



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON CABINET AFFAIRS

ON THE

**BENEFITS OF FORMER PRESIDENTS AND FORMER VICE-PRESIDENTS BILL,
N.A.B. NO. 5 OF 2026**

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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FOREWORD

Honourable Madam Speaker, the Committee on Cabinet Affairs has the honour to present its Report on the Benefits of Former Presidents and Former Vice-Presidents Bill, N.A.B. No. 5 of 2026, for the Fifth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 206(m) and 207(j) of the National Assembly of Zambia Standing Orders, 2024.

The Committee held six (6) meetings to consider the Bill. In order to gain insight into the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report.

The Report is in three parts. PART I highlights the background, objectives and salient provisions of the Bill, PART II covers concerns raised by stakeholders and PART III contains observations and recommendations made by the Committee.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It further wishes to thank you, Madam Speaker, for affording it an opportunity to study the Benefits of Former Presidents and Former Vice-Presidents Bill, N.A.B. No. 5. The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly during its deliberations.



Mr Andrew Z Lubusha,
CHAIRPERSON

May, 2026
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

Mr Andrew Z Lubusha, MP (Chairperson); Ms Sibeso Sefulo, MP (Vice Chairperson); Mr Elias Musonda, MP; Mr Peter Phiri, MP; Mr Kaliye Mandandi, MP; Mrs Chushi Kasanda, MP; Rev Given Katuta Mwelwa, MP; Mr Newton Samakayi, MP; Dr Christopher Kalila, MP; and Mr Cliff Mpundu, MP.

PART I

2.0 BACKGROUND

The Government of the Republic of Zambia has historically managed the retirement benefits of its former Heads of State through the Benefits of Former Presidents Act, 1993. While this existing legal framework established a basis for post-tenure support, it was limited in scope, focusing exclusively on former Presidents and leaving the retirement conditions of former Vice-Presidents without a consolidated, stand-alone legislative structure. Over time, the need for a more comprehensive and modernized framework that reflects the dignity and service of both the former Presidents and Vice-Presidents has become increasingly apparent.

The current legislative landscape lacks uniformity in the administration of benefits for the two highest offices in the Executive branch. Furthermore, there is a need to clearly define the circumstances under which such benefits are accrued, maintained, or forfeited, particularly concerning issues of active political engagement, constitutional conduct, and criminal convictions. In the absence of a unified Act, the transition of former leaders into private life has relied on older statutes that do not sufficiently address modern requirements for security, housing, and administrative support for both former Presidents and Vice-Presidents.

In response to these gaps, the Benefits of Former Presidents and Former Vice-Presidents Bill, N.A.B. No. 5 of 2026 has been introduced. Once enacted, the Bill will ensure that retirement benefits are a direct charge on the Consolidated Fund, providing financial certainty and institutionalising the support for former leaders and their surviving families in a manner that is consistent with the Constitution. This legislative intervention is essential to modernize the law and provide for matters connected with or incidental to the dignified retirement of Zambia's former executive leaders.

3.0 OBJECT OF THE BILL

The object of this Bill is to:

- (i) provide for the retirement benefits of former Presidents and former Vice-Presidents of the Republic;
- (ii) repeal and replace the Benefits of Former Presidents Act, 1993; and
- (iii) provide for matters connected with, or incidental to, the foregoing.

4.0 PROVISIONS OF THE BILL

Clause 1 – Short title

The clause provides for the citation of the Act, once enacted.

Clause 2 - Application

The clause provides for the application of the Act. The clause provides that the Act, once enacted, will apply to all former Presidents and to former Vice-Presidents who served as Vice-President of the Republic, or in an equivalent office from 1964.

Further, the clause provides that a former Vice-President to whom the Act applies shall only be entitled to the retirement benefits under the Act from the date of commencement of the Act.

Clause 3 - Interpretation

The clause provides for the definitions of key words and phrases used in the Bill in order to make the law easier to understand by citizens and those tasked to implement the law.

Clause 4 – Retirement benefits of former President

The clause seeks to provide for the retirement benefits of a former President which include, among others, a tax-free monthly salary at the rate of eighty percent of the emoluments of the incumbent President, a furnished executive house built or bought in the Republic, two drivers and two motor vehicles and free maintenance of the motor vehicles and fuel.

The clause further seeks to provide for the retirement benefits for a surviving spouse and child of the family of a former President, where the former president dies while in, or after vacating, office.

Clause 5 – Retirement benefits of former Vice-President

The clause sets out the retirement benefits of a former Vice-President which include, among others, a tax-free monthly salary at the rate of eighty percent of the emoluments of the incumbent Vice-President, one driver and one motor vehicle and free maintenance of the motor vehicle and fuel. Additionally, the clause entitles a former Vice-President who assumed office from August 2016, to a retirement benefit of a furnished executive house built or bought in the Republic.

The clause further sets out the retirement benefits to be provided to a surviving spouse and child of the family of the former Vice-President, where the former Vice-President dies while in, or after vacating, office.

Clause 6 – Benefits of Former President and former Vice-President on remarriage of surviving spouse

The clause provides that a surviving spouse who is entitled to benefits where a former President or former Vice-President, as the case may be, dies while in, or after vacating office, shall cease to be entitled to the benefits when the surviving spouse remarries.

Clause 7 – Circumstances that render retirement benefits not payable

The clause sets out the circumstances that render retirement benefits not to be payable to a former President or former Vice-President. These include, where a former President or former Vice-President engages in active politics or vacates office on the grounds of a violation of the Constitution.

The Clause, however, permits a former President or former Vice-President to retain the executive house if the former President or former Vice-President engages in active politics or ceases to be engaged in active politics.

Clause 8 – Funeral benefits of former President and former Vice-President

The clause provides for the promulgation of subsidiary legislation in relation to the funeral benefits of a former President and former Vice-President and the manner of administering the funeral.

Clause 9 – Former Vice-President assuming office of President

The clause provides that a former Vice-President who assumes the office of President shall on vacating of the office of President only be entitled to the retirement benefits of a former President under the Act.

Clause 10 – Retirement benefits to be charge on Consolidated Fund

The clause provides that the retirement benefits under the Act shall be a charge on the Consolidated Fund.

Clause 11 - Repeal of Cap. 15, and savings and transitional provisions

The clause repeals the Benefits of Former President Act, Chapter 15 of the Laws of Zambia, and sets out the savings and transitional provisions once the Act is operationalised.

PART II

5.0 SUBMISSIONS AND CONCERNS FROM STAKEHOLDERS

The stakeholders generally supported the principle of providing a unified statutory framework for former executive leaders. However, they raised a wide range of specific concerns regarding constitutional rights, administrative gaps, and fiscal sustainability. The detailed concerns are set out below:

5.1. Clauses 3 – Interpretation

5.1.1. Definition of “active politics” The Bill defines “active politics” under Clause 3 as: the involvement in the affairs of a political party; the acceptance of an appointment to a political office; or the contesting of an election to a political office;”

Stakeholders argued that this definition is unclear and too broad. They observed that prohibiting a former leader from involvement in the affairs of a political party could be interpreted to include basic political discourse or attending party meetings. They submitted that such a restriction violates the constitutional right to freedom of association. Consequently, stakeholders proposed narrowing the definition to specifically target "partisan political leadership" or "contesting for elective office."

5.1.2. Insertion of definitions for “spouse” and “marriage” The Bill currently lacks definitions for the terms “spouse” and “marriage” in Clause 3. Stakeholders noted this omission and warned that it could lead to significant legal disputes, particularly regarding polygamous unions or "companions" who perform the functions of a spouse but are not

legally married. They proposed that explicit definitions be inserted to ensure clarity regarding who is eligible for housing and pension benefits under Clauses 4 and 5.

5.2. Clause 4 and 5 – Housing and Property Rights

5.2.1. Ownership of executive houses Clause 4(1)(b) and Clause 5(1)(b) provide for the "provision of a furnished executive house" for a former President and former Vice-President, respectively. Stakeholders expressed concern over the implication that these houses are transferred into private ownership. They argued that this practice is fiscally unsustainable and depletes state assets. They proposed that the law should distinguish between the right to a dignified residence and the outright transfer of a capital asset.

5.2.2. The “Reverter Clause” Regarding the houses provided under Clauses 4 and 5, stakeholders recommended the adoption of a "Reverter Clause." Under this proposal, the executive house would remain a state asset and revert to the Republic upon the death of the beneficiary or the surviving spouse, rather than becoming part of a private estate for inheritance.

5.2.3. Sale and mortgage restrictions Stakeholders proposed that if ownership is granted under Clauses 4 and 5, a new sub-clause should be added to provide a statutory moratorium of at least ten years. This would prohibit the sale, mortgage, or rental of the property during that period to ensure the asset fulfils its intended function of providing a residence rather than being treated as a commercial asset.

5.3. Clause 5 – Unequal Treatment of Vice-Presidents

Clause 5(1) outlines retirement benefits for a former Vice-President, but the definition in Clause 3 implicitly limits this to those serving after the 2016 Constitutional Amendment. Stakeholders observed that this creates unequal classes within the same constitutional office. They argued that all former Vice-Presidents performed the same executive functions. They recommended that Clause 5 be expanded to cover all surviving former Vice-Presidents and Prime Ministers to ensure equity and historical justice.

5.4. Clause 7 – Circumstances that Render Retirement Benefits Not Payable

5.4.1. Permanent forfeiture for active politics Clause 7(1)(b) provides that benefits are not payable if a former President or Vice-President "engages in active politics." Stakeholders strongly opposed the permanent nature of this forfeiture. They argued that retirement benefits are an accrued right earned through past service, not a loyalty bonus. They submitted that forcing a leader to choose between political participation and financial security is an unfair burden.

5.4.2. Suspension vs. Forfeiture Stakeholders proposed that Clause 7(1)(b) be amended to provide for a suspension mechanism rather than forfeiture. Benefits would only be suspended during the period a person holds a political or state office and earns a government salary, and would be fully reinstated upon their departure from that office.

5.4.3. Conviction Thresholds Clause 7(1)(c) provides for the loss of benefits if a person is convicted of an offence and sentenced to imprisonment for a term exceeding six months. Stakeholders questioned this threshold and proposed it be aligned with the Constitution.

They suggested that forfeiture should only apply to "crimes involving dishonesty" or a "gross violation of the Constitution" to prevent the law from being used for political victimisation for minor offences.

5.5. Clause 8 – Funeral Benefits and State Honours

5.5.1. Deferment to subsidiary legislation Clause 8(2) states: “The funeral benefits referred to under subsection (1) shall be administered as prescribed.” Stakeholders criticised this sub-clause for creating a legislative vacuum. Stakeholders argued that the lack of a clear legal framework would lead to disputes between the State and the families of deceased leaders.

5.5.2. Proposed Schedule for Funeral Honours Stakeholders recommended that instead of deferring to regulations under Clause 8(2), a new Schedule should be added to the Bill. This Schedule would outline the State’s specific obligations, the role of the family in decision-making, and the specific honours to be accorded to ensure transparency and dignity during national mourning.

5.6. First and Second Schedules – Entitlements of Former President and Former Vice-President

5.6.1. Increase in the Number of Security Personnel. The Bill, under the First Schedule in reference to 4(1)(e), provides for a security detail of three security persons for a former President. The Bill further specifies under the First Schedule that a former President is entitled to twenty-four-hour security service comprising three security officers.

Stakeholders submitted that the provision of three security persons is inadequate to ensure comprehensive twenty-four-hour protection. They argued that an effective security detail requires a minimum of six officers to be deployed.

Similarly, under the Second Schedule in reference to 5(1)(d), provides for a security detail of two security persons for a former Vice-President. Stakeholders submitted that a minimum of six security officers be deployed to ensure comprehensive twenty-four-hour protection.

5.7. Fiscal Sustainability and Affordability

- **Consolidated Fund Pressure:** Economic stakeholders raised concerns that an uncapped number of beneficiaries would eventually strain the national budget.
- **Expenditure Cap:** It was recommended that the Bill include a statutory cap on executive retirement spending, linked to the percentage of the GDP or a periodic review mechanism to ensure long-term affordability.

5.8. Family and Social Realities

- **Unmarried or Divorced Leaders:** Some stakeholders raised the issue of a "Bachelor President" or a leader who divorces while in office. The Bill is currently silent on whether "near relatives" (like a sister or daughter serving as First Lady) or a divorced spouse would retain any entitlements.

PART III

6.0 COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS

After carefully considering the submissions from various stakeholders, the Committee observes that while the Benefits of Former Presidents and Former Vice-Presidents Bill, N.A.B. No. 5 of 2026 is a commendable effort to modernise the law, several provisions require refinement to ensure constitutional compliance, fiscal sustainability, and legal clarity. In this regard, the Committee presents the following observations and recommendations:

6.1. The Committee observes that the definition of “active politics” in Clause 3 is too broad and potentially infringes upon the constitutional right to freedom of association. It, therefore, recommends that the definition be narrowed to specifically target "partisan political leadership" or "contesting for elective office" to prevent the prohibition of basic political discourse. In addition, the Committee observes that the permanent forfeiture of benefits for engaging in active politics under Clause 7(1)(b) is punitive and fails to recognise that retirement benefits are an accrued right. The Committee, therefore, recommends that the provision be amended to allow for the suspension of benefits during the period a person holds a political or state office, with full reinstatement upon their departure from such office.

6.2. The Committee notes with concern the omission of definitions for the terms “spouse” and “marriage” in Clause 3. The Committee observes that this lack of clarity could lead to significant legal disputes regarding eligibility for benefits. It, therefore, recommends that explicit definitions be inserted to ensure certainty. Additionally, the Committee recommends that provision be made to recognise and accord benefits to individuals who, by virtue of their marriage to a former President or former Vice-President, served in the official capacity of First Lady, First Gentleman, Second Lady or Second Gentleman, with clear criteria to address situations involving multiple spouses, including cases of divorce and remarriage.

6.3. The Committee observes that the outright transfer of executive houses into private ownership, as implied in Clauses 4 and 5, is fiscally unsustainable. In agreement with stakeholders, the Committee recommends the adoption of a “Reverter Clause,” ensuring that these houses remain state assets and return to the Republic upon the death of the beneficiary or the surviving spouse.

6.4. The Committee observes that Clause 5, as currently drafted, creates unequal classes of former Vice-Presidents. The Committee is of the view that all former leaders in this office performed similar executive functions and should be treated equitably. It, therefore, recommends that the scope of Clause 5 be expanded to cover all surviving former Vice-Presidents and Prime Ministers.

6.5. The Committee observes that relegating funeral benefits to subsidiary legislation under Clause 8(2) creates a legislative vacuum that may lead to state-family disputes. To ensure transparency and dignity, the Committee recommends that a New Schedule be added to the Bill outlining specific state obligations, funeral honours, and the role of the family in decision-making.

6.6. The Committee observes that the Bill is silent on the entitlements of “near relatives” or divorced spouses in instances involving unmarried or divorced leaders. The Committee recommends that the Bill be refined to address these family and social realities to ensure that the framework is inclusive and remains fair to all dependents of a former leader.

6.7 The Committee observes that the personal security of former executive leaders is a critical state obligation linked to the preservation of the dignity of the offices they held. The Committee notes that the current provision of three security officers for a former President and two for a former Vice-President, as stipulated in the First and Second Schedules, is insufficient to provide the mandated twenty-four-hour protection.

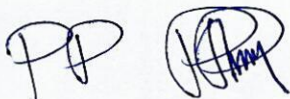
In view of the foregoing, the Committee recommends as follows:

- (i) the First Schedule be amended in reference to 4(1)(e) to increase the number of security personnel for a former President from three to six; and
- (ii) the Second Schedule be amended in reference to 5(1)(d) to increase the number of security personnel for a former Vice-President from two to three, to ensure that the requirement for twenty-four-hour security service is operationally viable and effective.

7.0 CONCLUSION

The Committee supports the Benefits of Former Presidents and Former Vice-Presidents Bill, N.A.B. No. 5 of 2026, as a vital legislative measure to institutionalise the dignity and welfare of Zambia’s former executive leaders. By consolidating the benefits of both the Presidency and the Vice-Presidency into a unified statutory framework, the Bill provides the necessary legal certainty and recognition for those who have held the highest constitutional offices in the land.

However, the Committee underscores that for this law to be truly durable and equitable, it must address the highlighted gaps concerning fiscal sustainability, constitutional rights, and evolving social realities. Strengthening the provisions on security, refining the definitions of political engagement, and ensuring the protection of public assets through reverter clauses will ensure that the Bill serves the best interests of both the beneficiaries and the Republic. The Committee, therefore, urges the House to endorse this Report and trusts that the Executive will implement the recommendations in order to create a dignified and sustainable retirement framework for our former leaders.



Mr Andrew Z Lubusha,
CHAIRPERSON

May, 2026
LUSAKA

APPENDIX I - NATIONAL ASSEMBLY OFFICIALS

Mr Charles Haambote, Director (Social Committees)

Mrs Chitalu K Mumba, Deputy Director (Social Committees)

Mr Darius Kunda, Senior Committee Clerk (SC1)

Mr Andrew T Siwale, Committee Clerk

Mr Febian Litia, Committee Clerk

Ms Ruth Nambule, Administrative Assistant

Mr Daniel Lupiya, Senior Committee Assistant

Mr Muyembi S Kantumoya, Committee Assistant

Ms Taona Chabinga, Committee Assistant

Ms Emma Mwandila, Intern

APPENDIX II – LIST OF WITNESSES

Cabinet Office

Chapter One Foundation

Consortium for Civil Society Organisations on Governance and Constitutionalism

Dickson Jere and Associates

Drug Enforcement Commission

Former Vice-Presidents

Law Association of Zambia

Ministry of Finance and National Planning

Ministry of Justice

Zambia Institute for Policy Analysis and Research

Zambia Law Development Commission