

Malawi newspapers risk legal punishment

By Gregory Gondwe: @Kalipochi

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Government has warned publishers, among them newspapers companies, of a legal punishment if they fail to deposit copies of their publications with the National Archives of Malawi within two months from date of publication.

Principal secretary in the Ministry of Tourism, Wildlife, and Culture, Fletcher Zenengeya made the warning through a media notice published in local newspapers on Friday, 18 May 2012.

Zenengeya said government has noted with concern that a number of publishers including companies, individuals, and non-governmental organisations in the country are publishing and circulating newspapers, magazines, newsletters, journals, etc. whose copies have not yet been deposited with the National Archives of Malawi's Legal Deposit Library.

A reminder to publishers

"The ministry would therefore like to remind all publishers in Malawi whether government, corporate, commercial or private that it is a legal requirement under the Printed Publications Act (Cap.19:01), sub-section 4 of the Laws of Malawi that all publishers in Malawi should deposit copies of their publications with the National Archives of Malawi within two months from date of publication for officials custody and failure to comply is punishable by law," said Zenengeya in the media notice.

"On the other hand, it is not only important for publishers to comply with the legal requirements to deposit their publications with the National Archives but also good for the nation because in doing so publishers will be contributing to the richness of Malawi's documentary heritage which is preserved for reference, research and posterity," he added.

Government's other concern, Zenengeya said, is its observation that a number of publishers that include companies, individuals, and non-governmental organisations are publishing and circulating newspapers, magazines, newsletters, journals, etc. without registering them with the National Archives of Malawi.

Register before publishing

He quoted the same law, but in a different section which he said obliges every publisher in Malawi to register their newspapers, magazines, newsletters, etc before any publishing commences.

"All publishers in Malawi are further reminded that it is an offence if any publisher fails to comply with this legal provision," he said.

Banned newspaper

In October 2010, the Malawi government through the same National Archives of Malawi, banned *The Weekend Times* from publication and circulation.

At the time, the National Archives acting director, Joel Thaulo told the nation that the paper had been banned because it had not registered with the institution as required by the law.

"Our organisation has launched a campaign to flush out all publications that are not registered," said Thaulo, at the time, although he never disclosed the other unregistered publications.

The legalities

National Archives operates on two legal instruments: the National Archives Act and the Printed Publications Act. All printed publications, according to the Printed Publications Act, are required to register with the National Archives and at the same time submit a copy of their publication to the organisation.

At that time, the Malawi chapter of the Media Institute of Southern Africa (MISA) protested and appealed to government to reverse its decision.

Arguing that it was surprising to note that the ban had only been issued on *The Weekend Times* and after BNL management had duly filed the necessary papers with the National Archives for registration.

MISA-Malawi described the banning of the publication as severe and smacked of hypocrisy as the order had been issued almost a year after *The Weekend Times* was first published.

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