

13th January 2021

The Chief Justice of the Republic of Zambia

Supreme Court of Zambia

Plot 438, Independence Avenue

P.O Box 50067

LUSAKA

Dear Justice Mambilima,

Complaint made pursuant to Section 13 (1) And (3) Of the Parliamentary and Ministerial Code of Conduct Act Chapter 16 Of the Laws of Zambia

Your Ladyship, Chapter One Foundation Limited is a legal entity incorporated as a company limited by guarantee and promotes and protects human rights, human rights defenders, constitutionalism, the rule of law and social justice in Zambia to increase civic participation.

We take notice that annual asset declarations made in accordance with the Parliamentary and Ministerial Code of Conduct Act Chapter 16 of the laws of Zambia are submitted to your Ladyship and kept on a register which members of the public can inspect. We inspected the said register on the 9th of December 2020. Arising from the inspection we wish to complain of non-compliance in respect of the members listed in the annex of non-compliance to section 10 of the Parliamentary and Ministerial Code of conduct attached hereto and seek your ladyship to institute a tribunal pursuant to section 13 (1) and (3) of the Act. The relevant parts of section 13 of the Parliamentary and Ministerial Code of Conduct Act state as follows:

13. (1) An allegation that a Member has breached Part II may be made to the Chief Justice by any person, in writing giving particulars of the breaches or breaches alleged, signed by the complainant and giving the complainant's name and address.

(3) The Chief Justice **shall** [emphasis ours] notify the President and the Speaker of the allegation and shall appoint a tribunal in accordance with section fourteen to investigate the allegation.

(4) The tribunal shall, within forty-five days after its being appointed, submit a report on its findings to the President and to the Speaker and shall furnish a copy to the Member concerned.

The failure to comply with the requirements of the code of conduct seriously falls below conduct expected from members of the legislature holding portfolios meant to lead the country diligently.

The particulars of the breach are that according to section 10 of the Parliamentary and Ministerial Code of Conduct, an officer is required to submit to the Chief justice annual declarations of their assets, liabilities, and income. Section 10 of the Parliamentary and Ministerial Code of Conduct provides as follows:

(2) An Officer **shall-**

- (a) within thirty days after his appointment; and
- (b) **within thirty days after each anniversary of his appointment to the office** concerned submit to the Chief Justice an annual declaration of assets, liabilities and income in accordance with this section.

(3) An annual declaration shall fairly state-

- (a) the **value of the assets** (other than personal and household effects) and liabilities of the Officer as at the declaration date; and
- (b) the **total income** of the Officer, together with his **income from each source**, for the twelve months preceding the declaration date. [Emphasis ours]

The officers are expected in mandatory terms to state fairly the value of their assets, liabilities and the total of their incomes together with their income from each source. The members listed in the schedule attached hereto have not complied with this requirement as they have not stated the value of their assets, liabilities, their income, the sources of their income and their income from each source to the standard required by section 10 of the Parliamentary and Ministerial Code of Conduct. We therefore seek an investigation into these breaches by way of section 13 (3) of the Parliamentary and Ministerial Code of Conduct Act and that a tribunal be instituted.

We are forever obliged.

Yours faithfully,



Linda Kasonde

Executive Director

Received by:

Signature:

Date:



MEMBERS NON- COMPLIANCE WITH SECTION 10 OF PARLIAMENTARY AND MINISTERIAL CODE OF CONDUCT ANNEX FROM 2016 TO DECEMBER 2020

NO.	Members name	Constituency/portfoli o	2016	2017	2018	2019	2020
1	Davies Chama	Minister of Defense	Not compli ant	Not compli ant	Not comp liant	Not compli ant	Not compliant
2	Lawrence Sichalwe	Chiefs and Traditional Affairs Minister	Not compli ant	Not compli ant	Comp liant	Compli ant	Not compliant
3	Ronald Chitotela	Tourism and Arts Minister	Compli ant	Not compli ant	Not comp liant	Not compli ant	Not compliant
4	Lazarous Chungu	Northern Province Minister	Not applic able	Non-compl iant	Not comp liant	compli ant	Not compliant
5	Sydney Mushanga	Central Province Minister	Not compli ant	Not compli ed	Not comp liant	Compli ant	Not compliant
6	Charles Rome Banda	Local government Minister	Non-compli ant	Not compli ant	Not comp liant	Not compli ed	Not compliant
7	Godfridah Sumaili	Religious Affairs and National Guidance	Not compli ant	Not compli ant	Not comp liant	Not compli ant	Not compliant
8	Micheal Zondani Katambo	Minister of Agriculture	Not compli ant	Not compli ant	Not comp liant	Not compli ant	Not compliant
9	Stephen Kampyongo	Minister of home affairs	Not compli ant	Not compli ant	Not comp liant	Not compli ant	Not compliant
10	Patrick Matibini	Speaker of the National Assembly	Not compli ant	Not compli ant	Not comp liant	Not compli ant	Not compliant
11	Matthew Nkhuwa	Minister of energy	Not compli ant	Not compli ant	Not comp liant	Compli ant	Not compliant
12	Elizabeth Phiri	Minister of Gender	Not applic able	Not applic able	Not appli cable	Not compli ant	Not compliant

13	Nathaniel Mubukwanu	North western province minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
14	Dora Siliya	Minister of Information and Broadcasting	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
15	Jean Kapata	Minister of Lands	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
16	Joseph Malanji	Minister of Foreign Affairs	Not applicable	Not applicable	Not compliant	Not compliant	Not compliant
17	Olipa Mwansa Phiri	Minister –Office of the Vice President	Not applicable	Not applicable	Not compliant	Not compliant	Not compliant
18	Chitalu Chilufya	Minister of health	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
19	Alexander Chiteme	National development and Planning Minister	Not applicable	Not applicable	Not compliant	Not compliant	Not compliant
20	Emmanuel Mulenga	Minister of Youth, Sport and Child Development	Not applicable	Not applicable	Not applicable	Not compliant	Not compliant
21	Kampamba Mulenga Chilumba	Community Development and Social Welfare Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
22	Bowman Lusambo	Lusaka province Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
23	Mutotwe L Kafwaya	Minister of transport and communication	Not applicable	Not applicable	Not compliant	Not compliant	Not compliant
24	Christopher Bwalya Yaluma	Minister of Commerce. Trade and industry	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
25	Nkandu Luo	Fisheries and livestock minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
26	Bwalya Ng'andu	Finance minister	Not applicable	Not applicable	Not applicable	Not compliant	Not compliant

27	Brian Mushimba	Higher education minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
28	Sylvia Mbambala Chalikosa	Minister of works and Supply	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
29	Joyce Nonde Simukoko	Labour and Social Security	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
30	Chomba Freedom Sikazwe	Presidential Affairs Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
31	Vincent Mwale	Housing and Infrastructural Development Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
32	Makebi Zulu	Eastern Province Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
33	Edify Hamukale	Southern Province Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
34	Richard Masaiti Kapita	Western Province Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
35	Sichone Malozo	Muchinga Province Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
36	Nickson Chilangwa	Luapula Province Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
37	Dennis Musuku wanchinga	General Education Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
38	Jonas Kamima Chanda	Water development, sanitation and environmental protection minister	Not applicable	Not applicable	Not applicable	Not applicable	Not compliant
39	Japhen Mwakalombe	Copperbelt Province Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant
40	Richard Musukwa	Mines and mineral development Minister	Not compliant	Not compliant	Not compliant	Not compliant	Not compliant