

OFFENCES RELATED TO DECLARATION

Failure to declare/failure to declare on time

- P20 000 penalty for failing to declare on time.
- A daily penalty of P200, if a declaration is not submitted within 30 days of a person being issued with a notice directing him or her to declare.
- In the case of a Member of Parliament, to not sit in the National Assembly, until such time as the declaration is submitted.
- In the case of a Former President, suspension of pension or benefits for the period that no declaration is made.
- In the case of any other person, disciplinary action under the relevant Act, including removal from office or dismissal.
- A fine of P500 000 or imprisonment for a term not exceeding 10 years, if a person does not submit declaration following a notice directing him or her to do so.

Misuse of information

- A fine of P100, 000.00; or imprisonment not exceeding five (5) years or both.

False or inaccurate declaration

- A fine of P100, 000.00; or imprisonment not exceeding five (5) years or both.

CONFIDENTIALITY OF DECLARATIONS

The Director-General and other officers of the Directorate take an oath to maintain the confidentiality of any confidential information they acquire in the discharge of their duties. However, disclosure may be made if necessary:

- to enable the Directorate to carry out its functions
- in the interests of the prevention or detection of any other offence
- in connection with the discharge of any international obligation to which Botswana is subject
- pursuant to an order of court.

Penalties for unlawful disclosure of information

- Officers of the Directorate – a fine not exceeding P50 000 or imprisonment for a term not exceeding three (3) years, or both.
- Other persons to whom a declaration is made – a fine not exceeding P500 000, imprisonment for a term not exceeding nine (9) years, or both.
- Third parties who receive confidential information from the Directorate - a fine not exceeding P1 000 000 or imprisonment for a term not exceeding five (5) years, or both.

ENQUIRIES

Contact Details

Physical Address:
Debswana House
Main Mall
Gaborone

Telephone: (+267) 3631727
Fax: (+267) 3167057

Postal Address:
Private Bag 6AAD
Poso House
Gaborone
Botswana



www.gov.bw/ministries/ethics-and-integritydirectorate

Ethics and Integrity Directorate



REPUBLIC OF BOTSWANA

ETHICS AND INTEGRITY DIRECTORATE

Declaration of Interests, Income, Assets and Liabilities



ETHICS AND INTEGRITY DIRECTORATE

WHAT IS THE ETHICS AND INTEGRITY DIRECTORATE? (EID)

The Ethics and Integrity Directorate was established by section 4 of the Declaration of Assets and Liabilities Act, No. 12 of 2019, as amended by Act No. 1 of 2020. The Directorate started its operations in January 2020, and has been receiving declarations since 3rd February 2020.

WHAT ARE THE FUNCTIONS OF EID?

The Directorate is headed by a Director-General and has two (2) major divisions, each headed by a Director. The Divisions are Monitoring and Legal Enforcement, and Asset Declaration and Management.

Monitoring and Legal Enforcement is responsible for the following key functions;

- Receipt, analysis and verification of information in the declarations.
- Keeping the declarations in safe custody.
- Maintaining registers of persons who have declared on time and those who have been issued with notices, by the Directorate, as well as persons upon whom administrative, criminal and other penalties have been imposed for failing to comply with the Act.
- Monitoring the interests, income, assets and liabilities of a certain category of persons, for the purposes of detecting and preventing corruption, money laundering and acquisition of property from proceeds of any other offence.
- Issuing of notices to persons who fail to declare on time.
- Imposing administrative penalties on persons who fail to declare on time.
- Referring matters to relevant authorities for appropriate action, including criminal action, where necessary.
- Investigating suspected or alleged non-compliance with the Act.

Asset Declaration Management is responsible for the following functions;

- Development of guidelines on conflict of interest.
- Review of conflict of interest declarations to determine declarants' adherence to the guidelines.
- Notification of declarants and relevant authorities of actual or potential conflict of interest based on review of conflict of interest guidelines.
- Development of a Code of Ethics, and overseeing its implementation.
- Investigating complaints on any breach of the Code of Ethics.
- Collaboration with other entities on the development and promotion of standards and best practice on ethical conduct.

WHAT IS ASSET DECLARATION?

Asset Declaration is a mechanism by which a public official must periodically submit information about his/her interests, income, assets and liabilities and those of their spouses, dependents and children below the age of 18 years.

To declare means to make known formally and officially information about ones' interests, income, assets and liabilities.

WHO SHOULD DECLARE?

Sections 3 and 6 of the Declaration of Assets and Liabilities Act states who should make a declaration under the Act.

Administrative and Judicial arms of Government, Private Enterprises and others, as the case may be.

Political Leadership

- President
- Vice-President
- Former Presidents
- Ministers
- Assistant Ministers
- Members of Parliament
- Speaker of Parliament
- Deputy Speaker of Parliament
- Leader of the Opposition
- Member of the National Assembly
- Council Chairman/Mayor
- Councillors

Judiciary

- Chief Justice
- President of the Court of Appeal
- Justice of Appeal
- President of the Industrial Court
- Judge of the High Court
- Judge of the Industrial Court
- Registrar and Master of the High Court
- Registrar of the Court of Appeal
- Registrar of the Industrial Court
- Magistrate
- An officer appointed by the Judicial Service Commission

Public Service

- Permanent Secretary to the President
- Attorney General
- Director of Public Prosecutions
- Commander of BDF
- Commissioner of Police/ Prisons
- Permanent Secretaries
- Director-General EID/FIA /DIS/DCEC
- Secretary of IEC
- Ombudsman
- Auditor-General
- Receiver
- Public officer appointed by the President
- Head of a Government Department
- Rank of Colonel and above at BDF
- Rank of Assistant Commissioner and above at BPS
- Rank of Senior Assistant Commissioner and above of Prison Services Botswana
- District Commissioner
- Deputy/Assistant Commissioner
- Council Secretary
- Deputy/Senior Assistant Council Secretary
- Town Clerk
- Deputy Town Clerk
- Chairperson and other members of the Public Service Commission
- All other Public officers at Deputy Director level and above

Other Declarants

- Court President (Urban)
- Deputy Court President (Urban)

- Chairperson of a local authority (e.g. a land board, District or Town Council)
- Board member of a local authority
- Board member of a public body (e.g. parastatals and companies in charitable organisation, trust etc.)
- Chief Executive Officer of a public body
- An officer of a public body at Deputy Director level and above
- Such other officers as may be prescribed by the Minister

DURATION OF DECLARATION

A person who has held any of the positions listed above is required to continue to make declarations for a period of five years after the person ceases to hold the office.

HOW DO I DECLARE ASSETS?

Declarants complete a prescribed form.

NOTES:

First and foremost, a declarant needs to appreciate that the Declaration of Assets and Liabilities form consists of three (3) parts:

- a. The Declarants section
- b. The Spouses' section
- c. The Children and Dependents' section

Under each part, there are two (2) sections, the first section encompasses all properties while the second section encompasses properties that have been transferred within the past five (5) years and liabilities.

When completing the form:

1. Complete the whole form in block letters
2. Complete all the fields on the form and indicate with N/A if the field is not applicable
3. Sign for any cancellations made

WHEN TO DECLARE?

- A person who is either appointed, assumes office or takes an oath of allegiance shall make a declaration within 60 days of appointment, assumption of office or of taking of oath.
- Second and subsequent declarations are to be made every 24 months after the first declaration.
- Whenever the value of a declarant's interest, income, assets and liabilities is so altered as to be reduced or increased in value by a minimum value of P200 000, the declarant shall make a fresh declaration, within 30 days of such alteration.

POINTS OF DECLARATION

It is worth noting that not all persons making declarations can submit directly to the EID. Depending on the type of declarant, declarations shall be made -

- a. To the Director General
- b. To the Speaker of the National Assembly
- c. To the Permanent Secretary to the President
- d. To the Permanent Secretary
- e. To such other officers as may be prescribed

(Refer to Declaration of Assets and Liabilities Act section 6).