



Article 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information;
- (c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;

CIVIL SOCIETY REPORT

on the implementation of

Chapter II (Prevention) & Chapter V (Asset Recovery) of the

UNITED NATIONS CONVENTION AGAINST CORRUPTION

IN ETHIOPIA

by Progress Integrated Community Development Organization

Acknowledgements

This Parallel Report produced by Progress Integrated Community Development Organization (PICDO) with the intention of contributing to Ethiopia's Country UNCAC Review during its second cycle. The PICDO team followed the UNCAC guidelines and the reporting template prepared by the UNCAC Coalition and Transparency International. PICDO would like to express its gratitude to the UNCAC Coalition, who provided support for the preparation of this report, that made it possible with funding by the Norwegian Agency for Development Cooperation (Norad) and the Ministry of Foreign Affairs of Denmark (Danida).

Moreover, PICDO would like to extend its sincere gratitude to all of the institutions' and civil society organizations' representatives who supported and cooperated in the process of producing this report in all aspects.

The findings in this report are those of the authors but do not necessarily reflect the views of the UNCAC Coalition and the donors who made this report possible. Every effort has been made to verify the accuracy of the information contained in the report. All information was believed to be accurate as of July 2022.

This report was written by PICDO by Moges Yirgabew (PhD candidate), Senior Lead Researcher and Belayhun Yirga (LLM), Policy advisor for research with the capacity of Senior Policy and Legal Advisor at the National Digital ID Project Office, under the supervision of Mr. Demeke Debabe, Team Leader and Executive Director of PICDO. The report was reviewed by Danella Newman, Alexis Chalon and Denyse Degiorgio of the UNCAC Coalition.

Progress Integrated Community Development Organization (PICDO),
Yeka Sub City, Addis Ababa, Economic Association Bldg., 1st Floor-R# 103,
Adjacent to St. Michael Church,
Ethiopia

Email: picdo2002@gmail.com

Website: www.picdoeth.org

Progress Integrated Community Development Organization (PICDO) is an Ethiopian registered Civil Society Organization established in 2002 with the mission to contribute to the national efforts in ensuring lasting peace and security, sustainable economic growth, and shared prosperity and social progress in the country with a view to see economically and socially self-reliant and self-managing communities wherein the poor are transformed into a sustainable better livelihood leading a dignified life.

Table of Contents

List of Abbreviations	1
List of Persons Consulted	3
1. Introduction.....	4
2. Executive summary.....	6
2.1 Description of the Official Review Process	9
2.2 Availability of Information	10
2.3 Implementation in Law and in Practice.....	10
2.4 Recommendations for Priority Actions.....	12
3. Assessment of the Review Process for Ethiopia.....	14
4. Assessment of Implementation of Chapter II and Chapter V Provisions	16
4.1 Chapter II.....	16
4.1.1 Art. 5 – Preventive Anti-corruption Policies and Practices	16
4.1.2 Art. 6 – Preventive Anti-corruption Body or Bodies	21
4.1.3 Art. 7.1 – Public Sector Employment	26
4.1.4 Art. 7.3 – Political Financing.....	29
4.1.5 Art. 7, 8 & 12 – Codes of Conduct, Conflicts of Interest and Asset Declarations ...	34
4.1.6 Art. 8.4 & 13.2 – Reporting Mechanisms & Whistleblower Protection.....	38
4.1.7 Art. 9.1 – Public Procurement.....	40
4.1.8 Art. 9.2 – Management of Public Finances.....	45
4.1.9 Art. 10 & 13.1 – Access to Information & the Participation of Society	48
4.1.10 Art. 11 – Judiciary and Prosecution services	53
4.1.11 Art. 12 – Private Sector Transparency	57
4.1.12 Art. 14 – Measures to Prevent Money Laundering.....	60
4.2 Chapter V	63
4.2.1 Art. 52 & 58 – Anti Money Laundering	64
4.2.2 Art. 53 & 56 – Measures for Direct Recovery of Property.....	71
4.2.3 Art. 54 – Confiscation Tools.....	73
4.2.4 Art. 51, 54, 55, 56 & 59 – International Cooperation for the Purpose of Confiscation	75
4.2.5 Art. 57 – The Return & Disposal of Confiscated Property.....	78
4.3 Statistics	80
5. Recent Developments	82
6. Recommendations.....	85
7. Annex.....	88

List of Abbreviations

ADR	Asset Disclosure and Registration
AEUP	All Ethiopian Unity Party
AfDB	African Development Bank
ALAC	Advocacy and Legal Aid Center
AML	Anti-Money Laundering
ARIN- EA	Asset Recovery Inter-Agency Network for East Africa
BoF	Bureau of Finance
CDD	Customer Due Diligence
CECOS	Continental Electronics and Communication Systems
CEO	Chief Executive Officer
CPJ	Committee to Protect Journalists
CRB	Complaint Review Board
CSO	Civil Society Organization
DNFBPs	Designated Non-Financial Businesses and Professions
EBC	Ethiopian Broadcasting Corporation
EBR	Ethiopian Business Review
EISA	Electoral Institute for Sustainable Democracy in Africa
EMA	Ethiopian Media Authority
ESAAMLG	Eastern and Southern Africa Anti-Money Laundering Group
ETB	Ethiopian Birr
EU	European Union
FATF	Financial Action Task Force
EZEMA	Ethiopian Citizens for Social Justice
FDRE	Federal Democratic Republic of Ethiopia
FEACC	Federal Ethics and Anti-Corruption Commission
FIS	Financial Intelligence Service
FPPPA	Federal Public Procurement and Property Administration
FT	Terrorist Financing
FTA	Financial Transparency and Accountability
GDP	Gross domestic product
HPR	House of Peoples Representative of Ethiopia
IFFs	Illicit Financial Flows
IPB	International Budget Partners
IRI	International Republican Institute
JSA	Justice for All
MER	Mutual Evaluation Report
ML	Money Laundering
MLA	Mutual Legal Assistance
MoF	Ministry of Finance

MoJ	Ministry of Justice
MSE	Micro and Small Enterprises
MSF	Médecins Sans Frontières/Doctors Without Borders
NAMA	National Movement of Amhara
NCBC	Non-Conviction-Based Confiscation
NDI	National Democratic Institute
NEBE	National Election Board of Ethiopia
NGOs	Non-Governmental Organizations
NRA	National Risk Assessment
NRC	Norwegian Refugee Council
NYIN	National Youngsters Integrity Network
BO	Beneficial Ownership
OECD	Organization for Economic Cooperation and Development
OFAG	Office of the Federal Auditor General
PEPs	Politically Exposed Persons
PICDO	Progress Integrity Community Development Organization
PP	Prosperity Party
PPP	Public-Private Partnership
PRO	Public Relation Officer
SNNPE	Southern Nation Nationalities and People of Ethiopia
SOE	State-Owned Enterprise
STR/s	Suspicious Transaction Report/s
TE	Transparency Ethiopia
TPLF	Tigray People's Liberation Front
UAE	United Arab Emirates
UNCAC	United Nations Convention Against Corruption
UNODC	United Nations Office on Drugs and Crime

List of Persons Consulted

Name	Job title	Affiliation	Date of interview
Yesuf Jemaw**	Director for international cooperation on legal affairs	Ministry of Justice	September 01, 2022
Wubshet Shiferaw*	Policy advisor	Justice for all/ Prison Fellowship Ethiopia	August 23/2022
Yalemtarik Shimelis**	Vice director general of asset recovery directorate general	Ministry of Justice	August 20/2022
Samson Tegene*	Higher prosecutor	Ministry of Justice	August 29/2022
Addis Getinet*	Director General of legal studies, drafting & consolidation directorate general	Ministry of Justice	August 04/2022
Tegenegn Tirfe*	Legislative drafter and higher prosecutor	Ministry of Justice	August 10/2022 & December 13/2022
Mulugeta Wubshet**	Director general of human resource laws, research and audit directorate general	Civil service commission	September 05/2022 & December 07/2022
Mesfine Getachew**	Director of Legal Directorate	National bank of Ethiopia	September 10/2022
Negash Bonke**	Advisor to Director General of FPPPA	Federal Public Procurement and Property Administration (FPPPA)	September 12/2022
Gizachew Girma*	Legal Education and legal aid senior expert	<i>Fitih</i> activity in Ethiopia/International CSO	August 15/2022
Yigremachew Kefelegn**	Lawyer, advocate and trainer, Expert on anti-money laundering	Private practitioner	August 25/2022
Endale Assefa**	Communication Director	Financial Intelligence Service	August 11/2022
Abby Dinka***	Legal Expert	Financial Intelligence Service	December 19/2022
Teketay Abebe*	Ethics liaison at ministry of justice	Ethio-telecom	August 18/2022
Habtamu Menesha**	Director of Legal Affairs Directorate	Ministry of finance	August 26, 2022
Genet Mulatu*	Advocate lawyer at the federal all level courts	Genet Mulatu Attorney & advocate lawyer office	August 08/2022
Wongel Abate**	Legal expert	National Election Board of Ethiopia (NEBE)	December 26/2022
Tesfaye Shamo*	Chief executive officer (CEO)	Federal Ethics and Anti-Corruption Commission (FEACC)	December 27/2022

*Face to face interview

** Interview over phone

*** Email exchange

1. Introduction

Ethiopia signed the United Nations Convention against Corruption (UNCAC) on December 10, 2003 and ratified it on November 26, 2007. The objective of this parallel report is to evaluate how well the UN Convention against Corruption's Chapters II (Preventive Measures) and Chapter V (Asset Recovery) have been implemented in Ethiopian law and practice. It is a contribution to the UNCAC implementation review process. Ethiopia was selected by the UNCAC Implementation Review Group by a drawing of lots for review in the fourth year of the second review cycle (2015–June 2024). A draft of this parallel report will be provided to the government of Ethiopia, through the anti-corruption commission, to comment on.

1.1 Scope

The UNCAC articles and topics that receive particular attention in this report are those covering preventive anti-corruption policies and practices (Art. 5), preventive anti-corruption bodies (Art. 6), public sector employment (Art. 7.1), political financing (7.3), codes of conduct, conflicts of interest and asset declarations (Art. 7, 8 and 12), reporting mechanisms and whistleblower protection (Art. 8.4 and 13.2), public procurement (Art. 9.1), the management of public finances (Art. 9), judiciary and prosecution service (Art. 11), private sector transparency (Art. 12), access to information and the participation of society (Art. 10 and 13.1) and measures to prevent money laundering (Art. 14) under Chapter II. Under Chapter V, it covers anti-money laundering (Art. 52 and 58), measures for the direct recovery of property (Art. 53 and 56), confiscation tools (Art. 54), international cooperation for the purpose of confiscation (Arts. 51, 54, 55, 56 and 59) and the return and disposal of confiscated property (Art. 57).

1.2 Structure

The report begins with an executive summary, including the condensed findings, conclusions, and recommendations about the review process, the availability of information, as well as the implementation and enforcement of selected UNCAC articles. The following part covers the findings of the review process in Ethiopia as well as access to information issues in more detail. Subsequently, the implementation of the Convention is reviewed and examples of good practices and deficiencies are provided. Then, recent developments are discussed and lastly, recommendations for priority actions to improve the implementation of the UNCAC are given.

1.3 Methodology

The report was prepared by Progress Integrity Community Development Organization (PICDO) with technical and financial support from the UNCAC Coalition. The group made efforts to obtain information for the reports from government offices and to engage in dialogue with government officials.

The report was prepared using guidelines and a report template designed by the UNCAC Coalition and Transparency International for use by civil society organizations (CSOs). These tools reflected but simplified the United Nations Office on Drugs and Crime (UNODC)'s checklist and called for relatively short assessments as compared to the detailed official self-assessment checklist. The report template included a set of questions about the review process and, in the section on implementation, asked for examples of good practice and areas in need of improvement in articles of UNCAC Chapter II on prevention and Chapter V on asset recovery.

Progress Integrity Community Development Organization (PICDO) sought to obtain relevant information on the preparation of the report from civil society organizations (CSOs), the private sector, communities and government entities, including the Federal Ethics and Anti-Corruption Commission, Civil Service Commission, the Ministry of Justice's Corruption Crimes Affairs Directorate, the Ministry of Justice's Legal Studies, Drafting and Consolidation Directorate General, the Ministry of Justice's Asset Recovery Directorate, the Financial Intelligence Service (FIS), national bank, the federal police's Corruption Crimes Investigation Directorate and the federal high court's corruption's crimes bench.

2. Executive summary

This report is an independent parallel report that intends to enhance the work of the government's official review team of the UN Convention against Corruption (UNCAC). It aims to assess Ethiopia's legal framework in relation to the UNCAC's implementation and to examine how the Convention is applied and enforced both within the framework of Ethiopian law and in practice. This report highlights Ethiopia's efforts, examples of good practices, and weaknesses in the areas of preventive measures to fight corruption and asset recovery.

Ethiopia has made significant progress towards developing normative legal frameworks for the implementation of Chapter II (Preventive Measures) and Chapter V (Asset Recovery) of the United Nations Convention against Corruption (UNCAC), which was signed on December 10/2003 and ratified on November 26/2007. Accordingly, Ethiopia has formulated the following legislation and related policies to implement the convention, such as Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation No. 780/2013, Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Corruption Crimes Proclamation No. 881/2015, Anti-Corruption Commission Establishment (amendment) proclamation No. 1236/2021, revised Anti-Corruption Special Procedure and Rules of Evidence (amendment) Proclamation No. 882/2015, Disclosure and Registration of Assets Proclamation No. 668 /2010, Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No. 699/2010, the Criminal Code of the Federal Democratic Republic of Ethiopia 2004, Proclamation No. 414/2004, Federal Civil Servants Proclamation No. 1064/ 2017, Civil Code of Ethiopia Proclamation No. 165/1960, the Criminal Procedure Code of Ethiopia Proclamation No. 185/961, Federal Courts Proclamation No. 1234/2021, Government and Enterprises Ethics Liaison Units Directive No. 20/2021, Private Sector Ethics Liaison Units Directive No. 23/2021 and the National Comprehensive Crime Control Strategy.

For the goal of coordinating the implementation of anti-corruption-related policies, strategies, and plans, the Ethiopian Ethics and Anti-corruption Commission has established Ethics and Anti-corruption Liaison Offices. The Commission also oversees radio and television programming and trainings. It has carried out several risk analyses and taken precautions against corruption. The Ethics and Anti-Corruption Commission was reinstated by Proclamation 883/2015, which has been superseded by Proclamation 1236/2021.

The law protects the independence of the anti-corruption bodies in an effort to help them carry out their duties successfully and to shield them from any improper influence, yet it falls short in function and execution. Even if each government agency is free to carry out the tasks and obligations stipulated by law, an explicit provision that exempts them from culpability is lacking. The procedures for hiring and firing the head or heads of the bodies, as well as for selecting and hiring specialist staff, seems to be carried out inappropriately in recent years. However, the civil service law is in place for specialists.

Civil servants and other non-elected public officials are subject to a precise legal framework that governs their employment, retention, and promotion. However, there is no public inspection mechanism that may be used as part of the procedure, and seemingly no set standards that are intended to evaluate candidates' merit, equity, and aptitude.

In each government office of Ethiopia, there are methods for filing complaints about the selection process and related decisions. There are also committees for hearing complaints. Any government office must create complaint hearing committees in accordance with Proclamation No. 1183/2020.

In Ethiopia, public or government financing is given to national candidates and parties in a fair and open manner. Despite opposition political parties' concerns about its shortage, the political parties' budget allocation method was accepted with their support. It is impossible to know for sure whether political parties and candidates keep money off the books or have devised ways to avoid political finance regulations because there is no publicly available information. Additionally, there is no proof that the penalties for breaking the laws and regulations that apply to political candidates and political parties are applied in a timely, fair, and transparent manner.

Ethiopia has a proclamation or law that deals with protecting witnesses and whistleblowers in relation to reporting mechanisms and whistleblower protection. Different types of packages are available under the witness protection proclamation to protect witnesses and whistleblowers, even to the point of migration. Anyone in Ethiopia who has proof that someone has engaged in or is engaging in corruption is required to report it to the appropriate body. Any witnesses to any type of crime listed in the legislation are legally protected by the system. The Federal Ethics and Anti-Corruption Commission (FEACC) accepts reports on corruption from the public, but it has no known formal role in protecting whistleblowers.

The Procurement and Property Administration Proclamation No. 649/2009 of the Ethiopian federal government outlines the precise steps to be taken when deciding on eligibility requirements for a tender, such as the selection and award criteria. Ethiopia follows best practices by putting in place rules that guarantee that procurement processes are publicized and published in a way that allows interested bidders to learn about a tender and that gives them the time to prepare and submit an offer. In addition to the provisions which deal with the procurement process, the aforementioned proclamation has fifteen chapters and 80 articles dealing on issues related to procurement and property administration.

The Ethiopian Proclamation No. 590/2008 on Freedom of the Mass Media and Access to Information which has six parts and 51 articles guarantees the right of access to information in article 12. Except as expressly provided for by this Proclamation, this article states that everyone has the right to inquire about, acquire, and disseminate any information held by public authorities. This includes the right to inquire upon a public authority regarding the existence of a record holding the information sought. It also includes the right to ask for information from any

public agency using the following techniques: inspection, note-taking, certified copies of any records kept by the agency, other electronic means, or printouts when the data is saved on a computer or similar device.

Even though there are constitutional and other declarations on access to information and participation of society, they are not implemented well in practice. Many NGOs are virtually unable to access significant parts of Ethiopia, due to security concerns or a lack of government authorization.

There is a legal framework in Ethiopia establishing the independence of the judiciary and prosecution services, which is enshrined in the Ethiopian constitution. In addition to detailed provisions, the proclamations regulating this independence include enforceable sanctions for members of the judiciary, with cases of them being used in practice (dismissal and fining of judges due to misconduct). However, the Prime Minister has publicly acknowledged that the country's judicial system requires improvement. Judges are appointed by the Parliament with the majority of the ruling party members. The constitution of Ethiopia does not give the judiciary the power of judicial review. As a result, the courts cannot interpret the constitution, a power bestowed to the House of Federation, a political body.

Although there is solid legal support giving Ethiopia's accounting and auditing board the authority to develop a quality assurance structure to assure high caliber auditing processes, the quality and level of private sector audits are insufficient. The practice of the auditing mechanisms and other measures regarding the private sector on non-financial issues are insufficient in contrast to the serious actions that have been taken with regard to the private sector in relation to those who have deceived the government through tax evasion by providing false financial documents.

Money laundering and terrorism financing (ML/FT) are criminalized under the Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation No. 780/2013. The Financial Intelligence Service was established through Regulation No. 490/2022 as an independent unit with the mandate of following up on issues of money laundering and financing of terrorism. There is also an obligation for officials to disclose their property to the relevant or registering authority through the Disclosure and Registration of Assets Proclamation No. 668/2010.¹ Ethiopia's asset disclosure and registration regime lacks some clarity over what information about an appointee, an elected official, or a public servant must be given, endangering the effectiveness of the system in this aspect. The disclosure and registration of asset declarations lacks uniformity across the federal government and regional governments as well as among the regional governments themselves.

¹ Proclamation No. 668/2010. Disclosure and Registration of Assets. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, No. 18, page, 5217, Addis Ababa, Ethiopia. Accessed September 21/2022 from <https://chilot.me/wp-content/uploads/2011/01/668-disclosure-and-registration-of-assets-proclamation.pdf>.

Under Ethiopian law, States Parties to the UNCAC may file civil cases before Ethiopian courts to request an ownership award on the claimed property acquired through corruption if it is a civil matter over which Ethiopian courts have either material or local jurisdiction. Additionally, they are entitled to compensation of any kind, including actual or material damage, consequential damage, and other damages.

The Ministry of Justice, specifically its International Cooperation on Legal Affairs Directorate, is the responsible body in Ethiopia with the authority to deal with matters involving international cooperation on legal issues. The Ethiopian justice system is often quite helpful in assisting States Parties in legal proceedings before Ethiopian courts. Ethiopia is working to build a solid system of international relations with relevant States; though the issue is that the idea of global cooperation is still in its infancy in the country.

Ethiopia is a member of information-sharing forums like the EGMONT Group, the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), and the Asset Recovery Inter-Agency Network for East Africa (ARIN-EA). Furthermore, Ethiopia is a party to numerous international treaties, including those in Vienna, Palermo, and the UNCAC, and its domestic laws also provide the broadest array of cooperation options, including conviction-based, non-conviction-based, and civil action alternatives.

Ethiopia ratified the pieces of legislation that governs the return of seized property to its prior rightful owner or to individuals affected by corruption. The laws on the recovery of stolen assets in Ethiopia are fragmented in different existing laws. This means that the country has no single law that sets down a consistent system for the forfeiture and recovery of illicit assets. All proceeds from significant international economic crimes cannot be properly recovered under Ethiopia's current asset recovery legal framework. Furthermore, though the Ministry of Justice has the mandate, there is no independent, autonomous institution that has been authorized by law to recover stolen property domestically or overseas.

2.1 Description of the Official Review Process

Except for the discussions with civil society organizations to review the first draft UNCAC report, which are publicly available on the FEACC official Facebook page, there is no publicly accessible information on Ethiopia's ongoing second cycle UNCAC review. However, the authors of this report attempted to obtain the information listed in Table 3 of this report by interviewing the relevant body. Individuals consulted from FEACC included Mr. Haregot Abreha,² who served as the country focal point for the UNCAC review report at the time,³ and Mr. Tesfaye Shalemo, CEO at FEACC.

² Interview over the phone with Mr. Haregot Abreha, Public and Civil Society Mobilization Director at the FEACC and the then country focal point of the UNCAC review in Ethiopia.

It is clear that increasing civil society involvement can give Ethiopia's review process credibility and enable a more in-depth analysis of state-implemented anti-corruption reforms and preventative measures. Unfortunately, Ethiopian civil society has a low level of participation in the current UNCAC review process.

2.2 Availability of Information

This report was produced in parallel with the official review process. This parallel report is based on data gathered through face-to-face interviews, interview over phone and email exchange. Additional information was obtained from secondary sources available online, e.g., reports from the media, governmental organizations, international organizations, CSOs and foreign governments. It was relatively easy to access online versions of relevant laws and regulations in both English and the Amharic language. Furthermore, different research documents on corruption are available online.

We would like to thank all of the officials who gave interviews regarding the likelihood of corruption and the extent of anti-corruption efforts in the public sector. We are particularly grateful to representatives at the Office of the Federal Ethics and Anti-Corruption Commission (FEACC), Ministry of Justice - Asset Recovery Directorate, Ministry of Justice - Legal Studies, Drafting and Consolidation Directorate General, Ministry of Justice - International Cooperation on Legal Affairs Directorate, Financial Intelligence Service, National Bank of Ethiopia, Procurement and Public Property Administration, Federal police - Corruption Crimes Investigation Directorate, Federal high court - Corruption Crimes Bench and Civil Service Commission.

The two civil society representatives from Justice for All/Prison Fellowship Ethiopia and Fitih Activity in Ethiopia were equally responsive. Of the requests made, civil society representatives and officials representing eight government institutions accepted the invitation for an interview. Face-to-face interviews, interviews over telephone, and email and telegram exchanges all served as methods of consultation.

2.3 Implementation in Law and in Practice

Table 1: Implementation and Enforcement Summary

UNCAC articles	Status of Implementation in law	Status of implementation and enforcement in practice
----------------	---------------------------------	--

³ Mr. Tesfaye Shalemo, CEO at FEACC informed us during the interview on December 27, 2022 that Mr. Tesfaye Bekele on the way to replace Mr. Harogot Abreha as the country focal point, and that they were working on notifying the UN of the change.

Art. 5 – Preventive anti-corruption policies and practices	Largely implemented	Moderate
Art. 6 – Preventive anti-corruption body or bodies	Largely implemented	Moderate
Art. 7.1 – Public sector employment	Partially implemented	Poor
Art. 7.3 – Political financing	Largely implemented	Good
Art. 7, 8 & 12 – Codes of conduct, conflicts of interest and asset declarations	Partially implemented	Poor
Art. 8.4 & 13.2 – Reporting mechanism & whistleblower protection	Partially implemented	Poor
Art. 9.1 – Public procurement	Largely implemented	Moderate
Art. 9.2 – Management of public finances	Largely implemented	Good
Art. 10 & 13.1 – Access to information & the participation of society	Partially implemented	Poor
Art. 11 – Judiciary and prosecution services	Partially implemented	Moderate
Art. 12 – Private sector transparency	Partially implemented	Poor
Art. 14 – Measures to prevent money laundering	Partially implemented	Moderate
Art. 52 & 58 – Anti money laundering	Partially implemented	Moderate
Art. 53 & 56 – Measures for direct recovery of property	Partially implemented	Moderate
Art. 54 – Confiscation tools	Partially implemented	Moderate
Art. 51, 54, 55, 56 & 59 – International corporation for the purpose of confiscation	Partially implemented	Moderate
Art. 57 – The return & disposal of confiscated property	Partially implemented	Poor

Table 2: Performance of selected key institutions

Name of Institution	Performance in relation to responsibilities covered by the report	Brief comment on performance
Federal Ethics and Anti-Corruption Commission (FEACC)	Good	The institution lacks resources.
Federal Public Procurement and Property Administration Agency (FPPAA)	Good	It created the Electronic Public Procurement System as a tool to publicize the country's procurement processes.
Ministry of Justice - Asset	Moderate	Although there is a legal

Recovery Directorate		framework for asset recovery, due to a staffing and resource shortage, the processes are not always successfully completed.
Ministry of Justice - Legal Studies, Drafting and Consolidation Directorate General	Good	Availability of strong and experienced experts.
Ministry of Justice - International Cooperation on Legal Affairs Directorate	Poor	Institution lacks independence.
Financial Intelligence Service	Moderate	More publicity is needed to allow greater access to the information it produces.
Federal police - Corruption Crimes Investigation Directorate	Moderate	Inadequate resources.
Federal High Court - Corruption Crimes Bench	Moderate	Availability of experienced judges but shortage of resources.
Civil Service Commission	Moderate	Expertise should be strengthened due to scattered impact.

2.4 Recommendations for Priority Actions

The major recommendations for immediate actions to be taken to guarantee the UNCAC's complete implementation in Ethiopia are listed below. The recommendations part of this report (Chapter 6) provides more detailed recommendations for Chapters II and V of the UNCAC implementation.

- 1) The Federal Ethics and Anti-Corruption Commission should:
 - a) Regain its prior authority to investigate and prosecute corruption cases, which is now delegated to the Ministry of justice, police, and prosecutor, respectively, to ensure it can carry out anti-corruption strategies.
 - b) Carry out lifestyle inspections, home visits, and mixtures of target and random samples as part of its routine verification method to discover corruption.
 - c) Increase the collection and publication of relevant data and statistics to provide the public with evidence of how legal provisions regarding anti-corruption, AML and the asset recovery of proceeds of corruption are being implemented and enforced in practice.

The government of Ethiopia should:

- 2) Adopt and practice clear-cut and precise recruiting criteria and procedures, including the potential for early detection of potential conflicts of interest, for the selection of people to occupy particular categories of posts that are thought to be corruptible.
- 3) Allow political parties to receive financial backing from any legitimate sources, whether local or international.
- 4) Come up with a variety of alternative plans, such as exposing and prosecuting corrupt individuals and organizations in order to set an example that no one is above the law, and to foster a culture of accountability.
- 5) Improve the asset declaration regime: enforce the creation of a uniform system of asset declarations and registration with the federal government and among local governments and city administrations and make information about this procedure publicly available. Publish public officials' asset declarations online, including those of high-ranking officials with significant discretionary authority; enforce a set of reasonable and deterrent sanctions.
- 6) The Accounting and Auditing Board of Ethiopia should pay more attention to the auditing of financial and non-financial concerns in the private sector.
- 7) Create and adopt a new law on whistleblower rights and protection that adheres to current international standards.
- 8) Update the extensive list of exemptions to the right of access to information in accordance with articles 12, 15–26 of Proclamation No. 590/2008.
- 9) Minimize the lengthy period allotted to the response of access to information requests to a reasonable amount of time.
- 10) Establish an information commission to handle grievances and enlighten the public about their right to access information.
- 11) Adopt a civil society engagement policy and increase space for civil society to engage in and observe the government's anti-corruption efforts.
- 12) Adopt and put into effect the necessary legislative and institutional changes, particularly non-conviction based (NCB) confiscation and mechanisms to quickly freeze assets. It should also conduct cases and investigations and engage in international cooperation through both formal, multilateral channels and informal, practitioner-to-practitioner channels. Additionally, more financial resources must be employed to strengthen specialized courts and the administrators of the justice system, in order to give the asset inquiry equal weight with the investigation into the assignment of criminal culpability.
- 13) Adopt comprehensive asset recovery and international cooperation laws; improve institutions' technical and financial capacities, and ensure their independence and autonomy in decision-making to prevent outside influence.
- 14) Improve State ties with relevant State Parties in terms of international collaboration.

3. Assessment of the Review Process for Ethiopia

Except for the discussions with civil society organizations to review the first draft UNCAC report, which are publicly available on the Federal Ethics and Anti-Corruption Commission (FEACC)'s official Facebook page⁴, there is no publicly accessible information on Ethiopia's ongoing second cycle UNCAC review. However, the authors of this report attempted to obtain the information listed in the table below by interviewing the relevant body. Individuals consulted from FEACC included Mr. Haregot Abreha,⁵ who served as the country focal point for the UNCAC review report at the time,⁶ and Mr. Tesfaye Shalemo, CEO at FEACC.

3.1 Report on the Review Process

Table 3: Transparency of the government and CSO participation in the UNCAC review process

Did the government disclose information about the country focal point?	Yes	The Department Head for Monitoring the Implementation of International Conventions at the Federal Ethics and Anti-Corruption Commission (FEACC) is the focal point for the review process.
Was the review schedule published somewhere/publicly known?	No	There is no information published in this regard.
Was civil society consulted in the preparation of the self-assessment checklist?	No	Civil society was not consulted in the preparation of the self-assessment checklist, but invited after the report was prepared just to collect feedback
Was the self-assessment checklist published online or provided to civil society?	No	
Did the government agree to a country visit?	Yes	
Was a country visit undertaken?	Not yet	
Was civil society invited to	Yes	Around 12 civil society organizations participated

⁴ Federal Ethics and Anti-Corruption Commission (March 8/2022). *Discussions are underway to revise the draft report on the review of the implementation of the United Nations Convention against Corruption* [Facebook page]. Accessed December 17/2022 from

https://m.facebook.com/story.php?story_fbid=pfbid026h6pY4GcSRxfwwMHeoEmBp2Q2KcEHU7ootQFpiSEHHa udEL8Pa9cPGcBTHYp3CJ9l&id=100069422490377&mibextid=Nif5oz.

⁵ Interview over the phone with Mr. Haregot Abreha, Public and Civil Society Mobilization Director at the FEACC and the then country focal point of the UNCAC review in Ethiopia.

⁶ Mr. Tesfaye Shalemo, CEO at FEACC informed us during the interview on December 27, 2022 that Mr. Tesfaye Bekele had replaced Mr. Harogot Abreha as the country focal point, and that they were working on notifying the UN of the change.

provide input to the official reviewers?		by being consulted in a meeting. The invited CSOs' focus areas include women's economic development, health, social accountability, gender-based violence prevention, gender equality, climate change and the environment, disability rights, children's rights, and others.
Was the private sector invited to provide input to the official reviewers?	Yes	Despite being invited to participate and offer feedback to the UNCAC official reviewers, the private sectors did not attend the meeting.
Has the government committed to publishing the full country report?	Not yet	

3.2 Access to Information

Despite Ethiopia having a law governing access to information, it has been challenging for the authors of this report to collect reliable statistical information on implementation at the country level for the report. The majority of the information included in this research was obtained from secondary sources that were published online, such as press reports from media outlets, international organizations, CSOs, and foreign governments. Additionally, since the pertinent rules and regulations were available online in both English and Amharic, getting copies of them was not too difficult.

Regulation No. 490/2022 for the re-establishment of the Financial Intelligence Service in Ethiopia is unfortunately not available online. However, the Financial Intelligence Service of Ethiopia was kind enough to generously give the author a copy of the regulation upon request.

To obtain further data and to confirm existing information for this report, formal requests for interviews were sent to nine government entities and two civil society representatives. Out of the nine requests made, two civil society representatives, and officials representing eight government institutions accepted the invitation for an interview. Only one institution did not.

The Federal Democratic and Republic of Ethiopia (FDRE) Constitution explicitly provides that everyone has the right to seek and receive information. The Freedom of Mass Media and Access to Information Proclamation No. 590, which entered into force in 2008, gives effect to this constitutional guarantee. However, it was challenging to get statistical data on the implementation and enforcement of the UNCAC, particularly for information pertaining to the UNCAC Chapter V articles on money laundering and asset recovery. Obtaining information regarding cases that are currently being prosecuted or resolved but are pertinent to our report was similarly challenging.

4. Assessment of Implementation of Chapter II and Chapter V Provisions

This chapter analyzes the implementation of the provisions of UNCAC Chapter II on preventive measures and Chapter V on asset recovery in Ethiopia through the application of laws, regulations and practices and highlights both good practices and areas for improvement.

4.1 Chapter II

In Chapter II of the UNCAC, measures and mechanisms are discussed for effectively preventing and combating corruption, enhancing international collaboration and technical support, and fostering integrity, accountability, and responsible management of public affairs and property. Therefore, the State Party must establish and implement coordinated and effective measures to combat corruption by encouraging civil society engagement and upholding the ideals of good governance, accountability, and the rule of law. Chapter II contains provisions to this end since public information and civil society involvement typically make preventive policies, measures, and bodies more successful. Additionally, it contains provisions for the public sector's attainment of specific transparency objectives, as well as measures for judges and prosecutors, and private sector preventive measures. Finally, this chapter also covers money laundering prevention.

With specific reference to Chapter II of the UNCAC the following articles were commented on and analyzed.

4.1.1 Art. 5 – Preventive Anti-corruption Policies and Practices

Article 12 of the FDRE constitution covers the Conduct and Accountability of Government.⁷ Ethiopia has adopted comprehensive laws to support its effort on the prevention and suppression of corruption within the state. The country has adopted the following three Proclamations: Corruption Crimes Proclamation No. 881/2015, The Revised Anti-Corruption Special Procedure and Rules of Evidence (Amendment) Proclamation and Revised Federal Ethics and Anti-Corruption Commission Establishment (Amendment) Proclamation which is replaced by the Revised Federal Ethics and Anti-Corruption Commission Proclamation No. 1236/2021.

Proclamation No. 881/2015 is a law promulgated by the house of people's representatives in 2015.⁸ Its main aim is to prevent and manage crimes of corruption. This law declares which activities or actions are to be considered as crimes of corruption. It has 38 provisions declaring criminal corrupt activity, which entails a penalty of up to 25 years of imprisonment. This proclamation simply declares activities to be considered as corruption crimes, and does not

⁷ FDRE Constitution (1995). Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People's Representatives. Accessed September 08/2022 from <https://www.refworld.org/docid/3ae6b5a84.html>.

⁸ Proclamation No. 881/2015. Corruption Crimes Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year No. 18, page, 8152, Addis Ababa, Ethiopia. Accessed September 21/2022 from <https://chilot.me/wp-content/uploads/2017/04/proclamation-no-881-2015-corruption-crimes-proclamation.pdf>.

include provisions concerning the procedure for investigation, prosecution and how courts entertain those cases: it is a substantive law about corruption crimes.

The second proclamation is Proclamation No. 882/2015.⁹ It is a law that amended the revised anti-corruption special procedures and rules of evidence proclamation. This law is approved or promulgated for the purpose of implementing Proclamation No. 881/2015.¹⁰ It is a procedural law which is a means of implementing the substantive law or Proclamation No. 881/2015. This law governs how the investigation, prosecution and trying of cases or charges are to be conducted when suspected offenders committed crimes indicated in the substantive law. Even if Ethiopia has a general criminal procedure law, since corruption crime is more sophisticated and complicated, it needs its own special criminal procedure law. This is why Proclamation No. 882/2015 was approved and it shows how the country gives more emphasis on preventing and suppressing corruption crimes.

Proclamation No. 883/2015 was replaced by Proclamation No. 1236/2021, enacted to re-establish the Ethics and Anti-corruption Commission.¹¹ As indicated in article 6 of this proclamation, the Commission is established with the objective of:

- ✓ Effectively improving Ethiopia's present generation's sense of morality and ethics;
- ✓ Preventing corruption offences and other improprieties;
- ✓ Making the public become owner of the anticorruption struggle by creating a popular movement helpful in the fight against corruption;
- ✓ Creating institutional capacity that would enable it to carry out the powers and duties given to it by law;
- ✓ Ensuring transparency and accountability in public offices, public enterprises and public organizations by having the asset and financial interests of their officials and employees declared, registered and made accessible and verified as to their accuracy.

Furthermore, the Ethiopian Ethics and Anti-corruption Commission was re-established through Proclamation No. 1236/2021 and has adopted corruption prevention strategies.¹² All government

⁹ Proclamation No. 882/2015. The Revised Anti-Corruption Special Procedure and Rules of Evidence (Amendment) Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 21st year no.37, page, 8183, Addis Ababa, Ethiopia. Accessed September 22/2022 from <https://chilot.me/wp-content/uploads/2017/04/proclamation-no-882-2015-the-revised-anti-corruption-special-procedure.pdf>.

¹⁰ Proclamation No. 882/2015. The Revised Anti-Corruption Special Procedure and rules of evidence (Amendment) Proclamation: Federal Negarit Gazeta, 21st year No. 37, page, 8183, Addis Ababa, Ethiopia.

¹¹ Proclamation No. 883/2015. Revised Federal Ethics and Anti-Corruption Commission Establishment (Amendment) Proclamation Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year, No. 38, page, 8197, Addis Ababa, Ethiopia. Accessed September 04/2022 from <https://chilot.files.wordpress.com/2017/04/proclamation-no-883-2015-revised-federal-ethics-and-anti-corruption-commission.pdf>.

¹² Proclamation No. 1236/2021. Federal Ethics and Anti-Corruption Commission Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no. 15, page, 12984, Addis Ababa, Ethiopia. Accessed September 06/2022 from <https://chilot.me/wp-content/uploads/2021/04/Proclamation-No.-1236-2020-Revised-Federal-Ethics-and-Anti-Corruption-Commission-Proclamation.pdf>.

offices were mandated by the Ethiopian government to create one-year and five-year strategic plans. As a result, the FEACC has created detailed strategic plans on corruption prevention for one year and five years.¹³ The principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability have been reflected in different policies that aimed to prevent corruption. However, policies like the national comprehensive crime prevention strategy, the national anti-corruption strategy, an action plan, and other policies have not been published, albeit the importance of the publication of such policies to raise public awareness and to tackle corruption, which decreases opportunities for civil society to contribute to the fight against corruption and hold the government accountable.¹⁴ Nevertheless, a strategic Anti-Corruption Roadmap has been released online and is widely accessible.¹⁵ The FEACC and its regional counterparts, the Ministry of Justice, and the Federal Police are the principal stakeholders in this strategic Anti-Corruption Roadmap. Civil society is not foreseen as a key stakeholder in implementing the roadmap.

For the purpose of coordinating the implementation of policies, strategies and plans related to anti-corruption, the Commission has focal persons in every governmental office. The Commission uses focal persons to co-ordinate the implementation of policies, strategies and plans.¹⁶ Moreover, the Commission has its own ethics liaison units at each ministerial office. As stated in article 20 of the Federal Ethics and Anti-Corruption Commission Proclamation No. 1236/2021, “the commission has the mandate to establish the Ethics and Anti-corruption Liaison Offices.” In article 20(1), “The Commission shall establish Ethics and Anti-corruption Liaison offices at every level of Public Offices and Public Enterprises. Those liaison offices have the duty to coordinate and carry out ethical issues and corruption prevention activities in their respective office or enterprise.”¹⁷ It is customary working practice for every government office to prepare monthly, quarterly, biannual and annual reports and to send these to the Ministry of Planning and Development and to the House of Peoples’ Representatives. These reports are not publicly available.

¹³ Interview over phone with Mulugeta Wubshet, Director General of Human Resource Laws Research and Audit Directorate General at Civil Service Commission (September 05/2022).

¹⁴ Doig, A., & Riley, S. (1998). *Corruption and anti-corruption strategies: Issues and case studies from developing countries*. Corruption and integrity improvement initiatives in developing countries, 45, 62. Accessed September 19/2022 from https://dlwqtxts1xzle7.cloudfront.net/30191602/chapter03-with-cover-page-v2.pdf?Expires=1664101716&Signature=E-oP2kvnnEc4B4KkgMOID5Q6jBEeP-OfhfX9zzW0Se7XWCH7G2P9H1KLDmAHxc8zv5bPr72mbSxzHZGKStMVAu6Gw5DlNe-ommtYPARs1P5hQ0ng5O3eb6h5QFm0soPbsaqlk8zssAroXQ3dugeEKirV2LD4DZEtwgNL2quWtKqdcISOZrIAdOCt~cI5hofk~JsbozarOv-JPRyFF49pLYkF7F2pkgW~8ND7r9w4I1BYaV0raZSzQv9tlfmlth0w6V-SlwzTj~usIf4DRquyvCQ4jerJL59KHGArdwaC-UN079syFr3AfVRU0-QaOO98SPSGYm1SmKwabpdFaV4A__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA.

¹⁵ UNDP (2019). *Reducing Corruption in Ethiopia: Towards a Strategic Anti-Corruption Roadmap*. Retrieved September 20/2022 from <https://www.undp.org/ethiopia/news/reducing-corruption-ethiopia-towards-strategic-anti-corruption-roadmap>.

¹⁶ Face to face interview with Teketay Abebe, Ethics liaison at Ethio-telecom (August 18/2022).

¹⁷ Proclamation No. 1236/2021. Federal Ethics and Anti-Corruption Commission Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no. 15, page, 12984, Addis Ababa, Ethiopia.

Although civil society organizations and the general public were consulted in the development, implementation, coordination, and monitoring of the policies to combat corruption, separate consultation with only CSOs have to advance more in Ethiopia. To prevent and detect corruption via public awareness, there is a television program as well as trainings which were given to different bodies by the FEACC.¹⁸ The main responsible body in administering training as well as television radio programs that aim to prevent corruption is the FEACC. The Commission has also established a newspaper called “Anti-Corruption”, dedicated to creating awareness about corruption and corruption-related crimes.¹⁹

Despite the above efforts made by the anti-corruption commission, Prime Minister Abiy Ahmed claims that corruption is still a headache for Ethiopians in the areas of service delivery, land-related practices, the banking sector, sales and procurement procedures, and the legal system in response to a question from the House of People representative of Ethiopia (HoPR).²⁰ He continues by saying that a number of public institutions, development agencies, and government agencies have all been accused of corruption by citizens.²¹ He added that corruption is sometimes carried out in a technologically advanced manner and sometimes under the cover of the law.²² Due to this, the government of Ethiopia has established a National Committee to coordinate its anti-corruption campaign.²³ A few days after the National Committee's establishment, Tewodros Bekele, the director general of the Financial Intelligence Service, and other alleged corrupt officials were detained, according to Dr. Gideon Timotios' report on this event happening, Minister of Justice and chair of the committee.²⁴

Ethiopia is one of twenty-one African nations that are a part of the Joint Initiative established by OECD and the African Development Bank (AfDB) in order to aid African governments in their efforts to combat bribery and corruption.²⁵ Following the adoption of the OECD/AfDB Anti-Bribery and Business Integrity Course of Action in 2011, member countries of the Joint Initiative requested additional tools to aid in implementing the Course of Action through useful advice on

¹⁸ Face to face interview with Tesfaye Shamelo, chief executive officer (CEO) at PEACC (December 27/2022).

¹⁹ Federal Ethics and Anti-Corruption Commission (April, 2021). *The first edition of the anti-corruption newspaper is enough to read* [Facebook page]. Accessed December 17/2022 from https://m.facebook.com/story.php?story_fbid=pfbid0a3GaRbJMfsdSmdYuvs7t7N8R9QYb6E4vRL69wsZhej4C5mwxczf63GJeuh9UdoPkI&id=100069422490377&mibextid=Nif5oz.

²⁰ ENA (2022, November 17). *The government of Ethiopia has established a national committee to coordinate its anti-corruption campaign*. Accessed on December 02/2022 from [Gov't Establishes National Committee To Coordinate Anti-Corruption Campaign | Ethiopian News Agency \(ena.et\)](http://Gov't_Establishes_National_Committee_To_Coordinate_Anti-Corruption_Campaign_|_Ethiopian_News_Agency_(ena.et)).

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ Ethiopian Ethics and Anti-Corruption Commission (2022, December 02). *The anti-corruption national committee established to fight organized theft began its work* [Facebook page]. https://m.facebook.com/story.php?story_fbid=pfbid02RCJJMGLZDW1HQWypD462NZ48Rb8o97GTRZCK3grfzPLFoeCyyEGzDZzjjzQekzRI&id=100069422490377&mibextid=Nif5oz.

²⁵ OECD (2008). OECD/AfDB Joint Initiative to Support Business Integrity and Anti-bribery Efforts in Africa. Accessed on April 3/2023 from <https://www.oecd.org/daf/anti-bribery/businessintegrityandanti-briberyeffortsinafricaocdaafdbinitiative.htm>.

preventive measures specifically tailored to the bribery risks faced by African companies.²⁶ A significant result of the Joint Initiative in 2012 was the publication of the Stock-taking Report on Business Integrity and Anti-Bribery Legislation, Policies, and Practices in Twenty African Countries, including Ethiopia.²⁷

After establishing the Ethiopian Financial Intelligence Service (FIS) in 2009 with anti-money laundering and countering the funding of terrorism regulations, Ethiopia started working with the Egmont Group in 2010.²⁸ To better comply with FATF, it prepared a bill in 2014 to replace the 2009 regulations. Since FISs are required to set up a national center to examine suspicious transaction reports and data about money laundering and terrorist funding, Ethiopia's participation in the group aids the nation in fighting money laundering.²⁹ Ethiopia is also a member of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG).

The African Union Convention on Preventing and Combating Corruption is another international agreement that has an effect on procurement in Ethiopia. Ethiopia is one of the convention's members, and it has committed to enacting laws to improve the creation, maintenance, and administration of their systems for procuring goods and services for the public benefit.³⁰

Good practices

- Ethiopia has adopted comprehensive laws to support its efforts on the prevention and suppression of corruption within the state, according to which all stakeholders follow. Accordingly, the Ethiopian Ethics and Anti-corruption Commission has also been re-established through Proclamation No. 1236/2021, and adopted corruption prevention strategies based on short and long-term strategic plans to prevent corruption.
- The Commission has established Ethics and Anti-corruption Liaison Offices for the purpose of coordinating the implementation of policies, strategies and plans related to anti-corruption. The Commission administers trainings as well as television and radio programs, and has established a newspaper called “Anti-Corruption” which will create awareness on corruption and related crimes. It has also conducted different risk assessments, and measures have been taken to prevent corruption.

Deficiencies

- Despite the fact that Ethiopia boasts an impressive legal and policy framework on anti-corruption, gaps exist in the implementation of these frameworks.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Eldad, D. (2019). How does joining Egmont Group's financial intelligence network benefits Ethiopia? Addis Insight. Accessed April 05/2023 from <https://addisinsight.net/how-does-joining-egmont-groups-financial-intelligence-network-benefits-ethiopia/>.

²⁹ *Ibid.*

³⁰ World Bank (2021). Assessment of the Public Procurement System in Ethiopia: Volume I. World Bank, Washington, DC. Accessed December 08/2022 from <https://www.mapsinitiative.org/assessments/ET-MAPS-volume-I.pdf>.

- The national anti-corruption strategy, action plan, or other policies have not yet been published fully, although the publication of such policies is important to tackle the practice of corruption.
- While the government held a consultation with the general public including civil society organizations, separate consultation with CSOs for the development, implementation, coordination, and monitoring of the policies to combat corruption is found only at its infant stage.

4.1.2 Art. 6 – Preventive Anti-corruption Body or Bodies

The Ethiopian FEACC was established in 2001. The mandate of the FEACC is wide, spanning the prevention, investigation and prosecution of all forms of corruption in Ethiopia.³¹ However, the commission's authority has been limited by the Revised Federal Ethics and Anti-Corruption Commission Proclamation No. 1236/2021 to coordinating efforts and preventing and suppressing corruption-related actions.³² The Commission's authority, including the capacity to look into and bring charges against alleged corrupt individuals, has been handed to others as a result of a decision by the parliament.³³ The parliament contend that the Commission hardly ever looked into the wealthy and powerful, including influential ministers, high-ranking government officials, and top military leaders.³⁴

The mandate of the Federal Ethics and Anti-corruption Commission is to coordinate tasks. In this regard, a senior official of the Commission has argued that “the Ethiopian Ethics and Anti-Corruption Commission has been made inactive after its mandate and responsibilities were taken over by the attorney general and federal police offices.”³⁵ But when the mandate of investigation and prosecution was taken away from the Commission, it was with the aim of letting the Commission focus on corruption prevention of corruption and to strengthen the task of investigation and prosecution by the Ministry of Justice and federal police.³⁶ In 2016, it was found necessary to establish one strong law enforcement public prosecution institution which can comprehensively protect the public and government interests and deliver uniform, effective and efficient services by re-organizing the institution which enforces the rule of law and ensures that laws are properly organized and that government works are conducted in accordance with

³¹ Mezmur, T., & Koen, R. (2011). *The Ethiopian Federal Ethics and Anti-Corruption Commission: A Critical Assessment*. Law, Democracy & Development, 15. Accessed December 02/2022 from <https://www.ajol.info/index.php/ldd/article/view/72943>.

³² Proclamation No. 1236/2021. Revised Federal Ethics and Anti-Corruption Commission Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no. 15, page, 12984, Addis Ababa, Ethiopia.

³³ Ezega.com (2019). *Ethiopian Anti-Corruption Commission Made Inactive – Official*. Accessed on September 19/2022 from [Ethiopian Anti-Corruption Commission Made Inactive – Official \(ezega.com\)](https://ezega.com/).

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

the law.³⁷ Currently prosecutors fall under the Ministry of Justice. The main role of the prosecutor in fighting corruption crime is that of prosecution and leading the investigation process (article 6).³⁸ The prosecutor leads the investigation task by the police and finally prepares charges and litigations at courts. The prosecutor also has the role of following up on criminal punishments.³⁹

The mandate of the Ethics and Anti-corruption Commission is very comprehensive and very clear in prevention, education, public awareness, trainings and research to prevent corruption.⁴⁰ The constitution of the Federal Democratic Republic of Ethiopia in its article 12 stipulates that the conduct of the affairs of government shall be public and transparent and public officials are accountable for any dereliction of the duties of office.⁴¹ The conduct of the government in a transparent and accountable manner is important in reducing, among others, the vulnerability to corruption in the civil service.

There are also different governmental offices or structures which have the mandate of hearing grievances and complaints. Among these are the Human Rights Commission, Ombudsman, Ethics and Anti-corruption Commission, Ministry of Justice, federal police and procurement and property administration services. Although all these bodies hear grievances and complaints, the main responsible body for this purpose is the institution of the Ombudsman.

It is difficult to say if these anti-corruption bodies have sufficient budgetary means to effectively carry out their functions. The Ethiopian government has its own strong budget allocation system, and those bodies have the right to receive a budget from the Ministry of Finance, by presenting their proposal and defending it before this ministry, according to the finance laws in place.⁴² There is no law that entitles the Anti-Corruption Commission to receive its budget more than other governmental bodies. Every governmental office has control over the budget allocated to it and the same is true for those bodies.

Regarding the independence and autonomy of these bodies, the Ethics and Anti-corruption Commission, Human Rights Commission and the Ombudsman are accountable to the parliament, so they have more independence and autonomy, in relation to the Ministry of Justice and the federal police who are accountable to the executive, which minimizes their independence.

³⁷ Proclamation No. 943/2016. Federal Attorney General Establishment Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 22nd year No. 62, page, 8966, Addis Ababa, Ethiopia. Accessed September 09/2022 from https://www.lawethiopia.com/images/federal_proclamation/proclamations_by_number/943.pdf.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ FDRE Constitution (1995). Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People Representative.

⁴² Interview over phone with Habtamu Menesha, Director of Legal Affairs Directorate at ministry of Justice (August 26/2022).

Concerning the appointment and dismissal of heads of the Ethics and Anti-corruption Commission, unlike the dismissal criteria, the criteria for the appointments is not clearly defined in the Proclamation No. 1236/2021.⁴³ The law clearly stipulates that the term of office of the Commissioner and the Deputy Commissioner is for six years and they can be reappointed for only one term, where necessary. Once appointed, the Commissioner or the Deputy Commissioner cannot be removed, except on their own will, unless they have violated the provisions of the relevant code of conduct; they have shown manifest incompetence and inefficiency; they can no longer carry out their responsibilities on account of illness; or on attaining retirement age.⁴⁴ There are also some provisions about the recruitment and protection of the employment of the Anti-Corruption Commission in the proclamation.⁴⁵ For the Human Rights Commission there are criteria in the law regulating the appointment and dismissal of heads. Criteria for the appointment and removal of heads from their positions are set forth in articles 12 and 15 of the Ethiopian Human Rights Commission Establishment Proclamation.⁴⁶ Among the grounds for the appointment are the reputation of the proposed appointee for his diligence, honesty and good conduct, his/her upholding respect for human rights, training in law or other relevant discipline or acquiring extensive knowledge through experience (article 12).⁴⁷ Among the grounds for the removal of an appointee are, resignation subject to a three-month prior written notice, a situation where he or she is incapable of discharging his/her responsibilities or where the individual is found to be corrupt or to have committed other unlawful acts (article 15).⁴⁸ There are other requirements for the appointment and dismissal of heads of the Ethiopian Institute of Ombudsman, as indicated in articles 19 and 22 of Proclamation No. 1142/2019.⁴⁹

For the Heads of the Ministry of Justice and the federal police, it is common knowledge that there are no procedures or other methods in place for appointment or removal, however there are political criteria and it is political parties and the Prime Minister who select and appoint the heads.⁵⁰ For the selection and recruitment of specialized staff, the law to select and recruit public servants is very clear and can be applied to this issue.⁵¹

⁴³ Proclamation No. 1236/2021. Federal Ethics and Anti-Corruption Commission Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no. 15, page, 12984, Addis Ababa, Ethiopia.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Proclamation No. 210/2000. Ethiopian Human Rights Commission Establishment Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 6th Year No. 40, Addis Ababa, Ethiopia. Accessed December 19/2022 from <https://www.eisa.org/pdf/eth2000hrc2.pdf>.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Proclamation No. 1142/2019. The Ethiopian Institution of the Ombudsman Establishment (As Amended) Proclamation, 25th Year No. 69 Addis Ababa, 27th May, 2019, article 19 and 22. Addis Ababa, Ethiopia.

⁵⁰ Proclamation No.1064/2017. Federal Civil Servants Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 24th year No.12 Addis Ababa, Ethiopia.

⁵¹ *Ibid.*

An appointment of heads made through a political process does not ensure the head's apolitical stance, impartiality, neutrality, integrity and competence. In practice, they might not be removed through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the Chief Justice). The legal framework does not ensure continuity in the event of suspension, dismissal, resignation, retirement or end of tenure of the heads by delegating the powers to an appropriate official within the body within a reasonable period of time, until the appointment of a new head. There are some protection mechanisms for heads and employees of the bodies from civil and criminal proceedings for acts committed within the performance of their mandate, but these are insufficient.⁵² The civil service Code of Conduct rules are applicable to anti-corruption bodies and the civil service rules are strong regarding operating procedures in place, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power.⁵³ It is mandatory for the Civil Service Commission and all governmental offices to adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime. The civil service law is applicable in case of the absence of those codes of conducts in particular office.⁵⁴

The law safeguards the anti-corruption bodies' independence, aimed at enabling them to carry out their functions effectively and to protect them from any undue influence.⁵⁵ Even if every governmental office is autonomous in the performance of duties and responsibilities provided by law, there are no clear laws that make them immune from liability. The procedures for appointment and dismissal of the head or heads of the bodies, as well as the procedures for the recruitment and selection of specialized staff are not implemented fully.⁵⁶

The legal framework provides different benefits for the heads and employees of the Commission⁵⁷ but it does not provide immunity from civil and criminal proceedings for acts committed within the performance of their mandate, nor does it protect them from malicious civil and criminal proceedings in practice. These bodies monitor and evaluate the implementation of a national anti-corruption strategy, action plan and other anti-corruption

⁵² Proclamation 414/2004. The Criminal Code of the Federal Democratic Republic of Ethiopia. 9th of May 2005. Accessed December 19/2022 from <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf>.

⁵³ Proclamation No.1064/2017 Federal Civil Servants Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 24th year No.12 Addis Ababa, Ethiopia.

⁵⁴ Interview over phone with Mulugeta Wubshet, Director General of Human Resource Laws research and Audit Directorate General at Civil Service Commission (September 05/2022).

⁵⁵ Proclamation No. 1236/2021. Federal Ethics and Anti-Corruption Commission Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no. 15, page, 12984, Addis Ababa, Ethiopia.

⁵⁶ Proclamation No.1064/2017. Federal Civil Servants Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 24th year No.12 Addis Ababa, Ethiopia.

⁵⁷ Proclamation No. 1236/2021. Federal Ethics and Anti-Corruption Commission Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no. 15, page, 12984, Addis Ababa, Ethiopia.

policies, through their monthly, quarterly, bi-annual and annual implementation evaluation process.⁵⁸

The Commission seems engaged in an honest effort regarding increasing awareness of measures for the prevention of corruption within government institutions and the general public, including by conducting research on relevant policy areas and sector-based as well as national corruption prevention tasks. In order to create a national anti-corruption struggle movement, the Anti-Corruption Commission has made an agreement with the Walta Media Communication Corporation on November 30, 2022 to make educational and up-to-date information accessible to the public through documentaries. The agreement includes a documentary and a weekly question and answer competition, and it projected to run until June 2022.⁵⁹

The Anti-corruption Commission has a strong relationship with other government offices and it can also interact with international institutions in relation to its specific tasks, while the mandate to make international agreements concerning legal aspects is reserved for the Ministry of Justice. As is common working procedure of all government offices, when the Anti-Corruption Commission evaluates monthly, quarterly, bi-annual and annual implementation of anti-corruption policies and actions, they invite individuals from the public wing.⁶⁰ Community representatives can ask questions and share comments. However, the Commission's communication and engagement with the public in order to develop public confidence in its independence, fairness and effectiveness is still insufficient. There have been public information campaigns to promote awareness of the existence of anti-corruption laws, regulations, and bodies through different media, training programs and other means. There are also specific means of access to these bodies, allowing the public to report acts of corruption and protect those that report.⁶¹ There are also report-receiving systems at the Ministry of Justice and the federal police. The Ministry of Justice, the Ethics and Anti-Corruption Commission and the federal police have also signed a memorandum of understanding to work together.⁶²

Good practices

- The Ethics and Anti-Corruption Commission has a comprehensive and clear mandate in prevention, education, public awareness, training and research to prevent corruption.

⁵⁸ *Ibid.*

⁵⁹ Federal Ethics and Anti-Corruption Commission (November 30, 2022). *A memorandum of understanding was signed with Walta Media and Communication Corporation to jointly prevent corruption* [Facebook page]. Accessed December 12/2022 from https://m.facebook.com/story.php?story_fbid=pfbid0XFxm78oKuv5Ua3exgtUQwMKFSs3EiqMeWQRAxKY22Bc7HT6FHKApDFVvDvhJu3pJl&id=100069422490377&mibextid=Nif5oz.

⁶⁰ Face to face interview with Addis Getinet, Director General of legal studies, drafting & consolidation directorate general at Ministry of Justice (August 04/2022).

⁶¹ It is posted in the website of the commission that, anyone can provide reports for crimes of corruption through email: Corruptionreportethiopia@feacc.gov.et or Twitter <https://twitter.com/EthiopiaFeacc>.

⁶² Face to face interview with Teketay Abebe, Ethics liaison at Ethio-telecom (August 18/2022).

- The availability of liaison officers and offices of the Commission at every governmental office.
- The Ministry of Justice, the federal police and the Ethics and Anti-Corruption Commission have signed a memorandum of understanding to work together.

Deficiencies

- The Ethics and Anti-corruption Commission has insufficient funds to effectively carry out its mandate. There is no procedure at the Ministry of Finance which allows the Commission to receive more budget from other governmental bodies.
- The accountability of the Commission is to the executive organ, which affects its independence.
- Even though the law safeguards the anti-corruption bodies' independence, they are not sufficient in function and practice.
- The extent of communication and engagement by anti-corruption bodies with the public to develop public confidence in their independence, fairness and effectiveness is still insufficient.

4.1.3 Art. 7.1 – Public Sector Employment

In general, human resource planning, the eligibility to join government institutions, competence certification systems, and the recruitment and selection processes of civil servants are governed by Federal Civil Servants Proclamation No. 1064/2017.⁶³ As Ethiopia is among the African countries which have the oldest and most organized civil service system, this law has clear provisions on recruitment, hiring, retention and promotion of civil servants.⁶⁴ However, there is no real procedure for public examination during the recruitment and hiring of civil servants except for the judiciary.⁶⁵ It is also common practice when government offices hire civil servants for them to use open advertisement on Ethio Jobs.info,⁶⁶ including the qualifications required.⁶⁷

Concerning the determination of the payment system and standards, there is a civil service rate for the salary of civil servants depending on the government office's scale of work.⁶⁸ However, the laws and procedures for appointment and recruitment of civil servants for sensitive areas such as in departments vulnerable to corruption are not as solid as for other civil servants. There are no specific recruitment requirements and procedures for the selection of individuals to fill

⁶³ Proclamation No.1064/2017. Federal Civil Servants Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 22nd year No. 12, page, 9979, Addis Ababa, Ethiopia. Accessed September 09/2022 from <https://chilot.me/wp-content/uploads/2017/12/Federal-Civil-Servants-Proclamation-1064-2017.pdf>.

⁶⁴ Interview over phone with Mulugeta Wubshet, Director General of Human Resource Laws Research and Audit Directorate General at Civil Service Commission (December 07/2022).

⁶⁵ *Ibid.*

⁶⁶ Please visit the Ethio Jobs.info's website at <https://ethiojobs.info/> for more information.

⁶⁷ Interview over phone with Mulugeta Wubshet, Director General of Human Resource Laws Research and Audit Directorate General at Civil Service Commission (December 07/2022).

⁶⁸ *Ibid.*

certain categories of positions that are considered as vulnerable to corruption, including possible early identification of potential conflicts of interest. Likewise, the rules and procedures for the rotation of civil servants in different areas that are considered especially vulnerable to corruption, including possible early identification of potential conflicts of interest are not satisfactory. Moreover, there are insufficient criteria for training requirements and curricula for individuals in public positions considered to be especially vulnerable to corruption in the system.

The rules and procedures for recruitment and hiring, retention and promotion of civil servants and other non-elected public officials are very strong and there is also a complaint procedure in place.⁶⁹ Proclamation No. 1183/2020 which constitutes administrative procedure law clearly identifies the mechanisms to file a complaint or appeal against a human resource decision, including in relation to a recruitment process or decision, and it is not possible to perform activities which compromise this law. Proclamation No. 1183/2020⁷⁰ obliges any governmental office to establish a complaint hearing committee.

According to Proclamation No. 1064/2017's Article 13(3) on recruitment and selection, a vacant position may only be filled by someone who both matches the position's qualifications and receives a higher score than all other applicants.⁷¹ A civil servant may only be hired based on the results of an examination that was performed using standards established nationally or on the basis of any other kind of objective certification of professional and vocational competence.⁷² According to Henok's research findings, there is a gap in the application of this article for different reasons.⁷³ First, practice shows that factors like nepotism, political patronage, 'God-fatherism', and ethnicity have somehow replaced the principles of meritocracy as the basis for hiring into the Ethiopian public sector. Second, the analysis reveals that senior civil service positions become the subject of inter-party negotiations due to recruitment practices.⁷⁴

Article 8 of proclamation No. 1064/2017's specifies that all positions of equal value must have an equal base salary and that periodic salary increments for civil officials must be

⁶⁹ *Ibid.*

⁷⁰ Proclamation No. 1183/2020. Federal Administrative Procedure Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 26th year No. 32, page, 12470, Addis Ababa, Ethiopia. Accessed September 13/2022 from <https://chilot.me/wp-content/uploads/2021/06/Proclamation-No.-1183-2020-Ethiopian-Administrative-Procedure-Code.pdf>.

⁷¹ Proclamation No.1064/2017. Federal Civil Servants Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 22nd year No. 12, page, 9979, Addis Ababa, Ethiopia. Accessed September 09/2022 from <https://chilot.me/wp-content/uploads/2017/12/Federal-Civil-Servants-Proclamation-1064-2017.pdf>.

⁷² *Ibid.*

⁷³ Henok, S., A. (2020). *Meritocracy, Career Development, and Promotion in Ethiopian Civil Service*. In B. K., Debela, G., Bouckaert, Ayenew M., Warota, & D. Terefe Gemechu, (Eds.). *Public Administration in Ethiopia: Case Studies and Lessons for Sustainable Development* (p. 700). Leuven University Press.

⁷⁴ *Ibid.*

dependent on the outcomes of their performance evaluations.⁷⁵ In other words, a civil servant is entitled to a wage raise that will be given every two years if their evaluation result is satisfactory or higher.⁷⁶

According to Article 18 of the Ethiopian Civil Service Proclamation No. 1064/, on remuneration, any newly appointed civil servant must receive the base salary determined by the position's salary scale under the Civil Service Proclamation.⁷⁷ Article 7 of the Proclamation No. 1064/2017 states that the Civil Service Minister creates a salary scale that will be used by the civil service as a whole, submits it to the Council of Ministers for approval, and then oversees its correct implementation.⁷⁸ The ministry shall also research pay rates and present them to the Council of Ministers with authorization, taking into account the unique characteristics of the government institution in question. Once approved, it oversees their proper execution. When necessary, it will also periodically revise wage scales in accordance with changes in the economy and other pertinent circumstances and submit these revisions for the Council of Ministers' approval.⁷⁹

Article 25 of Proclamation No. 1064/2017 states that career development in the FDRE civil service is based on the simultaneous consideration of two factors: seniority on the one hand, and evaluation of professional qualities on the other.⁸⁰ However, notwithstanding the provisions in legislative texts, which in some circumstances lay down detailed procedures, defining objective criteria for performance evaluations causes challenges, although seniority does not raise any questions.⁸¹ In the Ethiopian civil service, non-parametric standards predominate in the evaluation of government officials and, consequently, in performance-based promotions. Therefore, one of the difficulties facing the public service in implementing performance-based promotion is the absence of appropriate evaluation criteria.⁸²

Therefore, the promotion system hinders qualified career civil servants from holding senior positions in the civil service. The research made by Henok (2020) shows that several respondents raised concerns about instances where persons they saw as less hard-working

⁷⁵ Proclamation No.1064/2017. Federal Civil Servants Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 22nd year No. 12, page, 9979, Addis Ababa, Ethiopia.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Henok, S., A. (2020). *Meritocracy, Career Development, and Promotion in Ethiopian Civil Service*. In B. K., Debela, G., Bouckaert, Ayenew M., Warota, & D. Terefe Gemechu, (Eds.). *Public Administration in Ethiopia: Case Studies and Lessons for Sustainable Development* (p. 700).

⁸² *Ibid.*

individuals were given rewards and promotions. By implication, it seems that in practice, performance appraisal has nothing to do with rewarding civil servants.⁸³

Good practices

- A legal framework regulates recruitment and hiring, retention and promotion of civil servants and other non-elected public officials of public sector employment in Ethiopia.
- Proclamation No. 1183/ 2020 obligates any governmental office to establish complaint hearing committees.

Deficiencies

- Factors like nepotism, political patronage and ethnicity have somehow replaced the principles of meritocracy as the basis for hiring into the Ethiopian public sector.
- The recruitment requirements and procedures for the selection of individuals to fill certain categories of positions that are considered as vulnerable to corruption, including possible early identification of potential conflicts of interest are limited.
- There are seemingly no criteria for training requirements or curricula for individuals in public positions considered to be especially vulnerable to corruption in the system.
- The remuneration of civil servants and public officials is not adequate.
- There is weak performance evaluation system in place, nor are there consequences in cases of a failure to perform.
- Except for the Anti-Corruption Commission, there are no other institutions in place for the education and training of public officials in relation to corruption issues.

4.1.4 Art. 7.3 – Political Financing

The Federal Democratic Republic of Ethiopia's 1995 Constitution, the Electoral, Political Parties Registration and Election Code of Conduct Proclamation No. 1162/2019⁸⁴, and the Proclamation No.1133/2019⁸⁵ to establish the National Electoral Board are the main legal documents governing elections in Ethiopia. The House of Peoples Representative of Ethiopia (HPR) adopted new legislation governing elections, civil society, and the media as a result of significant legislative change that was started by the Legal and Justice Affairs Advisory Council in 2018. The new laws significantly improved electoral legislation, bringing it closer to meeting important international and regional criteria for democratic elections.⁸⁶

⁸³ *Ibid.*

⁸⁴ Proclamation No. 1162/2019. The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 97, page 11873, Addis Ababa, Ethiopia. Accessed September 19/2022 from <https://almariam.com/wp-content/uploads/2020/01/Ethiopian-Election-Proclamation-1162-2019.pdf>.

⁸⁵ Proclamation No. 1133/2019. National Electoral Board of Ethiopia Establishment Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 71, page 11293, Addis Ababa, Ethiopia. Accessed December 04/2022 from <https://nebe.org.et/sites/default/files/Proc-1133-NEBE-establishment.pdf>.

⁸⁶ International Republican Institute (IRI) and National Democratic Institute (NDI) (2021). Ethiopia June 21/2021 National Elections Report. Accessed December 15/2022 from https://www.ndi.org/sites/default/files/leome_report_of_the_june_21_elections_final_final.pdf.

The Ethiopian Electoral, Political Parties' Registration and Election Codes of Conduct Proclamation No. 1162/2019, mentions what should and should not be sources of income for political parties.⁸⁷ As per article 108 of the proclamation, the legal sources of income for political parties are a) membership dues collected from members; b) donations or grants by Ethiopian nationals or companies controlled by Ethiopians in accordance with the limit to be set by the National Election Board of Ethiopia (NEBE), based on a study the Board conducts; and c) government grants and support to be provided in accordance with article 100 of this proclamation. Moreover, article 108(2) reads that without prejudice to the provision of this article, a political party, to enhance its financial position, may organize fundraising conferences and events, as well as sell its paraphernalia, research findings, booklets and magazines. Political parties claim that it is not easy to earn an income in such a way. Representatives of major opposition parties, including Ethiopian Citizens for Social Justice (EZEMA), National Movement of Amhara (NAMA), Enat, All Ethiopian Unity Party (AEUP), and several others, as well as independent candidates, drew attention to a lopsided electoral landscape, including the fact that the governing party enjoys greater advantages of incumbency than is typically the case due in part to the political history of the nation.⁸⁸ The Prosperity Party (PP) held a fundraising event at the Millennium Hall on March 15, 2021, where the Prime Minister, the majority of the cabinet, the leaders of the regional states, the PP leadership, and a variety of businesspeople attended and the party raised more than ETB 1.5 billion (USD \$34 million). The business community, according to the opposition parties, was reluctant to publicly support them out of concern for retribution.⁸⁹

Article 103 (1) states that financial support provided by the government in accordance with article 100 (2) shall be managed and distributed by the election board of Ethiopia. The Board shall keep information necessary for this purpose. Based on its mandate, the Election Board of Ethiopia was prescribed in article 108 (4) of Proclamation No. 1162/2019 to fairly allocate budgets for political parties. When discussing the drafting of Directive No. 16/2013⁹⁰ to establish the financial support provided to political parties, political parties gave their approval for the budget allocation formula.⁹¹ Accordingly, the following criteria are set under article 18 of Directive No. 16/2021. These are 25% to be distributed equally among all political parties; 25% to be distributed based on the number of candidates per party; 20% allocated based on the

⁸⁷ Proclamation No. 1162/2019. The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 97, page 11873, Addis Ababa, Ethiopia. Accessed September 19/2022 from <https://almariam.com/wp-content/uploads/2020/01/Ethiopian-Election-Proclamation-1162-2019.pdf>.

⁸⁸ International Republican Institute (IRI) and National Democratic Institute (NDI) (2021). Ethiopia June 21/2021 National Elections Report.

⁸⁹ *Ibid.*

⁹⁰ Directive No. 16/2021. Issued to determine the financial support given to political parties Directive. Accessed December 26/2022 from <https://nebe.org.et/sites/default/files/Directive-on-Political-parties-funding-signed.pdf>.

⁹¹ Interview over phone with Wongel Abate, legal expert at national election board of Ethiopia (December 26/2022).

number of female candidates; 15% based on the number of Person with Disability (PWD) candidates, and finally 15% based on the number of female executive members.⁹² Based on these criteria, NEBE distributed a total of 98,624,174 ETB (approx. USD \$1.8 million⁹³) in two tranches that it received from the government for 51 parties that have been granted board recognition.⁹⁴ The PP received the largest share (ETB 23.2 million or approximately USD 528,000) along with EZEMA (ETB 11.3 million or USD \$257,000), followed by Freedom and Equality party (ETB 4.6 million or USD \$105,000), Enat party (ETB 3.5 million or USD 80,000), United Ethiopia Democratic Party, All Ethiopian Unity Organization and NAMA.⁹⁵ On the eve of the campaign silence time, it was announced that independent candidates would receive ETB 50,000 (USD \$1,137) each. Initially, they had not been included. However, no directive to regulate funding was ever made. Opposition parties also complained about insufficient public funding available to contestants and its late disbursement of state campaign financing by NEBE.⁹⁶

Proclamation No. 1162/2019 also covers income tax exemption. Any political party is not required to pay any sort of income tax on money received from members and supporters, according to Article 77 (1).⁹⁷ Furthermore, it is stated in article 77(2) that political parties are not required to collect and give the government the income tax on employee pay as required by law.⁹⁸

Political parties are prohibited from receiving donations from any other sources. They are restricted from getting financial support from foreign donations as well as anonymous domestic donors. The prohibited donations or grants are stated in article 109 (1) as follows:

“Any political party is prohibited from accepting gifts or donations from the following persons or bodies: foreign national institutions or corporations; foreign governments or a foreign political party; welfare organizations or non-governmental organizations; religious organizations; prisoners servicing sentence; an organized group or person planning to assume state power outside the provisions under the Constitution; an organization designated as terrorist; without prejudice to the provision of article 111(2), gifts or donations from unknown sources; full- or semi-government developmental

⁹² *Ibid.*

⁹³ The value of the USD \$ was calculated based national bank exchange rate on November 26/2022 (1 USD \$ was converted to 53.0133 Birr).

⁹⁴ ALAIN (May 27/2021). *The election board of Ethiopia (NEBE) distributed the money received from the government to the political parties*. Accessed December 26/2022 from <https://am.al-ain.com/article/nebe-distribute-funds-from-the-government-to-political-parties>.

⁹⁵ International Republican Institute (IRI) and National Democratic Institute (NDI) (2021). Ethiopia June 21/2021 National Elections Report.

⁹⁶ *Ibid.*

⁹⁷ Proclamation No. 1162/2019. The Ethiopian Electoral, Political Parties Registration and Election’s Code of Conduct Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 97, page 11873, Addis Ababa, Ethiopia.

⁹⁸ *Ibid.*

organizations; and gifts or donations from anybody or person hoping to execute future political objectives or envisages to execute future political objectives.”⁹⁹

If there are political parties that have received donations from the above-mentioned and restricted sources, such political parties will be forced to return the donation or grant to the Board together with related information within 21 days from the date it received the donation or grant.¹⁰⁰ However, there is no NEBE case which has been presented that demonstrates a political party receiving funding from illegal sources and then having to return the money or grant back to the Ethiopian Election Board.¹⁰¹

Legislative and administrative measures have been put in place to enhance transparency in the funding of political parties and candidates for elected office. Political parties and candidates are required to keep records of all their revenues and expenditures, including loans and in-kind donations. Article 112 of Proclamation No. 1162/2019 includes an obligation for political parties to keep a book of accounts.¹⁰² Moreover, as it has been stated in the Ethiopian Electoral Political Parties’ Registration and Elections Codes of Conduct Proclamation No. 1162/2019, political parties but not political candidates are required to report all revenues and expenditures to the Election Board of Ethiopia. Article 113 (1) of Proclamation 1162/2019 reads that “any political party shall undertake financial investigations annually by its auditor. Starting from six months after registration, the political party shall submit its audit report to the Board on the third month after the end of each budget year”. The detailed information which should be reported is mentioned in Article 113 (2)¹⁰³ and include: a) a list of the sources and amounts of income; b) a list of expenditures under the expenditures title; c) a list of movable and immovable properties and liabilities; d) bank statements; and e) a document signed by the political party leader and containing the seal of the party seal to authenticate the content of the document.

Political parties contesting elections have a right to equal access to state-owned mass media, including radio, television, and newspapers, as stated in article 44 of Proclamation No. 1162/2019.¹⁰⁴ The majority of parties complained about the governing PP's misuse of state resources and abuse of office for campaigning purposes at the kebele up to the federal level.¹⁰⁵

The legal framework is not explicitly against the announcement or inauguration of significant infrastructure and investment projects during the time of campaign silence; additionally, it can be

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ Interview over phone with Wongel Abate, legal expert at National Election Board of Ethiopia (December 26/2022).

¹⁰² Proclamation No. 1162/2019. The Ethiopian Electoral, Political Parties Registration and Election’s Code of Conduct Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 97, page 11873, Addis Ababa, Ethiopia.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ International Republican Institute (IRI) and National Democratic Institute (NDI) (2021). Ethiopia June 21/2021 National Elections Report.

difficult to distinguish between promoting government activities and campaigning. In the final phase of the campaign, such occasions were numerous.¹⁰⁶ They were typically planned on weekends, featured local audiences, and received extensive media coverage. During the time of the campaign's silence, some government officials who were also running for office inaugurated or paid visits to various projects, for instance, an airport in Aman (SNNPR) on June 17, 2021, and a highway and a bakery in Addis Ababa on Election Day. As a result, there was a sizable disparity in the capabilities and resources of the ruling and opposition groups. In 2018 and 2019, the majority of the latter were either newly established or not yet completely operational.¹⁰⁷

The government allowed opposition parties to openly campaign, conduct rallies, and participate in discussions. Several political parties released a joint statement on the electoral procedure in June 2021, before the election.¹⁰⁸ Political parties claimed that their candidates had been the victims of violations by the government, including murders, attempted murders, beatings, arbitrary detention, and harassment. According to reports, some government organizations made it mandatory for candidates to take unpaid leave. The opposition parties complained that the government's actions against their candidates had a detrimental impact on their election preparations.¹⁰⁹

The Board is mandated to appoint an external auditor when political parties fail to fulfill their obligations in order to promote transparency among political parties. In this regard, article 113(5) additionally states that “the Board may designate an external auditor to review the account if a political party fails to submit the report in accordance with the requirements of sub-article (1) of this Article or if the Board has grounds to question the report's veracity.”¹¹⁰

According to a legal expert at the NEBE, there haven't been any political parties or candidates in Ethiopia up until this point who have found a means to evade the laws governing political financing. Due to this, there are no instances that detail the penalties for breaking established laws and ordinances that apply to political candidates and political parties.¹¹¹

Coalition of Civil Ethiopian Civil Society Organizations for Election, an alliance of 176 organizations, presented its own preliminary election observation report in June 2021, noting that it had received over 400 reports of serious incidents from its observers, 338 of which had been confirmed by the Continental Electronics and Communication Systems (CECOS) data center.¹¹² The

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ US department of State (2022). 2022 Country Reports on Human Rights Practices: Ethiopia. Accessed on April 4/2023 from <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/ethiopia>.

¹⁰⁹ *Ibid.*

¹¹⁰ Proclamation No. 1162/2019. The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 97, page 11873, Addis Ababa, Ethiopia.

¹¹¹ Interview over phone with Wongel Abate, legal expert at National Election Board of Ethiopia (December 26/2022).

¹¹² Bileh J., Etenesh A., Mahlet F. & Siyanne M. (2021). In Depth Analysis: Cautious Hope for peace, stability as troubled 6th Ethiopian national election unfolds. Addis Standard. Accessed April 05/2023 from

major incidents mentioned in the statement included missing election materials, the presence of unauthorized people in polling places, restrictions on observers, and harassment during the voting and counting process.¹¹³

In the context of Ethiopia, the mechanism that allows civil society to provide oversight over political financing, including by monitoring the funding sources and costs of political campaigns, the use of public funds and resources, and the work of oversight bodies, is weak

Good practices

- The House of People's Representatives (HPR) adopted new legislation governing elections, civil society, and the media as a result of significant legislative change that was started by the Legal and Justice Affairs Advisory Council in 2018. The new laws made a significant improvement to the electoral legislation, bringing it closer to meeting important international and regional criteria for democratic elections.¹¹⁴

Deficiencies

- The oversight of donations and spending of political parties and candidates is still inadequate.
- There is no legal obligation for candidates to report their own budget utilization like political parties do.
- The Ethiopian Legal framework for political financing restricts political parties from receiving financial support from foreign donations as well as anonymous domestic donors, which could incentivize them to use illegal sources of funding since the funding they receive is insufficient.

4.1.5 Art. 7, 8 & 12 – Codes of Conduct, Conflicts of Interest and Asset Declarations

The election law has clear provisions for disqualifying a person from presenting a candidacy for election to hold elected public office, such as a previous criminal conviction or other offences.¹¹⁵ Anyone who observes such conflicts of interest can oppose and complain to the Election Board and the candidate should refrain from such activities, but is not expected to demonstrate their innocence publicly. There is a law that obliges those candidates for elected public offices prior to or upon entry into office to declare their property. Judges, prosecutors,

<https://addisstandard.com/in-depth-analysis-cautious-hope-for-peace-stability-as-troubled-6th-national-election-unfolds/>

¹¹³ *Ibid.*

¹¹⁴ International Republican Institute (IRI) and National Democratic Institute (NDI) (2021). Ethiopia June 21, 2021 National Elections Report.

¹¹⁵ Proclamation No. 1162/2019. The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 97, page 11873, Addis Ababa, Ethiopia. Accessed September 19/2022 from <https://almariam.com/wp-content/uploads/2020/01/Ethiopian-Election-Proclamation-1162-2019.pdf>.

and heads of different departments are under duty to declare their property.¹¹⁶ There is a system in place requiring public officials to file a declaration of assets and income. Declaration requirements cover all relevant types and categories of public officials (including all relevant sectors and branches of government).¹¹⁷ The disclosure of assets also covers all relevant financial interests and assets earned from any sources, including outside activities, such as employment, positions in companies and other legal entities at home and abroad, gifts and other benefits, liabilities, (beneficial) ownership of companies, shares, real estate, art, vehicles, other high-value items, savings accounts and other assets found in or outside of Ethiopia.¹¹⁸

The declarations do not cover all relevant financial interests and assets, rather only those of civil servants and public officials. The declarations also cover any asset under the name of the spouse, children or members of the household of the official. According to Proclamation No. 668/2010's Articles 4 and 10, the required frequency of making such declarations is adequate (e.g., annually, plus a declaration made upon taking and leaving office).¹¹⁹ According to article 22 (1(a & b)'s phrasing, failing to disclose one's assets for registration or submitting inaccurate information on purpose will result in punishment in line with article 417 of the Ethiopia Criminal Code.¹²⁰ The punishments listed in article 417 of the latter include a fine, rigorous imprisonment ranging from seven to fifteen years, and a fine of not more than 50,000 ETB (approx. USD \$900¹²¹).¹²² For additional information please refer to the Anti-Money Laundering section under Chapter V.

According to Proclamation No. 1236/2021,¹²³ the Federal Ethics and Anti-corruption Commission of Ethiopia has a mandate to:

- Regulate outside activities of public officials;
- Cover all relevant officials, sectors and branches of government (executive, legislative, administration, judiciary, state-controlled entities);
- Prohibit public officials from holding certain types of assets or positions in legal entities that are incompatible with their primary functions, such as an individual sitting on the board of a company;
- Set standards and codes that are aspirational or designed to be enforceable;

¹¹⁶ Proclamation No. 668/2010. Disclosure and Registration of Assets. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year No. 18, page, 5217, Addis Ababa, Ethiopia. Accessed September 21/2022 from <https://chilot.me/wp-content/uploads/2011/01/668-disclosure-and-registration-of-assets-proclamation.pdf>.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.* Article, 6 (1-6).

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ The value of the USD \$ was calculated based national bank exchange rate on November 26/2022 (1 USD \$ was converted to 53.0133 Ethiopian Birr)

¹²² Proclamation No.414/2004. The Criminal Code of the Federal Democratic Republic of Ethiopia. Accessed December 21/2022 from <https://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>.

¹²³ Proclamation No. 1236/2021. Revised Federal Ethics and Anti-Corruption Commission Proclamation.

- Limit official actions a public official may take because of a conflict of interest;
- Formulate policies and standards to adequately regulate and address gifts, invitations and hospitality received by civil servants and public officials;
- Apply administrative, criminal or other sanctions where public officials do not comply with applicable regulations. These sanctions are effective, proportionate and deterrent;
- Delegate to a specialized body or staff mandated with strengthening transparency and preventing conflicts of interest within government.

There are applicable civil service laws, policies and regulations or other practices that encourage integrity, honesty and responsibility among public officials.¹²⁴ The Ethics and Anti-corruption Commission, the Ministry of Justice and the federal police have systems for reporting violations of codes of conduct or standards by public officials.¹²⁵

Except for the role of the court president, there are no measures that aim to prevent conflicts of interest concerning former public officials in private entities, such as restrictions, for a reasonable period of time, on the professional activities of former public officials or on the employment of former public officials by the private sector after resignation or retirement.

The regulatory agencies' roles and responsibilities are varied, and because of improper job separation, there may be real or apparent conflicts of interest (e.g., approving the use of nonstandard procedures but also conducting procurement audits, the Federal Public Procurement and Property Administration (FPPPA) providing legal advice to public bodies and participating in the Complaint Review Board (CRB)).¹²⁶ Although the agency is responsible and answers to the Ministry of Finance (MoF) or Bureau of Finance (BoF), it is unclear where the lines of accountability end. The main responsibilities of the PPPAA do not explicitly mention professionalization of public procurement staff.¹²⁷

The National Election Board is implementing the criteria stated under Proclamation No. 1162/2019 (article 31)¹²⁸ for disqualifying a person from presenting a candidacy for election to hold elected public office under specific conditions. Anyone who desires to obtain

¹²⁴ Proclamation No.1064/2017. Federal Civil Servants Proclamation, 24th Year No.12 Addis Ababa, 15th December, 2017, Addis Ababa, Ethiopia and other regulations related with some public servants such as Regulation 443/2019 on the Administration of Prosecutors.

¹²⁵ People can report to Federal Ethics and anti-Corruption commission through Fax No. 251-115-536991, Email: - feacinv@ethionet.et, Short Tell Number, 988, P.O.BOX, 34798/99 Phone No. 251-115-52 77 81/74. People can also report to ministry of justice through 888 or through pobox 1370.

¹²⁶ World Bank (2021). *Assessment of the Public Procurement System in Ethiopia: Volume I*. World Bank, Washington, DC. Accessed December 08/2022 from <https://www.mapsinitiative.org/assessments/ET-MAPS-volume-I.pdf>

¹²⁷ *Ibid.*

¹²⁸ Proclamation No. 1162/2019 on the Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 97, page 11873, Addis Ababa, Ethiopia. Accessed December 04/2022 from <https://nebe.org.et/sites/default/files/Ethiopian-Electoral-Proclamation-No-1162.pdf>.

information pertaining to the registration of assets may apply in writing to the Commission or to the relevant ethics liaison unit, as stated in article 12(2) of Proclamation No. 668/2010.¹²⁹ These criteria are not accessible online. Subsequently, the procedure is that officials declare their property through the format prepared by the Ethics and Anti-corruption Commission.¹³⁰ The Commission mainly focuses on registering the assets of officials. As stated on the FEACC's official Facebook page, there are numerous news articles posted, discussing the total number of government officials who registered their assets in time, starting in 2021, as well as the FEACC's intention to punish those officials who failed to do so.¹³¹

In every governmental office of the executive, legislative and judiciary branch, there are focal persons for the departments' work on ethical issues. These departments are accountable to the Ethics and Anti-corruption Commission.¹³² There are no available cases that show that the body overseeing compliance with conflict-of-interest legislation (including by monitoring and verifying interest and asset declarations) has the necessary independence, expertise and resources to fulfill its mandate, nor are there cases of effective oversight.

Good practices

- Regarding codes of conduct and conflicts of interest, clear and detailed legal provisions are in place. There are laws that oblige candidates to register and declare their property prior to or upon entry into office. There is a format to declare property, and wrongful declarations entail legal criminal liability. Sanctions are foreseen for presenting false or incomplete information.
- The Anti-Corruption Commission mandate regarding codes of conduct, conflicts of interest and asset declarations is clearly stated. There are also focal persons or departments working on ethical issues in every government office.

Deficiencies

- Asset and interest declarations do not cover all relevant financial interests and assets.
- Although the government of Ethiopia has set up legal codes and anti-corruption declarations, existing laws are inadequately enforced. The Commission mainly focuses on registering the assets of officials.

¹²⁹ Proclamation No. 668/2010 on the Disclosure and Registration of Assets. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year No. 18, page, 5217, Addis Ababa, Ethiopia.

¹³⁰ *Ibid.*

¹³¹ For more information please visit:

https://m.facebook.com/story.php?story_fbid=pfbid02FfAC1vgHVrAmzaul14Usr76nwyR7vygksgGHtS4mCUwia8m9ppuwZ48WyfUuXBSSI&id=400003923452373&mibextid=Nif5oz_, and https://m.facebook.com/story.php?story_fbid=pfbid02yggZbg7jdiaXhBPRVZopRBpBdi6c6vJ5yNAiCkdPGS85qb3ipwHvUfwpTn2JjYYGI&id=100069422490377&mibextid=Nif5oz_.

¹³² Proclamation No. 699/2010 on the Protection of Witnesses and Whistleblowers of Criminal Offences. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 17th year No. 16, page 5717, Addis Ababa, Ethiopia.

- Though there are laws and principles, evidence suggesting that sanctions for presenting false or incomplete information in the declarations are applied in a fair and transparent manner is rare.
- Asset and interest declarations are not made public.
- There are no measures in place aimed at preventing conflicts of interest concerning former public officials in private entities.

4.1.6 Art. 8.4 & 13.2 – Reporting Mechanisms & Whistleblower Protection

Ethiopia lacks a comprehensive system to protect whistleblowers from retaliation and prosecution, despite some legal efforts to safeguard employees and citizens who disclose crimes of corruption.¹³³ However, Proclamation No. 699/2010¹³⁴ provides for the protection of witnesses and whistleblowers of criminal offences. The Proclamation is applicable to all types of crimes (article 3), not only to corruption cases, and has different types of packages to protect witnesses and whistleblowers, even to the extent of relocation (article 4(b)).

Nevertheless, as stated in article 3(1) of Proclamation No. 699/2010, it only applies to people who provide information or are witnesses in a case where the accused is facing at least 10 years in jail or the death penalty.¹³⁵ Proclamation No. 699/2010 contains no provisions to safeguard employees from workplace reprisal, such as termination and harassment, and it does not apply to employees and citizens whose disclosures do not lead to major investigations or prosecutions.¹³⁶ Furthermore, nearly all international requirements for whistleblower legislation, such as retaliation protection, disclosure channels, remedies, penalties for retaliation, and systems to follow up on disclosures, are absent from Proclamation No. 699/2010.¹³⁷

Article 26(2) (c) of the Labor Proclamation No. 156/2019¹³⁸ states that a person's employment contract cannot be legally terminated if they submit a grievance or participate in legal or other procedures against an employer. This would be relevant in some whistleblower cases, but there is no detail in this proclamation on how this would work in practice.

There are reporting mechanisms on corruption cases in place at the Anti-Corruption Commission, the Ministry of Justice and the Federal Police Commission. The Federal Ethics and

¹³³ Platform to protect whistleblowers in Africa (PPLAAF) (2021). Ethiopia (2018). Accessed on December 03/2022 from Ethiopia – PPLAAF, <https://www.pplAAF.org/country/ethiopia.html>.

¹³⁴ Proclamation No. 699/2010 on the Protection of Witnesses and Whistleblowers of Criminal Offences. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 17th year No. 16, page 5717, Addis Ababa, Ethiopia. Accessed September 04/2022 from <http://ilo.org/dyn/natlex/docs/ELECTRONIC/89590/135560/F-738643980/ETH89590.pdf>.

¹³⁵ *Ibid.*

¹³⁶ Platform to protect whistleblowers in Africa (PPLAAF) (2021). Ethiopia (2018).

¹³⁷ *Ibid.*

¹³⁸ Proclamation No. 1156/2019 on Labor Laws. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 89, page 11691, Addis Ababa, Ethiopia. Accessed on December 03/2022 from New Labor Law of Ethiopia, https://www.mtalawoffice.com/images/upload/Labour-Proclamation-No_-1156-2019.pdf.

Anti-Corruption Commission (FEACC) accepts reports and information from the general public, but the law is unclear how the FEACC will handle examinations into disclosures and retaliation claims.¹³⁹ There is a Whistleblowers and Witness Protection Directorate at the Ministry of Justice mandated to protect whistleblowers and witnesses.¹⁴⁰ The main responsibilities of this directorate are to provide protection for those who are either witnesses or whistleblowers of a case, whether it is a corruption case or any other serious crime.¹⁴¹ Anyone who has evidence that somebody is engaging or has engaged in corruption has an obligation to report it to the concerned body.¹⁴² However, due to a shortage of resources, not every person who reports a crime of corruption receives protection.¹⁴³

In the Ethiopian legal system, anybody can report about the committed crime to the concerned body without disclosing himself. Although there is a theoretical mechanism aiming to protect members of the public who report acts of corruption, it is not possible to say that the system is effective due to a lack of resources to protect members of the public who report acts of corruption.¹⁴⁴ There is a gap in relation to protecting whistleblowers if faced with loss of their job, demotion due to exposing corruption, as there the protection mechanism to provide remedies or financial compensation for their losses is weak.

According to a Global Integrity report (as cited in Platform to protect whistleblowers in Africa (PPLAAF), 2021),¹⁴⁵ some whistleblowers have encountered job difficulties, and workers should exercise caution when disclosing information about or well-connected people. According to the organization, a whistleblower is in a precarious position with minimal protections.¹⁴⁶

In the budget year 2021/22, the FEACC reported receiving 740 reports from whistleblowers. The agency's Ethics Liaison Unit keeps track of instances of corruption reported through whistleblowing, reports them to the Commissioner, and investigates the cases. Following an investigation based on the aforementioned reports, approximately 1.6 billion ETB (approx. USD \$29.8 million) could be recovered from extortion cases.¹⁴⁷

¹³⁹ Platform to protect whistleblowers in Africa (PPLAAF) (2021). Ethiopia (2018).

¹⁴⁰ Face to face interview with Tegenegn Tidfe, Legislative drafter and higher prosecutor at the Ministry of Justice (December 13/2022).

¹⁴¹ *Ibid.*

¹⁴² Proclamation No. 881/2015 on Corruption Crimes. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year No. 36, page, 8152, Addis Ababa, Ethiopia.

¹⁴³ Face to face interview with Tegenegn Tirfe, Legislative drafter and higher prosecutor at the Ministry of Justice (December 13/2022).

¹⁴⁴ Proclamation No. 699/2010 on the Protection of Witnesses and Whistleblowers of Criminal Offences. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 17th year No. 16, page 5717, Addis Ababa, Ethiopia.

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ Fana Television (November 2022). *More than 1.6 billion birr can be saved from corruption* [YouTube page]. Accessed December 03/2022 from <https://www.youtube.com/watch?v=e8XL2KelCgI>.

There are reports that show violations of codes of conduct or standards by public officials. These kinds of reports and documentaries are publicized when corrupt officials are arrested. For instance, once it was reported in 2012 that more than 55 government officials, business persons and other individuals were arrested in connection with alleged corruption offences committed by the officials of the Ethiopian Revenue and Customs Authority, although some may consider such kinds of reports as a political calculation.¹⁴⁸

Deficiencies

- Despite some legislative efforts (Article 444 of the Criminal Code, and the Proclamation on the Protection of Witnesses and Whistleblowers of Criminal Offences) to protect employees and citizens who report crime and corruption, Ethiopia lacks a strong system to shield whistleblowers from retaliation and prosecution.
- Although there is a theoretical mechanism aiming to protect members of the public who report acts of corruption, in practice it is not possible to say that the system is effective. This is due to a lack of resources to protect members of the public who report acts of corruption.
- There are complaints and reports that demonstrate that violations of codes of conduct or standards by public officials have been committed.

4.1.7 Art. 9.1 – Public Procurement

In the Ethiopian federal government's Procurement and Property Administration Proclamation No. 649/2009, there are clear procedures used for determining conditions for participation in a tender, including selection and award criteria.¹⁴⁹ Under Article 28(1) of the proclamation No. 649/2009 on Qualification of Candidates these are stated as follows:

“In order to participate in public procurement, candidates must qualify by meeting the following criteria and such other criteria, as the public body considers appropriate under the circumstances: a) that they possess the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, experience in the procurement object, reputation, and the personnel, to perform the contract; b) that they have the legal capacity to enter into the contract; c) that they are not insolvent, in receivership, bankrupt or being wound up, their business activities have not been suspended, and they are not the subject of legal proceedings for any of the foregoing; d) subject to the directives to be issued by the Minister, that they are registered in the suppliers list; e) that the period for which they were suspended from participating in public procurement is over; f) that they have

¹⁴⁸ Daniel, B. (2013). *Corruption in Ethiopia: Causes and remedies*. Accessed on September 08/2022 from <https://africlaw.com/2013/07/04/corruption-in-ethiopia-causes-and-remedies/#>.

¹⁴⁹ Proclamation No. 649/2009 on the Ethiopian Federal Government Procurement and Property Administration. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 15th year, No. 60, page, 4858, Addis Ababa, Ethiopia. Accessed September 17/2022 from <https://chilot.me/wp-content/uploads/2011/01/procurement.pdf>.

renewed trade license and fulfilled their obligations to pay taxes according to Ethiopian tax laws; g) that they have a bank account.”¹⁵⁰

Accordingly, the public body may require candidates for public procurement to provide such appropriate documentary evidence or other information as it may deem useful to satisfy that the candidates are qualified in accordance with the abovementioned criterion and then the public body shall disqualify a candidate who submits a document containing false information for purposes of qualification. However, procurement functions and positions identified in the civil service structure do not define job requirements in detail.¹⁵¹ Additionally, training programs are taken into account for placement or promotion but are not matched with employment requirements.¹⁵² The likelihood of a mismatch between the required and stated abilities in procurement positions is therefore high. This might impact overall procurement performance as well as the motivation and morale of the employees.¹⁵³

In Ethiopia, a good practice is having provisions in place ensuring that procurement processes are announced and published in a manner to enable interested bidders to learn about a tender and that provides them with sufficient time to prepare and submit an offer.¹⁵⁴ Article 35 of Proclamation No. 649/2009 overtly states the invitation to bid as follows: “1) Invitation to bid shall be advertised at least one time in a national newspaper of general circulation which is published in the language the bidding document is prepared in.” According to Proclamation 649/2009, the bid openly advertises on national radio and television channels and the time allowed for preparation of bids shall not be less than the minimum number of days stated in the procurement directive.¹⁵⁵ The Public Procurement and Property Administration (PPPA) has forbidden eight institutions (bidders) from participating in bids because in July and August 2022, these institutions won tenders to supply stationery and other essential materials to government offices, but they were unable to carry out their contract.¹⁵⁶

In accordance with article 59(1) of the Proclamation, worldwide competitive bidding may be used for procurement if the contract value exceeds the thresholds listed below for each kind of procurement. For works above 50 million ETB (approx. USD \$900,000); for goods above 10

¹⁵⁰ *Ibid.*

¹⁵¹ World Bank (2021). *Assessment of the Public Procurement System in Ethiopia: Volume I*. World Bank, Washington, DC. Accessed December 08/2022 from <https://www.mapsinitiative.org/assessments/ET-MAPS-volume-I.pdf>.

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ Federal Public Procurement Directive (2010). Ministry of Finance & Economic Development.

¹⁵⁶ Federal Public Procurement and Property Authority (FPPPA) (September 19/2022). *Eight organizations that did not fulfill their contractual obligations were banned from participating in the purchase auction* [Facebook page]. Accessed September 20/2022 from Public Procurement and Property Authority, https://m.facebook.com/979808032045919/posts/6279950028698333/?sfnsn=mo&mibextid=8FzKT6&_rdr.

million ETB (approx. USD \$180,000); for consultancy services above 2.5 million ETB (approx. USD \$ 47,157) and for services above 7 million ETB (approx. USD \$130,000¹⁵⁷).¹⁵⁸

The procurement proclamation under article 36 provides that the invitation to bid shall be prepared in accordance with the standard bidding document and include mainly a brief description of what is to be procured, the place and deadline for submission of bids; and its time and place for opening of bids. However, the current rules and regulations do not guarantee that all bidders participate equally in the tendering process.¹⁵⁹ Through set-asides and mandatory subcontracting regulations, there is a growing trend to make public procurement more accessible to micro and small enterprises (MSEs). Yet, the criteria used to define MSEs might not take into account all bidders with the same capacity, which has led to the exclusion of bidders with the same capacity from the public procurement market.

As per the proclamation, candidates have the right to submit a complaint about the procurement process. As it has been stated in Article 73, a candidate shall be entitled to submit a complaint to the head of the public body or to the Board against an act or omission of the public body in regard to a public procurement or property disposal proceeding where he or she believes that such an act or omission violates this proclamation or the directives. However, complaints may not be valid after the contract has been signed with the successful bidder. The proclamation under Article 74(2) clearly indicates that a candidate shall submit the complaint within five working days from the date he/she knew or should have known the circumstances giving rise to the complaint. With regard to complaints on the procurement, although there is no independent institution for this, the proclamation in Article 70 establishes a board that acts as an independent actor to review and decide on complaints lodged in regard to public procurement and property disposal proceedings.¹⁶⁰

The procedures and practices in place to promote integrity in procurement are focused on maintaining accountability. Article 11 of the proclamation states that procurement and property administration staff or heads of procurement and property administration units and members of the procurement endorsing committee in public bodies shall be accountable for their actions in accordance with this Proclamation and the directives to be issued by the Minister.

¹⁵⁷ The value of the USD \$ was calculated based on the national bank exchange rate on November 26/2022 (1 USD \$ was converted to 53.0133 Ethiopian Birr).

¹⁵⁸ Federal Public Procurement Directive (June 2010). Ministry of Finance & Economic Development. Retrieved September 13/2022 from <http://www.marches-publics-afrique.com/reglementations-nationales-des-marches/comesa---marches-publics/comesa---ethiopie---marches-publics/federal-public-procurement-directive---juin-2010>.

¹⁵⁹ World Bank (2021). *Assessment of the Public Procurement System in Ethiopia: Volume I*. World Bank, Washington, DC.

¹⁶⁰ Proclamation No. 649/2009 on the Ethiopian Federal Government Procurement and Property Administration. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 15th year, No. 60, page, 4858, Addis Ababa, Ethiopia.

At the federal level, there is a specialized framework for public-private partnership (PPP) procurement.¹⁶¹ For a number of procurement categories, standard procurement documents are available.¹⁶²

The Federal Public Procurement and Property Administration (FPPPA) has launched the Implementation of the Electronic Government Procurement (e-GP) platform, which offers a promising future for the distribution of tender documents such as procurement plans, invitations to bid, tender notices, and some significant contract performance data of Suppliers.¹⁶³ Currently, most of the public procurement information is available on the regulatory agency's website.¹⁶⁴ The website contains all the legal framework documents of proclamations, directives, manuals, templates, standard bidding documents, bid invitations and contract awards, etc.¹⁶⁵ The administration is also amending Procurement and Public Property Administration Proclamation No. 649/2009. The main reason for the amendment is to include more advanced and modern procurement and property administration concepts. Around 63 government institutions have already started conducting their procurement procedures electronically,¹⁶⁶ though they are not effective as such.

A thorough anticorruption framework is in place and is carried out by the Federal Ethics and Anti-Corruption Commission (FEAC), the Attorney General, who is in charge of prosecuting offenders, and the police (responsible for investigation). There are procedures in place for reporting corruption, as well as a statute protecting witnesses and whistleblowers. The Federal Police Commission's Anti-wrongdoing Directorate looks into wrongdoing in government organizations, State-owned enterprises (SOEs), and nongovernmental organizations.¹⁶⁷

The FEAC has created platforms with the Auditor General and coalitions with a number of civil society organizations. These platforms are for the formal use of the FEAC, the PPPAA, the Auditor General, and other stakeholders to debate corruption and share information related to it.¹⁶⁸ Although those mechanisms are not specifically targeted at procurement, they are oriented

¹⁶¹ World Bank (2021). *Assessment of the Public Procurement System in Ethiopia: Volume I*. World Bank, Washington, DC.

¹⁶² *Ibid.*

¹⁶³ The Federal Public Procurement & Property Administration Agency (2015). FPPPA has launched of the Electronic Government Procurement System (E-GP) Implementation Strategy with the Ministry of Innovation and Technology in November 15th 2018. Accessed December 12/2022 from http://www.ppa.gov.et/index.php?option=com_content&view=article&id=188:fpppa-has-launched-of-the-electronic-government-procurement-system-e-gpimplementation-strategy-with-the-ministry-of-innovation-and-technology&catid=14:news&Itemid=114.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ See Ethiopia Government tenders, Ethiopia Tenders - Bid Detail. Accessed September 21/2022 from Ethiopia Government tenders, Ethiopia Tenders - Bid Detail, <https://www.biddetail.com/ethiopia-tenders>.

¹⁶⁷ World Bank (2021). *Assessment of the Public Procurement System in Ethiopia: Volume I*. World Bank, Washington, DC.

¹⁶⁸ *Ibid.*

towards the overarching goal of eradicating corruption in society, which may be advantageous for procurement. There are no powerful, trustworthy CSOs that carry out social audit and supervision. Additionally, the FEAC is inadequate in terms of technical expertise and financial means. For instance, it has a section for training, but it encounters financial and technical restraints when delivering consistent training.¹⁶⁹

The task of preventing corruption through public knowledge and education falls under the purview of the federal anticorruption commission and its regional state level equivalents. While law implementation is the responsibility of the justice minister (prosecution) and police (investigation).¹⁷⁰

In Ethiopia, public procurement can be carried out using open bidding, requests for proposals, two-stage tendering, restricted tendering, requests for quotations, and direct purchases.¹⁷¹ The public procurement law offers a variety of more to less competitive buying strategies. The value and risks of the project operations at the core are reflected in the procurement methods and procedures. The variety of choices theoretically allows for a procurement system that can accomplish value for money, fairness, transparency, proportionality, and integrity.¹⁷² Contracts must be granted through open competition, unless the public procurement law specifies otherwise. Alternative procurement techniques are defined by the public procurement law, with the justifications for their use being made very clear.¹⁷³

In practice, Ethiopia's public procurement sector, like in other countries around the world, faces a significant risk of corruption. Companies claim favoritism towards vendors who offer concessionary financing, as well as complaints of wrongful contract termination and opaque tender award procedures.¹⁷⁴

Despite the fact that many tenders are made publicly available, there are some cases of contracts being awarded without a tender.¹⁷⁵ A metal company, which is also the largest employer in the nation, frequently receives contracts without going through a formal bidding procedure.¹⁷⁶

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

¹⁷¹ The Ethiopian Business Review (EBR) (April 2023). Weak Public Procurement Cripples Ethiopia. Accessed on April 1/2023. From <https://ethiopianbusinessreview.net/weak-public-procurement-cripples-ethiopia/#:~:text=In%20Ethiopia%2C%20public%20procurement%20can,close%20to%2095Pct%20of%20procurements>.

¹⁷² World Bank (2021). *Assessment of the Public Procurement System in Ethiopia: Volume I*. World Bank, Washington, DC.

¹⁷³ *Ibid.*

¹⁷⁴ GAN Integrity Inc. (2022). *Ethiopia country risk report in 2021*.

¹⁷⁵ GCR (2015-2016), cited in GAN Integrity Inc. (2022). *Ethiopia country risk report in 2021*. Accessed December 15/2022 from <https://ganintegrity.com/country-profiles/ethiopia/>.

¹⁷⁶ ICS (2017), cited in GAN Integrity Inc. (2022). *Ethiopia country risk report in 2021*. Accessed December 15/2022 from <https://ganintegrity.com/country-profiles/ethiopia/>.

The Public Procurement Proclamation's No. 649/2009 guiding concept of transparency calls for as little restriction as feasible to be placed on it. Some procurement-related documents, information, and decisions, such as procurement award decisions and CRB decisions, are not required to be published or disclosed under the existing procurement framework.¹⁷⁷

Good practices

- The Ethiopian federal government's Procurement and Property Administration proclamation No. 649/2009 clearly states the procedures for determining conditions for participation in a tender, including selection and award criteria.
- Candidates must qualify the stated criteria to participate in public procurement, procurement processes must be announced and published in a manner to enable interested bidders to prepare in time, and candidates have the right to submit a complaint about the process. These mentioned criteria, procedures and processes promote integrity in procurement in maintaining accountability.
- The FPPAA has launched the Implementation of the Electronic Government Procurement (e-GP) platform, which offers a promising future for the distribution of tender documents, most public procurement information is available online.
- There is a strong anticorruption framework in place that allows the implementation of measures to combat and prevent corruption in public procurement.¹⁷⁸ Three organizations are each given a portion of the anticorruption responsibility.¹⁷⁹ The ministry of justice (prosecution) and police (investigation) are in charge of law enforcement, and the federal anticorruption commission and its regional state level counterparts are in charge of preventing corruption through public education and awareness.¹⁸⁰

Deficiencies

- Despite the existence of criteria, procedures and processes, public procurement in Ethiopia is overwhelmed by challenges such as the existence of identified corruption risks within the process itself.
- Despite the fact that many tenders are made publicly available, there are cases of contracts being awarded without a tender.
- The proclamation has its own gap on the issues related to the transparency and independence of the appeals Board.

4.1.8 Art. 9.2 – Management of Public Finances

Ethiopian laws, regulations and procedures for the preparation and adoption of national budgets are in place, including those that specify the type of information required as part of the

¹⁷⁷ World Bank (2021). *Assessment of the Public Procurement System in Ethiopia: Volume I*. World Bank, Washington, DC.

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*

submission to the legislature. This is the case in the federal Government of Ethiopia Financial Administration Proclamation No. 648/2009, under article 20,¹⁸¹ and the Financial Administration Council of Minister's Regulation No. 190/2010 under article 3 and 4.¹⁸² Articles 7 and 63 of Proclamation No. 648/2009 and articles 60 and 61 of regulation No. 190/2010 govern accounting and internal and external auditing standards for the national budget and the administration of public finances. There are legal frameworks in place for recording, storing and preserving the integrity of accounting books, records, financial statements and other related documents. These are stated under articles 52, 58, 59, 60 and 62 of the proclamation 648/2009, and under articles 30, 36, 50, 51 and 56 of regulation 190/2010.

Financial accountability and transparency measures are used to guarantee community participation at the woreda level, which is Ethiopia's lowest administrative unit above the kebele. Since it was started 15 years ago, the drive to improve financial transparency and accountability has become institutionalized within the political system, opening doors for citizen involvement in developing and carrying out the budget.¹⁸³ Its influence on transparency within the larger government has been limited, because it has mostly concentrated on local governance.¹⁸⁴

The procedure is that once the Ministry of Finance has prepared the budget ratification proclamation, it will submit it to the Council of Ministers and house of people's representatives.¹⁸⁵ The laws, regulations and procedures which should be followed to prepare budgets are available publicly, so it is not important to submit them with the prepared plan. However, an explanatory note including information on how the budget is prepared is submitted to the legislature for reference. Even though anyone who has comments on the budget can submit their comments, and the Ministry of Finance is under duty to incorporate them, it is not practiced fully yet. It is also possible to submit comments to the legislature to incorporate comments. There are punishments for failing to comply with the applicable laws, regulations and procedures, including those regarding publication. As stated under article 70 (1, a-d) of proclamation No. 648/2009, every person appointed to or employed by a public body to collect,

¹⁸¹ Proclamation No. 648/2009 on the Federal Government of Ethiopia Financial Administration. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 15th year No. 56, page, 4796, Addis Ababa, Ethiopia. Accessed December 12/2022 from https://www.mofed.gov.et/media/filer_public/e2/42/e24232d7-019e-43dc-8501-4ebffb794a15/consolidated_pfm_laws.pdf.

¹⁸² Regulation No. 190/2010 on the Financial Administration Council of Ministers Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year No. 55, page, 5593, Addis Ababa, Ethiopia. Accessed December 12/2022 from <https://chilot.me/wp-content/uploads/2011/12/reg-no-190-2010-financial-administration-regulation.pdf>.

¹⁸³ World Bank (2021). *Assessment of the Public Procurement System I Ethiopia: Volume I*. World Bank, Washington, DC. Accessed December 08/2022 from <https://www.mapsinitiative.org/assessments/ET-MAPS-volume-I.pdf>.

¹⁸⁴ *Ibid*.

¹⁸⁵ Interview over phone with Habtamu Menesha, Director of Legal Affairs Directorate at Ministry of Finance (August 26/2022).

manage or disburse public money who: receives any payment for the performance of his official duty, except as prescribed by law; conspires or colludes with any person to defraud the Federal Government, or provides an opportunity for any person to defraud the government; intentionally permits any contravention of the law by any person; willfully makes or signs any false entry in any book, or willfully makes or signs any false certificate or return in any case in which it is the duty of that person to make an entry certificate or return; is liable on conviction to a fine not less than ETB 25,000 (approx. USD \$460) and not more than ETB 35,000 (approx. USD \$650) and to rigorous imprisonment for a term of not less than 10 years and not more than 15 years.

Under Article 5(7) of Proclamation No. 648/2009,¹⁸⁶ it is clearly stated that the Ministry of Finance and Economic Development should monitor and evaluate the execution of the budget and submit biannual reports in hard copy to the Council of Ministers on the performance of the budget. The general auditor always audits every governmental office and discloses some information to the public via television, radio or social media.

The Financial Transparency and Accountability (FTA) concept was introduced to regional and federal level institutions by the Government of Ethiopia beginning in 2017.¹⁸⁷ The government also issued a directive to implement FTA at the federal and regional levels in order to mainstream the initiative in all public institutions. As a result, substantial progress has been made in increasing public access to budget information, citizen participation in local government budgeting, planning, and implementation, and citizen understanding of the government budget process. Ethiopia joined International Budget Partners (IBP) as a consequence starting in 2020.¹⁸⁸

Accounting and audit reports, for example, by the supreme audit institution, identified problems concerning government revenues, expenditures and the management of the national budget is the normal practice and procedure for the Ethiopian financial administration system. For instance, according to the performance assessment report on public spending and financial accountability in Ethiopia produced by World Bank (WB), all universities and independent hospitals (those not affiliated with a university, like Black Lion Hospital) submit their annual financial reports to the Office of the Federal Auditor General (OFAG) for audit. Only one university failed to conclude its accounts and submit its annual financial statement.¹⁸⁹

¹⁸⁶ Proclamation No. 648/2009 on the Federal Government of Ethiopia Financial Administration. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 15th year No. 56, page, 4796, Addis Ababa, Ethiopia.

¹⁸⁷ Ministry of Finance (MoF) (2021). About Financial Transparency and Accountability (FTA). Accessed March 29/2023 from [https://www.mofed.gov.et/programmes-projects/fta/#:~:text=About%20Financial%20Transparency%20and%20Accountability\(FTA\)&text=The%20two%20successive%20programs%20also,implementation%20of%20citizen%20engagement%20initiatives.](https://www.mofed.gov.et/programmes-projects/fta/#:~:text=About%20Financial%20Transparency%20and%20Accountability(FTA)&text=The%20two%20successive%20programs%20also,implementation%20of%20citizen%20engagement%20initiatives.)

¹⁸⁸ *Ibid.*

¹⁸⁹ WB (2020). *Public Expenditure and Financial Accountability in Ethiopia*. Performance Assessment Report, November 23, 2019. Accessed December 25/2022 from <https://www.pefa.org/sites/pefa/files/2020-05/ET-Nov19-PFMPR-Public%20with%20PEFA%20Check.pdf>.

There are cases that have shown clear problems with the system of public finance. One possible witness for this is the amount of money that has been saved from fraud by the SNNPE Regional State Ethics and Anti-corruption Commission. It was stated in the forum held at Dila city on September 16/2022 that the SNNPE Regional State Ethics and Anti-corruption Commission was able to save ETB 378 (approx. USD \$7,130,286¹⁹⁰) million that was stolen and was about to be stolen in the 2021 fiscal year.¹⁹¹ The Ethiopian anti-corruption commission has taken action to combat corruption in the purchasing process. For instance, due to its corrupted system, the purchasing operations of various governmental offices were canceled.¹⁹²

Good practices

- The procedure to prepare and ratify the budget of the country as well as its practice to make it open and transparent for the public.
- The presence of overtly indicated lawful punishments for failing to comply with the applicable legal procedures.

Deficiencies

- Despite auditing reports to identify and spot problems concerning government revenues and expenditures for the management of the national budget being common practice and procedural for the Ethiopian financial administration system, there is evidence of fraud or improper utilization of public resources.
- The legal grounds that allow for public discussion on the prepared budget before and after it is submitted to the legislature is still in its infancy.

4.1.9 Art. 10 & 13.1 – Access to Information & the Participation of Society

The FDRE Constitution guarantees a number of essential human rights, including freedoms of expression and information.¹⁹³ The constitution under Article 29 (2) states that everyone has the right to freedom of expression without any interference, including freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.¹⁹⁴ The Constitution also guarantees

¹⁹⁰ The value of the USD \$ was calculated based on the national bank exchange rate on November 26/2022 (1 USD \$ was converted to 53.0133 Ethiopian Birr).

¹⁹¹ SNNP Prosperity Party (September 16/2022). *The ethics and anti-corruption commission of SNNP said that it was able to save more than 378 million birr of government wealth from embezzlement* [Facebook page]. Accessed September 23/2022 from

https://www.facebook.com/SouthProsperityParty/posts/pfbid0XbuNM12iL9xmLvJooXgAz4DH26s6hApJ6Z9nW9rMR9t81giVHuAWCD7Rr1fauzLKI?_tn=K-R&_rd=K-R&_rd=K-R

¹⁹² Federal Ethics and Anti-Corruption Commission (June 2/2021). *The purchase of office furniture of Awash Bank Stock Company, which allegedly did not follow the anti-corruption law, was cancelled* [Facebook page]. Accessed December 17/2022 from

https://m.facebook.com/story.php?story_fbid=pfbid02RMNahG44k2SYAXLmqHBn4D7HojkVCN2YbVZreyriXgFidtk7u4sTvGBZCjEtx215l&id=100069422490377&mibextid=Nif5oz

¹⁹³ FDRE Constitution (1995). Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People Representative.

¹⁹⁴ *Ibid.*

freedom of the press to access information of public interest in Article 29. (3).¹⁹⁵ The fundamental principles on which information access may be restricted are also outlined in the FDRE Constitution. It states in Article 29(6) that legal restrictions may be used to safeguard people's reputations, honor, and general well-being.¹⁹⁶

The Ethiopian Freedom of the Mass Media and Access to Information Proclamation No. 590/2008, in part three, deals with access to information. The objectives of this part of Proclamation No. 590/2008 as stated under article 3 are to:

- Give effect to the citizen's right to get, receive, and import information held by public entities, within reasonable boundaries based on prevailing public and private interests;
- Create systems and processes to implement that right in a way that enables people to get information as fast, cheaply, and easily as is reasonable;
- Encourage and promote public involvement, public empowerment, a culture of openness, accountability, and efficiency in the operations of public entities, as well as good governance.¹⁹⁷

This Proclamation under Article 12 assures the right of access to information.¹⁹⁸ Under article 12(1) it reads as “all persons have the right to seek, obtain and communicate any information held by public bodies, except as expressly provided for by this Proclamation.” This includes the right to ask a public authority whether or not it has a record containing the information that has been requested. It also includes the right to request information from any public authority through the following methods: inspection, note-taking, certified copies of any records held by the public authority, other electronic means, or printouts when the information is stored on a computer or another device.

Regarding publication, the proclamation No. 590/2008 under Article 13 sets a duty to publish information. According to this article, any public body shall publish information concerning: a) its organizational structure, main duties and responsibilities; b) the power and responsibilities of the officials as well as decision-making procedures ; c) description of the services it provides for the public; d) brief descriptions of the complaint hearing mechanism available to the public and the public body's response to frequently asked questions by the public; e) a description of the type of the records under its possession, a brief description of the contents of its records and the detailed explanation of the procedures to be followed by persons who wish to access this information; f) a description of its regulations, directives, policies, guidelines and manuals, which govern the operation and activities of its various organs, along with a description of any amendment or repeal of such provisions; g) its directives, regulations, guidelines and other

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ Proclamation No. 590/2008 on Freedom of the Mass Media and Access to Information. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 14th year No. 64, page 4322, Addis Ababa, Ethiopia. Accessed September 20/2022 from <https://cyrilla.org/fr/document/h4wktjcnm9b?page=1>.

¹⁹⁸ *Ibid.*, Article, 12(1).

documents which govern the activities of the employees of the organization; h) the name and address of the public relation officer; and i) other particulars.

The reasons for which information may be exempted in conformity with the law are outlined in Articles 16 to 27 of the access to information proclamation.¹⁹⁹ These include information about third parties, commercial information about third parties, protection of confidential information about third parties, notification and intervention of third parties, protection of the security of individuals and property, protection of law enforcement and legal investigation proceedings, protection of records exempt from production in legal proceedings, defense, security, and international relations of the country, cabinet documents, and economic interests.²⁰⁰ Consequently, a person may access information held by public bodies other than on these specified grounds. Nevertheless, as stated in article 28 of proclamation No. 590/2008, a public body may not refuse a request for information despite the restrictions listed above unless the harm to the protected interest that would be caused by disclosure outweighs the public interest in disclosure.²⁰¹

There is a licensing and regulatory framework, Proclamation No. 1238/2021,²⁰² governing the media (i.e., TV, radio, print media and online media), to ensure that regulations cannot be used for political or partisan purposes to restrain the investigation and publication of stories on corruption.

Many restrictions were imposed on NGOs by the harsh 2009 Charities and Societies Proclamation,²⁰³ which forbade work on political and human rights issues and forced international NGOs working on human rights and democratic governance to leave the country. Restrictions were lifted with the passage of a new civil society law in February 2019.²⁰⁴ After the legislation was passed, organizations like Amnesty International and Human Rights Watch returned to Ethiopia. The Ethiopian Human Rights Commission hosted a discussion on the structural human rights challenges of Ethiopia on the eve of the conflict in Tigray with the participation of numerous domestic civil society organizations.²⁰⁵ Federal civil society organizations agencies do, however, still have considerable authority. Additionally, despite the

¹⁹⁹ Abdulkader, M. Y. (2021). *The Legal Framework and Barriers to Access to Environmental Information in Ethiopia*. Mizan Law Review, 15(1), 139-172. Accessed December 11/2022 from <https://www.ajol.info/index.php/mlr/article/view/215349>.

²⁰⁰ *Ibid.*

²⁰¹ Proclamation No. 590/2008 on Freedom of the Mass Media and Access to Information. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 14th year No. 64, page 4322, Addis Ababa, Ethiopia.

²⁰² Proclamation No. 1238/2021. Media proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 27th year No. 22, page, 13113, Addis Ababa, Ethiopia. Accessed on November 27/2022 from <https://chilot.me/wp-content/uploads/2021/04/Media-Proclamation-No.-1238-2021.pdf>.

²⁰³ Proclamation No. 621/2009. Proclamation to provide for the registration and regulation of charities and societies: Federal Negarit Gazeta, 15th year No. 25, page, 4521, Addis Ababa, Ethiopia. Accessed on March 18/2023 <https://www.refworld.org/docid/4ba7a0cb2.html>.

²⁰⁴ Freedom House (2021). Freedom in the world; Ethiopia. Accessed December 11/2022 from <https://freedomhouse.org/country/ethiopia/freedom-world/2021>.

²⁰⁵ *Ibid.*

fact that NGOs are more able to legally operate in the human rights and governance sectors, many of these organizations are virtually unable to access significant portions of Ethiopia, due to security concerns. Although there is more open discussion about NGOs, many of the day-to-day realities have not changed significantly.²⁰⁶

In 2021, the federal government's relationships with foreign human rights and humanitarian NGOs seems deteriorated. By the end of 2021, Ethiopia topped the list of nations with the most journalists imprisoned, ranked second highest in sub-Saharan Africa, only after Eritrea.²⁰⁷ A reporter of the Economist had his license revoked by the Ethiopian Media Authority (EMA) on May 13/2021 due to alleged violations of the “standards of conduct for journalists”.²⁰⁸

Transparency Ethiopia (TE), founded in 2002 and part of the Transparency International network, is a notable NGO that supports the fight against corruption in the nation. It established an Advocacy and Legal Aid Center (ALAC) in 2016 to offer support and legal counsel to corruption victims and witnesses.²⁰⁹ The National Youngsters Integrity Network (NYIN), which primarily aims to build ethical and anti-corruption groups at the Kebele level, the lowest administrative unit, was recently launched by Transparency Ethiopia in an effort to encourage youth to actively participate in anti-corruption initiatives. Additionally, they perform analyses and coordinate awareness campaigns to maintain national anti-corruption initiatives.²¹⁰

Proclamation No. 590/2008 on Freedom of the Mass Media and Access to Information has some gaps that could potentially impose limitations on the right to freedom of expression.²¹¹ This is especially true in terms of the enforcement mechanisms and the penalties meted out for the crime committed.²¹² The stoking of violent conflict in parts of Ethiopia has been attributed to hate speech and the purposeful distribution of false information on social media.²¹³ A new hate speech law that criminalizes the deliberate publication, dissemination, and possession of false information was adopted by the government in February 2020.²¹⁴ Amnesty International and

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*

²⁰⁸ US department of State (2022). 2022 Country Reports on Human Rights Practices: Ethiopia.

²⁰⁹ Rahman, K. (2018). Overview of corruption and anti-corruption in Ethiopia. Transparency International. Accessed December 16/2022 from https://knowledgehub.transparency.org/assets/uploads/helpdesk/overview-of-corruption-and-anti-corruption-in-ethiopia_2019.pdf.

²¹⁰ *Ibid.*

²¹¹ Samuel, W. (April 22, 2021). The Ethiopian Legal Framework for the Media: In Light of the Protection of Freedom of Expression. A report by Addis Zeybe, a digital news outlet. Accessed December 11/2022 from https://addiszeybe.s3.eu-central-1.amazonaws.com/images/2_The_Ethiopian_Legal_Framework_for_the_Media_In_Light_of_the_Protection_of_Freedom_of_Expression_Addiszeybe_2_f98051fb4a.pdf.

²¹² *Ibid.*

²¹³ Freedom House (2021). *Freedom in the world; Ethiopia*. Accessed December 11/2022 from <https://freedomhouse.org/country/ethiopia/freedom-world/2021>.

²¹⁴ *Ibid.*

Human Rights Watch, however, denounced the draft legislation as being too ambiguous and potentially allowing public authorities to abuse it to restrict freedom of expression.²¹⁵

A public relation officer (PRO) is defined in article 2(18) of the Proclamation No. 590/2008 Freedom of Expression and Access to Information.²¹⁶ When the PRO of a certain government entity receives a request to access specific information, s/he is required to provide information within 30 working days. It may be extended for up to an additional 30 days in exceptional cases.²¹⁷ Therefore, it can take a total of 60 days to obtain information from a government body. The extended period of time given to obtain information is a tacit restriction on that right.²¹⁸

Implementing the proclamation's access to information provisions is mostly the responsibility of public relations officers.²¹⁹ Giving these officers authority, however, ignores the fact that PROs are typically not hired professionals.

The administration of the provisions related to access to information is given to the Ombudsman.²²⁰ In accordance with Chapter three of Proclamation No. 590/2008 on Mass Media and Access to Information (article 33 (2), the ombudsman is required to make sure that administrative entities have performed their obligation to provide information. Additionally, it has the authority to consider appeals about information access and take the appropriate actions to make sure the government entity complies with its obligations under Chapter Three of Proclamation No. 590/2008. The proclamation, however, makes no mention of what "necessary measures" actually are.

Despite ranking 25th on the global Right to Information Rating in 2021,²²¹ which indicates that Ethiopia's legal framework on this topic is comparatively strong, its implementation and application in practice is in its early stage.

Although Proclamation No. 590/2008 on Freedom of the Mass Media and Access to Information resulted in favorable improvements for media professionals, it also provided the government the

²¹⁵ *Ibid.*

²¹⁶ Proclamation No. 590/2008 on Freedom of the Mass Media and Access to Information Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 14th year No. 64, page 4322, Addis Ababa, Ethiopia.

²¹⁷ *Ibid.* Article 14 (8).

²¹⁸ Samuel, W. (April 22, 2021). *The Ethiopian Legal Framework for the Media: In Light of the Protection of Freedom of Expression*. A report by Addis Zeybe, a digital news outlet.

²¹⁹ *Ibid.*

²²⁰ Proclamation No. 590/2008 on Freedom of the Mass Media and Access to Information Proclamation (article 32). Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 14th year No. 64, page 4322, Addis Ababa, Ethiopia.

²²¹ Global Right to Information Rating (April-September 2020). Accessed October 21/2022 from <https://www.rti-rating.org/country-data/>.

power to refuse or revoke media outlet registrations and broadcasting licenses, sue for defamation, impose fines, and impose other sanctions.²²²

Many media professionals can attest that the flow of information provided by the government is now less restricted than it was previously, at least in terms of quantity of information shared.²²³ But more often than not, information is either released after it no longer has any relevance or it is shared in a way that satisfies the minimum necessary of the government's obligation to inform while excluding crucial facts.²²⁴

Threats from the Ethiopian government to access information include censorship, detention, bureaucratic barriers between information seekers and the government, a restriction of media space, and frequent internet outages.²²⁵ The government began what it referred to as a "law enforcement operation" in May 2021, with journalists and opinion leaders as its primary targets.²²⁶

Good Practices

- With the passage of the new civil society legislation in 2019, the limitations on NGOs were lifted and different international organizations started operating again in Ethiopia.
- A new hate speech law that criminalizes the deliberate publication, dissemination, and possession of false information was adopted by the Ethiopian government in February 2020.

Deficiencies

- Though there are constitutional and other declarations on access to information and participation of society, they are not implemented well in practice.
- Many NGOs are virtually unable to access significant portions of Ethiopia, due to security concerns.
- PROs, the government officers tasked with responding to freedom of information requests, are typically not hired professionals. They sometimes possess political ties, which could run contrary to ensuring the execution of the right to access information in Ethiopia.
- Information shared by the government is often released after satisfies minimum requirements for information-sharing.

4.1.10 Art. 11 – Judiciary and Prosecution services

The FDRE constitutional and other legal frameworks ensure the independence and integrity of the judiciary and of the prosecution service. Articles 78(1) and 79(2&3) of the FDRE

²²² Electoral Institute for Sustainable Democracy in Africa (here after EISA) (2020). African Democracy Encyclopedia Project: Ethiopia: Mass media. Accessed on November 27/2022 from <https://www.eisa.org/wep/ethmedia.htm>.

²²³ Addis Zeybe (October 1, 2020). *Ethiopia needs Access to Information as much as “Prosperity”*. A report by Addis Zeybe, a digital news outlet. Accessed December 11/2022 from <https://addiszeybe.com/editorial/ethiopia-needs-access-to-information-as-much-as-prosperity>.

²²⁴ *Ibid.*

²²⁵ *Ibid.*

²²⁶ US department of State (2022). 2022 Country Reports on Human Rights Practices: Ethiopia.

constitution²²⁷ clearly stipulate the independence of the judiciary. Furthermore, the issue is clearly stated under articles 34-36 of Proclamation No. 1233/2021,²²⁸ as well as article 16 of Proclamation No. 943/2016,²²⁹ and article 16 of Regulation No. 443/2018.²³⁰ These laws have detailed provisions about disciplinary issues applicable to members of the judiciary and of the prosecution service.

As one of the three organs of government, the structure and powers of the judiciary are enshrined in the 1995 FDRE Constitution.²³¹ Articles 78 to 81 of the FDRE Constitution and other laws deal with the independence of the judiciary, judicial powers, jurisdiction of courts and appointment of judges. The principles enshrined in these laws include the independence of the judiciary which has two dimensions, i.e., individual/professional independence of judges and institutional independence of courts from other organs of the government.²³² Still, judges are appointed by the Parliament which is fully controlled by the ruling party.²³³ Furthermore, the constitution does not give the judiciary the power of judicial review.²³⁴ This is one of the major factors that is hindering the independence of the organ. As a result, the courts cannot interpret the constitution, as this power is bestowed to the House of Federation, a political body.²³⁵

Similar to other governmental offices, there are focal points or units within the judicial branch responsible for giving guidelines to judges and members of the prosecution service on ethical behavior and corruption risks. There are measures in place to increase and ensure transparency and accountability in the selection, recruitment, training, performance management and removal of members of the judiciary and of the prosecution service. The Federal Institute of Justice and Law gave a 4-day training session for federal and state judges in the institute's hall in Ayat Chafe, Addis Ababa, concentrating on three topics: judicial ethics, law against corruption, and

²²⁷ FDRE Constitution (1995). Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People Representative.

²²⁸ Proclamation No. 1233/2021 on the Federal Judiciary. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 27th year No. 18, page, 13011, Addis Ababa, Ethiopia. Accessed November 21/2022 from <https://chilot.me/wp-content/uploads/2021/07/Federal-Judicial-Administration-Proclamation-No.-1233-2021.pdf>.

²²⁹ Proclamation No. 943/2016. Federal Attorney General Establishment Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 22nd year No. 62, page, 8966, Addis Ababa, Ethiopia. Accessed September 09/2022 from https://www.lawethiopia.com/images/federal_proclamation/proclamations_by_number/943.pdf.

²³⁰ Regulation No. 443/2018. Federal Public Prosecutors' Administration Council of Ministers Regulation: Federal Negarit Gazeta, 25th year No. 16, page, 10790, Addis Ababa, Ethiopia. Accessed November 18/2022 from <https://chilot.me/wp-content/uploads/2021/03/Regulation-No.-443-2019.pdf>.

²³¹ FDRE Constitution (1995). Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People Representative. Accessed September 08/2022 from <https://www.refworld.org/docid/3ae6b5a84.html>.

²³² Aron, D. (2020). *Institutional Independence of Federal Courts in Ethiopia: Observations* (Amharic). Mizan Law Review, 14(2), 310-340. Accessed December 27/2022 from <file:///C:/Users/User/Downloads/203642-Article%20Text-509251-1-10-20210208.pdf>.

²³³ Reporter (October 17/2020). *Is there judicial independence in Ethiopia?* Accessed December 28/2022 from <https://www.thereporterethiopia.com/10303/>.

²³⁴ *Ibid.*

²³⁵ Visit also <http://www.hofethiopia.gov.et/> for more understanding about the house of federation in Ethiopia.

law against terrorism. This training is the fourth and final round of the institute's regular on-the-job trainings for judges in 2022/23.²³⁶

It is possible to refer to article 81 of the FDRE constitution, article 20 of Proclamation No. 1233/2021, and articles 4 and 55 of Regulation No. 443/2018. In practice, the selection and dismissal of judges are determined by merit and political influence.²³⁷

To address and prevent a potential conflict of interest for a judge or a prosecutor, and for the steps that are required to be taken to address that conflict, there are also adequate legal frameworks, standards and processes. As it has been stated under article 4 of Proclamation No. 668/2010 any appointee, elected person or public servant including judges and prosecutors shall have the obligation to disclose and register their assets, though these are not made public and are scarcely monitored in practice.²³⁸ Additionally, they are required to disclose possible conflicts of interest under their own respective laws rather than this one. Prosecutors, for instance, are required to comply with this requirement under Prosecutor's Administration Law Regulation 443/2019.²³⁹

Unless the case is related to national security, public safety (as determined by law), or to protect the privacy of the accused, when judges are under duty to adjudicate cases openly, an accused person has the right to a quick public trial.²⁴⁰ This measure is aimed at guaranteeing transparency in the court process. As a result, the judge in Ethiopia ought to always hold an open trial unless there are compelling reasons to do otherwise.

The judiciary in Ethiopia has been known for its low levels of impartiality, integrity, and competency.²⁴¹ It has thus fallen short of delivering justice for many Ethiopians who seek it. The Ethiopian Prime Minister has publicly admitted that the country's judicial system has to be

²³⁶ Federal Justice and law institute (March 29/2023). The Federal Institute of Justice and Law gave a 4-day training session for federal and state judges [Facebook page]. Accessed April 05/2023 from <https://www.facebook.com/jlriti/posts/pfbid08a9rxnoi8Fpo8YfxtDYV2nr3qWiL8dhJ6XXgPfbf5LGqjs6ALznC6iRPZ3rqkC2G1>

²³⁷ US Department of State (2017a) cited in Rahman, K. (2018). *Overview of corruption and anti-corruption in Ethiopia*. Transparency International. Accessed December 16/2022 from https://knowledgehub.transparency.org/assets/uploads/helpdesk/overview-of-corruption-and-anti-corruption-in-ethiopia_2019.pdf.

²³⁸ Proclamation No.668/2010 on the Disclosure and Registration of Assets. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year No. 18, page, 5217, Addis Ababa, Ethiopia. Accessed September 21/2022 from <https://chilot.me/wp-content/uploads/2011/01/668-disclosure-and-registration-of-assets-proclamation.pdf>.

²³⁹ Regulation No. 443/2019. Federal Public Prosecutors' Administration Council of Ministers Regulation: Federal Negarit Gazeta, 25th year No. 16, page, 10790, Addis Ababa, Ethiopia. Accessed November 18/2022 from <https://chilot.me/wp-content/uploads/2021/03/Regulation-No.-443-2019.pdf>

²⁴⁰ FDRE Constitution (1995). Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People Representative. Article 20 (1)

²⁴¹ Leul, E. (September 5/2021). *Judicial reform in Ethiopia: Inching towards justice*. Ethiopia Insight. Accessed on December 27/2022 from <https://www.ethiopia-insight.com/2021/09/05/judicial-reform-in-ethiopia-inching-towards-justice/>.

improved when he talked before the House of People's Representatives.²⁴² He described judges as “the number one thieves,” indicating that the field needs the most extensive institutional reforms. Mr. Abiy Ahmed urged the Parliament to carry out reforms regarding courts and the justice system, referencing the importance of a significant reform.²⁴³

In a statement released on June 16, 2022, the Amhara Region Judges’ Association said that few judges are acting improperly to abuse the law unjustly, despite the government's efforts to make courts autonomous, free, and ethically well-behaved.²⁴⁴ In order to hold judges who have been proven to be abusing the law accountable, the Association is actively gathering information and identifying them.

As it has been proven based on available evidence, the codes of conduct and disciplinary mechanisms applicable to members of the judiciary and the prosecution service are applied in practice. For instance, two judges who engaged in misconduct were disciplined during the Federal Judges Administration Council's emergency meeting on August 14, 2022. One of these was completely removed from his position of judge for accepting 100,000 ETB (approx. USD \$1,800).²⁴⁵ The second judge received a five-month salary fine for his misconduct.²⁴⁶ On April 1, 2012, the Federal Judges Administration Council also imposed disciplinary measures against three judges and one registrar staff.²⁴⁷

Good practices

- The legal framework of Ethiopia in ensuring the independence and integrity of the judiciary and prosecution service within the state is found to have a good status. Starting from the FDRE constitution, there are detailed legal and policy frameworks that give clear provisions on the issue.

²⁴² The reporter (June 18/2022). *PM's comment on Judges offends Association*. Accessed December 16/2022 from <https://www.thereporterethiopia.com/24384/>.

²⁴³ *Ibid*.

²⁴⁴ *Ibid*.

²⁴⁵ The value of USD \$ was calculated based on the national bank exchange rate on November 26/2022 (1 USD \$ was converted to 53.0133 Ethiopian Birr).

²⁴⁶ Federal Supreme court of Ethiopia (August 21/2022). *The Federal Judges Administration Council took disciplinary action against two judges who committed misconduct* [Facebook page]. Retrieved on December 26/2022 from [https://www.facebook.com/permalink.php?story_fbid=437640571726095&id=100064404683163&_cft_\[0\]=AZX4pc02THoOeC-9aGN8V8esvVF0pi4IYvA449Lhjj0C5PhvgXEP8Z3T-ZIWDtdS37okO3_CsjM34L8Mjx107SgQX7e6Asi61jeRkA0AIAcChFMGwcHPuEEaAsdCgNDJFE_TGFez28BI_RmmchD_gVfnRbgd_gHh6-OALOHyf-nZ0VKev35i_AieRCQcsbxHvvvYZ_9HA_pFwupYrIpjq6-aY&_tn_=%2CO%2CP-R](https://www.facebook.com/permalink.php?story_fbid=437640571726095&id=100064404683163&_cft_[0]=AZX4pc02THoOeC-9aGN8V8esvVF0pi4IYvA449Lhjj0C5PhvgXEP8Z3T-ZIWDtdS37okO3_CsjM34L8Mjx107SgQX7e6Asi61jeRkA0AIAcChFMGwcHPuEEaAsdCgNDJFE_TGFez28BI_RmmchD_gVfnRbgd_gHh6-OALOHyf-nZ0VKev35i_AieRCQcsbxHvvvYZ_9HA_pFwupYrIpjq6-aY&_tn_=%2CO%2CP-R).

²⁴⁷ Federal Supreme court of Ethiopia (April 1 21/2021). *The Federal Judicial Council has been credited with attempting to ensure accountability*. [Facebook page]. Accessed 26/2022 from [https://www.facebook.com/permalink.php?story_fbid=343306287826191&id=100064404683163&_cft_\[0\]=AZW1h6P_YRyPr9t5wQIzc_nz_kpLjZLZXMiJzXw6k6YzzmD5adgRRy1HwufDUVU7lgfJbnLZ1FbrScI0ihSDC0B_AFLDvLcTQ8mQ24KG69uoYDOoG7X2K7t1t3cVqqUA-npEZLGmLDBoIHkZTSB_jRH12Q7wpITiA7pDGHFau1tB4kQbcigZHcVQ7mC3uLjzfuZmGfJlbD4WI0WxQ3CXQ5LqP&_tn_=%2CO%2CP-R](https://www.facebook.com/permalink.php?story_fbid=343306287826191&id=100064404683163&_cft_[0]=AZW1h6P_YRyPr9t5wQIzc_nz_kpLjZLZXMiJzXw6k6YzzmD5adgRRy1HwufDUVU7lgfJbnLZ1FbrScI0ihSDC0B_AFLDvLcTQ8mQ24KG69uoYDOoG7X2K7t1t3cVqqUA-npEZLGmLDBoIHkZTSB_jRH12Q7wpITiA7pDGHFau1tB4kQbcigZHcVQ7mC3uLjzfuZmGfJlbD4WI0WxQ3CXQ5LqP&_tn_=%2CO%2CP-R).

- In addition to detailed provisions, these mentioned laws have disciplinary issues applicable to members of the judiciary and of the prosecution service, some of which have been enforced in practice (dismissal and fining of judges due to misconduct).

Deficiencies

- Even the Prime Minister has publicly acknowledged that the country's judicial system requires improvement in a speech.
- Judges are appointed by the Parliament which is fully controlled by the ruling party, making these appointments political ones.
- The constitution of Ethiopia does not give the judiciary the power of judicial review. As a result, the courts cannot interpret the constitution, as power bestowed to the House of Federation, a political body.

4.1.11 Art. 12 – Private Sector Transparency

To maintain transparency and accountability in the private sector, Ethiopia has adopted legal provisions to prevent corruption. The legal frameworks are comprised of transparency requirements for the beneficial ownership of legal entities. As stated under Proclamation No. 433/2005,²⁴⁸ the mandate to perform corruption prevention activities was limited only to public offices. However, according to Proclamation No. 883/2015, since 2015, the Federal Ethics and Anti-Corruption Commission has a mandate to perform corruption prevention activities over the private sector.²⁴⁹ Moreover, the commercial code of articles 394(1), 426, 427 and 428 mentions financial disclosures, with articles 367(1) and 371 of specifying non-financial disclosures of private sector entities.²⁵⁰

According to Proclamation No. 881/2015, private sector entities are accountable if they are involved in corrupt activities.²⁵¹ Ethiopia has established the Accounting and Auditing Board of Ethiopia to manage accounting and auditing standards in the private sector. This institution is

²⁴⁸ Proclamation No. 433/2005 on the Revised Federal Ethics and Anti-Corruption Commission Establishment. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 11th year No. 18, page 2996, Addis Ababa, Ethiopia. Accessed on November 04/2022 from <https://chilot.me/wp-content/uploads/2011/09/proc-no-433-2005-revised-federal-ethics-and-anti-corruptio.pdf>.

²⁴⁹ Proclamation No. 883/2015. Revised Federal Ethics and Anti-Corruption Commission Establishment (Amendment) Proclamation Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year, No. 38, page, 8197, Addis Ababa, Ethiopia. Accessed September 04/2022 from <https://chilot.files.wordpress.com/2017/04/proclamation-no-883-2015-revised-federal-ethics-and-anti-corruption-commission.pdf>.

²⁵⁰ Proclamation 414/2004. The commercial code of the federal democratic republic of Ethiopia. 9th of May 2005. Accessed December 19/2022 from <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf>.

²⁵¹ Proclamation No. 881/2015. Corruption Crimes Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year No. 36, page, 8152, Addis Ababa, Ethiopia.

established under Regulation No. 332/2014,²⁵² as an autonomous body, and is accountable to the Ministry of Finance. Theoretically, the Board has a mandate to implement a sound quality assurance mechanism to ensure high quality audit practice, though the practice of auditing private sector entities is not common within the state.

There is a legal system for both private and public entities in place regarding the maintenance of books and records, financial statement disclosure, as well as accounting and auditing standards.²⁵³ However, attention is more focused on financial statements. Serious measures have been taken towards private sector actors who provide false financial documents and towards licensed auditors who assist them.²⁵⁴ This occurred when, on November 10, 2021, the Ethiopian Herald newspaper launched a worldwide open tender by the Ministry of Health and the Ethiopian Medicine Supply Service for the purchase of lintel. The Federal Ethics and Anti-Corruption Commission received a complaint that the procurement procedure did not follow the law in relation to the tender, and the commission cancelled the tender after proving that it does not.²⁵⁵ The commercial code of Ethiopia clearly indicates that, when any company is registered, it should be publicly listed.²⁵⁶

Legal entities that are formed in Ethiopia must comply with the requirements of article 5 Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism by maintaining sufficient, accurate and current information on their beneficial owners and control structure. In addition, they must permit access to such information by authorized authorities.²⁵⁷ There is no current legal definition of Beneficial Ownership (BO) in Ethiopia. The country lacks a single, comprehensive legal framework that define beneficial ownership and addresses all aspects of privacy and data security, including the duties of data

²⁵² Regulation No. 332/2014 on the Establishment and Determination of the Procedure of the Accounting and Auditing Board of Ethiopia Council of Ministers. Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People's Representatives. Accessed September 08/2022 from <https://chilot.files.wordpress.com/2017/04/regulation-no-332-2014-establishment-and-determination-of-the-procedure-of-the-accounting-and-auditing-board-of-ethiopia.pdf>.

²⁵³ Proclamation No. 1076/2018 on Public Private Partnership. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 24th year No. 28, page, 10235, Addis Ababa, Ethiopia. Accessed December 27/2022 from <https://faolex.fao.org/docs/pdf/eth182196.pdf>.

²⁵⁴ Federal Ethics and Anti-Corruption Commission (May 18, 2022). *An international procurement bid estimated at more than 30 million dollars was canceled due to urgent anti-corruption work* [Facebook page]. Accessed December 18/2022 from https://www.facebook.com/story.php?story_fbid=pfbid036uDq86WLDeYZdc526fhtxQVc1XyTqJGqAw7YkQonkPjB1NHweY2s2TGa8rGmgMozl&id=100069422490377&mibextid=Nif5oz&_rdr.

²⁵⁵ *Ibid.*

²⁵⁶ Proclamation No. 1243/2021 on the Commercial Code of the Federal Democratic Republic of Ethiopia. Accessed December 16/2022 from https://lawethiopiacomment.files.wordpress.com/2021/11/new-commercial-code-no-1243-2021_english.pdf

²⁵⁷ Copenhagen, T. (October 23/2020). Materials on Transparency of Beneficial Ownership in Ethiopia. *Materials to Support Mechanisms for Disclosure of and Access to Data on Beneficial Ownership of Legal Entities and Arrangements in Ethiopia*. Accessed December 27/2022 from <https://tanacopenhagen.com/wp-content/uploads/2021/04/Beneficial-Ownership-Material.pdf>.

controllers and processors and the rights of data subjects generally. As a result, there may be uncertainty in the gathering and use of BO data.²⁵⁸

Ethiopia's data protection laws include references to the three legal justifications that might apply to the gathering and disclosure of BO information: the consent of the individual involved, the necessity of carrying out a contract, and legitimate authority.²⁵⁹ The legislation governing the gathering and disclosure of BO are not all associated with the same government departments. However, it is comforting that BO information can be obtained through legitimate channels. Furthermore, it would be against the law to store BO data in a BO database that is open to the public under the existing legal framework. At this time, Ethiopian legislation prohibits the disclosure of BO in public registers.²⁶⁰

Charitable trusts are the only types of trusts that can be registered in Ethiopia, and they must do so in accordance with Proclamation No. 1113/2019 on Civil Society Organizations (CSOs). One of four recognized types of charity organizations are charitable trusts; the others are charitable endowments, charitable institutions, and charitable societies.²⁶¹

Good practices

- Ethiopia's commitment to maintain transparency and accountability in the private sector by adopting legal provisions to prevent corruption among the private sector recently received the attention of the Federal Ethics and Anti-corruption Commission.
- Moreover, the legal framework to make the private sector accountable when involved in corrupt activities was supplemented by the establishment of a dedicated institution (the Accounting and Auditing Board of Ethiopia).

Deficiencies

- Although there is good legal ground that gives the accounting and auditing board of Ethiopia the power to implement a quality assurance mechanism to ensure high quality auditing practices, the quality and level of private sector audits are insufficient. Unlike serious measures that have been taken with regard to the private sector towards those who have cheated the government through tax evasion by providing false financial documents, the practice of the auditing mechanisms and other measures regarding the private sector on non-financial issues is insufficient.

²⁵⁸ Copenhagen, T. (October 23/2020). Materials on Transparency of Beneficial Ownership in Ethiopia. *Materials to Support Mechanisms for Disclosure of and Access to Data on Beneficial Ownership of Legal Entities and Arrangements in Ethiopia*.

²⁵⁹ *Ibid.*

²⁶⁰ *Ibid.*

²⁶¹ *Ibid.*

4.1.12 Art. 14 – Measures to Prevent Money Laundering

Ethiopia has promulgated legislation against money laundering,²⁶² and to this end, the country has adopted different international treaties.²⁶³ Firstly, there is a comprehensive anti-money-laundering and terrorism financing law and an independent institution for this matter. In the revised penal code of 2005, the country criminalized money laundering, and the existing AML/CFT framework came to existence in 2009 with amendments to the law in 2013 through Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism.²⁶⁴ Accordingly, the Ethiopian Financial Intelligence Service (FIS) was established as an autonomous government body to oversee the AML/CFT's activities.²⁶⁵ The Financial Intelligence Center was established in 2009 through Regulation No. 171/2009²⁶⁶ on the Establishment of the Financial Intelligence Service and was later re-established in 2022 through Regulation No. 490/022²⁶⁷ on the same institution to update it to the modern system.

Although terrorists, drug traffickers, and transnational criminal organizations can use Ethiopia as a target for money laundering operations due to its location in the Horn of Africa, Ethiopia's partial financial system integration, underdeveloped financial institutions, and stringent currency controls make it highly unlikely that such organizations will use the financial sector to launder money from abroad.²⁶⁸ The main offences that generate money in Ethiopia are those that involve corruption, smuggling, tax fraud, and the trafficking of drugs, people, arms, and animal products. Foreign involvement is still prohibited in the financial services industry.²⁶⁹

Concerning money laundering, there is evidence of criminal cases committed in Ethiopia, although it is difficult to know the exact number.²⁷⁰ There are measures in place to detect and

²⁶² Kalkidan, M.J. (2020). *Anti-money Laundering Law in Ethiopia: Issues of Enforcement with Specific Reference to Banks*. Mizan Law Review, 14(1), 61-84.

²⁶³ Abebe, A. (2016). *Anti-Money laundering and Counter Financing of Terrorism: Practices and Challenges of Commercial Banks in Ethiopia* (Master's thesis, St. Mary's University). Accessed September 21/2022 from <http://www.repository.smuc.edu.et/handle/123456789/3606>.

²⁶⁴ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia. Accessed September 13/2022 from <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103977/126650/F-612924621/ETH103977.pdf>.

²⁶⁵ Abebe, A. (2016). *Anti-Money laundering and Counter financing of Terrorism: Practices and Challenges of Commercial Banks in Ethiopia* (Master's thesis, St. Mary's University).

²⁶⁶ Regulation no. 171/209 on the Financial Intelligence Center Establishment Council of Ministers. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year No. 5, page 6755, Addis Ababa, Ethiopia. Accessed November 20/2022 from <https://nbebank.com/wp-content/uploads/pdf/regulation/Financial-intelligence-establishment.pdf>.

²⁶⁷ Regulation No.490/2022 on the Financial Intelligence Service Re-establishment. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 28th year No. 9, page, 13928, Addis Ababa, Ethiopia.

²⁶⁸ Know your country (2023). Ethiopia Country Summary. Accessed April 05/2023 from <https://www.knowyourcountry.com/ethiopia>.

²⁶⁹ *Ibid*.

²⁷⁰ Money Laundering in Ethiopia: Chasing Dirty and Dangerous Dollars - Bing video at https://fb.watch/k7i_7eC4oF/.

monitor cross-border cash movements. To this end, directives such as Directive FXD/81/2022²⁷¹ issued by the National Bank of Ethiopia, include sanctions such as financial sanction for a person entering into and departing from Ethiopia and time limit for the holding and conversion of foreign currency for foreign nationals of Ethiopian origin.²⁷² According to the Directive's article 3(1), a person entering into and departing from Ethiopia may hold up to maximum of ETB 3,000.00 (approx. USD \$56)²⁷³ per travel to and from Ethiopia.²⁷⁴ The Directive also sets the time limit for the holding and conversion of foreign currency for foreign nationals of Ethiopian origin, or Ethiopian nationals not residing in Ethiopia who enter the territory carrying foreign currency.²⁷⁵ If s/he carries foreign currency and intends to stay more than ninety days, the person shall deposit the money into his/her Non-resident (NR) foreign currency account.²⁷⁶ However, article 5(1(b)) of Directive FXD/81/2022 states that if the amount of the foreign currency exceeds USD \$10,000 or equivalent in any other convertible foreign currency, he/she has to present a customs declaration to deposit or convert it to ETB at an authorized forex bureau.²⁷⁷

For the purpose of prevention and suppression of money laundering and financing of terrorism, Proclamation No. 780/2013²⁷⁸ and Regulation 490/2022²⁷⁹ established the Financial Intelligence Service. The proclamation deals with the relation of the institution with foreign counterpart agencies.²⁸⁰ Moreover, in part six that deals with international cooperation, article 38 (1) reads as “Without prejudice to the provisions of article 47(1) of this Proclamation, the competent authorities shall provide the widest possible range of cooperation to the competent authorities of other states for purposes of mutual legal assistance in connection with extradition and criminal investigations and proceedings related to money laundering and financing of terrorism.”²⁸¹ The FIS uses the Ethiopian Broadcasting Corporation (EBC) and Radio FM 93.3, which broadcasts every Wednesday starting at 9:05 PM, to raise awareness for the appropriate government

²⁷¹ Directive FXD/81/2022. Limits on Birr and Foreign Currency Holding in the Territory of Ethiopia; the National Bank Directive. Accessed November 26/2022 from <https://nbebank.com/wp-content/uploads/pdf/directives/forex/fxd-81-22.pdf>.

²⁷² Interview over phone with Mesfine Getachew, Director of Legal Directorate at National bank of Ethiopia (on September 10/2022).

²⁷³ The value of the USD \$ was calculated based on the national bank exchange rate on November 26/2022 (1 USD \$ was converted to 53.0133 Ethiopian Birr).

²⁷⁴ Directive FXD/81/2022. Limits on Birr and Foreign Currency Holding in the Territory of Ethiopia; the National Bank Directive.

²⁷⁵ *Ibid.*

²⁷⁶ *Ibid.*

²⁷⁷ *Ibid.*

²⁷⁸ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia.

²⁷⁹ Regulation No.490/2022 on the Financial Intelligence Service Re-establishment. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 28th year No. 9, page, 13928, Addis Ababa, Ethiopia.

²⁸⁰ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia.

²⁸¹ *Ibid.*

departments and the general public about money laundering, the financing of terrorism, human trafficking, and other issues.²⁸²

The FIS analyzed and distributed 80 criminal cases to the concerned law enforcement agencies.²⁸³ Based on the 1,360 suspicious cases it received, FIS found and examined 80 criminal cases in the first half of 2022, then forwarded them to the respective law enforcement organizations. Based on recommendations from other parties, suspicious reports submitted by financial institutions and designated non-financial business and professional activities, money or property obtained through criminal activities, legal impersonation, and terrorism financing crimes, the FIS analyses and shares information with the pertinent law enforcement bodies. The majority of reports were related to fraud, tax crimes, terrorist funding, human trafficking, illegal money laundering, illegal foreign exchange, and crimes involving corruption.²⁸⁴

According to a report by Global Financial Integrity (as cited in Daniel, 2013)²⁸⁵, Ethiopia lost close to \$12 billion between 2000 and 2013 to illicit financial outflows. This money has been travelling illegally from Ethiopia to countries in the Middle East, the Far East, the United States, and Europe. Global Financial Integrity lists numerous crime types, but around 80% of the losses resulting from Illicit Financial Flows (IFFs) are attributed to widespread trade mis-invoicing.²⁸⁶

Since 2015, the Financial Action Task Force (FATF) and the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) have performed a number of evaluations on the country and give their own detailed recommendations biannually.²⁸⁷ The last evaluation by the FATF in Ethiopia was conducted in 2022.²⁸⁸ The 2022 FATF task force has so far approved the re-rating of Recommendations 1, 2, 6, 7, 8, 14, 19, 28, 33, 34, 36 and 40.²⁸⁹ These recommendations cover topics such as AML/CFT Policies and coordination, money laundering and confiscation, terrorist financing and financing of proliferation, preventive measures, transparency and beneficial,

²⁸² Please visit <https://www.facebook.com/100069065505190/videos/1539919789855322/> to see one among the television programs on money laundering and financing of terrorism

²⁸³ Financial intelligence Service (FIS) (January 31, 2023). The Financial intelligence Service (FIS) analyzed and distributed 80 criminal cases to the concerned law enforcement agencies [Facebook Page]. Accessed April 05/2023 from

https://www.facebook.com/permalink.php?story_fbid=pfbid02JLWwb5ExtxDjwcGdVsk1mXQRnYmFSKm8xT1rU2cuMtCXsNGcG2R7bnMcL4DrGbol&id=100069065505190.

²⁸⁴ *Ibid.*

²⁸⁵ Daniel, B. (2013). *Corruption in Ethiopia: Causes and remedies*. Accessed on September 08/2022 from <https://africlaw.com/2013/07/04/corruption-in-ethiopia-causes-and-remedies/#>.

²⁸⁶ ENACT observer (2021). *IFFs and money laundering /Keeping an eye on financial transactions in Ethiopia*. Accessed November 26/2022 from <https://enactafrica.org/enact-observer/keeping-an-eye-on-financial-transactions-in-ethiopia>.

²⁸⁷ ESAAMLG (2020), *Anti-money laundering and counter-terrorist financing measures - Ethiopia, 7th Follow up Report and Technical Compliance Re-Rating*. ESAAMLG, Dares Salaam. Retrieved on September 20/2022 from <https://www.fatf-gafi.org/media/fatf/documents/reports/fur/ESAAMLG-Ethiopia-Follow-Up-Report-2020.pdf>.

²⁸⁸ ESAAMLG (2022), *Anti-money laundering and counter-terrorist financing measures – Ethiopia, 10th Follow up Report and Technical Compliance Re-Rating*. ESAAMLG, Dares Salaam. Accessed on November 26/2022 from <https://www.fatf-gafi.org/media/fatf/documents/reports/fur/ESAAMLG-Ethiopia%20FUR-2022.pdf>.

²⁸⁹ *Ibid.*

ownership of legal persons and arrangements, powers and responsibilities of competent authorities and other institutional measures and international cooperation.

Good Practices

- In 2019 and 2020, Ethiopia was removed from both the Financial Action Task Force (FATF) and European Union's grey lists, which identify jurisdictions under increased monitoring and consequent commitments to resolve deficiencies that enable IFFs.²⁹⁰ Despite this progress, there are lingering gaps in Ethiopia's efforts to curb illicit financial flows from both prevention and prosecution perspectives.

Deficiencies

- The practice of cash flow management in Ethiopia needs improvement: the country is losing a lot of money via illicit financial outflows. The difficult geographical location of Ethiopia in terms of managing border flows, as well as having poor legislation and technological capacity with regards to crypto currency are the major deficiencies of the country which retard Ethiopia's effectiveness in implementing anti-money laundry measures.

4.2 Chapter V

Chapter five of the UNCAC, on Asset Recovery, in articles 51 to 59,²⁹¹ covers the manner of securing and recovering illegally acquired property and property benefits. In this regard, the fundamental mechanisms of international cooperation between the States Parties to this Convention are envisaged in the field of the detection, securing, confiscation and recovery of property and benefits acquired illegally by committing some of the identified corrupt criminal offenses under this Convention. In other words, Chapter five of the Convention against Corruption actually deals with the last aspect of the fight against corruption, namely the use of property that has been obtained unlawfully, which is the main reason these crimes are committed.

With specific reference to Chapter five of the UNCAC, the following articles were commented on and analyzed.

²⁹⁰ ENACT observer (2021). *IFFs and money laundering /Keeping an eye on financial transactions in Ethiopia*. Accessed on November 26/2022 from <https://enactafrica.org/enact-observer/keeping-an-eye-on-financial-transactions-in-ethiopia>.

²⁹¹ UNODC (2004). United Nations convention against corruption. New York. Accessed on November 23/2022 from https://www.unodc.org/documents/treaties/UNCAC/SA-Report/2018_10_08_Germany_SACL_submitted_on_20.12.2017.pdf.

4.2.1 Art. 52 & 58 – Anti Money Laundering

Money Laundering and Terrorism Financing (ML/FT) is criminalized under Regulation No. 780/2013²⁹² on the Prevention and Suppression of Money Laundering and Financing of Terrorism which created an independent unit, the Financial Intelligence Service, with the mandate of following up relevant issues. There is also an obligation for officials to disclose their property to the relevant or registering authority through Proclamation No. 490/2022²⁹³ on the Financial Intelligence Service Establishment and Disclosure and the Registration of Assets Proclamation No. 668 /2010.²⁹⁴

The Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation No. 780/2013,²⁹⁵ describes the role of the regulatory organs and of the Financial Intelligence Center which has a supervisory role. Under this provision, money laundering refers to the act of obscuring the true source of the criminal proceeds to make them appear as legal. Under this provision, money laundering includes acquisition, possession or use of the property for which at the time of the act, the individual knows or should have known that the object of their actions is the proceed of a crime.²⁹⁶

Ethiopia has criminalized terrorism financing under its Anti-Terrorism Proclamation. The proclamation prohibits rendering support for terrorism in any form.²⁹⁷ Proclamation No. 780/2013 on Anti-Money Laundering and Terrorism Financing also criminalizes the act more broadly by prohibiting the provision of direct or indirect aid for a terrorist person or terrorist organization, or the collection of funds with the intention or knowledge that it may be used for carrying out terrorist activities; the act is punishable with rigorous imprisonment from 10 to 15 years and with a fine not exceeding ETB 100,000 (approx. USD \$1,800).²⁹⁸

²⁹² Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia.

²⁹³ Proclamation No. 490/2022 on the Financial Intelligence Service Establishment. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, No. 9, page, 13928, Addis Ababa, Ethiopia.

²⁹⁴ Proclamation No. 668/2010 on the Disclosure and Registration of Assets. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year No. 18, page, 5217, Addis Ababa, Ethiopia.

²⁹⁵ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia. The preamble, para. 3 of the Proclamation provides that “it has become necessary to have comprehensive legal framework to prevent and suppress money laundering and financing of terrorism.”

²⁹⁶ *Ibid.*

²⁹⁷ Proclamation No. 1176/2020 on the Prevention and Suppression of Terrorism Crimes Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year no.20, page, 12232, Addis Ababa, Ethiopia. Accessed September 06/2022 from

<https://www.lawethiopia.com/images/latest%20proclamations/1176%20A%20PROCLAMATION%20TO%20PROVIDE%20FOR%20THE%20PREVENTION%20AND%20SUPPRESSION%20OF%20TERRORISM%20CRIMES.pdf>.

²⁹⁸ The value of the USD \$ was calculated based national bank exchange rate on November 26/2022 (1 USD \$ was converted to 53.0133 Ethiopian Birr).

Financial institutions or other entities that are subject to the due diligence requirements outlined in article 2(9) of Proclamation No. 780/2013,²⁹⁹ for the Prevention and Suppression of Money Laundering and the Financing of Terrorism include banks, insurance companies, microfinance institutions, postal savings, money transfer institutions, or any other institution designated as such by the National Bank in accordance with the applicable law. Furthermore, Proclamation No. 780/2013 extended the scope of the anti-money laundering (AML) regime to entities other than banks and financial institutions, including: real estate agents and brokers; dealers in precious metals or precious stones; lawyers, notaries and other independent legal professionals when they prepare for, carry out or engage in transactions for their clients; independent accountants and such other businesses and professions as may be designated by the Financial Intelligence Center.³⁰⁰

Financial institutions, as well as designated nonfinancial businesses and professions (DNFBPs), shall take the necessary precautions to detect and evaluate their exposure to the risks of money laundering and terrorism funding.³⁰¹ Any information provided by the Financial Intelligence service will be thoroughly considered while doing this risk assessment.³⁰² The conducted risk assessment and all supporting data must be documented in writing, updated regularly, and made available to the Center, the police, the public prosecutor, and the investigative body upon request.³⁰³ According to the national 2016 risk assessment, the overall risk of ML and TF in Ethiopia were determined to be medium and high, respectively. Further findings were a threat of predicate crimes such as corruption, tax fraud, human trafficking, migrant smuggling, goods smuggling (contraband), illicit Hawala – a sort of informal money transfer where no actual money is moved, and fraud was observed in the assessment.³⁰⁴

Before establishing business relationships or opening an account for a customer, a financial institution or DNFBP is required to take customer due diligence measures. A similar requirement applies before carrying out a transaction for a customer who does not already have an account or an established business relationship with the financial institution or a designated nonfinancial business or profession.³⁰⁵

²⁹⁹ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia.

³⁰⁰ *Ibid.* Art., 2 (9 & 10).

³⁰¹ *Ibid.* Art., 6 (1).

³⁰² *Ibid.* Art., 6 (1).

³⁰³ *Ibid.* Art., 6 (2).

³⁰⁴ Ashenafi, L. (2016). *Anti-Money- Laundering and Countering the Financing of Terrorism Regime*. Unpublished Master's thesis. Addis Ababa University: Addis Ababa. Accessed December 08/2022 from <http://etd.aau.edu.et/bitstream/handle/123456789/7264/Ashenafi%20Lakew.pdf?sequence=1&isAllowed=y>.

³⁰⁵ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia. Art., 6 (3).

The Financial Action Task Force (FATF) advises banks to keep all records on file for at least five years after a business relationship expires or a one-time transaction is completed.³⁰⁶ However, the period of preserving the recorded information may be extended based on domestic rules. According to Proclamation No. 780/2013's article 10, records must be preserved for at least 10 years after a transaction is attempted or completed. If any other laws call for keeping documents for longer periods of time, those other laws will take precedence in this situation.³⁰⁷

Due diligence was expanded to both domestic and foreign politically exposed persons (PEPs) by Proclamation No. 780/2013.³⁰⁸ This proclamation defines a politically exposed person as any natural person who holds or has held prominent public positions in any nation or international organization, as well as any member of that person's family or anybody else who is in close contact with them. Article 17(1) of Proclamation No. 780/2013 states that financial institutions and DNFBPs that suspect or have reasonable grounds to suspect that funds or property are the proceeds of crime, are related to or linked to terrorism, or are to be used to finance terrorism, should submit reports outlining their suspicions to the Financial Intelligence Center as soon as possible. Additionally, attempted transactions must comply with this duty. Financial institutions, as well as some non-financial businesses and professions, are prohibited from carrying out transactions they believe to be related to the financing of terrorism or money laundering until they have notified the Center of their suspicions.³⁰⁹ However, financial institutions and specified non-financial firms and professions shall carry out the transactions and notify their suspicions to the Center right away, in cases where it is impossible or is likely to frustrate efforts to examine suspected transactions.³¹⁰

A “safe harbor” provision is included in Proclamation No. 780/2013 to protect reporting institutions and individuals from criminal and civil penalties for violating confidentiality for reports made in good faith. In this regard, the Proclamation states that no directors, officers, or employees of financial institutions and DNFBPs who in good faith submit reports or provide information in accordance with the provisions of this Proclamation may be subject to criminal, civil, or administrative proceedings for breach of banking or professional secrecy or their contract.³¹¹ Moreover, in cases where reports of suspicious transactions were made in good faith, financial institutions, specified non-financial enterprises and professions, or their

³⁰⁶ FATF (2012-2022). *International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation*, FATF, Paris, Franc. Accessed on November 26/2022 from <https://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/fatf%20recommendations%202012.pdf>.

³⁰⁷ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia.

³⁰⁸ *Ibid.* Art., 10 (1).

³⁰⁹ *Ibid.* Art., 19 (1).

³¹⁰ *Ibid.* Art., 19 (2).

³¹¹ *Ibid.* Art., 24 (1).

directors, officers, or employees are not subject to criminal prosecution for money laundering or funding terrorism.³¹²

The Council of Ministers Regulation No. 490/2022 re-established Ethiopia's Financial Intelligence Service (FIS), formerly known as the Financial Intelligence Center.³¹³ In early January 2012, the Financial Intelligence Service was made operational. Its creation is part of an initiative to bring many stakeholders together to combat money laundering and the financing of terrorism.³¹⁴ As stated clearly in its re-establishment Regulation No. 490/2022, the goal of the Service is to coordinate the various institutions engaged in the fight against money laundering, and the financing of terrorism as well as to organize and analyze the information it receives, as well as to fulfill international and continental obligations and to carry out other related tasks.³¹⁵

The regulatory authorities may impose one or more of the following measures and sanctions where they establish violations of the obligations under this Proclamation by financial institutions and DNFBPs such as: written warnings; order to comply with specific instruction; ordering regular reports from the financial institution and DNFBPs on the measures they are taking; fine in an amount not less than ETB 10,000 (approx. USD \$180) and not greater than ETB 100,000 (approx. USD \$1,800);³¹⁶ barring individuals from employment within the business sector or profession; restricting the powers of managers, directors and controlling owners, including the appointing of ad hoc administrator; suspending or revoking of licenses and prohibiting the continuation of the business or profession; or other appropriate measures.³¹⁷

Proclamation No. 668/2010 on the Disclosure and Registration of Assets (ADR) clearly stipulates that all information in regards to the registration of assets of an appointee, elector, or public worker must be made public and that it must be updated every two years through reports.³¹⁸ Anyone interested in learning more about the registration of assets may submit a written request to the Commission or the relevant ethics liaison section. The Commission or the relevant ethics liaison section will accept the request and provide the information to the applicant.³¹⁹ In practice, even though anyone wishing to view a person's declared assets may do

³¹² *Ibid.* Art., 24 (2).

³¹³ *Ibid.*

³¹⁴ Ashenafi, L. (2016). *Anti-Money- Laundering and Countering the Financing of Terrorism Regime*. Unpublished Master's thesis. Addis Ababa University: Addis Ababa. Accessed December 08/2022 from <http://etd.aau.edu.et/bitstream/handle/123456789/7264/Ashenafi%20Lakew.pdf?sequence=1&isAllowed=y>.

³¹⁵ Regulation No.490/2022 on the Financial Intelligence Service Re-establishment. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 28th year No. 9, page, 13928, Addis Ababa, Ethiopia.

³¹⁶ The value of US \$ was calculated based national bank exchange rate on November 26/2022 (1 USD \$ was changed with 53.0133 Ethiopian Birr)

³¹⁷ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia. Art. 3 (a-h).

³¹⁸ *Ibid.* Art. 12 (1 & 5).

³¹⁹ *Ibid.* Art., 12 (2 & 3).

so, those details are made available to the general public only upon request. The Proclamation stipulates that 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.³²⁰

If the Commission has reasonable grounds to believe that information provided by an appointee, an elected official, or a public servant is incomplete, inaccurate, or false, or if the Commission learns that the registration is inaccurate or that a criminal investigation is ongoing, the Commission shall conduct a verification process of the information submitted by those individuals.³²¹ When the Commission discovers, through proof, the existence of incomplete, incorrect, or fabricated information, appropriate administrative sanctions 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.³²² By 2020, more than 220,000 government officials had registered their assets and wealth in the Commission's database.³²³ Currently, the FEAC's main focus is asset registration; however, in the near future, it will begin to prosecute those who failed to do so and those who filed assets that were out of proportion to their income.³²⁴

Any appointee, elected official, or public worker has a duty to disclose and register any assets they hold or control for themselves and their families as well as their sources of income.³²⁵ However, anyone appointed, elected, or employed by the government who intentionally submits inaccurate information about their assets, violates this proclamation by accepting gifts, hospitality, or sponsored travel, or does any of the foregoing in violation of this proclamation will be punished in accordance with Ethiopian Criminal Code Article 417.³²⁶ Related to this, the Amhara regional state of Ethiopia's Ethics and Anti-corruption Commission has reported that it has ordered the police to look into the cases of 60 government officials and appointees who registered wealth that was out of proportion to their salary.³²⁷ However, the commission was

³²⁰ *Ibid.* Art., 12 (4).

³²¹ *Ibid.* Art., 11 (1).

³²² *Ibid.*, Art. 11 (3); Art. 19.

³²³ Ethiopian News Agency (ENA) (2020). *FEACC Launches New Platform to Register, Disclose Official Assets*. Accessed on September 23/2022 from <https://www.ena.et/en/?p=15058>.

³²⁴ Face to face interview with Tesfaye Shamo, Chief executive officer (CEO) at Federal Ethics and Anti-Corruption Commission (FEACC) (December 27/2022).

³²⁵ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia. Art. 4 (1) (a & b)).

³²⁶ *Ibid.*, Art. 22 (1) (a & b)).

³²⁷ Federal Ethics and anti-corruption commission (2022). *Amhara region is investigating the case of 60 government employees and appointees who registered wealth that is not commensurate with their income*. Accessed November 27/2022 from

[https://www.facebook.com/photo/?fbid=447895257534554&set=a.225639246426824&_cft_\[0\]=AZUhG5Qmmj0ag2GJk3h3WREW9-u2a_2t4GBuVVhTqPLJAvG836YQknqaW-0rfYoCXA2wCidhuWRm2KyuSz1CiY1Ji1sb_jrNHf0eXJ-CViKXDpaLMD-EqigcvBuLUJYZ9g3JTlum3WH-](https://www.facebook.com/photo/?fbid=447895257534554&set=a.225639246426824&_cft_[0]=AZUhG5Qmmj0ag2GJk3h3WREW9-u2a_2t4GBuVVhTqPLJAvG836YQknqaW-0rfYoCXA2wCidhuWRm2KyuSz1CiY1Ji1sb_jrNHf0eXJ-CViKXDpaLMD-EqigcvBuLUJYZ9g3JTlum3WH-)

unable to provide any additional details regarding the penalties or disciplinary actions that were taken in response to this behavior.

The FATF requires each country to undertake a national risk assessment (NRA) to show the government's knowledge of money laundering risks. Conducting a risk assessment is important to have a common understanding of the risks of money laundering in the country by different stakeholders. The national risk assessment is a basis for banks to categorize their customers as high, medium and low money laundering risks. In Ethiopia, since its establishment, the FIC is engaged in identifying risks of money laundering. The Ethiopian NRA was undertaken for the first time in 2016, comprising various private and commercial institutions.³²⁸ In order to strengthen Ethiopia's AML/CFT system even more, the study found both positive developments and deficiencies that had to be addressed. For example, Ethiopia conducted its second NRA in 2021.³²⁹ However, several banks are unaware of the results of the national risk assessment that the FIC undertook in Ethiopia,³³⁰ let alone how to deal with the risks that the FIS identified.

The Federal Ethics and Anti-Corruption Commission registers the assets of public bodies through its focal persons found in every governmental office. The Ethiopian government passed the Asset Disclosure and Registration Law with the primary goals of establishing transparency and accountability as the cornerstones of government operation, preventing corruption, guaranteeing the prevalence of good governance, and developing a mechanism to avoid conflicts of interest and draw a distinct line between official authority and private interests. It must be noted, nonetheless, that Ethiopia is having a very difficult time attaining both of these objectives of asset declarations due to a shortage of knowledgeable and experienced personnel in the fields of receiving, verifying, and managing the Asset Disclosure and Registration System.³³¹ Additionally, the Asset Disclosure and Registration System Law does not make asset statements publicly accessible online.

The Asset Disclosure and Registration System Law in Ethiopia recognizes the implementation of penalties against those who recently register their assets, do not declare their assets for registration, or purposefully submit inaccurate disclosure. However, the law does not specifically address the problem of a public servant, elected official, or appointee's late asset

[Xg9gAOhUwJg1dJmrCRJu4Ba4WhhOX0xxr6IP4l4XDGr7GrL75uN_vFGi67xnt1XfTjDegAiQvtw&_tn_=EH-R](https://www.iiste.org/Journals/index.php/JLPG/article/viewFile/52167/53904)

³²⁸ Interview over phone with Endale Asefa, Communication Director at Ethiopian Financial Intelligence service (August 11/2022).

³²⁹ Face to face interview with Samson Tegene, Higher prosecutor, Ministry of justice, member of the NRA team (August 29/2022).

³³⁰ Kalkidan, M. J. (2020). *Anti-money Laundering Law in Ethiopia: Issues of Enforcement with Specific Reference to Banks*. Mizan Law Review, 14(1), 61-84.

³³¹ Diriba, A., T. (2020). *The role of asset disclosure and registration law in combating corruption in Ethiopia: A comparative analysis with the Hong Kong and Rwanda legal systems*. JL Pol'y & Globalization, 95, 7. Accessed September 21/2022 from <https://www.iiste.org/Journals/index.php/JLPG/article/viewFile/52167/53904>.

registration or the placement of the deposit for the fine money they receive as a result of the penalty.³³² In Ethiopia, the only method used in practice to verify declarations are random sample verifications. Moreover, lifestyle audits and house visits are not common.³³³

Good practices

- Proclamation No. 780/2013 on Money Laundering and Financing of Terrorism, article 10(1) forces financial institutions and designated nonfinancial businesses and professions to keep copies of all records obtained through Customer Due Diligence (CDD) measures, account files, and business correspondence, as well as the outcomes of any analysis conducted, for a longer period of time (at least ten years) than recommended by the UNCAC provision after the business relationship has ended, or, in cases where a transaction is considered to be complex.
- Although minor technical compliance requirements remain, the legal framework underpinning Ethiopia's AML/CFT system is generally solid.
- It is considered to be quite typical in Ethiopia to demand disclosure statements from an appointee, an elected official, and a public servant every two years while they are in office, in order to avoid redundancy.

Deficiencies

- A PEP is defined by Proclamation No. 780/2013 as any natural person who currently holds or has previously held prominent public positions in any nation or international organization, as well as any member of that person's family or anybody else who is in close contact with them. However, the Proclamation does not define what "family members and close relationships" are or how they might be included in this category. Enforcing additional due diligence steps on PEPs, their families, and close relatives without disclosing their identities to the financial institutions is, in fact, worthless.³³⁴
- The other fundamental issue surrounding PEPs is whether PEPs are "made known by those responsible institutions" for the purpose of due diligence. It begs the question as to whether those banks are aware of public officials' close relatives even if public officials are assumed to be known by those banks. Due to this legal loophole, PEPs can use their family members and even close cousins to clean up their ill-gotten gains, and banks will be unable to implement the necessary CDD safeguards.³³⁵
- As of the Proclamation No. 668 /2010, article 4 (1) (a & b)), any appointee, elected official, or public worker are expected to disclose and register any assets they hold or control for themselves and their families as well as their sources of income. This Proclamation, however, does not clearly state the obligation of public officials to notify for proper

³³² *Ibid.*

³³³ Face to face interview with Wubshet Shiferaw, Policy advisor at Justice for all/ Prison Fellowship Ethiopia (August 23/2022).

³³⁴ Kalkidan, M. J. (2020). *Anti-money Laundering Law in Ethiopia: Issues of Enforcement with Specific Reference to Banks*. Mizan Law Review, 14(1), 61-84.

³³⁵ *Ibid.*

authorities when they have control of a financial account in a foreign country and must keep the necessary records.

- The Asset Disclosure and Registration (ADR) regime in Ethiopia lacks clarity about what an appointee, elected person or a public servant is to disclose which threatens the effectiveness of the ADR system in the country.³³⁶
- Because of a lack of resources and competence, it is difficult for the Ethics and Anti-Corruption Commission to handle, verify, and monitor the declarations made by appointees, elected officials, and public servants in Ethiopia.
- Despite the fact that the Asset Disclosure and Registration Law has incorporated beneficial ownership aspects related to information accessibility, the law does not provide a solution to the question of what information must be given. There is no explicit explanation of the timing or the process and procedures to be accessible.³³⁷
- There is no uniformity in the disclosure and registration of assets between the federal government and regional governments and within regional governments themselves. Some regions pass their own laws; some are in the process of doing so, while others have not even started. Due to such legislative action, the national level implementation of the legislation governing the disclosure and registration of assets is very low because the regional governments failed to meet their individual commitments.

4.2.2 Art. 53 & 56 – Measures for Direct Recovery of Property

In the Ethiopian legal system, the issue of jurisdiction on civil matters is governed by the Civil Procedure Code. According to the Civil Procedure Code of Ethiopia, any person who has a vested interest in the subject matter can bring the case before Ethiopian courts for the solution requested.³³⁸ The requirement for any person, natural or juridical, including foreign states to file civil cases before Ethiopian courts to claim their rights to recover the ownership of illegal proceeds related to corruption crime as well as their right to claim compensation caused by crime is establishing either material jurisdiction or local jurisdiction in front of the Ethiopian Judiciary.³³⁹ Therefore, if it is a civil issue that the Ethiopian courts have either material jurisdiction or local jurisdiction over, UNCAC States Parties can file civil cases before these to seek an award of ownership on the alleged property owned through corruption. They can also claim compensation of any kind such as actual or material damage, consequential damage or any other type of damage. The only limitation to this proceeding is that lawyers of foreign countries or States Parties cannot directly stand before Ethiopian courts handling the case. As knowledge of Ethiopian domestic law is important to stand before Ethiopian courts, States Parties' lawyers

³³⁶ Diriba, A., T. (2020). *The role of asset disclosure and registration law in combating corruption in Ethiopia: A comparative analysis with the Hong Kong and Rwanda legal systems*. JL Pol'y & Globalization, 95, 7.

³³⁷ *Ibid.*

³³⁸ Decree No. 52/1965 on the Civil Procedure Code of the Empire of Ethiopia. Accessed December 16/2022 from <http://afrikadu.cois.it/?p=132&lang=en>.

³³⁹ Face to face interview with Wubshet Shiferaw, Policy advisor at Justice for all/ Prison Fellowship Ethiopia (August 23/2022).

can not directly represent their country. States Parties must either hire Ethiopian lawyers to represent them, or foreign lawyers can stand together with Ethiopian lawyers.³⁴⁰

The procedure to get evidence and other related documents from Ethiopia depends once again on its relationship with each State Party. As there is no clear provision concerning how the Ethiopian Government informs the State Party of their right to bring cases before the Ethiopian Judiciary, this issue is to be covered under the international cooperation situation. This includes bilateral and multilateral agreements and reciprocity. The problem is that Ethiopia does not have a comprehensive international cooperation law. In the absence of such a comprehensive law, the UNCAC can be applicable to govern the relationship between States Parties.³⁴¹ When States Parties stand before Ethiopian courts, there is no special category or classification: everyone is equal before the law.³⁴² As a principle, Ethiopia's justice organs are very cooperative to support States Parties for legal action before Ethiopian courts; however, again this is dependent on international relations.

According to a 2018 Transparency International analysis, illicit financial flows caused an average annual loss of 2.2% in Ethiopia's 2018 GDP development.³⁴³ But it was not until Ethiopia's first National Risk Assessment (NRA), which it completed in 2016 with World Bank assistance, that the sources and dangers of IFFs in Ethiopia were fully understood.³⁴⁴ "Ethiopia has lost USD \$16.5 billion from 1970 to 2008 and since 2010 USD \$10 billion due to illicit financial flow totaling USD \$26.5 billion. This ranged from USD \$0.4 billion in 2004 to USD \$5.6 billion in 2010."³⁴⁵ Completed in 2016, NRA identified 23 illegal activities as a significant source of illicit funds, with the greatest concerns coming from migrant and human trafficking, corruption, contraband goods smuggling, illegal hawala, fraud, and tax evasion.³⁴⁶

³⁴⁰ Proclamation No. 1249/2021 on Federal Advocacy Service Licensing and Administration. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no.42, page, 13480, Addis Ababa, Ethiopia. Accessed September 22/2022 <https://chilot.me/wp-content/uploads/2022/03/Proclamation-No.-1249-2021-Federal-Advocacy-Service-Licensing-and-Administration.pdf>.

³⁴¹ Interview over phone with Yesuf Jemaw, Director of International cooperation on legal issues, ministry Justice (September 01/2022).

³⁴² FDRE Constitution (1995). Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People Representative.

³⁴³ ENACT Observer (2021). *IFFs and money laundering /Keeping an eye on financial transactions in Ethiopia*. Accessed on November 26/2022 from <https://enactafrica.org/enact-observer/keeping-an-eye-on-financial-transactions-in-ethiopia>.

³⁴⁴ *Ibid*.

³⁴⁵ Nega, G., T. (2018). Will Ethiopia ever recover its stolen assets? Processes and challenges. Addis Standard. Accessed April 03/2023 from <https://addisstandard.com/oped-will-ethiopia-ever-recover-its-stolen-assets-processes-and-challenges/>.

³⁴⁶ Cusac, Solomon, Tilahu and Serba (2020). Financial crime threat assessment; Ethiopia. Published by Financial Crime News. Accessed on March 19/2023 from <https://thefinancialcrimenews.com/wp-content/uploads/2020/07/Ethiopia-Deep-Dive-2020-Pbd-4.pdf>.

Concerning asset recovery statistics, there is shortage of organized data on any website about the real statistics of cases in Ethiopia. It could be possible to get some fragmented information from different sources, such as from Facebook accounts of governmental offices.

Good practices

- After the Government reform of 2018, Ethiopia showed signs of its will to commit to fighting corruption. As part of this initiative, it is trying to strengthen its international cooperation with other countries to improve asset recovery mechanisms.
- For any State Party, it is simple to file civil cases before Ethiopian courts to claim ownership of property identified in the country as well as compensation.

Deficiencies

- Ethiopia has no comprehensive law regarding international cooperation, so the relationship with other States Parties is not based on established law and working procedures, but rather on the individual relationships with each State Party. In addition, there is no legal framework that clearly gives institutions the mandate to cooperate internationally to recover assets hidden in foreign countries.³⁴⁷
- There is shortage of organized data on any website about the real statistics of cases in Ethiopia.

4.2.3 Art. 54 – Confiscation Tools

Ethiopian Proclamation No. 780/2013³⁴⁸ on Prevention and Suppression of Money Laundering and Financing of Terrorism has incorporated non-conviction-based confiscation. As per article 35 (3) of Proclamation No. 780/2013, in case the suspect is unknown, absconded or died in the middle of the litigation, the court may still order confiscation in case sufficient evidence is adduced to the court of law that can show that the assets are proceeds of crime or instrumentality from money laundering, terrorism financing or predicate offences.³⁴⁹

Asset tracing, gathering intelligence and evidence (both domestically and abroad using Mutual legal Assistance (MLA)), securing the assets (both domestically and abroad using MLA), court processes (to obtain conviction (if possible), confiscation, fines, damages, and/or compensation), enforcing orders (both domestically and abroad using MLA), and asset return are all steps in the process of recovering stolen property.³⁵⁰ The Ethiopian government is employing mutual legal

³⁴⁷ Endalkachew, W., L. (2020). *Legal and institutional framework for stolen asset recovery in Ethiopia* (Doctoral dissertation, Addis Ababa University). Accessed September 20 /2022 from <http://etd.aau.edu.et/bitstream/handle/123456789/22302/Endalkachew%20worku.pdf?sequence=1&isAllowed=y>.

³⁴⁸ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia.

³⁴⁹ *Ibid.*

³⁵⁰ Mamenie, E. (2020). *Stolen Asset Recovery in Ethiopia: Critical Legal Issues and Challenges*. Research gate. Accessed September 24/2022 from <https://abyssinialaw.com/blog/stolen-asset-recovery-in-ethiopia-critical-legal-issues-and-challenges>.

assistance. For example, in the case between Alganesh Teshome, prosecutor of MoJ and former Prime Minister Tamrat Layne, Sheik Mohammed Hussein al-Amoudi and Shadia Nadim, the Federal Supreme Court on July 3, 2011 ordered the MoJ to request the stated money from the government of Djibouti by the judicial assistance agreement the two governments have.³⁵¹

The legal framework in Ethiopia for fighting corruption allows for the seizure of assets from foreign origin through the crime of money laundering or any other crime with a similar impact. The AML/CFT law criminalizes every predicate offense within the jurisdiction of Ethiopia, irrespective of its place of commission. As per article 29 (3) (c) of Proclamation No. 780/2013, even if the predicate offence is committed outside the jurisdiction of Ethiopia, as long as it constitutes an offence within the domestic laws of Ethiopia, it can be cause for criminal liability in violation of the AML laws and assets can be confiscated based on this law.³⁵² In case when criminal confiscation or NCBC are not effective for different reasons, then the Government can bring civil cases before courts for confiscation or for the purpose of the return of stolen assets. Proving guilt in civil cases is easier than in criminal cases because for civil cases we use preponderance of evidence, which means 50+1³⁵³, and for criminal cases the standard of proof is beyond a reasonable doubt or a clear and convincing standard.

In order to get mutual legal assistance, the crime committed abroad should also be designated as a crime in Ethiopia. Even if the articles do not use similar terminology, if the act is a crime both in Ethiopia and abroad, ML offences can be adjudicated in Ethiopia. This can be seen from article 40 (1) (e). Therefore, dual criminality is of course a requirement but the point is that ML crimes have a similar interpretation, as the definition is based on the Vienna and Palermo Conventions.

As long as it can be proven that the assets are the proceeds of crime, even if the crime is committed outside of Ethiopia, it can be subjected to confiscation under the condition of dual criminality and as long as it has jurisdiction to adjudicate the case.³⁵⁴ Investigations now cover money laundering offences in addition to the rising number of money laundering cases and funds seized. The prosecution has begun presenting cases for the seizure of assets without a conviction. However, because cases are handled in various departments alongside so many other cases, it is very challenging to identify money laundering cases individually.³⁵⁵

³⁵¹ *Ibid.*

³⁵² *Ibid.*

³⁵³ 50+1 signifies that the case can be won by the party who provided the most evidence, also known as preponderance of the proof. In civil cases, this kind of proof evaluation is appropriate.

³⁵⁴ Interview over phone with Yalemtarik Shimelis, Vice director general of asset recovery directorate general at Ministry of Justice (August 20/2022).

³⁵⁵ *Ibid.*

In Ethiopia, there are no cases of confiscation based on foreign corruption-related money laundering offences. Furthermore, there are no requests so far that have come from abroad on the basis of NCBC.

It can be concluded that effective enforcement of article 23 of the UNCAC is growing. Investigations of predicate offences, especially on corruption, are following money laundering crimes. Other economic crimes are also investigated both in the predicate offence and money laundering.

Good practices

- The Asset Recovery Directorate General was established by the Ethiopian government under the Ministry of Justice to assist in the mission of confiscation assets earned via corruption.
- The number of money laundering cases and the number of assets confiscated are increasing, and investigations now also include money laundering offences. The prosecution has started to bring cases for non-conviction-based confiscation of assets.³⁵⁶

Deficiencies

- The task of asset recovery is not implemented in an effective manner.
- In Ethiopia, the process for recovering stolen property involves lengthy and complicated journeys, which will impede the process.³⁵⁷

4.2.4 Art. 51, 54, 55, 56 & 59 – International Cooperation for the Purpose of Confiscation

According to the Ethiopian legal system for international cooperation on legal issues, there is a central authority for this purpose: the Ministry of Justice.³⁵⁸ The Financial Intelligence service cannot cooperate on legal matters, the only organ which has the authority to engage in international cooperation is the Ministry of Justice. The mandate of the service is to support the Ministry. It may however engage in international cooperation on issues other than legal.³⁵⁹

Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism, articles 39 to 51, deal with seizure and confiscation based on foreign requests.³⁶⁰ Furthermore, a directive was developed by the FIS in 2014 that can be used as a

³⁵⁶ Interview over phone with Yigremachew Kefelegn, a private lawyer, advocate and trainer, expert on anti-money laundering (August 25/2022).

³⁵⁷ *Ibid.*

³⁵⁸ Interview over phone with Yesuf Jemaw, Director of International cooperation on legal issues, ministry Justice (September 01/2022).

³⁵⁹ Interview over phone with Habtamu Menesha, Director of Legal Affairs Directorate at ministry of finance (August 26/2022).

³⁶⁰ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia.

reference for foreign countries to ask for MLA.³⁶¹ Upon application by a foreign State, requests for mutual legal assistance in connection with money laundering or financing of terrorism shall be executed.³⁶² Mutual legal assistance may include, in particular:

- taking evidence or statements from persons;
- assisting in making detained persons or voluntary witnesses available to the judicial authorities of the requesting State in order to give evidence or assist in investigations effecting service of judicial documents;
- executing searches and seizures;
- examining objects and sites;
- providing information, evidentiary items and expert evaluations;
- providing originals or certified copies of relevant documents and records, including Government, bank, financial, corporate or business records;
- identifying or tracing the proceeds of crime or instrumentalities or other things for evidentiary or confiscation purposes;
- confiscation of funds or property;
- executing freezing or seizure and other provisional measures, and any other form of mutual legal assistance not contrary to the laws of Ethiopia.³⁶³

Proclamation No. 780/2013 included freezing and other administrative measures as a provisional measure to avoid the possibility of hiding assets before confiscation orders by the court.³⁶⁴ MLA management falls upon the Ministry of Justice as a central authority.

As long as the request is in accordance with the laws of Ethiopia, foreign orders can be recognized and enforced in Ethiopia. As long as the reasons for an NCBC are compatible with domestic laws of Ethiopia, it can be enforced.³⁶⁵ A request for mutual legal assistance may be refused only if:

- it was not made by a competent authority according to the legislation of the requesting country, or its contents are in substantial non-conformity with article 48 of this proclamation;

³⁶¹ Directives No. 01/2014 on Financial Anti-Money Laundering and Countering the Financing of Terrorism Compliance. Financial Intelligence Center of Federal Democratic Ethiopia, Addis Ababa, Ethiopia. Accessed on November 26/2022 from <https://chilot.me/wp-content/uploads/2021/03/FI-CDD-2014.pdf>.

³⁶² Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia.

³⁶³ *Ibid.*, Art. 39 (2) (a-k).

³⁶⁴ *Ibid.*, Art. 37 (1).

³⁶⁵ Civil Procedure Code of the Empire of Ethiopia, 1965, Negarit gazeta-extraordinary issues no. 3 of 1965, Addis Ababa, Ethiopia/execution of foreign courts article 456-461.

- its execution is likely to prejudice the law and order, sovereignty, security, public interest or other essential interests of Ethiopia;
- the offence to which it relates is the subject of criminal proceedings or has already been the subject of a final judgment in the territory of Ethiopia;
- there are substantial grounds for believing that the measure or order being sought is directed at the person in question solely on account of that person's race, religion, nationality, ethnic origin, political opinions, gender or status;
- the offence referred to in the request is not provided for under the legislation of Ethiopia or does not have features in common with an offence provided for under the legislation of Ethiopia;
- under the legislation of Ethiopia, the measures requested, or any other measures having similar effects, are not permitted with respect to the offence referred to in the request;
- the measures requested cannot be ordered or executed by reason of period of limitations under the legislation of Ethiopia or the law of the requesting state;
- the decision whose execution is being requested is not enforceable under the legislation of Ethiopia or the decision rendered abroad was issued under conditions that did not afford sufficient protections with respect to the rights of the defendant.³⁶⁶

Ethiopia is a member of information-sharing forums such as the EGMONT group, the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) and the Asset Recovery Inter-Agency Network for East Africa (ARIN-EA).³⁶⁷ Ethiopia is also a signatory to many international conventions like the Vienna Convention, the Palermo Convention and the UNCAC, and its domestic laws also offer the widest possible cooperation mechanisms including conviction based, non-conviction based or civil action alternatives.

Ethiopia recently engaged in bilateral and/or multilateral agreements and arrangements with the United Arab Emirates (UAE)³⁶⁸ and Turkey in 202,³⁶⁹ and it previously had a bilateral agreement with Djibouti,³⁷⁰ to improve the efficacy of international cooperation on asset recovery. The

³⁶⁶ Proclamation no. 780/2013, Art. 40 (1) (a-i), *supra n.*, 54.

³⁶⁷ Proclamation No. 780/2013 on the Prevention and Suppression of Money Laundering and Financing of Terrorism. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia. Art. 40 (1) (a-i). See the ESMAAGL website https://www.esaamlg.org/index.php/about_esaamlg_history#:~:text=The%20ESAAMLG%20operates%20in%20a,la,ndering%20and%20terrorist%20financing%20threats. And ARIN-EA Website: www.eaaaca.com.

³⁶⁸ Fana Television (Apr 26, 2022). *Ethiopia and UAE: a relationship of brotherhood, cooperation and development* Accessed December 16/2022 from <https://www.fanabc.com/english/ethiopia-and-uae-a-relationship-of-brotherhood-cooperation-and-development/>.

³⁶⁹ The Ethiopian Herald (2021). *Ethiopia: Ethio-Turkey Relations Key to Ethiopia's Prosperity*. Accessed December 16/2022 from <https://allafrica.com/stories/202108200631.html>.

³⁷⁰ Mormul, J. (2016). *Ethio-Djiboutian Relations in the 21st Century—Towards New African Cooperation*. Politeja, (42), 263-286. Accessed December 16/2022 from <https://www.jstor.org/stable/24920258>.

Ethiopian Government is also trying to prepare a draft law on international cooperation on legal issues and asset recovery and management.³⁷¹

The 34-nation crime prevention and control cooperation program was announced in Nairobi, Kenya in January 2023.³⁷² Under the coordination of the European Union (EU), this program of 34 countries, including East, Central African countries and Yemen, aims to help prevent and control money or property obtained through criminal activities, money laundering, terrorism, and crimes related to the movement of money of unknown origin.³⁷³

Good Practices

- Ethiopia has recently engaged in bilateral and multilateral agreements with states, such as the UAE and Turkey in 2022. The government is also working on a draft law on international cooperation on legal issues and asset recovery and management.

Deficiencies

- There is no autonomous institution in Ethiopia that oversees international asset recovery matters. Only the Ministry of Justice and federal police has a directorate tasked with organizing cases involving overseas asset recovery.
- The MoJ's directorate on asset recovery lacks the necessary personnel and other resources to adequately carry out its purpose.
- Furthermore, there have been no instances of international asset recovery cases involving Ethiopia in which the UNCAC's provisions have been found to be sufficient to allow for efficient international cooperation.

4.2.5 Art. 57 – The Return & Disposal of Confiscated Property

Ethiopia ratified the laws on the return of confiscated assets to the prior legitimate owner or to those victimized by corruption. However, the laws on the recovery of stolen assets in Ethiopia are fragmented in some existing legislations including the Criminal Code, the Criminal Procedure Code, The Revised Anti-Corruption Special Procedure and Rules of Evidence Proclamation No. 434/2005³⁷⁴ (as amended by Proclamation No. 882/2015)³⁷⁵, the Federal

³⁷¹ Face to face interview with Addis Getinet, director general, legal studies, drafting and consolidation of the Ministry of Justice (August, 20/2022).

³⁷² Financial intelligence Service (FIS) (January 24, 2023). The 34-nation crime prevention and control cooperation program was announced in Nairobi, Kenya. Accessed April 02/2023 from https://www.facebook.com/permalink.php?story_fbid=pfbid02TUI5aDTgRKL5cpez52n2F58ADkioeMCSQS6TmnKUMYqMEWRvn3FUsSRg37ZrSJQul&id=100069065505190.

³⁷³ *Ibid.*

³⁷⁴ Proclamation No. 434/2005. The Revised Anti-Corruption Special Procedure and Rules of Evidence Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 11th year no.19, page, 3013, Addis Ababa, Ethiopia. Accessed March 19/2023 from <file:///C:/Users/user/Downloads/Documents/Proc%20no.%20434-2005%20Revised%20Anti-Corruption%20Special%20Procedure.pdf>.

³⁷⁵ Proclamation No. 882/2015. The Revised Anti-Corruption Special Procedure and Rules of Evidence (Amendment) Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 21st year

Executive Organs Establishment Proclamation, Proclamation No. 1263/2021 and the Proclamation to Provide for Corruption Crimes No. 881/2015³⁷⁶.³⁷⁷ This demonstrates that Ethiopia does not have a single law that sets down a consistent system for the forfeiture and recovery of illicit assets. Ethiopia ratified the Intergovernmental Authority for Development (IGAD) Convention on Mutual Legal Assistance in Criminal Matters.³⁷⁸

A safe haven for corrupt officials to live freely is thought to have been created by the lack of a robust legislative and regulatory framework with numerous legal tools to detect corrupt activities and illicit financial flows, swiftly freeze assets, conduct effective investigations, and long court processes.³⁷⁹

For individuals who are victims of corruption, if they incur any damage or cost because of corruption, they can request compensation or damages through courts. They can bring cases before courts.³⁸⁰ However, no cases of corruption victims getting compensation or submitting legal claims with Ethiopian courts are known.

Asset recovery in Ethiopia has a number of difficulties, including burdensome requirements for the provision of mutual legal assistance, excessive banking secrecy, limitations on the use of legal processes, and burdensome procedural and evidentiary standards.³⁸¹ It may also be impossible to prosecute corruption offenses and recover assets due to immunity laws that are in place, a lack of efficient coordination, or even a lack of political will.³⁸²

The existing Ethiopian legal framework on asset recovery does not have the capacity to effectively recover all proceeds of major economic crimes from abroad.³⁸³ In its performance report for the first 11 months of 2019, the Federal Attorney General's Office stated that efforts were being made to recover more than 130 billion ETB in stolen public funds that had been misappropriated by government employees and associate investors and moved abroad. Yet, the government has come under fire from some for focusing on select groups that are not from the ethnic group of the prime minister while disregarding others in the battle against corruption,

no.37, page, 8183, Addis Ababa, Ethiopia. Accessed September 22/2022 from <https://chilot.me/wp-content/uploads/2017/04/proclamation-no-882-2015-the-revised-anti-corruption-special-procedure.pdf>.

³⁷⁶ Proclamation No. 881/2015. Corruption Crimes Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year No. 36, page, 8152, Addis Ababa, Ethiopia. Accessed December 18/2022 from <https://chilot.files.wordpress.com/2017/04/proclamation-no-881-2015-corruption-crimes-proclamation.pdf>.

³⁷⁷ UNODC (2015). *Country review report of Ethiopia*. Accessed September 27/2022 from https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_10_14_Ethiopia_Final_Country_Report.pdf.

³⁷⁸ Mamenie, E. (2020). *Stolen Asset Recovery in Ethiopia: Critical Legal Issues and Challenges*. Research gate.

³⁷⁹ Ezega.com (December 18/2019). *Ethiopia to Recover Over 130 billion birr in Stolen Public Funds: Official*. Accessed December 25/2022 from <https://www.ezega.com/News/NewsDetails/7566/Ethiopia-to-Recover-Over-130-Billion-Birr-Stolen-Public-Funds-Official>.

³⁸⁰ Proclamation No. 165/1960. The civil code of Ethiopia, 5th May 1960.

³⁸¹ *Ibid.*

³⁸² *Ibid.*

³⁸³ *Ibid.*

despite the president's frequent statements that corruption crimes have occurred since he assumed office.³⁸⁴ Yet, up until this point, we have not seen any Government report documenting recovered public funds.

Deficiencies

- Ethiopia lacks an independent asset recovery policy, regulations, and institution that can standardize the regulation of recovering stolen property, reduce red tape, and establish a unified mechanism to accomplish this.
- The laws which cover asset recovery are dispersed in different legislations and do not include the whole process of asset recovery which includes intelligence gathering and formal investigations, identifying assets and tracing as well as freezing or seizing assets and the confiscation process.
- Furthermore, these laws do not mandate a single institution to recover stolen assets, they mandate different institutions in an unclear and scattered manner.

4.3 Statistics

Money Laundering

Reporting/Intelligence phase	Year: 2019/20	Year: 2020/21	Year: 2021/22
Number of Suspicious Transaction Reports (STRs) filed by each category of obliged entities: - Banks and financial institutions - Non-financial businesses and professions (NFBPs)	717 29	1114 370	1147 92
Number of postponement orders adopted on reported transactions	n/a	n/a	n/a
Number of money laundering investigations carried out independently by law enforcement agencies	n/a	n/a	n/a
Number of suspicious cash activities at the border reported to the FIS (including those based on declarations and smuggling)	ETB 19,054,504.00	ETB 216,592,101.28	ETB 24,685,467.00
Number of STRs sent to law enforcement and on which further analysis was made	86	67	39
Number of staff dedicated full-time (or full-time equivalent) to money laundering in the FIU	53	95	81

Source: Email exchange with Abby Dinka, Legal expert with the financial intelligence service (December 19/2022)

³⁸⁴ Ezega.com (December 18/2019). *Ethiopia to recover over 130 billion Birr Stolen Public Funds*: Official. Accessed December 25/2022 from <https://www.ezega.com/News/NewsDetails/7566/Ethiopia-to-Recover-Over-130-Billion-Birr-Stolen-Public-Funds-Official>.

Unfortunately, no statistics can be indicated for the investigation phases of money laundering cases. In Ethiopia's criminal justice system, money laundering cases are investigated in several police stations alongside other offences. With more than 300 different sorts of crimes, it was therefore incredibly difficult to choose or pinpoint money laundering cases. In Ethiopia, the prosecutor's reporting system is based on the weight of the offense, which includes minor crimes, middle-level crimes, and serious crimes. Therefore, it is impossible to track money laundering files without knowing the file number of each instance. A prolonged period of time would be required for the researchers involved in this parallel report to choose and identify a three-year file number of money laundering cases.

Judicial phase	2019	2020	2021
Number of staff dedicated full time (or full time equivalent) to investigating money laundering in the judiciary	22	20	24
Number of persons/legal entities convicted for money laundering offences	n/a	n/a	n/a
Number of convictions for laundering proceeds of crimes committed abroad	n/a	n/a	n/a
Number of convictions for crimes other than money laundering originating from STRs	n/a	n/a	n/a
Number of judgments by type of money laundering offences	n/a	n/a	n/a
Number of unsuspended prison sentences or sentences by length (as a main offense, as a predicate offense)	n/a	n/a	n/a

For some kind of crimes like terrorism and corruption, there are separate benches. But for money laundering and other cases there is no separate bench. Such cases are to be entertained along with other kind of crimes in different benches of the federal and regional courts. Therefore, it is not possible to identify or obtain a specific number of money laundering cases among other kinds of cases unless there is specific file number. Consequently, the report writing team was unable to count the number of money laundering cases filed with courts on a year-by-year basis.

Asset recovery

As above, it was extremely challenging for the research team to gather the asset recovery cases in a short amount of time because criminal cases are heard by different federal and regional court benches and courts. Because of this, asset recovery cases cannot be tracked down until a specific file number is known.

5. Recent Developments

Recent developments in the nation have been directly tied to the battle against corruption: the prime minister established a coordinating committee in December 2/2022 on the struggle of anti-corruption with the aim of supporting police, prosecution and other organs' investigation and prosecution of corruption cases. The prime minister also gave orders to all regions to establish a similar committee.³⁸⁵

The Tigray People's Liberation Front (TPLF) and the Ethiopian government signed a peace agreement on November 2/2022, promising a "permanent cessation of hostilities" to put an end to the conflict. The federal government also started a political dialogue with the Tigray People's Liberation Front (TPLF) to settle their differences after Ethiopia's parliament removed the party from a list of "terrorist organizations" in March 2023.

According to a new report from the Internal Displacement Monitoring Centre, conflict and violence caused over 5.1 million internal displacements in Ethiopia in 2021, which is more than triple the amount that was reported there in 2020 and the highest number ever documented for any country in a single year.³⁸⁶

In November 2018, the Federal Public Procurement and Property Administration (FPPPA) launched the Implementation of the Electronic Government Procurement (e-GP) platform, which offers a promising future for the distribution of tender documents such as procurement plans, invitations to bid, tender notices, and some significant contract performance data of Suppliers.³⁸⁷ Currently most public procurement information is available on the regulatory agency's website.³⁸⁸ The website contains all the legal framework documents of proclamations, directives, manuals, templates, standard bidding documents, bid invitations and contract awards, etc. The administration is also amending Procurement and Public Property Administration Proclamation No. 649/2009. The main reason for the amendment is to include more advanced and modern procurement and property administration concepts.

The Ethics and Anti-Corruption Commission was re-established in 2021 with the objectives of: effectively enhancing ethical and moral values of the generation, preventing corruption offences

³⁸⁵ Federal Ethics and Anti-Corruption Commission (December 02/2022). The anti-corruption national committee established to fight organized theft began its work [Facebook page].

³⁸⁶ Habib J. (2022). Ethiopia set a world record for displacements in a single year: 5.1 million in 2021. Accessed April 05/2023 from <https://www.npr.org/sections/goatsandsoda/2022/05/28/1100469734/ethiopia-set-a-world-record-for-displacements-in-a-single-year-5-1-million-in-20>.

³⁸⁷ FEPPA (2015). FPPPA has launched of the Electronic Government Procurement System (E-GP) Implementation Strategy with the Ministry of Innovation and Technology. Accessed December 28/2022 from http://www.ppa.gov.et/index.php?option=com_content&view=article&id=188:fpppa-has-launched-of-the-electronic-government-procurement-system-e-gpimplementation-strategy-with-the-ministry-of-innovation-and-technology&catid=14:news&Itemid=114.

³⁸⁸ See <http://www.ppa.gov.et/> portal for more details on procurement information.

and other improprieties, making the public become owner of the anticorruption struggle by creating a movement helpful in the fight against corruption, creating institutional capacity that would enable to carry out powers and duties given to it by law, ensuring transparency and accountability in public offices, public enterprises and public organizations by having the asset and financial interests of their officials and employees declared, registered and made accessible and verified as to their accuracy.³⁸⁹ However, in practice, the commission's autonomy for action is insufficient.

In order to integrate whistleblower protection and other more up-to-date systems of witness protection, the Ministry of Justice is updating the witness protection Proclamation 699/2010.³⁹⁰ The existing proclamation gives more protection to witnesses than whistleblowers, but practically speaking, it is those who blow the whistle that later become witnesses. There are serious recommendations from national and international organizations including UNODC to amend this law in a way to emphasize the protection of whistleblowers as witnesses. Between July and August 2021, a drafting workshop was organized by the Government of Ethiopia and UNODC for the Federal Attorney General Office's Witness Protection Directorate and Legal Drafting Directorate, the Federal High Court, the Advisory Committee, and the Technical Working Group on Revising Proclamation 699/2010 on Witness Protection and Whistleblowers. Prior to the drafting workshop, there were numerous consultations and a legislative evaluation in May and June 2021 when the laws and policies were discussed and examined over for any potential deficiencies.³⁹¹ It was possible to get feedback on the draft law that was being written from the attendees of this workshop. The final draft of the draft legislation on whistleblower protection and witness protection has now been produced and is being prepared for submission to the council of minister and HPR for approval.

In addition, Ethiopia recently engaged in bilateral and/or multilateral agreements and arrangements with the UAE (2022)³⁹² and Turkey (2022),³⁹³ and previously concluded a bilateral agreement with Djibouti,³⁹⁴ to improve the efficacy of international cooperation on asset recovery.

³⁸⁹ Proclamation No. 1236/2021. Revised Federal Ethics and Anti-Corruption Commission Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no. 15, page, 12984, Addis Ababa, Ethiopia.

³⁹⁰ Face to face interview with Tegenegn Tirfe, legislative drafter and higher prosecutor at ministry of Justice (August 10/2022).

³⁹¹ UNODC (2021). UNODC supports Government of Ethiopia to review Proclamation on Witness Protection and Whistleblowers. Accessed December 03/2022 from <https://www.unodc.org/easternafrika/en/Stories/unodc-supports-government-of-ethiopia-to-review-proclamation-on-witness-protection-and-whistleblowers.html>.

³⁹² Fana Television (Apr 26, 2022). Ethiopia and UAE: a relationship of brotherhood, cooperation and development Accessed December 16/2022 from <https://www.fanabc.com/english/ethiopia-and-uae-a-relationship-of-brotherhood-cooperation-and-development/>.

³⁹³ The Ethiopian Herald (2021). Ethiopia: Ethio-Turkey Relations Key to Ethiopia's Prosperity. Accessed December 16/2022 from <https://allafrica.com/stories/202108200631.html>.

³⁹⁴ Mormul, J. (2016). Ethio-Djiboutian Relations in the 21st Century—Towards New African Cooperation. Politeja, (42), 263-286. Accessed December 16/2022 from <https://www.jstor.org/stable/24920258>.

Despite lacking the necessary human resources and funding, the Ministry of Justice established a directorate in 2020 with the mandate of coordinating foreign asset recovery cases.

6. Recommendations

In order to improve the implementation of the UNCAC in Ethiopia, the following recommendations have been made based on the findings of this parallel report. The Ethiopian government should:

1. Strengthen the technical and financial capacities of anti-corruption institutions, and their independence and autonomy should be ensured when making decisions, without interference from third parties.
2. Strengthen the current radio and television programs to increase their frequency of transmission on corruption prevention and reach a broader audience.
3. Reinstate the previous mandate of the Federal Ethics and Anti-Corruption Commission to investigate and prosecute corruption – currently assigned to the police and the prosecutor or the Ministry of Justice – back to the Commission. As a result, the Commission would be more proactive and efficient in carrying out its corrective action for corruption cases.
4. Adopt and implement clear-cut and specific requirements and procedures for the selection of individuals to fill certain categories of positions that are considered as vulnerable to corruption, including possible early identification of potential conflicts of interest.
5. Adopt and implement criteria for training requirements and curricula for individuals in public positions considered to be especially vulnerable to corruption in the system. Improving the remuneration of civil servants and public officials is also recommended to prevent the spread of corruption within the state.
6. Select managers of public institutions on the basis of merit, according to transparent criteria that are shared within and beyond the administration. The decision-making process must be balanced, so that the immediate superior is not the sole one who makes the final decision.
7. Allow political parties to get financial support from any legal sources, whether foreign or domestic, with appropriate regulation, as they play a paramount role in the development of the country towards exposing and debating maladministration and corruption practices.
8. Revise the Ethiopian Legal framework in a way that forces candidates to report their own budget utilization in an open and transparent manner.
9. Improve the capacity of the Accounting and Auditing Board of Ethiopia for the auditing of financial and non-financial concerns in the private sector, much like is done with the auditing of financial statements for the public sector.
10. Establish a practice of exposing and prosecuting corrupt practices, which teaches valuable lessons and fosters a culture of accountability among workers and society at large.
11. Increase the involvement of civil society organizations to contribute to national policy input in the battle against corruption.
12. Update the extensive list of exemptions to the right of access to information under Articles 12, 15–26 of Proclamation No. 590/2008, without jeopardizing that right.

13. Minimize the lengthy period allotted to access information from public bodies to a reasonable amount of time.
14. Remove the powers granted to the Ombudsman under article 32 of Proclamation No. 590/2008 on Freedom of Expression and Access to Information, and permit a direct appeal on the judgments of the head of the administrative body to the Court.
15. Take significant steps to update the country's laws regulating the privacy of beneficial ownership data in general, making this data publicly available in an open, freely accessible database, in open data, because doing so will help investigators better identify cases of money laundering and terrorism financing.
16. Create an information commission to handle complaints and educate the public about their right to access information.
17. Draft and adopt a new law on whistleblower rights and protection that complies with current international standards rather than amending the current Proclamation No. 699/2010, which only applies to witnesses in serious criminal investigations and prosecutions.
18. Establish a central registry of beneficial owners that is recent, verified, accurate, and open to the public, following the Open Contracting Data Standard principles (OCDS).
19. The Anti-Corruption Commission should employ a strategy of working by giving priority to corruption-prone areas and vulnerable parts of society based on pilot studies. The Commission should also meet regularly to raise awareness and consciousness among the public through lectures, seminars, media programs and exhibitions which would assist in the dissemination of its own activities and strengthen its transparency.
20. Work more closely with other organizations and government offices to secure funding and legal support for the Anti-Corruption Commission.
21. Urgently adopt legal frameworks relating to crypto currency and strengthening cross-border cash flow management. The primary concerns that would need additional legislative or regulatory attention in Ethiopia's legislative system to support its AML/CFT framework are: the identification of terrorism financing risks and follow-up action, more detailed guidance for designated non-financial businesses and professions (DNFBPs), as well as better coordination of asset freezing, confiscation, and management.
22. Make use of new technologies to support the asset disclosure and registration system's current shortcomings in terms of efficacy, efficiency and accountability. Technology can be an effective tool in reducing errors because it requires less staff, is simple to submit and verify the process, takes less time, increases compliance rates, is cheap, promotes public access, and makes it easier to monitor and report the effectiveness of the agency in charge of asset disclosure and registration.
23. Conduct lifestyle inspections, home visits, and both target and random samples in practice as a way to verify declarations and as part of The Federal Ethics and Anti-Corruption Commission's routine verification approach to detect corruption.

24. Make all asset declarations publicly accessible online via the websites of each ministerial office, particularly those of high-ranking officials, to ensure more accountability and transparency.
25. Mandate that regional governments and city administrations create uniform declarations of assets and their registration with the federal government and among themselves.
26. Improve the asset declaration process by making both a summary of asset declarations by public officials, especially those with significant discretionary power, and a set of acceptable and deterrent consequences available to the general public, as well as details regarding this process.
27. Support the procedure and process of procurement based on research and risk minimizing strategies.
28. Adopt a civil society engagement policy and increase space for civil society to engage in and observe the government's anti-corruption efforts.
29. Urgently adopt a comprehensive asset recovery and international cooperation law.
30. Strengthen international cooperation relations with relevant States Parties.
31. Adopt and implement the necessary legislative and institutional changes, especially non-conviction based (NCB) confiscation and mechanisms to rapidly freeze assets; conduct cases and investigations; and engage in international cooperation using both informal practitioner-to-practitioner channels and formal multilateral channels.
32. Increase the quantity of financial resources used to strengthen specialized courts and the justice system's administrators in order to give asset investigations equal weight with investigations into the attribution of criminal responsibility.
33. Emphasize the value of developing trustworthy connections between requesting and soliciting States. Offering the requesting State technical support, training, and guidance could help create partnerships between requester and requesting States.
34. Develop further legislative/regulatory attention concerning the designation of terrorists and follow up actions; more precise guidance to designated non-financial businesses and professions (DNFBPs); and better coordination of asset freezing, confiscation and management.
35. Adopt one comprehensive law that covers all aspects of asset recovery, from initial asset gathering and tracing to management of the asset until it is returned to the rightful owner or used by the government for the benefit of the public.
36. Establish by law an autonomous institution with the task of asset recovery. Even though the Ministry of Justice has such a mandate, it is unable to carry out the mission of tracking down criminally associated assets because it is too busy overseeing criminal investigations, prosecutions, and punishment implementation.

7. Annex

7.1 Freedom of Information Requests

Institution	Date of request	Date of answer	Information requested	Information provided
Federal Ethics and Anti-Corruption Commission (FEACC)	December 25/2022	December 27/2022	Information including statistical data on the issue of corruption in Ethiopia.	Partially received
Ministry of Justice, Asset recovery Directorate General	August 11/2022	August 20/2022	Number of asset recovery cases pending before courts and number of asset recovery cases investigated.	Fully received
Ministry of Justice, Legal studies, drafting and consolidation directorate general	August 02/2022	August 04/2022	Information about recent developments regarding amendment of laws related to asset recovery, and participation of Ministry of Justice in the National Risk Assessment at the Financial Intelligence Services.	Fully received
Ministry of Justice, Director for International cooperation on legal affairs	August 23/2022	September 01/2022	Information on the return of assets and amount of confiscated property.	Partially received
Financial Intelligence Center	August 01/2022	August 11/2022	Information about number of suspicious business transactions reported to the service, and about NRA current status.	Fully received
Federal police corruption crimes investigation directorate	August 12/2022	August 25/2022	Information on returns filed and penalties, and how declarations of conflict of interest are regulated.	Partially received
Federal Public Procurement & Property Administration	August 05/2022	September 12/2022	Information on the establishment of appropriate systems of procurement, based on	Fully received

(FPPPA)			transparency, competition and objective criteria in decision-making, that are effective in preventing corruption.	
National Election Board of Ethiopia (NEBE)	December 25/2022	December 25/2022	The funds allocated for the sixth national election; whether political parties received funding from legally prohibited sources; the criterion for allocating funds to political parties, and the existence of a ban on the use of public resources for electoral propaganda.	Fully received

7.2 Bibliography

- Abdulkader, M. Y. (2021). The Legal Framework and Barriers to Access to Environmental Information in Ethiopia. *Mizan Law Review*, 15(1), 139-172. Accessed December 11/2022 from <https://www.ajol.info/index.php/mlr/article/view/215349>.
- Abebe, A. (2016). Anti-Money laundering and Counter Financing of Terrorism: Practices and Challenges of Commercial Banks in Ethiopia (Master's thesis, St. Mary's University). Accessed September 21/2022 from <http://www.repository.smuc.edu.et/handle/123456789/3606>.
- Addis Zeybe (May 27/2022). Ethiopian Human Rights Commission calls for immediate release of detained journalists. *A report by Addis Zeybe, a digital news outlet*. Accessed December 11/2022 from <https://addiszeybe.com/featured/politics/news/currentaffairs/ethiopian-human-rights-commission-calls-for-immediate-release-of-detained-journalists>.
- Addis Zeybe (October 1/2020). Ethiopia needs Access to Information as much as "Prosperity". *A report by Addis Zeybe, a digital news outlet*. Accessed December 11/2022 from <https://addiszeybe.com/editorial/ethiopia-needs-access-to-information-as-much-as-prosperity>.
- ALAIN (May 27/2021). The election board of Ethiopia (NEBE) distributed the money received from the government to the political parties. Accessed December 26/2022 from <https://am.al-ain.com/article/nebe-distribute-funds-from-the-government-to-political-parties>.

- Aron, D. (2020). Institutional Independence of Federal Courts in Ethiopia: Observations (Amharic). *Mizan Law Review*, 14(2), 310-340. Accessed December 27/2022 from <https://www.ajol.info/index.php/mlr/article/view/203642>.
- Ashenafi, L. (2016). *Anti-Money- Laundering and Countering the Financing of Terrorism Regime*. Unpublished Master's thesis. Addis Ababa University: Addis Ababa. Accessed December 08/2022 from <http://etd.aau.edu.et/bitstream/handle/123456789/7264/Ashenafi%20Lakew.pdf?sequence=1&isAllowed=y>.
- Berihun A., G. (2015). The legal regime of corruption in Ethiopia: an assessment from international law perspective. *Oromia Law Journal*, 4(1), 73-124. Accessed September 19/2022 from <https://www.ajol.info/index.php/olj/article/view/120612>.
- Bileh J., Etenesh A., Mahlet F. & Siyanne M. (2021). In Depth Analysis: Cautious Hope for peace, stability as troubled 6th Ethiopian national election unfolds. Addis Standard. Accessed April 05/2023 from <https://addisstandard.com/in-depth-analysis-cautious-hope-for-peace-stability-as-troubled-6th-national-election-unfolds/>.
- Cusac, Solomon, Tilahu and Serba (2020). Financial crime threat assessment; Ethiopia. Published by Financial Crime News. Accessed on March 19/2023 from <https://thefinancialcrimenews.com/wp-content/uploads/2020/07/Ethiopia-Deep-Dive-2020-Pbd-4.pdf>.
- Daniel, B. (2013). Corruption in Ethiopia: Causes and remedies. Accessed September 08/2022 from <https://africlaw.com/2013/07/04/corruption-in-ethiopia-causes-and-remedies/#>.
- Decree No. 52/1965. Civil procedure code of the empire of Ethiopia. Accessed December 16/2022 from <http://afrikadu.cois.it/?p=132&lang=en>.
- Directive FXD/81/2022. Limits on ETB and foreign currency holding in the territory of Ethiopia; the national bank directive. Accessed November 26/2022 from <https://nbebank.com/wp-content/uploads/pdf/directives/forex/fxd-81-22.pdf>.
- Directives No. 01/2014. Financial Anti-money Laundering and countering the financing of terrorism compliance directives. Financial Intelligence Center of Federal Democratic Ethiopia, Addis Ababa, Ethiopia. Accessed November 26/2022 from <https://chilot.me/wp-content/uploads/2021/03/FI-CDD-2014.pdf>.
- Directive No. 16/2021. Issued to determine the financial support given to political parties Directive. Accessed December 26/2022 from <https://nebe.org.et/sites/default/files/Directive-on-Political-parties-funding-signed.pdf>.
- Diriba, A., T. (2020). The role of asset disclosure and registration law in combating corruption in Ethiopia: A comparative analysis with the Hong Kong and Rwanda legal systems. *JL Pol'y & Globalization*, 95, 7. Accessed September 21/2022 from <https://www.iiste.org/Journals/index.php/JLPG/article/viewFile/52167/53904>.
- Doig, A., & Riley, S. (1998). Corruption and anti-corruption strategies: Issues and case studies from developing countries. *Corruption and integrity improvement initiatives in developing countries*, 45, 62. Accessed September 19/2022 from <https://dlwqtxts1xzle7.cloudfront.net/30191602/chapter03->

[libre.pdf?1390880071=&response-content-disposition=inline%3B+filename%3DCorruption_and_anti_corruption_strategie.pdf&Expires=1672506751&Signature=ApSxEViv-v5a-4u-Mnhk8bcGWpArwMYm9tIDXhNZIzHINHHqtl5DgDAX60uDoqhk1NDfio9EATElO5TGdqQQKABBRE8fx0rWBFB~zdAgjc3v8DdkQVJfbt2ZFBAR5pAli7IYqOf-oEZDOrQ6Mrgdd9IW~sZtFueYXK~jDNLmbmVGgTZrWjqfvBt~0D6H14ElmwPZfCVz4tJFHRPAQWGjQxTRDydwDZhyi-5vkKtJMGAmxMaFYGfGKHMtCW0dWWyMQwK~K20GKXPbuAS8m1uVbRIRfkTEFfDJGj5IO-vBLVN~LZ6PxW~0ca-grYZmtYjlhGx9ZlGP8gAaqh49YjvW6tQ__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA.](https://www.ena.et/en/?p=40240)

- Eldad, D. (2019). How does joining Egmont Group's financial intelligence network benefits Ethiopia? Addis Insight. Accessed April 05/2023 from <https://addisinsight.net/how-does-joining-egmont-groups-financial-intelligence-network-benefits-ethiopia/>.
- Electoral Institute for Sustainable Democracy in Africa (here after EISA) (2020). African Democracy Encyclopedia Project: Ethiopia: Mass media. Accessed November 27/2022 from <https://www.eisa.org/wep/ethmedia.htm>.
- ENA (2022, November 17). The government of Ethiopia has established a national committee to coordinate its anti-corruption campaign. Accessed December 02/2022 from <https://www.ena.et/en/?p=40240>.
- ENACT observer (2021). IFFs and money laundering /Keeping an eye on financial transactions in Ethiopia. Accessed November 26/2022 from <https://enactafrica.org/enact-observer/keeping-an-eye-on-financial-transactions-in-ethiopia>.
- Endalkachew, W., L. (2020). *Legal and institutional framework for stolen asset recovery in Ethiopia* (MA thesis, Addis Ababa University). Accessed September 20/2022 from <http://etd.aau.edu.et/bitstream/handle/123456789/22302/Endalkachew%20worku.pdf?sequence=1&isAllowed=y>.
- ESAAMLG (2020). Anti-money laundering and counter-terrorist financing measures - Ethiopia, 7th Follow up Report and Technical Compliance Re-Rating, ESAAMLG, Dares Salaam. Accessed September 20/2022 from <https://www.fatf-gafi.org/media/fatf/documents/reports/fur/ESAAMLG-Ethiopia-Follow-Up-Report-2020.pdf>.
- ESAAMLG (2022). Anti-money laundering and counter-terrorist financing measures - Ethiopia, 10th Follow up Report and Technical Compliance Re-Rating, ESAAMLG, Dares Salaam. Accessed November 26/2022 from <https://www.fatf-gafi.org/media/fatf/documents/reports/fur/ESAAMLG-Ethiopia%20FUR-2022.pdf>.
- Ethiopian News Agency (ENA) (2018). FEACC Launches New Platform to Register, Disclose Official Assets. Accessed September 21/2022 from <https://www.ena.et/en/?p=15058>.
- Ezega.com (December 18/2019). Ethiopia to Recover Over 130 Billion ETB Stolen Public Funds: Official. Accessed December 25/2022 from <https://www.ezega.com/News/NewsDetails/7566/Ethiopia-to-Recover-Over-130-Billion-ETB-Stolen-Public-Funds-Official>.

- Fana Television (Apr 26/2022). Ethiopia and UAE: a relationship of brotherhood, cooperation and development Accessed December 16/2022 from <https://www.fanabc.com/english/ethiopia-and-uae-a-relationship-of-brotherhood-cooperation-and-development/>.
- Fana Television (November 2022). More than 1.6 billion ETB can be saved from corruption [YouTube page]. Accessed December 03/2022 from <https://www.youtube.com/watch?v=e8XL2KelCgI>.
- FATF (2012-2022). *International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation*, FATF, Paris, Franc. Accessed November 26/2022 from <https://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/fatf%20recommendations%202012.pdf>.
- FDRE Constitution (1995). *Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 1st Year, No. 1*. Addis Ababa: House of People Representative. Accessed September 08/2022 from <https://www.refworld.org/docid/3ae6b5a84.html>.
- Federal Ethics and Anti-Corruption Commission (December 02/2022). The anti-corruption national committee established to fight organized theft began its work [Facebook page]. Accessed December 02/2022 from https://m.facebook.com/story.php?story_fbid=pfbid02RCJJMGLZDW1HQWYPD462NZ48Rb8o97GTRZCK3grfzfPLFoeCyvEGzDZzjjzQekzRI&id=100069422490377&mibextid=Nif5oz.
- Federal Ethics and Anti-Corruption Commission (May 18/2022). An international procurement bid estimated at more than 30 million dollars was canceled due to urgent anti-corruption work [Facebook page]. Accessed December 18/2022 from https://m.facebook.com/story.php?story_fbid=pfbid036uDq86WLDeyZdc526fhtxQVclXyTqJGqAw7YkQonkPjB1NHweY2s2TGa8rGmgMozl&id=100069422490377&mibextid=Nif5oz.
- Federal Ethics and Anti-Corruption Commission (November 30/2022). A memorandum of understanding was signed with Walta Media and Communication Corporation to jointly prevent corruption [Facebook page]. Accessed December 12/2022 from https://m.facebook.com/story.php?story_fbid=pfbid0XFxm78oKuv5Ua3exgtUQwMKFSs3EiqMeWQRAxKY22Bc7HT6FHKApDFVvDvhJu3pJl&id=100069422490377&mibextid=Nif5oz.
- Federal Ethics and Anti-Corruption Commission (April 2021). The first edition of the anti-corruption newspaper is enough to read [Facebook page]. Accessed December 17/2022 from https://m.facebook.com/story.php?story_fbid=pfbid0a3GaRbJMfsdSmdYuvs7t7N8R9QYb6E4vRL69wsZhej4C5mwxczf63GJeuh9UdoPk1&id=100069422490377&mibextid=Nif5oz.
- Federal Ethics and Anti-Corruption Commission (June 2/2021). The purchase of office furniture of Awash Bank Stock Company, which allegedly did not follow the anti-corruption law,

- was cancelled [Facebook page]. Accessed December 17/2022 from https://m.facebook.com/story.php?story_fbid=pfbid02RMNahG44k2SYAXLmqHBn4D7HojkVCN2YbVZreyriXgFidtk7u4sTvGBZCjEtx215l&id=100069422490377&mibextid=Nif5oz.
- Federal Ethics and Anti-Corruption Commission (March 8/2022). Discussions are underway to revise the draft report on the review of the implementation of the United Nations Convention against Corruption [Facebook page]. Accessed December 17/2022 from https://m.facebook.com/story.php?story_fbid=pfbid026h6pY4GcSRxfwwMHeoEmBp2Q2KcEHU7ootQFpiSEHHaudEL8Pa9cPGcBTHYp3CJ9l&id=100069422490377&mibextid=Nif5oz.
- Federal Justice and law institute (March 29/2023). The Federal Institute of Justice and Law gave a 4-day training session for federal and state judges [Facebook page]. Accessed April 05/2023 from <https://www.facebook.com/jlrti/posts/pfbid08a9rxnoi8Fpo8YfxtDYV2nr3qWiL8dhJ6XXgPfbf5LGqjs6ALznC6iRPZ3rqkC2Gl>.
- Federal Public Procurement & Property Administration Agency (2015). FPPPA has launched of the Electronic Government Procurement System (E-GP) Implementation Strategy with the Ministry of Innovation and Technology in November 15th 2018. Accessed December 12/2022 from http://www.ppa.gov.et/index.php?option=com_content&view=article&id=188:fpppa-has-launched-of-the-electronic-government-procurement-system-e-gpimplementation-strategy-with-the-ministry-of-innovation-and-technology&catid=14:news&Itemid=114.
- Federal Public Procurement and Property Administration Agency (FPPPA) (September 19/2022). Eight organizations that did not fulfill their contractual obligations were banned from participating in the purchase auction [Facebook page]. Accessed September 20/2022 from <https://www.facebook.com/979808032045919/posts/6279950028698333/?sfnsn=mo&mibextid=8FzKT6%20%E1%8B%A8%E1%8B%8D%E1%88%8D%20%E1%8C%8D%E1%8B%B4%E1%89%B3%E1%89%B8%E1%8B%8D%E1%8A%95...%20-%20Public%20Procurement%20and%20Property%20Authority%20%7C%20Facebook>.
- Federal public procurement directive (2010). Ministry of Finance & Economic Development. Retrieved December 08/2022 from https://ethiopianlaw.weebly.com/uploads/5/5/7/6/5576668/procurement_directive_english.pdf.
- Federal Supreme court of Ethiopia (August 21/2022). The Federal Judges Administration Council took disciplinary action against two judges who committed misconduct [Facebook page]. Accessed December 26/2022 from [https://www.facebook.com/permalink.php?story_fbid=437640571726095&id=100064404683163&_cft_\[0\]=AZX4pc02THoOeC-9aGN8V8esvVF0pi4IYvA449Lhjj0C5PhvgXEP8Z3T-ZIWDtdS37okO3_CsjM34L8Mjx107SgQX7e6Asi61jeRkA0AIACChFMGwcHPuEEaA](https://www.facebook.com/permalink.php?story_fbid=437640571726095&id=100064404683163&_cft_[0]=AZX4pc02THoOeC-9aGN8V8esvVF0pi4IYvA449Lhjj0C5PhvgXEP8Z3T-ZIWDtdS37okO3_CsjM34L8Mjx107SgQX7e6Asi61jeRkA0AIACChFMGwcHPuEEaA).

- [sdCgNDJFE_TGFez28BIRmmchD_gVfnRbgd_gHh6-OALOHyf-nZ0VKev35i_AieRCQcsbxHvvvYZ_9HA_pFwupYrIpiq6-aY&_tn_=%2CO%2CP-R](https://www.facebook.com/permalink.php?story_fbid=343306287826191&id=100064404683163&_cft__[0]=AZW1h6P_YRyPr9t5wQlZc_nz_kpLjZLZXMiJzXw6k6YzzmD5adgRRy1HwufDUVU7lgfJbnLZ1FbrScIOihSDC0BAFLDvLcTQ8mQ24KG69uoYDOoG7X2K7t1t3cVqqUA-npEZLGmLDBoIHkZTSB_iRH12Q7wpITiA7pDGHFaU1fB4kQbcigZHcVQ7mC3uLjzf_uZmGfJlbD4WI0WxQ3CXQ5LqP&_tn_=%2CO%2CP-R). Federal Supreme court of Ethiopia (April 1/2021). The Federal Judicial Council has been credited with attempting to ensure accountability. [Facebook page]. Accessed December 26/2022 from [https://www.facebook.com/permalink.php?story_fbid=343306287826191&id=100064404683163&_cft__\[0\]=AZW1h6P_YRyPr9t5wQlZc_nz_kpLjZLZXMiJzXw6k6YzzmD5adgRRy1HwufDUVU7lgfJbnLZ1FbrScIOihSDC0BAFLDvLcTQ8mQ24KG69uoYDOoG7X2K7t1t3cVqqUA-npEZLGmLDBoIHkZTSB_iRH12Q7wpITiA7pDGHFaU1fB4kQbcigZHcVQ7mC3uLjzf_uZmGfJlbD4WI0WxQ3CXQ5LqP&_tn_=%2CO%2CP-R](https://www.facebook.com/permalink.php?story_fbid=343306287826191&id=100064404683163&_cft__[0]=AZW1h6P_YRyPr9t5wQlZc_nz_kpLjZLZXMiJzXw6k6YzzmD5adgRRy1HwufDUVU7lgfJbnLZ1FbrScIOihSDC0BAFLDvLcTQ8mQ24KG69uoYDOoG7X2K7t1t3cVqqUA-npEZLGmLDBoIHkZTSB_iRH12Q7wpITiA7pDGHFaU1fB4kQbcigZHcVQ7mC3uLjzf_uZmGfJlbD4WI0WxQ3CXQ5LqP&_tn_=%2CO%2CP-R).
- Financial intelligence Service (FIS) (January 31, 2023). The Financial intelligence Service (FIS) analyzed and distributed 80 criminal cases to the concerned law enforcement agencies [Facebook Page]. Accessed April 05/2023 from https://www.facebook.com/permalink.php?story_fbid=pfbid02JLWwb5ExtxDjwcGdVsk1mXQRnYmFSKm8xT1rU2cuMtCXsNGcG2R7bnMcL4DrGbol&id=100069065505190.
- Financial intelligence Service (FIS) (January 24, 2023). The 34-nation crime prevention and control cooperation program was announced in Nairobi, Kenya. Accessed April 02/2023 from https://www.facebook.com/permalink.php?story_fbid=pfbid02TUIJ5aDTgRKL5cpez52n2F58ADkioeMCSQS6TmnKUMYqMEWRvn3FUsSRg37ZrSJQul&id=100069065505190.
- Freedom House (2021). Freedom in the world; Ethiopia. Accessed December 11/2022 from <https://freedomhouse.org/country/ethiopia/freedom-world/2021>.
- GAN Integrity Inc. (2022). Ethiopia country risk report in 20221. Accessed December 15/2022 from <https://ganintegrity.com/country-profiles/ethiopia/>.
- Global Right to Information Rating (April-September 2020). Accessed October 21/2022 from <https://www.rti-rating.org/country-data/>.
- Habib J. (2022). Ethiopia set a world record for displacements in a single year: 5.1 million in 2021. Accessed April 05/2023 from <https://www.npr.org/sections/goatsandsoda/2022/05/28/1100469734/ethiopia-set-a-world-record-for-displacements-in-a-single-year-5-1-million-in-20>.
- Henok, S., A. (2020). Meritocracy, Career Development, and Promotion in Ethiopian Civil Service. In B. K., Debela, G., Bouckaert, Ayenew M., Warota, & D. Terefe Gemechu, (Eds.). *Public Administration in Ethiopia: Case Studies and Lessons for Sustainable Development* (p. 700). Leuven University Press. Accessed December 13/2022 from <https://library.oapen.org/handle/20.500.12657/43000>.
- International Republican Institute (IRI) and National Democratic Institute (NDI) (2021). Ethiopia June 21/2021 National Elections Report. Accessed December 15/2022 from https://www.ndi.org/sites/default/files/leome_report_of_the_june_21_elections_final_final.pdf.

- Jenkins, M., Elsayed, S. (2023) Ethiopia: Overview of corruption and anti-corruption efforts. Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute (U4 Helpdesk Answer 2023:4. Accessed April 6/2023 from <https://www.u4.no/publications/ethiopia-overview-of-corruption-and-anti-corruption-efforts>.
- Kalkidan, M. J. (2020). Anti-money Laundering Law in Ethiopia: Issues of Enforcement with Specific Reference to Banks. *Mizan Law Review*, 14(1), 61-84. Accessed September 16/2022 from <http://197.156.93.91/handle/123456789/6607>.
- Know your country (2023). Ethiopia Country Summary. Accessed April 05/2023 from <https://www.knowyourcountry.com/ethiopia>.
- Leul, E. (September 5/2021). Judicial reform in Ethiopia: Inching towards justice. *Ethiopia Insight*. Accessed December 27/2022 from <https://www.ethiopia-insight.com/2021/09/05/judicial-reform-in-ethiopia-inching-towards-justice/>.
- Mamenie, E. (2020). Stolen Asset Recovery in Ethiopia: Critical Legal Issues and Challenges. *Research gate*. Accessed September 24/2022 from <https://abyssinialaw.com/blog/stolen-asset-recovery-in-ethiopia-critical-legal-issues-and-challenges>.
- Mezmur, T., & Koen, R. (2011). The Ethiopian Federal Ethics and Anti-Corruption Commission: A Critical Assessment. *Law, Democracy & Development*, 15. Accessed on December 02/2022 from <https://www.ajol.info/index.php/ldd/article/view/72943>.
- Michael Barron Consulting Ltd (March 17/2017). Ethiopia Beneficial Ownership Scoping Study. Accessed December 27/2022 from https://eiti.org/sites/default/files/attachments/170330_ethiopia_beneficial_ownership_scoping_study.pdf.
- Ministry of Finance (MoF) (2021). About Financial Transparency and Accountability (FTA). Accessed March 29/2023 from [https://www.mofed.gov.et/programmes-projects/fta/#:~:text=About%20Financial%20Transparency%20and%20Accountability\(FTA\)&text=The%20two%20successive%20programs%20also,implementation%20of%20citizen%20engagement%20initiatives](https://www.mofed.gov.et/programmes-projects/fta/#:~:text=About%20Financial%20Transparency%20and%20Accountability(FTA)&text=The%20two%20successive%20programs%20also,implementation%20of%20citizen%20engagement%20initiatives).
- Mormul, J. (2016). Ethio-Djiboutian Relations in the 21st Century–Towards New African Cooperation. *Politeja*, (42), 263-286. Accessed December 16/2022 from <https://www.jstor.org/stable/24920258>.
- Nega, G., T. (2018). Will Ethiopia ever recover its stolen assets? Processes and challenges. *Addis Standard*. Accessed April 03/2023 from <https://addisstandard.com/oped-will-ethiopia-ever-recover-its-stolen-assets-processes-and-challenges/>.
- OECD (2008). OECD/AfDB Joint Initiative to Support Business Integrity and Anti-bribery Efforts in Africa. Accessed on April 3/2023 from <https://www.oecd.org/daf/anti-bribery/businessintegrityandanti-briberyeffortsinafricaoecdafdbinitiative.htm>.
- Platform to protect whistleblower in Africa (PPLAAF) (2021). Ethiopia (2018). Accessed on December 03/2022 from <https://www.pplAAF.org/country/ethiopia.html>.
- Proclamation 414/2004. The criminal code of the federal democratic republic of Ethiopia. 9th of May 2005. Accessed December 19/2022 from

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf>

Proclamation No. 881/2015. Corruption Crimes Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year No. 18, page, 8152, Addis Ababa, Ethiopia. Accessed September 21/2022 from <https://chilot.me/wp-content/uploads/2017/04/proclamation-no-881-2015-corruption-crimes-proclamation.pdf>.

Proclamation No. 1064/2017. Federal Civil Servants Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 22nd year No. 12, page, 9979, Addis Ababa, Ethiopia. Accessed September 09/2022 from <https://chilot.me/wp-content/uploads/2017/12/Federal-Civil-Servants-Proclamation-1064-2017.pdf>.

Proclamation No. 1133/2019. National Electoral Board of Ethiopia Establishment Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 71, page 11293, Addis Ababa, Ethiopia. Accessed December 04/2022 from <https://nebe.org.et/sites/default/files/Proc-1133-NEBE-establishment.pdf>.

Proclamation No. 1162/2019. The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 97, page 11873, Addis Ababa, Ethiopia. Accessed December 04/2022 from <https://nebe.org.et/sites/default/files/Ethiopian-Electoral-Proclamation-No-1162.pdf>.

Proclamation No. 1176/2020. Prevention and Suppression of Terrorism Crimes Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 26th year no. 20, page, 12232, Addis Ababa, Ethiopia. Accessed September 06/2022 from <https://chilot.me/wp-content/uploads/2020/04/A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TERRORISM-CRIMES.pdf>.

Proclamation No. 1183/2020. Federal Administrative Procedure Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 26th year No. 32, page, 12470, Addis Ababa, Ethiopia. Accessed September 21/2022 from <https://chilot.me/wp-content/uploads/2021/06/Proclamation-No.-1183-2020-Ethiopian-Administrative-Procedure-Code.pdf>.

Proclamation No. 1233/2021. Federal Judicial Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 27th year No. 18, page, 13011, Addis Ababa, Ethiopia. Accessed November 21/2022 from <https://chilot.me/wp-content/uploads/2021/07/Federal-Judicial-Administration-Proclamation-No.-1233-2021.pdf>.

Proclamation No. 1236/2021. Revised Federal Ethics and Anti-Corruption Commission Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no. 15, page, 12984, Addis Ababa, Ethiopia. Accessed September 06/2022 from <https://chilot.me/wp-content/uploads/2021/04/Proclamation-No.-1236-2020-Revised-Federal-Ethics-and-Anti-Corruption-Commission-Proclamation.pdf>.

Proclamation No. 1238/2021. Media proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 27th year No. 22, page, 13113, Addis Ababa, Ethiopia. Accessed

- November 27/2022 from <https://chilot.me/wp-content/uploads/2021/04/Media-Proclamation-No.-1238-2021.pdf>.
- Proclamation No. 1249/2021. Federal advocacy service Licensing and administration proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 27th year no.42, page, 13480, Addis Ababa, Ethiopia. Accessed September 22/2022 from <https://chilot.me/wp-content/uploads/2022/03/Proclamation-No.-1249-2021-Federal-Advocacy-Service-Licensing-and-Administration.pdf>.
- Proclamation No. 156/2019. Labor Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 25th year No. 89, page 11691, Addis Ababa, Ethiopia. Accessed December 03/2022 from https://www.mtalawoffice.com/images/upload/Labour-Proclamation-No_-1156-2019.pdf
- Proclamation No. 165/1960. The civil code of Ethiopia, 5th may 1960. Accessed December 18/2022 from <https://www.scribd.com/doc/200412889/Civil-Procedure-Code-Amharic>.
- Proclamation No. 210/2000. Ethiopian Human Rights Commission Establishment Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 6th Year No. 40, Addis Ababa, Ethiopia. Accessed December 19/2022 from <https://www.eisa.org/pdf/eth2000hrc2.pdf>.
- Proclamation No. 433/2005. Revised Federal Ethics and Anti-Corruption Commission Establishment Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 11th year No. 18, page 2996, Addis Ababa, Ethiopia. Accessed on November 04/2022 from <https://chilot.me/wp-content/uploads/2011/09/proc-no-433-2005-revised-federal-ethics-and-anti-corruptio.pdf>.
- Proclamation No. 434/2005. The Revised Anti-Corruption Special Procedure and Rules of Evidence Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 11th year no.19, page, 3013, Addis Ababa, Ethiopia. Accessed March 19/2023 from <http://www.ethcriminalawnetwork.com/node/176>.
- Proclamation No. 648/2009. The Federal Government of Ethiopia Financial Administration Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 15th year No. 56, page, 4796, Addis Ababa, Ethiopia. Accessed December 12/2022 from <https://chilot.me/wp-content/uploads/2011/01/financial.pdf>.
- Proclamation No. 649/2009. The Ethiopian Federal Government Procurement and Property Administration Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 15th year, No. 60, page, 4858, Addis Ababa, Ethiopia. Accessed September 17/2022 from <https://chilot.me/wp-content/uploads/2011/01/procurement.pdf>.
- Proclamation No. 668/2010. Disclosure and Registration of Assets. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year No. 18, page, 5217, Addis Ababa, Ethiopia. Accessed September 21/2022 from <https://chilot.me/wp-content/uploads/2011/01/668-disclosure-and-registration-of-assets-proclamation.pdf>.
- Proclamation No. 699/2010. Protection of witnesses and whistleblowers of criminal offences Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 17th year No. 16, page 5717, Addis Ababa, Ethiopia. Accessed on September 04/2022 from

- <http://ilo.org/dyn/natlex/docs/ELECTRONIC/89590/135560/F-738643980/ETH89590.pdf>.
- Proclamation No. 1076/2018. Public Private Partnership Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 24th year No. 28, page, 10235, Addis Ababa, Ethiopia. Accessed December 27/2022 from <https://faolex.fao.org/docs/pdf/eth182196.pdf>.
- Proclamation No. 780/2013. Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 19th year No. 1090, page 6755, Addis Ababa, Ethiopia. Accessed September 13/2022 from <https://chilot.files.wordpress.com/2013/06/proclamation-no-780-2013-money-laundering-and-financing-of-terrorism-proclamation.pdf>.
- Proclamation No. 881/2015. Corruption Crimes Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year No. 36, page, 8152, Addis Ababa, Ethiopia. Accessed December 18/2022 from <https://chilot.files.wordpress.com/2017/04/proclamation-no-881-2015-corruption-crimes-proclamation.pdf>.
- Proclamation No. 882/2015. The Revised Anti-Corruption Special Procedure and Rules of Evidence (Amendment) Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, article 8, 21st year no.37, page, 8183, Addis Ababa, Ethiopia. Accessed September 22/2022 from <https://chilot.me/wp-content/uploads/2017/04/proclamation-no-882-2015-the-revised-anti-corruption-special-procedure.pdf>.
- Proclamation No. 883/2015. Revised Federal Ethics and Anti-Corruption Commission Establishment (Amendment) Proclamation Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 21st year, No. 38, page, 8197, Addis Ababa, Ethiopia. Accessed September 04/2022 from <https://chilot.files.wordpress.com/2017/04/proclamation-no-883-2015-revised-federal-ethics-and-anti-corruption-commission.pdf>.
- Proclamation No. 943/2016. Federal Attorney General Establishment Proclamation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 22nd year No. 62, page, 8966, Addis Ababa, Ethiopia. Accessed September 09/2022 from https://www.lawethiopia.com/images/federal_proclamation/proclamations_by_number/943.pdf.
- Proclamation No.1243/2021. The Commercial Code of the Federal Democratic Republic of Ethiopia. Accessed December 16/2022 from https://lawethiopiacomment.files.wordpress.com/2021/11/new-commercial-code-no-1243_2021_english.pdf.
- Rahman, K. (2018). *Overview of corruption and anti-corruption in Ethiopia*. Transparency International. Accessed December 16/2022 from https://knowledgehub.transparency.org/assets/uploads/helpdesk/overview-of-corruption-and-anti-corruption-in-ethiopia_2019.pdf.
- Regulation No. 171/2009. Financial Intelligence Center Establishment Council of Ministers regulation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year

- No. 5, page 6755, Addis Ababa, Ethiopia. Accessed November 20/2022 from <https://nbebank.com/wp-content/uploads/pdf/regulation/Financial-intelligence-establishment.pdf>.
- Regulation No. 190/2010. Financial Administration Council of Minister's Regulation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 16th year No. 55, page, 5593, Addis Ababa, Ethiopia. Accessed December 12/2022 from <https://chilot.me/wp-content/uploads/2011/12/reg-no-190-2010-financial-administration-regulation.pdf>.
- Regulation No. 332/2014. Establishment and Determination of the Procedure of the Accounting and Auditing Board of Ethiopia Council of Ministers Regulation. Federal Negarit Gazeta, 1st Year, No. 1. Addis Ababa: House of People Representative. Accessed September 08/2022 from <https://chilot.me/wp-content/uploads/2017/04/regulation-no-332-2014-establishment-and-determination-of-the-procedure-of-the-accounting-and-auditing-board-of-ethiopia.pdf>.
- Regulation No. 443/2019. Federal Public Prosecutors' Administration Council of Ministers Regulation: Federal Negarit Gazeta, 25th year No. 16, page, 10790, Addis Ababa, Ethiopia. Accessed November 18/2022 from <https://chilot.me/wp-content/uploads/2021/03/Regulation-No.-443-2019.pdf>.
- Regulation No. 490/2022. Financial intelligence service re-establishment regulation. Federal Democratic Republic of Ethiopia: Federal Negarit Gazeta, 28th year No. 9, page, 13928, Addis Ababa, Ethiopia.
- Reporter (October 17/2020). Is there judicial independence in Ethiopia? Accessed December 28/2022 from <https://www.thereporterethiopia.com/10303/>.
- Samuel, W. (April 22, 2021). The Ethiopian Legal Framework for the Media: In Light of the Protection of Freedom of Expression. A report by addis zeybe. Accessed December 11/2022 from https://addiszeybe.s3.eu-central-1.amazonaws.com/images/2_The_Ethiopian_Legal_Framework_for_the_Media_In_Light_of_the_Protection_of_Freedom_of_Expression_Addiszeybe_2_f98051fb4a.pdf.
- SNNP Prosperity Party (September 16/2022). The ethics and anti-corruption commission of SNNP said that it was able to save more than 378 million ETB of government wealth from embezzlement [Facebook page]. Accessed September 23/2022 from https://m.facebook.com/SouthProsperityParty/posts/pfbid0XbuNM12iL9xmLvJooXgAz4DH26s6hApJ6Z9nW9rMR9t81giVHuAWCD7Rr1fauzLKI?_tn_ =K-R&_rdr.
- Tana Copenhagen (October 23/2020). Materials on Transparency of Beneficial Ownership in Ethiopia. Materials to Support Mechanisms for Disclosure of and Access to Data on Beneficial Ownership of Legal Entities and Arrangements in Ethiopia. Accessed December 27/2022 from <https://tanacopenhagen.com/wp-content/uploads/2021/04/Beneficial-Ownership-Material.pdf>.
- The Ethiopian Herald (2021). Ethiopia: Ethio-Turkey Relations Key to Ethiopia's Prosperity. Accessed December 16/2022 from <https://allafrica.com/stories/202108200631.html>.
- The *Ethiopian Business Review* (EBR) (April 2023). Weak Public Procurement Cripples Ethiopia. Accessed on April 1/2023. From <https://ethiopianbusinessreview.net/weak->

[public-procurement-cripples-ethiopia/#:~:text=In%20Ethiopia%2C%20public%20procurement%20can,close%20to%2095Pct%20of%20procurements.](#)

- The reporter (June 18/2022). PM's comment on Judges offends Association. Accessed December 16/2022 from <https://www.thereporterethiopia.com/24384/>.
- UNDP (2019). Reducing Corruption in Ethiopia: Towards a Strategic Anti-Corruption Roadmap. Retrieved September 20/2022 from <https://www.undp.org/ethiopia/news/reducing-corruption-ethiopia-towards-strategic-anti-corruption-roadmap>.
- UNODC (2004). United Nations convention against corruption. New York: Author. Accessed on November 23/2022 from https://www.unodc.org/documents/treaties/UNCAC/SA-Report/2018_10_08_Germany_SACL_submitted_on_20.12.2017.pdf.
- UNODC (2015). Country review report of Ethiopia. Accessed September 27/2022 from https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_10_14_Ethiopia_Final_Country_Report.pdf.
- UNODC (2017). United Nations Convention against Corruption. Accessed September 21/2022 from https://www.unodc.org/documents/treaties/UNCAC/SA-Report/2018_10_08_Germany_SACL_submitted_on_20.12.2017.pdf.
- UNODC (2021). UNODC supports Government of Ethiopia to review Proclamation on Witness Protection and Whistleblowers. Accessed December 03/2022 from <https://www.unodc.org/easternafrika/en/Stories/unodc-supports-government-of-ethiopia-to-review-proclamation-on-witness-protection-and-whistleblowers.html/>.
- US department of State (2022). 2022 Country Reports on Human Rights Practices: Ethiopia. Accessed on April 4/2023 from <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/ethiopia>.
- World Bank (2021). Assessment of the Public Procurement System in Ethiopia: Volume I. World Bank, Washington, DC. Accessed December 08/2022 from <https://www.mapsinitiative.org/assessments/ET-MAPS-volume-I.pdf>.
- World Bank (2020). Public Expenditure and Financial Accountability in Ethiopia. Performance Assessment Report, November 23, 2019. Accessed December 25/2022 from <https://www.pefa.org/sites/pefa/files/2020-05/ET-Nov19-PFMPR-Public%20with%20PEFA%20Check.pdf>.