

MISA protests against draft E-Bill

By Gregory Gondwe: @Kalipochi

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The Media Institute of Southern Africa (MISA) has protested against the [draft E-Bill](#) which the government of Malawi released to the public to get more input as an enemy of media freedom and freedom of expression.

MISA has since, together with its Malawi chapter, issued a statement to point out at a number of contentious issues within the bill, which they demand its removal before it becomes law.

Among others, MISA observes that the bill which seeks to regulate and control online communications in Malawi will eventually curtail media freedom and freedom of expression.

Those who have protested include media practitioners and members of the public.

Where does the bill fall short?

The Windhoek based MISA's programme specialist for media freedom monitoring and research, Levi Kabwato said although the government of Malawi had done a commendable thing in recognising the power of ICTs, especially the internet, in fostering economic development, the bill glaringly falls short of capturing such aspirations.

"If the internet is to be used as tool for economic development as the Malawi government claims it seeks to do, then it is imperative that freedom of expression in cyberspace be the founding principle of this bill and that simply isn't the case," Kabwato said.

He claims that the feeling he gets is that the government wants to restrict media freedom and freedom of expression.

"A government that wants to punish innovation rather than encourage it; and a government that may have grown deeply suspicious of its citizens' activities online probably because it doesn't fully understand and appreciate the democratising power of the internet and its applications. In the aftermath of progressive media reforms recently, this is not the path we expected Malawi to take," Kabwato argued.

Stakeholders should be involved in the process

MISA-Malawi chairperson, Anthony Kasunda said although it is the responsibility of the government to formulate bills for consideration in parliament, major stakeholders should not be left out during the consultative process.

"Unfortunately, with this proposed bill, it takes us back to the days of Section 46 when we cried foul that government sneaked the bill in parliament and quickly passed it into law before stakeholders, such as the media, were adequately consulted," said Kasunda.

In the present scenario, Kasunda said they would ask government to extend the period for consultation to ensure that the bill has as much input as possible from all major stakeholders.

"It is clear that one of the aims of this piece of legislation is to regulate the online media and government has to tread very carefully on that," he said.

With the repealed Section 46 of the Penal Code, the piece of legislation enabled a cabinet minister to ban any publication deemed not to be in the public interest according to standards set by the particular minister.

Benefitting from the technological leap

Looking at the draft E-Bill, although the main introductory objective of the Malawian Government is to have the Republic of Malawi benefit from a true technological leap which may fasten its economic growth by enabling the development of new economic activities, thanks to the implementation of a secure legal framework regulating the use of ICTs, some elements within it defeats the purpose.

Among others, the E-Bill purports to ensure that the development, deployment and exploitation of ICT within the economy and society and related legal provisions will balance as well as protect community and individual interests, including privacy and data protection issues.

The other one is to address ethical issues in the use of ICT to protect the rights of children and the under-privileged as well as define favourable tax policies that promote ICT products and services that originate from within the Republic of Malawi.

Objectives of the E-Bill

It also intends to provide a responsive and efficient regulatory environment, promote economic subsectors, assets accumulation and tax activities that arise from ICT use.

MISA observes that in the biggest show yet of an attempt by the government of Malawi to regulate online media, including social media networks, the E-Bill also demands that editors of online public communication services offer make known their names, domicile, telephone and registration numbers. It may also have serious consequences for those using encrypted devices such as Blackberry smart phones.

The E-Bill also introduces government-appointed "cyber inspectors" who will have the power to, among other duties, "monitor and inspect any website or activity on an information system in the public domain and report any unlawful activity to the [Regulatory] Authority."

Public's input welcomed

Members of the public have until Monday, 15 October 2012 to input on the Bill.

MISA has since equally calling for views on the proposed Bill from the public and says such views and comments should be sent:

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