



**Consideration of the Zambia Institute for Tourism and Hospitality Studies (Amendment)
Bill, (N.A.B. NO 29 OF 2021)**

Submitted to the

Committee on Energy, Water Development and Tourism

By the

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1. Introduction

This memorandum provides ZIPAR’s views on the ramifications of the Zambia Institute for Tourism and Hospitality Studies (Amendment) Bill, N.A.B. No. 29, 2021.

2. Rationale

The objective of the Zambia Institute for Tourism and Hospitality Studies Bill is to amend two sections of the principal Act as follows;

Section 2 of the principal Act has been amended by insertion of the following new definition in the appropriate place in alphabetical order:

“Higher Education Authority” means the Higher Education Authority established under the Higher Education Act, 2013.

This amendment provides a contextual definition and subsequent legal backing for the Higher Education Authority (HEA) being referred to as established by the Higher Education Act, 2013 to appropriately perform its functions with respect to the Zambia Institute for Tourism and Hospitality Studies. The HEA is a statutory body mandated to coordinate, regulate, supervise and monitor standards of higher education in Zambia. The Authority provides quality assurance, regulation of private and public higher education institutions and registration of private higher education institutions in Zambia¹.

Section 5(1) (a) of the principal Act has been amended by the insertion of the words “accredited by the Higher Education Authority” after the word “sub-sector”.

This amendment to the Principal Act sees the insertion of the words “accredited by the Higher Education Authority” after the word sub-sector. We note that the higher education landscape in Zambia has changed over the years with the enactment of the Higher Education Act of 2013 which led to the establishment of the HEA. The establishment of the Authority is part of Government’s resolve to regulate higher education provision in Zambia. This arises out of the recognition of the inherent risk of poor and unregulated tertiary education services in Zambia due to the increasing demand for tertiary education and the upsurge in the supply response from both the public and private sector education institutions.

The Zambia Institute for Tourism and Hospitality Studies (ZITHS) which was previously accredited by the Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA) now

¹ See <https://hea.org.zm/>

has a separate Act and offers higher level study programmes that fall under the ambit of the HEA thereby necessitating its inclusion in the principal Act.

3. Benefits

The first amendment which sees the inclusion of a definition of the HEA will settle any ambiguity regarding the contextual definition of the HEA. Needless to say that an Act of Parliament usually contains definitions of key words to assist understanding and to avoid repetition of long phrases. In essence, this is a very important section, because words can have different meanings in different contexts.

Regarding the second amendment, it is laudable that the HEA will now be mandated, in the Act, to accredit the training functions of the ZITHS. The provision of training and development of skills in the tourism sector is cardinal for its growth. The Government has developed a Tourism Master Plan (2018 -2038) whose overall goal is to direct the Government's objective of significantly increasing the economic contribution of tourism to the Zambian economy, in support of Vision 2030 and the targets set in the 7NDP. One of the specific outcomes identified in the plan is related to human resource development. The plan outlines a goal to enhance and commercially strengthen Zambia's tourism advantages such as inherent hospitality, openness and friendliness by developing a cadre of skilled hospitality and tourism personnel.

The tourism sector still faces challenges associated with having fewer recognised and quality-assured institutions that specialise in tourism skills training. Further, existing specialised institutions like the ZITHS are poorly equipped and there is a shortage of qualified trainers at such institutions. Facilities at the Institute are in urgent need of refurbishment and staff members require professional improvement and retraining. The hospitality and travel curricula offered at such institutions are not kept up to date and in line with the latest trends and technologies in these fields². In short, there is a need to develop tourism training "centres of excellence" in line with the MoTA's policy directives.

The amendment in the Bill that places the HEA as the accrediting authority for the ZITHS is a significant step in the attainment of the Tourism Master Plan's objective to enhance tourism and hospitality skills. This provision will legally compel ZITHS to aspire for higher standards than what was required for accreditation to TEVETA and to be in compliance with the due diligence requirements of the HEA. The provision will also allow the HEA to accredit the Institute and also clarify any existing ambiguities regarding accreditation of the Institute either by TEVETA or the Zambia Qualifications Authority (ZAQA). With the alignment of the Act to the higher education landscape in Zambia, the quality of education offered at ZITHS could improve with positive spillovers to the tourism sector at national level.

² <https://www.mota.gov.zm/wp-content/uploads/2020/03/Zambia-Tourism-Master-Plan.pdf>

4. Potential Risks

The amendments have some inherent risks as follows;

- (i) **Conflicting reporting structures:** The ZITHS, as a statutory body, is under the responsibility of the Ministry of Tourism and Arts and its principal or governing Act is also under the guardianship of the same ministry. With the proposed amendments to the principal Act, there is potential for confusion in reporting structures as the HEA which will accredit the Institute is under the Ministry of Higher Education. This sort of arrangement has previously been a source of confusion such as in 2018 when the Health Professions Council of Zambia (HPCZ) banned the Copperbelt University (CBU) from administering three medical programmes at the institution due to its purported failure to meet the laid down standards as prescribed by the HPCZ. However, HEA directed CBU to continue running the three programmes and argued that the Authority is the custodian of all Higher Education Institutions (HEIs) in Zambia, be it public or private, and has the authority to accredit learning programmes at these HEIs. The entire episode portrayed a lack of harmonisation in the governing framework for higher education in Zambia. This sort of occurrence could repeat itself within the scope of the ZITHS with two different Government entities legally mandated to supervise the Institute.
- (ii) **Ambiguity regarding accreditation:** Broadly, Universities and Colleges in Zambia are governed by the Universities Act and the TEVET Act respectively. This places the Universities and Colleges under the accreditation of HEA and TEVETA. Notably, the ZITHS has a specific Act for its existence. While our legal expertise is very limited, we note that there is potential for ambiguity regarding the subjection of an Institute (ZITHS) with its own Act to accreditation by an Authority (HEA) operating under a different Act.

5. Recommendations

Based on our assessment of the potential benefits and risks of the amendment, we recommend the following action;

- **Provision of support to ZITHS to manage dual responsibilities:** The Government must support the ZITHS management to understand their dual responsibilities to HEA and the Ministry of Tourism and Arts for continuous dialoguing to identify and deal with any institutional excesses or gaps that might arise as a result of the amendment.