A PROCLAMATION TO PROVIDE FOR THE DISCLOSURE AND REGISTRATION OF ASSETS

WHEREAS, the disclosure and registration of assets is important to enhance transparency and accountability in the conduct of public affairs;

WHEREAS, the disclosure and registration of assets is of paramount importance in the prevention of corruption and impropriety and helps to enhance good governance;

WHEREAS, it is necessary to put in place a transparent system that would help the conduct of public affairs and private interest go separate without intervening into one another’s territory so as to avoid possible conflict of interest;

NOW, THEREFORE, in accordance with Article 55 sub article (1) of the Constitution of the Federal Democratic Republic of Ethiopia it is hereby proclaimed as follows:

PART ONE GENERAL

1. Short Title

This Proclamation may be cited as the “Disclosure and Registration of Assets Proclamation No.668 /2010.”
2. Definitions

In this Proclamation, unless the context requires otherwise:

1/ “asset” means any movable or immovable or tangible or intangible property and includes landholdings and debts;

2/ “Commission” means the Federal Ethics and Anti-Corruption Commission;

3/ “ethics liaison unit” means a unit entrusted with the duty to coordinate and advise on ethical issues in a public office or a public enterprise;

4/ “appointee” includes the following:

a) the President of the Republic, the Prime Minister, the Deputy Prime Minister, Ministers, State Ministers, Deputy Ministers, Commissioners, Deputy Commissioners, Director Generals and Deputy Director Generals;

b) Mayors and other appointees of the Addis Ababa and Dire Dawa city administrations;

c) Presidents, Deputy Presidents and judges of regular and municipal courts;

d) appointees of the defense forces and police;

e) ambassadors, heads of consuls and other diplomatic missions;

f) the Auditor General and the Deputy Auditor General;

g) the Governor and Deputy Governor of the National Bank;

h) Members of Board of Directors, Managers and Deputy Managers of Public Enterprises;
ii) Presidents and Deputy Presidents of government higher education institutions.

5/ “elected person” includes members of:
   a) the House of Peoples’ Representatives;
   b) the House of the Federation; and
   c) the Addis Ababa and Dire Dawa city administration councils;

6/ “public servant” includes the following:
   a) department heads, directors and service heads of public offices and public enterprises and other employees having equivalent or higher ranks;
   b) advisors of appointees;
   c) employees of public offices performing licensing, regulating or tax collection functions, prosecutors, investigators, traffic police officers; and
   d) other employees of public offices and public enterprises to be specified by directives of the Commission;

7/ “family” means the spouse or a dependant child, under the age of 18, or an appointee, elected person or a public servant and include a person living together under irregular union and an adopted child;

8/ “close relative” includes ascendants, descendants, siblings and other persons related to an appointee, elected person or a public servant by consanguinity or affinity up to the third degree;
9/ “public office” means any office the budget of which is fully or partially allocated by government and in which legislative, judicial or executive activities of government are performed;

10/ “public enterprise” means any public enterprise or a share company in which the total or part of the holdings is owned by government.

11/ “person” means a natural or juridical person;

12/ any expression in the masculine gender includes the feminine.

3. **Scope of Application**

This Proclamation shall be applicable to appointees, elected persons and public servants of the Federal Government and the Addis Ababa and Dire Dawa city administrations.

**PART TWO**

**DISCLOSURE AND REGISTRATION OF ASSETS**

4. **Obligation to Register**

1/ Any appointee, elected person or public servant shall have the obligation to disclose and register:

a) the assets under the ownership or possession of himself and his family; and

b) sources of his income and those of his family.

2/ The appointee, elected person or public servant who registers his assets pursuant to sub-article (1) of this Article shall fill the particulars of his assets and sources of income and those of his family in separate forms designed for such purposes and authenticate the same by his signature.
5. Assets Exempted from Registration

1/ Notwithstanding the provisions of Article 4 of this Proclamation, the following assets shall be exempted from registration:

   a) common property acquired through inheritance and held by the heirs for private use;
   b) household goods and personal effects;
   c) pension benefits;

2/ Any appointee, elected person or a public servant who has a share in a common property held in accordance with sub-article (1) (a) of this Article shall disclose his share for registration as soon as the property is liquidated among the heirs.

6. Body in Charge of Registration

1/ The Commission shall register assets of appointee, elected person or public servant.

2/ The Commission may delegate fully or partially as the case may be Ethics Liaison Unit to register assets of appointee, elected person or public servant when it deems it necessary.

3/ Each ethics liaison unit shall send the document of registration of assets submitted to it in accordance with sub-article (2) of Article 4 of this Proclamation to the Commission within 30 days from the date of registration.

4/ The Commission shall be the custodian of documents of registration of assets under this Article, and shall issue certificates of registration to the appointees, elected persons and public servants whose assets have been registered.
7. **Time of Registration**

1/ Any appointee, elected person or public servant shall disclose and register his assets within six months after the six months from the coming in to force of this Proclamation.

2/ Any newly appointed, elected or employed person shall disclose and register the his assets within 45 days following his appointment, election or employment.

3/ Any appointee, elected person or public servant who has registered his assets in accordance with sub-article (1) or (2) of this Article shall disclose and reregister the same every two years within 30 days from the end of the budget year.

8. **Extension of Time of Registration**

1/ A person demanding an extension of the time of registration may establish the cause for the extension in writing and submit the same to the Commission or to the relevant ethics liaison unit within five days from the expiry of the time of registration.

2/ The commission or the relevant ethics liaison unit may, upon ascertaining that the application submitted under sub-article (1) of this Article is based on sufficient cause, extend the time of registration only once for up to 30 days.

3/ An applicant whose application for extension of the time of registration is rejected by an ethics liaison unit may apply to the Commission within five days from receipt of the decision of the ethics liaison unit. The decision of the Commission shall be final.

9. **Late Registration**

If an appointee, elected person or a public servant fails to register his assets within the normal or extended period of registration, he shall pay a fine of Birr 1,000 and register his assets within 30 days.
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Post Employment Obligations

Any appointee, elected person or a public servant who has retired or terminated his service on any ground shall disclose his assets to the Commission or the concerned ethics liaison unit within 30 days from the date of his retirement or termination of service and finally to the commission after two years.

11. Verification of Registration

1/ The Commission shall undertake a verification process on the information submitted by an appointee, an elected person or a public servant in accordance with sub-article (2) of Article 4 of this Proclamation where it has sufficient ground to suspect the submission of incomplete, inaccurate or false information or where information is received on the inaccuracy of the registration or a criminal investigation is underway.

2/ The Commission may, in the course of verification process under sub-article (1) of this Article:

a) require the concerned appointee, elected person or public servant to produce additional information and clarification of the issue;

b) order any bank, financial institution or any other person having information regarding the assets of the concerned appointee, elected person or public servant to furnish such information; and

c) avail itself of the professional assistance of the Auditor General or any other relevant body.

3/ Whenever the Commission ascertains, with evidence, the existence of incomplete, inaccurate or falsified information, it shall cause necessary measures to be taken upon the culprit according to the law.
12. Accessibility of Registered Information

1/ All information regarding the registration of assets of an appointee, elected person or a public servant shall be open to the public.

2/ Any person who wishes to access information regarding the registration of assets may apply in writing to the Commission or to the concerned ethics liaison unit.

3/ The Commission or the concerned ethics liaison unit shall accept and grant the information requested to the requesting person.

4/ Notwithstanding the provisions of this Article the information regarding the registration of family assets shall be confidential unless disclosure is required in the interest of justice or for other purposes to be determined by the Commission as necessary.

5/ The Commission shall provide the public with general information regarding the registration of assets under this Proclamation every two years by way of reports.

13. Effect of Non-Registration of Assets

Any asset of an appointee, an elected person or a public servant not registered in accordance with this Proclamation shall, in the absence of proof to the contrary, be considered as an unexplained property for the purpose of applying the provisions of Article 419(2) of the Criminal Code.

PART THREE
DISCLOSURE AND AVOIDANCE OF CONFLICT OF INTEREST

14. Principle

Any appointee, elected person or a public servant shall use the public office to which he is entrusted to protecting the public interest alone. On no account shall he secure personal gain from the information brought to his knowledge as a result of his assumption of public office and not made public.
15. **Gift, Hospitality and Sponsored Travel**

1/ Any appointee, elected person or a public servant may not accept any gift, hospitality or sponsored travel that may put his authority to decide under question or ensue conflict of interest.

2/ Notwithstanding sub-article (1) of this Article, if refusal to accept a gift, hospitality or sponsored travel may jeopardize working relation, an appointee, an elected person or a public servant may accept the gift, hospitality or sponsored travel; provided, however, that he shall deposit the gift with the relevant public office or public enterprise or disclose the hospitality or sponsored travel to the Commission or the relevant ethics liaison unit.

16. **Measures to be Taken to Avoid Conflict of Interest**

1/ Where an appointee, an elected person or a public servant encounters a case that may lead to a conflict between his official duty and his own or his close relative’s private interest, he shall:

   a) refrain from giving decision or opinion on the case as well as from taking any action that may be inconsistent with his official duty or may compromise his loyalty; and

   b) disclose the situation to the concerned higher official.

2/ A higher official who has received a disclosure under sub-article (1) of this Article may instruct the appointee, elected person or public servant to continue handling the case or may delegate another person instead, as the case may be.
17. Measures to be Taken Following the Event of Conflict of Interest

Any appointee, elected person or public servant shall, following any event of conflict between his official duty and his own or his close relative’s private interest, publicly admit his fault and ask for apology or resign from office, on his own initiative or when required by his superior to do so.

18. Post Employment Limitation

Any appointee, elected person or public servant may not take up any benefit ensuing work from persons whom he used to control, until two years after leaving office. The details shall be provided in regulations and/or directives.

19. Failure to Disclose Conflict of Interest

An appropriate administrative sanction shall, in accordance with the relevant code of ethics, be taken against any appointee, elected person or public servant who fails to disclose any conflict of interest in accordance with this Proclamation.

PART FOUR
MISCELLANEOUS PROVISIONS

20. Whistle-blowing

1/ Any person may file whistle-blowing against an appointee, an elected person, or a public servant for breaching this Proclamation.

2/ A whistle-blowing shall be submitted, in writing, to the commission or the relevant ethics liaison unit and, as much as possible, be accompanied with supporting evidence.

3/ The investigation process and related documents shall be kept confidential until final decision is taken on the whistle-blowing.
4/ If the information obtained through whistle-blowing leads to the confiscation of assets under Article 419(2) of the Criminal Code, the whistle-blower shall be entitled to 25% of the proceeds of the confiscated asset.

21. Assuring Compliance

Any public office or public enterprise shall, to ensure compliance with this Proclamation:

1/ facilitate the timely registration of assets of appointees, elected persons and public servants;

2/ issue and enforce relevant code of ethics.

22. Penalty

1/ Any appointee, elected person or public servant who:

a) fails to disclose his assets for registration in accordance with this Proclamation or intentionally submits incorrect disclosure; or

b) in contravention of this Proclamation, accepts a gift, hospitality or sponsored travel, or fails to disclose any gift, hospitality or sponsored travel he has accepted;

shall be punished in accordance with Article 417 of the Criminal Code.

2/ Any appointee, elected person or public servant who directly or indirectly takes any reprisal measure against a whistle-blower or witness for submitting whistle-blowing or giving witness or is about to submit whistle-blowing or give testimony to the Commission or ethics liaison unit pursuant to Article 20 of this Proclamation shall be punished in accordance with Article 444 of the Criminal Code.
3/ Any appointee, elected person or public servant who, either without disclosing the existence of conflict of interest or acting upon being authorized in accordance with sub-article (2) of Article 16 of this Proclamation, uses his official duty to promote his own or his close relative’s private interest shall be punishable in accordance with the relevant provisions of the Criminal Code.

4/ Any person who maliciously submits unfounded whistle-blowing pursuant to Article 20 of this Proclamation shall be punished with imprisonment not exceeding three years or with a fine not exceeding Birr 2,000 or both.

23. Inapplicable Laws

No law or customary practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

24. Power to Issue Regulations and Directives

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ The Commission may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

25. Effective Date

This Proclamation shall enter into force upon the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 12th day of April, 2010

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA