGISLATION IN NIGERIA AND DRAWING LESSONS

4.0. INTRODUCTION

The establishment of the Information and Communications Technology Association of Zambia (ICTAZ) through the **ICTAZ Act No. 7 of 2018**¹¹³ marked a definitive, progressive step towards formalizing and regulating the rapidly growing Information and Communications Technology (ICT) sector in Zambia. This legislative action mirrored similar movements across the African continent, most notably the decades-earlier enactment of the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993 (now an Act of the National Assembly).

A critical comparative analysis of these two foundational pieces of legislation the **ICTAZ Act of Zambia** and the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993**¹¹⁴ reveals significant differences in regulatory architecture, particularly concerning mechanisms designed to strengthen professionalism, standardize practices, and enforce accountability. While the Zambian Act is commendable for its contemporary relevance, the older Nigerian law, due to its comprehensive, prescriptive approach and empowered regulatory body, offers invaluable lessons for strengthening the ICTAZ's operational effectiveness and legal authority. The core distinction lies in the height of professional threshold each body aspires to, nomenclature used to portray the clout each body has and the level to which each piece of legislation goes to uphold basic legal rights during investigative hearings.

4.1. FOUNDATIONAL DIFFERENCES IN MANDATE AND REGULATORY RIGOUR

4.1.1 NOMENCLATURE PORTRAYING POWER

¹¹³Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹¹⁴Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

While ICTAZ is framed as an Association with regulatory functions, CPN is established as a Council, a nomenclature which inherently conveys a stronger, quasi-governmental regulatory authority, though not necessarily so. This portrays a very powerful psychological image of the body denoting clout and control.

Section 4 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018¹¹⁵ outlines the functions of the Association, which include regulating and governing the conduct of its members, maintaining appropriate practice standards, and developing standards of qualification. While these functions are appropriate for a professional body, the language is generally descriptive of self-regulation.

Conversely, the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993**,¹¹⁶ specifically **Section 2(1)**,¹¹⁷ adopts nomenclature that portrays a more authoritative entity. It is mandated to, among other things, "**Determine what standard of knowledge and skills are to be attained by persons seeking to become members of the profession and improving those standards from time to time as circumstances may permit.**"

This wording portrays the CPN as a body that determines standards while ICTAZ is said to be empowered to develop and maintain them. Again, while it may sound like its mere language, there is power in nomenclature and the term "determination of standards" portrays more authority, power and control than their development.

The said **section 2(1)** sets the CPN as gatekeeper of the entire computing ecosystem in Nigeria, indicating that it shall secure, in accordance with the provisions of this Act, the establishment and maintenance of a register of persons seeking to be registered under this Act to practice the profession and the publication, from time to time, of the lists of those persons.¹¹⁸ The nomenclature used assumes the imposition of a more explicit and

¹¹⁵Section 4 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹¹⁶Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹¹⁷Section 2(1) of the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹¹⁸Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

higher sounding statutory burden upon any wishing to be registered. This stands as an immediate legal barrier to entry for the unregistered.

To be noted, however, is the shortcoming in both Acts relating to the absence of the legal mandate of each of the bodies to play an active role in shaping the national educational and professional curriculum. This function ought to extend to playing a key and active role in accreditation of educational programs offered by universities, colleges and polytechnics. This will ensure new professionals meet an externally enforced, uniform standard with the direct, statutory link between the regulatory body and the educational institutions creating a powerful mechanism for preemptive standardization at the point of learning, reducing the burden of enforcing standards post-qualification.

The ICTAZ Act in Section 8, provides for the maintenance of a register of members of the Association and the categories of membership applicable to those members. While this is present in the ICTAZ Act, the Nigerian piece of legislation's rendering portrays a higher sounding statutory threshold of compliance to appear in the register.

The position in Nigeria could significantly elevate the ICT fraternity's professional stature, effectively supporting its authoritative stance as a sectoral regulator rather than a mere professional guild.

4.1.2. STRENGTHENING PROFESSIONALISM THROUGH EXPLICIT QUALIFICATION AND REGISTRATION FRAMEWORKS

Professionalism is fundamentally built upon the clarity and non-negotiability of entry requirements. Both Acts address this through provisions for membership and registration, but the Nigerian law exhibits a greater level of prescriptive detail that reduces ambiguity and strengthens the Council's hand in defining professional classes. **Part V¹¹⁹ of the ICTAZ Act**, dealing with Membership, Registration, and Practicing Certificates, provides

¹¹⁹Part V of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

for various classes of membership under **Section 14**¹²⁰ and the application process under **Sections 13**¹²¹ and **21**.¹²²

However, the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993** is more progressive by going further in **Section 2(2)**¹²³ and **Section 2(3)**¹²⁴ to explicitly define the tiered hierarchy of the profession within the statute itself, linking registration status directly to age, experience, and specific professional achievement. For instance, **Section 2(3)(a)**¹²⁵ of **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993** explicitly defines the criteria for a "Fellow" requiring a minimum age of thirty years, at least ten years of relevant professional working experience five of which must be in a managerial responsibility position, and that their professional activities and achievements justify acceptance as an "authority in the profession."

By codifying such specific, high-level requirements for the senior professional ranks, the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993** ensures that titles are not merely honorary but represent a statutory threshold of competence and leadership, thereby inherently strengthening the perception of professionalism across the industry.

The **ICTAZ Act**, by contrast, largely delegates the definition of membership classes and their precise criteria to the Association's Constitution under **Section 5(3)(a)**, making these crucial definitions subsidiary, unpredictable, and potentially less robust against legal challenge than a specific statutory provision. The lesson for ICTAZ is to integrate clearer, predictable, pre-set statutory distinctions between professional grades, perhaps defining the required years of experience and scope of responsibility for Registered Professionals and Fellows directly within the Act or its subsidiary regulations, to lend more weight to the professional designations it confers.

¹²⁰Section 14 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹²¹Section 13 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹²²Section 21 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹²³Section 2(2) of Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹²⁴Section 2(3) of Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹²⁵Section 2(3)(a) of Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

4.1.3. STANDARDIZING PRACTICES AND ENFORCING PRACTICE CERTIFICATES

Standardization is the mechanism through which uniform quality and minimum competence are guaranteed, and the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993**¹²⁶ offers a potent model for enforcing mandatory compliance across the profession. The **ICTAZ Act**, under **Section 21**,¹²⁷ requires an "Application for practising certificate" and **Section 22**¹²⁸ prohibits the establishment of a practice without one, which is a commendable and necessary provision.

However, the Nigerian law reinforces this concept by explicitly giving the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993 regulatory control over the conduct of the professional practice itself. A key lesson for ICTAZ can be drawn from the comprehensive nature of the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993's** approach to the Register. **Section 4** of the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993**,¹²⁹ which addresses the Register of members, mandates that the Registrar shall keep a register containing "names, addresses and approved qualifications and of such other particulars, as may be specified in the rules, of all persons who are entitled in accordance with the provision of this Decree to be registered as member of the profession." While this seems similar to **ICTAZ Act Section 28**,¹³⁰ the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993** Act's long-standing use of this provision has led to highly prescriptive rules that define what specific activities constitute the "practice of computing" and therefore require registration and a license.

4.1.4. FOSTERING ACCOUNTABILITY: THE DISCIPLINARY MACHINERY

Accountability requires clear procedures for investigating and punishing professional misconduct, and here the Nigerian law provides the most detailed and structurally separated disciplinary architecture, offering a critical blueprint for strengthening the

¹²⁶Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹²⁷Section 21 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹²⁸Section 22 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹²⁹Section 4 of the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹³⁰Section 28 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

ICTAZ framework. The ICTAZ Act establishes a Professional Ethics and Compliance Committee (PECC) under **Part VII, Section 40**,¹³¹ responsible for maintaining the Code of Ethics under **Section 39**¹³² and initiating disciplinary action under **Section 41**.¹³³ The PECC has powers, including summoning witnesses and imposing penalties under **Section 45**.¹³⁴

However, **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993** separates the disciplinary function into two distinct, independent statutory bodies, a structural separation that enhances procedural fairness and accountability.

The progressive provisions in the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993** are found in **Section 3**¹³⁵ establishing the Investigating Panel and **Section 14**¹³⁶ establishing the Disciplinary Committee.

The **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993**¹³⁷ under **Section 3 & 14** mandates a clear separation of powers, the Investigating Panel (IP) handles the initial inquiry, receives complaints, conducts preliminary investigations, and decides whether a prima facie case of professional misconduct exists. If it does, the IP refers the matter to the Disciplinary Committee (DC). The DC, a separate body, then adjudicates the case. This two-tier system investigation separate from trial is fundamental to natural justice and ensures that the body prosecuting the case is not the same body that judges the case. While the ICTAZ PECC appears to handle both functions, the Nigerian model's statutory separation inherently provides a greater guarantee of impartiality, thereby strengthening the public's confidence in the accountability mechanism.

¹³¹Part VII, Section 40 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹³²Section 39 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹³³Section 41 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹³⁴Section 45 of the Information and Communications Technology Association of Zambia Act No. 7 of 2018

¹³⁵Part II, Section 13 of the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹³⁶Section 14 the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹³⁷Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

Zambia could thus draw from Nigeria, the creation of a separate, statutorily mandated Investigating Panel to feed cases to the existing Professional Ethics and Compliance Committee (which could then be renamed the Disciplinary Tribunal).

The **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993**¹³⁸ under **Section 15(1)** is, as is the ICTAZ Act, highly specific about the consequences of professional misconduct, giving the Disciplinary Committee clear, statutory-backed powers. **Section 15(1)** states that where the Disciplinary Committee finds a person guilty of professional misconduct, it may "give a direction reprimanding that person or ordering the Registrar to strike his name off the register." The PECC in the ICTAZ Act, also has largely similar powers under **Section 45**.

Crucially missing from both Acts is the compulsion to publicize information about the holding of hearings and their outcomes. This is a powerful accountability tool that, when explicitly mandated by statute, acts as a severe deterrent as well as guarantee for transparency and professional accountability.

The **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993** under **Section 15(1)(b)**¹³⁹ also enforces accountability by linking professional registration directly to ethical conduct beyond the workplace. **Section 15(1)(b)** allows for the striking off of a member's name if they have been "convicted in Nigeria or elsewhere by a court of law having power to award imprisonment for an offence (whether or not punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of a member of the profession." This provision provides a wide and necessary discretion to the Disciplinary Committee to judge non-professional, criminal conduct against the high ethical standards expected of a registered professional.

The ICTAZ Act mentions offences regarding ICT professionals in **Section 31** and disqualification in **Section 30**, but the **Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993's** explicit inclusion of any offence deemed "incompatible with the status" is a broader and more powerful accountability check,

¹³⁸Section 15(1) of the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

¹³⁹Section 15(1) (b) of the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993

ensuring that an ICT professional maintains the highest moral and ethical conduct in all aspects of life, not just professional practice.

4.2. DRAWING KEY LESSONS FOR THE ICTAZ FRAMEWORK

The comparative analysis with the Nigerian piece of legislation leads to three major lessons the Zambian ICT sector can draw not all are directly from the Nigerian Act but rather from discussing it. Such lessons have the capacity of enhancing professionalism, standardization, and accountability within the ICTAZ framework:

(a) Elevating Statutory Authority and Mandate

It is imperative for ICTAZ to be able to play a cardinal role in the development of the educational curriculum in Zambia.

(b) Institutionalising Separation of Disciplinary Powers

Bolstering public trust and procedural fairness is essential with disciplinary matters handled in manner that reflects equity. As was observed, the Nigerian Act provides for two separate entities – one in charge of investigations and the other of hearing disciplinary matters. The scenario in the Zambian Act, does not, however, provide for such separation between the body that conducts investigations from one which hears the matter. Considering that separation of functions between the bodies is progressive and fosters the implementation of Rules of Natural Justice, Zambia could draw the appropriate lesson in this regard.

In the Nigerian scenario, the first body, an Investigating Panel, hears conduct the initial fact-finding and referral. The second, focuses solely on the judicial-like function of hearing and adjudicating the referred cases. This separation, projected in and by the Nigerian Act, represents the gold standard for professional accountability mechanisms and ensures due process.

(c) Prescriptive Statutory Professional Classes and Titles

Core definitions of senior professional titles (e.g., Fellow, Member) are better provided for in the principal legislation or subsidiary legislation issued by the Minister. Minimum mandatory years of experience and level of managerial responsibility required are better provided for in principal legislation as they are in the Computer Professionals (Registration Council of Nigeria) Decree No. 49 of 1993. This enhances transparency, objectivity and predictability while also according the titles heavier legal weight, making them non-negotiable professional benchmarks and enhancing the public perception and value of ICT professionals. The above is also essential for fostering a culture of aspirational excellence and measurable competence within the sector.

4.3. CONCLUSION

The comparative analysis demonstrates that while the ICTAZ Act of 2018 successfully establishes a legal basis for professional regulation in Zambia's ICT sector, the older but more structurally prescriptive CPN Act of Nigeria provides a superior blueprint for achieving deep-seated professionalism and robust accountability. The key advantage of the Nigerian model lies not just in its seniority, but in its statutory commitment to separating the disciplinary functions into distinct investigative and adjudicative bodies, a mechanism that inherently guarantees greater procedural fairness and public confidence.

Furthermore, the definition and prescription of professional titles matrix based on different qualification and experience within the principal legislation in the Nigeria, reflects a high degree of mandatory control and excellence, setting a gold standard for professional gatekeeping.

For Zambia, the way forward involves strategically borrowing these high-impact institutional features to mature the ICTAZ framework. The ICTAZ can leverage its recent establishment to champion amendments that elevate its authority from an "Association" that "maintains" standards to a "Council" that legally "prescribes" them.

By adopting the principles of separation of powers in its disciplinary process and codifying explicit, demanding prerequisites for senior registration titles, ICTAZ can enhance the value of its certification, strengthen consumer and public trust, and ultimately foster a

more professional, standardized, and accountable ICT workforce essential for driving Zambia's digital economy forward.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.0. GENERAL FINDING AND CONCLUSIONS

The examination of the legal and institutional framework established by the **Information and Communication Technology Association of Zambia (ICTAZ) Act No. 7 of 2018**¹⁴⁰ reveals a crucial, yet incomplete, legislative step towards professionalizing the nation's ICT sector. The key finding is that while the Act provides a necessary statutory foundation for registering, regulating, and enforcing ethical standards among ICT practitioners, its full potential is significantly limited by shortcomings. Also observed was that its Nigerian counterpart, while having some shared shortcomings, has provisions from which Zambia could draw lessons.

This analysis concludes that without strategic amendments, the Act will remain only partially effective, constraining Zambia's ability to foster a resilient, transparent, and globally competitive digital ecosystem.

5.1. SUMMARY OF CHAPTERS

5.1.1. CHAPTER ONE

Chapter One established the necessary context for this study by highlighting the pressures facing the Zambian ICT sector: rapid growth and increased economic importance coupled with a critical lack of standardized practice, quality control, and ethical governance. It provided the significance of the study, scope and research objectives as well as research questions. The chapter conducted literature review highlighted the research gap and laid out the research methodology and concluded with ethical considerations.

5.1.2. CHAPTER TWO

¹⁴⁰Information and Communication Technology Association of Zambia (ICTAZ) Act No. 7 of 2018

This chapter has provided a conceptual and historical overview of professional regulation, with a particular focus on the models of self-regulation and statutory self-regulation. The chapter noted that by drawing on the lessons from the attempts at media regulation in Zambia, it is clear that a purely voluntary approach is often insufficient to enforce professional standards and ensure public trust. The chapter noted that the failure of bodies like ZAMEC and MECOZ underscores the need for a legal framework that provides regulatory bodies with the necessary authority. Observed was that the enactment of the ICTAZ Act of 2018, could, therefore, be understood to have been a direct response to these historical challenges. The chapter established that best practice dictated a statutory self-regulatory framework that combines the legal enforceability of a state-backed body with the professional autonomy of a member-led association. The chapter noted the transition of ICTAZ from a voluntary "Society" to a statutory "Association" representing a maturation of the profession and a move towards a more accountable regulator.

5.1.3. CHAPTER THREE

Chapter three explored the legal and regulatory framework governing the ICT profession. The chapter centered on the **Information and Communications Technology Association of Zambia Act No. 7 of 2018**,¹⁴¹ the primary piece of legislation governing ICT professionals in Zambia. The Act highlighted and discussed select provisions of the piece of legislation providing an overview of the Act and run through it to provide the foundation for its critical analysis in the following chapter.

5.1.4. CHAPTER FOUR

Chapter five conducted a critical comparative analysis of the primary legal framework regulating ICT professionals in Zambia with its counterpart in Nigeria. Noted among others, was the fact that while the ICTAZ Act of 2018 successfully establishes a legal basis for professional regulation in Zambia's ICT sector, the older but more structurally prescriptive CPN Act of Nigeria provides a superior blueprint for achieving deep-seated

¹⁴¹Information and Communications Technology Association of Zambia Act No. 7 of 2018

professionalism and robust accountability. Expressly providing for principles of separation of powers in its disciplinary process and explicitly codifying prerequisites for senior registration titles, exalted the Nigerian framework.

5.2. RECOMMENDATIONS

Based on the findings regarding the structural, financial, and procedural deficiencies identified in the legal framework, the following recommendations are proposed:

1. Elevate Statutory Status

The ICTAZ Act should be amended to adopt more authoritative and imposing language with ICTAZ being legal referred to a Council and not Association.

2. Expanded Mandate

ICTAZ's mandate should be expanded to include actively contributing to the development of ICT curricula in government institutions of learning colleges.

3. Institutionalise Separation of Disciplinary Functions:

The disciplinary mechanism under Part VII must be structurally reformed to ensure due process and impartiality. This involves statutorily creating two distinct, permanent bodies:

An Investigating Panel (IP), responsible for receiving complaints and establishing a prima facie case of misconduct, and the existing Professional Ethics and Compliance Committee (PECC.) The PECC should be renamed the Disciplinary Tribunal (DT), focused solely on the judicial function of hearing and adjudicating cases referred by the IP, ensuring no single body acts as both prosecutor and judge.

4. Codify Prescriptive Professional Title Requirements

The Act should be amended to codify prescriptive, non-negotiable minimum requirements for senior professional titles (e.g., Registered Professional, Fellow). These requirements must explicitly detail the mandatory years of relevant professional experience and scope

of managerial responsibility, as outlined in CPN Act Section 2(3). Codifying these benchmarks in law enhances the legal weight and public value of ICTAZ certification.

5. Strengthen Enforcement Powers and Public Transparency

The Disciplinary Tribunal (DT) must be explicitly empowered by statute to: Compulsorily remove the name of any professional convicted of a criminal offence deemed "incompatible with the status of a member of the profession," whether related to their practice or not as is provided for under the Nigerian counterpart legislation. The Zambian Act should also compel the publication of disciplinary decisions and their penalties, serving as a powerful deterrent and ensuring public confidence in the accountability process.

7. Institutionalize Mandatory Continuous Professional Development:

The Act must be amended to include mandatory Continuous Professional Development (CPD) as a non-negotiable requirement for the annual renewal of a Practicing Certificate (Section 21). The failure to meet prescribed CPD units annually should lead to the suspension or non-renewal of the certificate. This measure is vital for ensuring that ICT professionals maintain currency of knowledge in a rapidly evolving sector, guaranteeing minimum competence over the duration of a career.

8. Mandate Professional Indemnity Insurance for Practicing Firms:

To protect the Zambian public and businesses from financial losses resulting from professional negligence or errors, the Act should introduce a statutory requirement under **Part V** that all registered ICT firms and individual practitioners holding a Practicing Certificate must carry and maintain adequate Professional Indemnity Insurance. The failure to demonstrate valid cover should be grounds for immediate suspension of the Practicing Certificate.

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



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

STUDENT NUMBER: LLB22110652

SUPERVISOR: Mr. THOMAS MALAMA

**TOPIC: AN APPRAISAL OF THE INFORMATION AND COMMUNICATION
TECHNOLOGY ASSOCIATION OF ZAMBIA ACT 2018 IN STRENGTHENING
PROFESSIONALISM IN THE ZAMBIAN ICT SECTOR: LESSONS DRAWN FROM
NIGERIA**

Stage	Supervisor's Comments	Supervisor's Signature & Date	Student's Signature & Date
Research Proposal	Reviewed and approved following effecting of corrections highlighted by supervisor.	 26/03/2025	 12/11/25
Chapter 1 – Introduction	Page 3; Take note that Zambia also has a Qualification Authority ZAQA equivalent to SAQA in South Africa. With this information, is reference to SAQA relevant and is the point that was being made still valid? IF NOT DELETE ARGUMENT RELATING TO SAQA.	 29/09/2025	 29/09/25

	<p>[d] The word Act when referring to a piece of legislation should begin with Capital A.</p> <p>There seems to be a formatting problem. Footnote 27 when inserted is numbered as footnote 1. Further, blank pages are being left. Find out what the problem is and sort it out</p> <p>Corrections reviewed and chapter approved.</p>		
Chapter 2 –	<p>Ensure Footnotes also include date when internet sources were Accessed</p> <p>See renumbering of 2.2. 2.3. 2.4. to 2.1.1. 2.1.2. 2.1.3.</p> <p>Corrected and approved</p>	<p>— <i>SM</i></p> <p>11/10/2025</p>	<p><i>SM</i></p> <p>11/10/25</p>
Chapter 3 –	<p>Move Title General Provisions further down.</p> <p>Definition of ICT professional was corrected as it did not tally 100% with the one in the Act</p> <p>Corrected and approved</p>	<p>— <i>SM</i></p> <p>29/10/25</p>	<p><i>SM</i></p> <p>29/10/25</p>
Chapter 4 –	<p>Counterpart law in Kenya and South Africa are not comparable to the ICTAZ as we have other laws similar to the those, change country of comparison which will change dissertation title.</p>	<p>— <i>SM</i></p> <p>01/11/25</p>	<p><i>SM</i></p> <p>01/11/25</p>

	Reviewed and approved.		
Chapter 5 – Conclusions & Recommendations	Investigation Panel is Section 3 and 14 NOT 13 and 14 Could not see where Section 15 empowers the Council to publish disciplinary hearings or determinations Reviewed, corrected and approved.	— 11/11/25	 11/11/25
Abstract, Table of Contents and Bibliography	TABLE OF CONTENTS, FOOTNOTES SIZE AND FONT PLUS TITLES SHOULD BE CORRECTLY CAPITALIZED. ENSURE BIBLIOGRAPHY IS IN ALPHABETICAL ORDER Corrected and approved	— 12/11/25	 12/11/25
First Draft	TABLE OF CONTENTS SHOULD TAKE INTO ACCOUNT ANY CHANGED SECTION TITLE Corrected and approved	— 12/11/25	 12/11/25
Final Draft	Approved	— 12/11/25	 12/11/25

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1 SCHOOL OF LAW AN APPRAISAL OF THE INFORMATION AND COMMUNICATION TECHNOLOGY ASSOCIATION OF ZAMBIA ACT 2018 IN STRENGTHENING PROFESSIONALISM IN THE ZAMBIAN ICT SECTOR: LESSONS DRAWN FROM NIGERIA. 1 2 3 BY MISANJE KAMWENDO LLB22110652 Research dissertation submitted for the approval of the University of Lusaka Senate in partial fulfilment of the requirements for the award of the Bachelors of Laws. (LLB) 2025. SUPERVISORS RECOMMENDATION I MR. THOMAS MALAMA DO RECOMMEND THAT THIS DISSERTATION TITLED 1 3 "AN APPRAISAL OF THE INFORMATION AND COMMUNICATION TECHNOLOGY ASSOCIATION OF ZAMBIA ACT 2018 IN STRENGTHENING PROFESSIONALISM IN THE ZAMBIAN ICT SECTOR: LESSONS DRAWN FROM NIGERIA." 1 2 3 authored by MRS. 1 2 3 4 5 MISANJE KAMWENDO done under my supervision, be admitted by the university, I have checked it carefully and I am satisfied that it meets necessary requirements pertaining to the format laid down by the university regulations. MR. THOMAS MALAMA (Supervisor) (Date) DECLARATION, MRS. MISANJE KAMWENDO, do declare that this dissertation titled "AN APPRAISAL OF THE INFORMATION AND COMMUNICATION TECHNOLOGY ASSOCIATION OF ZAMBIA ACT 2018 IN STRENGTHENING PROFESSIONALISM IN THE ZAMBIAN ICT SECTOR: LESSONS DRAWN FROM NIGERIA. 1 2 3 4 5 which is