Civil Society Position Paper on Candidate Asset and Beneficial Ownership Disclosure

October 2026

1. Introduction

This position paper draws on a policy engagement on political position candidates' asset and beneficial ownership disclosure convened on 29 July 2026 in Lusaka, fifteen days ahead of the 13th August 2026 General Elections. In this paper, the candidates for political positions include the Presidential, Parliamentary, and Local Government (Mayor, Councillor, and Council Chairpersons). The dialogue brought together the Anti-Corruption Commission, Patents and Companies Registration Agency (PACRA), the National Assembly, Civil Society Organisations and statutory bodies and was framed around a single pointed problem: Zambians were being asked to vote for candidates whose full financial interests were not yet a matter of public record. Additionally, there has been an existential problem in fighting corruption in Zambia among state and public officers post their tenures. This has been largely because there is a lack of a comprehensive financial baseline through declaration of assets and liabilities, continuous monitoring through annual declarations and the endline through asset and liability declaration at the point of leaving office. Hence, the existential problem manifests in only discovering corruption among former state and public officers, which is only retrospective and sometimes perceived as political persecution and a witch-hunt. What follows sets out the context participants identified and the reforms civil society is calling for in response.

Civil Society Organisations make haste to mention that there are adequate constitutional foundations to guarantee asset, liability and income declaration among state and public officers. However, the key gap is the lack of adequate subordinate legislation to prescribe the full implementation of the constitutional intentions and foundations. Secondly, the weakness in the implementation of the available subordinate legislation guiding the declaration of assets, liabilities and income among state and public officers, as well as those aspiring to elective positions like the Presidency, Parliamentary and Local Government seats.

2. Closing the Candidate Disclosure Gap at Nomination

2.1 Context

Zambia went to the polls on the 13th of August 2026 with a disclosure gap still open at the one point in the electoral cycle where the public retains a choice. Article 52 of the *Constitution of Zambia* requires the Electoral Commission of Zambia (ECZ) to publish what a candidate submits in their nomination paper and affidavit, while Articles 70, 82, 100 and 240 require the President,

Vice President, Members of Parliament, Commissioners and the Speaker to declare assets, and Article 263 extends a declaration duty to public officers generally on assuming and leaving office. The *Parliamentary and Ministerial Code of Conduct Act, 1994* adds an annual declaration requirement for the Vice President, Ministers and the Speaker's office, but does not extend it to the President. By comparison, the Local Government Act already imposes comprehensive asset, liability and income declaration requirements on councillors and constituency-based Members of Parliament, offering a precedent for extending similar obligations elsewhere, including to the presidency. Read together, these provisions signal clear constitutional intent toward transparency, but none of them prescribes the manner and form for ECZ to disclose a candidate's assets, liabilities or beneficial ownership of companies and trusts at the point of nomination. Voters are therefore asked to cast a ballot before that information exists in the public domain, and as Civil Society Organisations (CSOs) and Faith-Based Organisations (FBOs), we regard this as the most consequential gap in the wider integrity architecture, precisely because it is the moment before which correction is no longer possible.

This is a gap in implementation rather than a fundamental constitutional design issue. In *Sean Tembo v Electoral Commission of Zambia (2021)*, the Constitutional Court declined to fault the ECZ for withholding nomination disclosures, on the basis that Parliament had never passed the subsidiary legislation prescribing the manner and format of publication. The gap persists in practice: a 2026 request by the Alliance for Community Action to the ECZ for the 2021 presidential candidates' declarations was refused on personal information and records-disposal grounds (see Section 3.1). We read that finding as encouraging rather than discouraging: the reform required for nomination-stage disclosure is an Act of Parliament giving effect to Article 52, not a constitutional amendment, although extending annual declarations to the President may require one. The infrastructure to support such a reform already exists in part. The Patents and Companies Registration Agency (PACRA) maintains a beneficial ownership register, strengthened by the *Companies (Amendment) Act, No. 23 of 2025*. The amendment sharpened the definition of beneficial owner to capture indirect holdings, ultimate effective control and economic benefit, and bars the future issuance of bearer shares. What is missing is the connective tissue between what PACRA already records, what a candidate declares at nomination, and what the electorate sees before polling day.

2.2 Recommendations

As CSOs and FBOs, we call on the Government through the Ministry of Justice and the National Assembly to enact subsidiary legislation under Article 52 prescribing how the nomination paper and affidavit information is to be published, closing the specific gap identified in the Sean Tembo case. We further call for that legislation, or an accompanying amendment to the *Electoral Process Act*, to introduce a standalone requirement for candidates to declare assets, liabilities and beneficial ownership interests at the point of nomination. Publication must be guaranteed during the campaign period and with a prescribed number of days ahead of polling day. The legislation should compel the ECZ to publish these declarations as a matter of course once received, rather than leaving disclosure dependent on discretionary requests that may be declined. We recognise that no such reform was going to be realistically effected before 13 August 2026 as Parliament was already dissolved and accordingly direct this call toward the next parliamentary sitting and the 14th National Assembly. We further recommend that the sitting President be required to make annual asset declarations, consistent with the existing requirement for Ministers under the *Parliamentary and Ministerial Code of Conduct Act, 1994*, whether this is achieved through constitutional amendment or subsidiary legislation. The Constitutional Court has since held that Article 263 does not conflict with Article 261, under which the Act is the prescribed code (see Section 3.1), so Ministers, the Vice President and the Speaker's office must declare annually under the Act as well as on assuming and leaving office. The remaining gap is that the Act does not extend to the President. Once this paper is finalised, we will convene follow-up engagements with the ECZ, the Ministry of Justice and the National Assembly to table this position formally.

3. Strengthening Verification, Institutional Coordination and Public Access to Information

3.1 Declaration Duties in Law and Practice

Declaration duties relating to assets, liabilities and income for state and public officers sit within a wider transparency framework. In 2023, Parliament enacted the *Access to Information Act No. 25 of 2023* (ATI Act), one of whose key aims is to promote transparency and accountability in the management of public finances. To that end, the ATI Act rests on foundational principles that include access to information as a human right, proactive disclosure and minimal cost to the requester.

In the context of Zambia, state and public officers play an indispensable role in the utilisation and management of public resources. According to Article 266 of Zambia's Constitution, a state office includes the office of President, Vice President, Speaker, Deputy Speaker, Member of Parliament, Minister and Provincial Minister. Deriving from this understanding, most state officers (occupying state office) are elected officials. Noting that public and state officers play an indispensable role in the management, utilisation, accountability and oversight of public resources, it remains imperative that the possibility of public and state officers mismanaging public resources is impossible, at least legally.

Furthermore, Article 266 of the *Constitution of Zambia* defines a public officer as a person holding or acting in a public office, but excludes a State officer, councillor, Constitutional office holder, judge and judicial officer. This understanding is with reference to the definition of public office, which is defined as an office whose emoluments and expenses are a charge on the Consolidated Fund or other prescribed public fund and includes a State office, Constitutional office and an office in the public service, including that of a member of a commission. Although a councillor is excluded from the definition of public officer, a councillor's office falls within the definition of public office, so duties that attach to a person holding a public office, such as the declaration duty in Article 263, reach elected officials beyond State officers.

Article 70 of the *Constitution of Zambia* prescribes the constitutional qualifications and disqualifications of Members of Parliament. For instance, Article 70 (1)(e) states that subject to clause (2), a person is eligible to be elected as a Member of Parliament if that person declares that person's assets and liabilities, as prescribed. Because a Member of Parliament is a State Officer, declaration is a condition of eligibility rather than a formality. A person who has not declared their assets and liabilities is therefore not eligible for election as a Member of Parliament. In like manner, Article 82(2)(f) requires that the Speaker, Deputy Speakers and officers of the National Assembly declare their assets and liabilities.

Article 100 of the *Constitution of Zambia* prescribes the qualifications and disqualifications for nomination as presidential candidate. According to Article 100(1f), a person qualifies to be nominated as a presidential candidate if the person declares their assets and liabilities, as prescribed.

Article 261 of the *Constitution of Zambia* states that a person holding a public office shall act in accordance with a code of conduct and ethics, as prescribed for that office. Additionally, Article 263 states that a person holding a public office shall, before assuming office or leaving office, make a declaration of their assets and liabilities, as prescribed.

The *Parliamentary and Ministerial Code of Conduct Act* prescribes the annual declaration of assets and liabilities (section 10) (2a and 2b). Section 10(2)(a) requires a declaration within thirty days of appointment, while section 10(2)(b) requires a further declaration within thirty days after each anniversary of the appointment. The Act further states that each officer shall submit to the Chief Justice an annual declaration of assets, liabilities and income in accordance with this section. The Act, No. 35 of 1994, was enacted under the predecessor to Article 261 (Article 52 of the 1991 Constitution) and is the code of conduct prescribed for Ministers for the purposes of Article 261, as the Constitutional Court noted in Chapter One Foundation Limited v The Attorney General (see below).

From the above legal framework analysis, it is evident that declaration of assets and liabilities has two major purposes. The first major purpose is for election purposes. The constitutional provisions cited above, including Articles 70, 82 and 100, relate specifically to qualifications for elected office (Presidential and Parliamentary). Here, the ECZ, as the body mandated to manage elections, is responsible for ensuring that a declaration of assets and liabilities forms part of every complete nomination.

The second major purpose for declaration of assets and liabilities by public and state officers is drawn from the *Parliamentary and Ministerial Code of Conduct Act*. Under this legal provision, declaration of assets and liabilities serves as a basis for lifestyle audits of State and public officers in relation to the management of public resources. In this instance, the Chief Justice is responsible for ensuring state and public officers declare their assets and liabilities. Additionally, the chief justice is responsible for maintaining the annual asset and liability declaration register. In practice, neither purpose is well served, as successive civil society attempts to access declarations show.

The most recent attempt came in 2026, when the Alliance for Community Action (ACA) filed a request under the ATI Act asking the ECZ for the declarations of assets and liabilities of all 2021 presidential candidates. The request was refused, and the ECZ gave two reasons:

- **Asset declaration as election material:** ACA was informed that the ECZ treats declarations of assets and liabilities as election materials, which it disposes of six (6) months after an election. The 2021 declarations were therefore no longer available: the records relating to the 2021 General Elections were disposed of after the expiry of the applicable statutory retention period under Section 115(2) of the *Electoral Process Act No. 35 of 2016*.
- **Asset and liability declaration as private information:** The Commission declined to provide the information to ACA because the asset declarations contained personal information which is exempt from disclosure under Section 23 of the *Access to Information Act, 2023*.

This was not the first such attempt. Over a period of more than a year, Chapter One Foundation (COF), ACA and Transparency International Zambia (TIZ) worked jointly to search for and gain access to the register of declarations of assets, liabilities and income. As part of that joint work, in March 2022, ACA fact-checked a statement by the then Minister of Justice, Hon. Mulambo Haimbe, that citizens could check declarations of the assets, interests, liabilities, and income of Members of Parliament and Ministers at the National Assembly and the Electoral Commission of Zambia. On the 5th of April 2022, the ACA Fact-checking Unit wrote to the Clerk of the National Assembly and the Chief Electoral Officer of the Electoral Commission of Zambia, requesting information and access to the declarations of assets, interests, liabilities, and income for Members of Parliament and Cabinet. The Clerk of the National Assembly and the Chief Electoral Officer of the Electoral Commission of Zambia responded on the 25th and 27th of April 2022, respectively.[1] From this joint exercise, the team verified that the National Assembly does not receive or keep members' declarations of assets, interests, income, and liabilities because no law requires the National Assembly to receive or keep records declared by members.[2] Its role was limited to

[1] Can citizens check declarations of MPs and Ministers at the National Assembly and the Electoral Commission of Zambia? – Alliance for Community Action
[2] Can citizens check declarations of MPs and Ministers at the National Assembly and the Electoral Commission of Zambia? – Alliance for Community Action

encouraging Members to declare, as provided for in section 10 of the *Parliamentary and Ministerial Code of Conduct Act*.

In the case of the Electoral Commission of Zambia, the team established that Members declare assets and liabilities with the ECZ by completing a statutory form, Gen 5, attached to the affidavit accompanying the nomination papers. Submission of the form is required under *Regulation 12(3)(a) of the Electoral Process (General) Regulations, 2016*, and the form is set out in the Schedule to those Regulations.

On public inspection, the team established that Regulation 22 provides for the inspection of the nomination paper by a person registered in a constituency, district, or ward before the poll is conducted at the office of the returning officer. It was established that there was no further avenue for citizens to inspect the declaration made to the ECZ.[3]

Earlier, through a letter dated 13th January 2021, COF engaged the Chief Justice on Ministers and Members of Parliament who had not declared their assets and liabilities annually from 2016 to 2020, as required under the *Parliamentary and Ministerial Code of Conduct Act*. In response, the Chief Justice referred to Article 263 of the *Constitution of Zambia*, which states that a person holding a public office shall, before assuming office or leaving office, make a declaration of their assets and liabilities as prescribed. The Chief Justice's position was that the annual declaration requirement in the *Parliamentary and Ministerial Code of Conduct Act* was inconsistent with the Constitution of Zambia, which only demanded the declaration to be done at assuming and leaving office, and on that basis she declined COF's request to appoint a tribunal under section 13 of the Act. COF then challenged this position in the Constitutional Court. In Chapter One Foundation Limited v The Attorney General (2021/CCZ/0022), judgment delivered on 2 February 2022, the Court held that there is no conflict between Article 261 and Article 263. Article 261 gives a general direction that a public office holder must act in accordance with the code of conduct prescribed for that office, which for Ministers may cover collective responsibility, conflict of interest, impartiality and declaration of assets, while Article 263 deals specifically with declarations and their timing on assuming and leaving office. Drawing on the Technical Committee's report, the Court found

[3] Can citizens check declarations of MPs and Ministers at the National Assembly and the Electoral Commission of Zambia? – Alliance for Community Action

that entry and exit declarations allow the public to hold officers accountable for assets acquired in between, so that both Articles serve accountability. The Court noted that section 10 of the Act provides for periodic declarations. The effect of the decision is that officers covered by the Act must declare annually under section 10(2), which is explicit on the point, as well as on assuming and leaving office under Article 263, and the Chief Justice's view that the annual requirement was inconsistent with the Constitution can no longer stand.[4]

Taken together, these episodes show a declaration regime that is weakest where it matters most. Cases handled by the Anti-Corruption Commission commonly turn on the failure of former public and State officers to account for their sources of income, which may then be treated as proceeds of crime. The problem persists because the regime is weak at every stage: baseline declarations on assuming office, systematic monitoring through annual declarations, and summative declaration of assets, income and liabilities by state and public officers at the time of leaving the office. Treating these declarations as private information, as the ECZ did in 2026, also undermines the proactive disclosure principle on which the ATI Act rests.

Weak declaration also leaves conflicts of interest among Ministers, civil servants, Members of Parliament and councillors in tenders, procurement and the wider management of public funds largely undetected, and the Constituency Development Fund (CDF) shows how. Conflict of interest does not appear as a finding category in the Auditor General's reports on the CDF, yet several findings point to it without using the term. In Chinsali, the Council paid CDF skills bursaries for two learners whose parents were employed as the mayor's driver and as a clerk at the Council itself, in breach of the rule that confines bursaries to households without a reliable income.[5] In the same constituency, a cooperative received an empowerment grant on an application signed by the ward's Ward Development Committee chairperson, although inquiries later showed that its members did not live in the village, and the Council could not locate them.[6] In Chipata, empowerment applications worth several hundred thousand kwacha were approved without the signed ward committee minutes the guidelines require.[7] Most telling is the Auditor General's

[4] Chief Justice explains ministers' declaration of assets, refuses to appoint tribunal – Zambia: News Diggers!
[5] Office of the Auditor General. (2023). Report of the Auditor General on the Constituency Development Fund for the financial year ended 31st December 2022. Republic of Zambia. https://www.ago.gov.zm/wp-content/uploads/2025/02/CDF_REPORT-2022.pdf
[6] Ibid.
[7] Ibid.

concession in Chipili that, because the Council kept no database of individual grant recipients, it was impossible to establish whether individuals belonged to several groups or had previously been blacklisted.[8] Findings of this kind have grown, with irregularities in the empowerment component rising from ZMW 18.7 million in 2022 to ZMW 25.7 million in 2024, including ZMW 5.1 million paid to non-existent projects or businesses.[9] Field evidence adds what the audits do not show. JCTR's social accountability work found CDF Committee members who were also contractors on projects funded by the CDF, and councillors on those committees steering projects towards their own wards.[10] Transparency International Zambia had earlier warned that the Member of Parliament's power to nominate most committee members builds a conflict of interest into the Fund's design,[11] and the Financial Intelligence Centre has since listed failure to disclose conflicts of interest among its red flags for public-sector corruption.[12] The absence of conflict of interest from the audit record should therefore be read as a limit of the audit method, since none of the reports describes testing contractors or beneficiaries against the interests of the committee members, council staff and elected officials who approve them. These weaknesses in the declaration regime are compounded by the weakness of the systems meant to verify what is declared.

3.2 Verification and Institutional Coordination

A declared asset is only as credible as the mechanism that checks it. Even where declaration duties already exist under Article 263 and the *Code of Conduct Act*, the information required to verify them sits in separate, unlinked systems: PACRA's beneficial ownership register and Collateral Registry, the Anti-Corruption Commission (ACC), Financial Intelligence Centre (FIC), the Zambia Revenue Authority, Lands and Deeds Registry, Road Transport & Safety Agency (RTSA), and the National Pension Scheme Authority. No formal mechanism currently allows these institutions to cross-check a declaration against what each already knows. This is compounded by

[8] Ibid.
[9] Jesuit Centre for Theological Reflection. (2026). The CDF challenge in Zambia: From expansion to accountability: An analysis of the Auditor General's CDF reports (2022–2024). JCTR.
[10] Jesuit Centre for Theological Reflection. (2025). Promoting transparency and accountability in CDF implementation and services in Zambia: Final narrative report to the Diakonia Democracy and Development Fund [Unpublished report].
[11] Transparency International Zambia. (2022). Constituency Development Fund issues brief. https://tizambia.org.zm/wp-content/uploads/2022/08/Report_Constituency-Development-Fund-Issues-Brief.pdf
[12] Financial Intelligence Centre. (2024). Money laundering and terrorist financing trends report 2023. FIC Zambia.

a governance climate in which the executive retains significant influence over appointments to oversight bodies with little security of tenure. Moreover, three years after enactment, the proactive disclosure culture envisaged by *the Access to Information Act, 2023* is still more aspiration than practice, as the ECZ's 2026 refusal illustrates.

The legal footing for stronger verification is being laid but not yet completed. The *Companies (Amendment) Act, No. 23 of 2025* gives the Registrar new powers to periodically review and verify beneficial ownership information, to direct companies to correct outdated records, and to de-register those that fail to comply, and it obliges companies to cooperate with competent authorities and reporting entities promptly. PACRA confirmed improved compliance during the policy engagement, particularly among newly registered companies. Still, several statutory instruments needed to fully operationalise these provisions remain outstanding, and compliance among older, already-registered companies lags well behind. On access to information, Section 3 of the *Access to Information Act, 2023* already obliges information holders to publish proactively, but the Human Rights Commission's tribunal rules, which the Chief Justice is yet to issue, are needed before the Act's dispute-resolution machinery can function, and public service capacity to process requests remains limited.

3.3 Recommendations

As CSOs and FBOs, we call for the Ministry of Justice, PACRA and the FIC to finalise the outstanding statutory instruments needed to fully operationalise the beneficial ownership provisions of the amended *Companies Act*, with particular attention to compliance among legacy companies. Additionally, a formal data-sharing arrangement allowing the ECZ and relevant law enforcement arms to adequately verify candidates' assets and liabilities across all relevant databases, registers or records as the ECZ may determine, or to create an integrated system for ease of verification.

On the declaration regime itself, we call on the Ministry of Justice and the National Assembly to legislate that declarations of assets, liabilities and income by State and public officers are public information, and to amend the *Electoral Process Act* and the *Access to Information Act, 2023* so that such declarations are neither disposed of as election materials under Section 115(2) nor withheld under the personal information exemption in Section 23. Declarations lodged with the

ECZ should be transferred to a permanent, publicly accessible register. Failure to make an annual declaration should carry defined penalties, and a declaration on leaving office should be a precondition for accessing terminal benefits. The Constitutional Court in Chapter One Foundation Limited v The Attorney General found no conflict between Articles 261 and 263, so the annual declarations required by section 10 of the Parliamentary and Ministerial Code of Conduct Act already apply in addition to the entry and exit declarations required by Article 263, and section 10 needs no amendment. We therefore call on the Chief Justice to enforce the annual requirement, including through the tribunal mechanism under section 13 of the Act, and for Government to designate a single coordinating institution for the receipt, custody and verification of declarations. To address conflicts of interest in the management of public funds, we call for mandatory declarations of interest by Ministers, Members of Parliament, councillors, CDF Committee members and council staff involved in approving tenders, contracts, grants or bursaries, with recusal where a conflict arises. The Office of the Auditor General should test contractors and beneficiaries against these declarations and against PACRA's beneficial ownership register, and councils should maintain a database of CDF grant recipients so that duplicate and blacklisted beneficiaries can be identified.

We call on the Chief Justice to expedite the Human Rights Commission's tribunal rules, and on the Ministry of Information and Media to fully operationalise proactive disclosure, creating an online registry tracking institutional compliance with ATI and ensuring compliance among information holders. We further call for legislated security of tenure for oversight institutions, adequate and ring-fenced budgets to allow the ACC to operate across all 116 districts, and a legal basis for integrity committees in public institutions and in private entities that benefit from public funds through tenders, contracts, subsidies or tax relief. Finally, we will continue to sustain multilingual civic education on these reforms through media programming in all of the seven officially recognised regional languages, so that progress on disclosure reaches citizens facing digital, cost and literacy barriers.

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For and on behalf of:

Alliance for Community Action

Chapter One Foundation

Jesuit Centre for Theological Reflection

LCK Freedom Foundation

Transparency International Zambia