

Ku dhaqan Xafiis D.

FAAFINTA

الرسمية

OFFICIAL



RASMIGA AH

الجريدة

BULLETIN

EE JAMHUURIYADDA SOOMAALIYA

Sanadka 8aad

FAAFIN SANADLE

Muqdisho

2020

Waaxda Maamulka Faafinta Rasmiga ah  
Ee Xafiiska Garyaqaanka Guud ee Dawladda

Uruurinta Sharciyada iyo Wareegtooyinta ee Jan-December 2020

Qiimaha waa \$XXX Dollar, lambar waliba – **RUKUNKA:** Sanaddii waa \$XXX Dollar, Soomaaliya gudaheeda – Dibaddeedana waa \$XXX Dollar. Rukunka la weydiisto waqtiga loo gooyay wuxuu ka bilaabmaa 1 Janaayo. Qiimaha Qoritaanku F.R halkii sadar iyo wixii ka yar waa \$XXX Dollar – Rukunka iyo Qoritaanku waxaa la weydiistaa Laanta Maamulka Faafinta Rasmiga ah – Lacagta waxaa lagu bixiniyaa Xafiiska Canshuuraha ee Wasaaradda Maaliyadda.

**KOBNIIN**

**BOGGA KOOWAAD**

**SHARCI**

W.M

**BOGGA LABAAD**

XEER

**BOGGA SEDDEXAAD**

**TALOOYIN, ISGAARSIIN, OGAYSIIS, IWM**

**SANADKA**

**2020**



Federal Republic of Somalia  
Office of the President

SHARCI LR. 36

TAARIKH: 31/12/2020

ANSIXINTA SHARCIGA HESHIISKA MIDOWGA AFRIKA EE LA-DAGAALLANKA MUSUQ-  
MAASUQA

MADAXWEYNAHA J.F.S,

MARKUU ARKAY: Qodobka 87aad, Faqradda 1aad iyo Faqradda 2aad ee Dastuurka KMG

MARKUU ARKAY: Qodobka 90aad, Xarafka "q" ee Dastuurka KMG

MARKUU ARKAY: Warqadda Guddoomiyaha Golaha Shacabka GSH/346/2/B-10/20  
taariikh 29/12/2020 kuna saabsan ansixinta Sharciga Heshiiska Midowga  
Afrika ee La-Dagaallanka Musuq-maasuqa

MARKUU TIXGELIYAY: Baahida loo qabo in la ansixiyo lana meel-mariyo Sharcigan

Waxa uu Madaxweynuhu soo saaray Sharcigan:

**Qodobka 1aad**

Laga billaabo marka uu Madaxweynuhu saxiixo Sharcigan, waxa si rasmi ah loo oggolaaday  
Sharciga Heshiiska Midowga Afrika ee La-Dagaallanka Musuq-maasuqa

**Qodobka 2aad**

Marka uu Madaxweynaha JFS saxiixo Sharcigan, waxa lagu soo daabici doonaa Faafinta Rasmiga  
ah ee Jamhuuriyadda Federaalka Soomaaliyeed.

MUQDISHO: 31/12/2020



Madaxweynaha J. F.S  
Maxamed Cabdullaahi Maxamed "Farmaajo"



Federal Republic of Somalia  
House of the People  
Office of the Speaker

Ref: **SH/316** 2/B-10/20: الرقم

Mogadishu, December 30, 2020 التاريخ

**Ku:** Madaxweyanaha Jamhuuriyadda Federaalka soomaaliya  
Muqdisho

**Og:** Ra'iisul wasaaraha Xukuumadda Federaalka  
Muqdisho

**Og:** Xildhibaabada Golaha Shacabka  
Muqdisho

**Og:** Garyqaanka Guud ee Dawladda  
Muqdisho

**Og:** Hantidhawrka Qaranka  
Muqdisho

**Og:** Xoghayaha Guud ee Golaha Shacabka  
Muqdisho

**Ujeedo:** Ansaxin Heshiiska Midowga Afrika ee la-dagalanka musuq-maasuqa.  
Mudane Madaxweyne,

Sida aad la socoto, Heshiiska Midowga Afrika ee la-dagalanka musuq-maasuqa ee halkaan ku  
lifaaqaan waxa soo gudbisay Xafiiska R/Wasaaraha XJFS.

Kadib waxaa ka baaraandagey oo habraacii loogu talogaly marsiiyay Xubnaha Golaha Shacabka  
ayna ka doodeen. Ugu danbayna wuxuu Goluhu ku ansixiyay Heshiiskan Kalfadhiga 8-aad  
kulankiisii 10-aad taariikhdu markay ahayd 30/12/2020, codayntuna sidaan ayay u dhacaday:

**Quntin: 146; Oggol: 145; Diiday: 0; Ka aamustay: 1;**

Hadaba M.ne Madaxweyne waxaan si waafaqsan qodobka 90aad xarafka (q) ee Dastuurka  
Jamhuuriyadda Federaalka kaaga qaybsanayaa inaad go'aanka Golaha ku ogolaato Xeer  
Madaxweyne, looguna soo saarto Xeerka Xidhiidhmiga ah ee Dawlada.

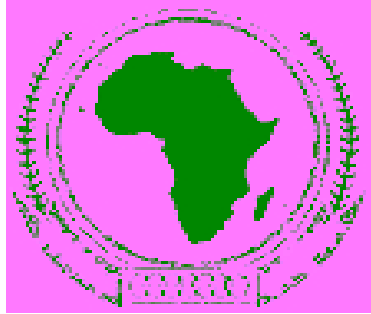
Iga Guddoon Salaan Qiimo: Qaasim Xanbaarsan

**M.ne Mahad Cabdala Cabdulle**  
Kusimaha Guddoomiyaha Xafiiska Guddoomiyaha Golaha Shacabka BJFS

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Website: [www.parliament.gov.so](http://www.parliament.gov.so)



## **Nuqulka Soomaaliga ah**

**HESHIISKA MIDOWGA AFRIKA EE KA-HORTAGGA  
IYO  
LA-DAGAALLANKA MUSUQ-MAASUQA**

## **HESHIISKAMIDOWGA AFRIKA EE KA-HORTAGGA IYO LA-DAGAALLANKA MUSUQ-MAASUQA**

### **Hordhac**

Qaramada Xubnaha ka ah Midowga Afrika:

**Iyagoo tixgelinaya** in Xeerka Asaasiga ah ee Ururka Midowga Afrika uu aqoonsan yahay in xorriyadda, sinnaanta, cadaaladda, nabadda iyo sharafta ay yihiin himmilooyin muhiim ah ee gaaritaanka damaca xalaasha ah ee dadyowga Afrika;

**Iyagoo sii tixgelinaya** in Qodobka 3aad ee Xeerka Asaasiga ah ee la soo sheegay uu farayo Qaramada Xubnaha ah inay iskuduwaan oo ballaariyaan iskaashigooda, midnimadooda, wadajirkooda iyo dadaaladooda lagu gaarayo nolol wanaagsan oo ay helaan dadyowga Afrika;

**Iyagoo garwaaqsan** xaqiiqda ah in Xeerka Asaasiga ah ee Midowga Afrika, ayna ku jiraan qaar kale (inter alia), ayaa ku baaqaya baahida loo qabo in la horumariyo oo la ilaaliyo xuquuqda aadanaha iyo dadkaba, la xoojiyo hay'adaha dimuqraadiga ah laguna kobciyo dhaqanka dimuqraadiyadda lana hubiyo dawlad-wanaagga iyo talinta sharciga;

**Iyagoo ogsoon** baahida loo qabo in la ixtiraamo sharafta aadanaha iyo in la dardar-geliyo horumarinta dhaqaalaha, bulshada, iyo xuquuqda siyaasadeed ee la waafajinayo qodobbada Axdiga Afrika ee Xuquuqda Aadanaha iyo Dadka iyo aaladaha kale ee la xiriira xuquuqda aadanaha;

**Iyagoo maanka ku haya** Baaqa 1990 ee ku saabsan isbedelada asaasiga ah ee aduunka ka dhacaya iyo saameynta ay ku leeyihiin Africa; ajendayaasha Qaahira 1994 ee Loogu Talo-galay Isu-keenidda Dhaqaale-bulsheedka Afrika; iyo Qorshe Ficil ka dhan ah xasaanadda oo uu qaatay Kal-fadhigii Sagaal iyo Tobanaad ee Golaha Afrika ee Xuquuqda Aadanaha iyo Xuquuqda Dadweynaha ee 1996 sida ku xigta uu ansixiyey Kal-fadhiga Afar iyo Lixdanaad ee kullanka caadiga ah ee Golaha Wasiirrada ee lagu qabtay Yaounde, Cameroon ee 1996 kaas iyo kuwa kale, waxay hoosta ka xarriiqeen baahida loo qabo in la dhawro mabaadi'da dawlad-wanaagga, jiritaanka sharciga, xuquuqda aadanaha, dimuqraadiyadda iyo ka-qeyb-galka caanka ah ee dadka Afrikaanka ah ee geedi-socodka dawladnimada.

**Iyagoo dareensan** saameynada xun ee musuq-maasuqa iyo ku-lug lahaanshaha xasilloonida siyaasadeed, dhaqaale, bulsho iyo dhaqan ee Dalalka Afrika iyo saamaynta ba'an oo ay ku yeelan karto horumarka dhaqaale iyo bulsho ee dadyowga Afrika;

**Iyagoo yaqiinsan** in musuq-maasuqu uu wiiqayo isla-xisaabtanka iyo daah-furnaanta maamulka arrimaha bulshada iyo sidoo kale horumarka dhaqan-dhaqaale ee qaaradda;

**Iyagoo aqoonsan** baahida loo qabo in wax laga qabto sababaha salka u ah Musuq-maasuqa qaaradda;

**Iyagoo ka qanacsan** baahida loo qabo in la dejiyo oo la raaco, iyadoo ah arrinta mudnaanta la siinayo, siyaasad ciqaabeed caadi ah oo looga gol-leeyahay in bulshada laga ilaaliyo musuq-maasuqa, oo ay kamid yihiin qaadashada sharci-dejin ku habboon iyo tallaabooyin ka-hortag oo ku filan;

**Iyagoo go'aansan** dhisidda iskaashi ka dhexeeya dawladaha iyo dhammaan qeybaha bulshada rayidka ah, gaar ahaan haweenka, dhallinyarada, warbaahinta iyo waaxyaha gaarka loo leeyahay si loola dagaallamo musuq-maasuqa;

**Iyagoo dib u xusuusan** Qaraarka AHG-Dec 126 (XXXIV) oo uu ansixiyey kal-fadhigii caadiga ahaa ee Afar iyo Soddonaad ee Golaha Madaxda Qaramada iyo Dawladaha bishii Juun 1998 ee Ouagadougou, Burkina Faso, kana codsaday Xoghayaha Guud inuu qabto, isagoo la kaashanaya Guddiga Afrika ee Xuquuqda Aadanaha iyo Dadyowga, kulan heer sare ee xeel-dheereyaal oo looga tashanayo qaabab iyo kheyraad looga qaadi karo caqabadaha ku gudban dhaqaalaha, xuquuqda bulshada iyo dhaqanka, oo ay kamid yihiin la-dagaallanka Musuq-maasuqa iyo dembi-qabad-la'aanta iyo soo-jeedin sharci-dejin habboon iyo tallaabooyin kale;

**Iyagoo dib u sii xusuusan** go'aanka kal-fadhiga 37aad ee caadiga ah ee Golaha Hoggaamiyeyaasha Gobollada iyo Dawladda UMA (OAU) ee lagu qabtay Lusaka, Zambia, bishii Luulyo 2001 iyo sidoo kale Baaqa lagu ansixiyey kal-fadhigii kowaad ee Golaha Midowga ee lagu qabtay Durban, Koonfur Afrika bishii Luulyo 2002, la xiriira Iskaashiga Cusub ee Horumarinta Afrika (NEPAD) oo ku baaqaya dejinta qaab isku-dubaridan si loola dagaallamo musuq-maasuqa.

**Waxay ku heshiiyeen sidan soo socota:**

### **Qodobka 1aad** **Qeexid**

1. Si waafaqsan hadafyada Heshiiskan;
  - **“Guddoomiye Guddiga”** waxaa loola jeedaa Guddoomiyaha Golaha Midowga Afrika;
  - **“La-wareegid”** waxaa loola jeedaa Ciqaab walba ama Natiijo kama-dambeys ah oo laga gaaray soo-celin hanti, faa'iido ama qalab taasoo ka timid amar

Maxkamdeed oo Sharci ah, iyadoo la raacayo faa’iidada in ay la leedahay xiriir fal-dembiyeed ama dembiyo kale lala xiriirinayo ama la xiriira musuq-maasuq;

- **“Musuq-maasuq”** waxaa loola jeedaa falal iyo Hawlo oo lala xiriiriyey fal-dembiyeed ay ku jiraan kuwa lagu qeexay heshiiskan gudahiisa;
- **“Maxkamad Sharci ah”** waxaa loola jeeda Maxkamad si hab-sami ah loogu dhisay sharci gudaha;
- **“Guddi Fullin”** waxaa loola jeedaa Guddiga Fullinta ee Midowga Afrika;
- **“Xaaraan-ku-hodmid”** waxaa loola jeedaa kor-u-kac muhiim ah ee hantiyeed ee ku aaddan Sarkaal dadweyne ama qof kasta oo aan Sharaxaad Maan-gal ah aan ka bixin karin dakhligiisa;
- **“Ganacsi gaar loo leeyahay”** waxaa loola jeedaa Ganacsiga ee dhaqaalaha Qaranka oo ku hoos jira Milkiyat gaar loo leeyahay taasoo qoondeynta kheyraadka wax-soo-saaritaan uu xakameynayo xoogga suuqa, oo ka duwan Awoodda Dawladda iyo qeybaha kale ee dhaqaalaha taasoo aan hoos iman Ganasiga Dadweynaha ama Xukuumadda;
- **“Faa’iido musuq-maasuq”** waxaa loola jeedaa Hanti walba Maadi ama Macnawi, Guurto ama Ma-guurto, la taaban karo ama aan la taaban karin, iyo Dokuminti kasta ama aalad qaanuun oo caddeynaya lahaansho ama dano lagu kasbaday hantiyahaas fal musuq-maasuq ah;
- **“Sarkaal Dadweyne”** waxaa loola jeedaa Sarkaal kasta ama Shaqaale dawladeed ama hay’adaha dawladda oo ay ku jiraan kuwa la xushay, la magacaabay, ama loo doortay inay Hawlo qabtaan ama matala Magaca Dawladda ama u adeega Dawladda heer kasta oo ay Darajadeedu tahay;
- **“Dawladda Xubinta ah ee laga codsaday”** waxaa loola jeedaa dawladda Xubinta ka ah oo laga codsaday in ay soo gudbisoo ama bixiso gacan-siin si waafaqsan heshiiskan;
- **“Dawladda Xubinta ah ee codsanaysa”** waxaa loola jeedaa Dawladda Xubinta ka ah oo sameynaysa codsi soo-gudbin ama gacan-siin la xiriira heshiiskan;
- **“Dawladda Xubinta ah”** waxaa loola jeedaa Dawladda xubinta ka ah Midowga Afrika taasoo ansixisay ama qeyb ka noqotay heshiiskan iyo oggolaatay ansixinta qodobbada heshiiskan ama gaaritaanka Guddomiyaha Golaha Midowga Afrika.

2. Heshiiskan gudahiisa, Kali ahaanta waxaa wehliya wadar iyo dhanka kale oo loo rogo (vice versa).

### **Qodobka 2aad Himmilooyin**

Himmilooyinka Heshiiskan waa in:

1. Gacan laga geysto lana xoojiyo horumarinta Afrika ee Dawlad kasta oo xubin ah, aaladaha looga baahan yahay ka-hortaga, haba-galka ciqaabta iyo baabi’inta musuq-maasuqa iyo Fal-dembiyeedyada lala xiriirinayo, qeybaha Dawladda iyo qeybaha gaar loo leeyahay.

2. Gacan laga siiyo, lana fududeeyo isla markaana la xaqiijiyaa iskaashiga u dhaxeeya Xubnaha Qaramada si loo hubiyo hal-beegyada wax-ku-oolka ah iyo tallaabooyinka ka-hortaga, ka-daba-tagga ciqaabta, iyo baab'inta musuq-maasuqa iyo fal-dembiyeedyada la xiriira ee Afrika.
3. La isku-duwo lana turxaan-bixiyo siyaasadaha iyo shuruucda ka dhexeeya Xubnaha Qaramada iyadoo looga gol-leeyahay ka-hortag ka-daba-tag, ciqaab iyo baabi'in Musuq-maasuqa Qaarada oo idil.
4. Gacan la siiyo dhaqan-dhaqaalaha iyadoo la horumarinayo ka-leexinta caqabadaha si loo gaaro baraare dhaqaale iyo bulsho iyo xuquuq-dhaqameed sida ugu wanaagsan ee Xuquuqda Madaniga iyo tan siyaasadda.
5. Asaaso xaalada ugu habboon ee dhiirri-gelinta daah-furnaanta iyo isla-xisaabtanka ee maareynta Arrimaha Dadweynaha.

### **Qodobka 3aad Mabaadi'**

Qaramada Xubnaha ka ah heshiiskan waxay fulinayaan in ay dhaqan-geliyaan mabaadi'da soo socoto:

1. In ay tixgeliyaan Dimuqraadiyada iyo Hay'adaha, ka-qeyb-galka shacbiga, talinta sharciga iyo dawlad-wanaagga.
2. In ay texgeliyaan bini'aadanimada iyo xuquuqda dadka si waafaqsan Axdiga Midowga Afrika oo ku aaddan Bini'aadanka iyo Xuquuqda dadka iyo Heshiisyada kale ee Xuquuqda aadanaha.
3. Daah-furnaanta iyo isla-xisaabtanka ee Maareynta Arrimaha Dadweynaha.
4. Xoojinta Cadaaladda Bulshada si loo xaqiijiyo isku dheelitinnaanta horuminta Dhaqaale-bulsheedka .
5. Dhaleecaynta iyo diidida falalka musuq-maasuqa ah, xad-gudubyada la xiriira iyo dembi-qabad-la'aanta.

### **Qodobka 4aad Baaxadda Dabaqaada**

1. Heshiiskani wuxuu ku dabaqmayaa falalka soo socda ee musuq-maamsuq iyo xad-gudubyada la xiriira:
  - b) Ugu-yeejarid ama guddoon, si toos ah ama si aan toos ahayn, mas'uul dawladeed ama qof kale, wixii alaab ah oo qiimo lacageed ah ama macaash kale ah, sida hadiyad, adeeg, ballan-qaad, ama faa'iido naftiisa ama Qof kale,



ama hay'ad, iyadoo la beddelayo fal kasta ama ka-tagitaan kasta oo lagu fuliyo hawlihiisa dadweyne;

- t) Siinta ama deeq, si toos ah ama si aan toos ahayn, Mas'uul dawladeed ama qof kale, alaabo kasta oo qiimo lacageed ah ama macaash kale ah, sida hadiyad, adeeg, ballan-qaad, ama faa'ido naftiisa, ama qof kale ama hay'ad, iyadoo lagu beddelayo wixii Ficil ama tixgelin gaar ah si loo fuliyo hawlihiisa dadweyne;
- j) Bandhig kasta ama badeecad leh qiimo lacageed leh, si toos ah ama aan toos ahayn, Mas'uul Dawladeed ama qof kale ama siin ama waxtar kale dawladeed ama qof kasta oo ujeeddadiisu tahay helitaanka gargaarka sharci-darrada ah ee nafsadiisa ama nafsadeeda ama dhinac saddexaad;
- x) U wareejinta shakhsi dawladeed ama qof kale, ula-jeedooyin aan la xiriirin ujeedooyinka loogu talo-galay, maslaxadiisa ama faa'ido qof saddexaad, hanti kasta oo Gobolka ama ha'yadeeda, loo wareejiyo hay'ad madaxbannaan ama shaqsi, laga helay mas'uulkii hore ee xafiiskaas;
- k) Beecinta ama siinta, ballan-qaadida, codsashada ama aqbalaadda, si toos ah ama si aan toos ahayn, faa'idooyin kasta oo xad-dhaaf ah oo ka yimaada ama qof kasta oo hagitaan ama u shaqeeya, awood kasta, hay'ad waax gaar ah, naftiisa ama nafteeda ama cid kale , isaga ama iyada inay ku kacdo, ama ka joogso ficil, iyada oo jebinaysa waajibaadkeeda ama waajibaadkeeda;
- d- Beecinta, siinta, ballan-qaadida ama aqbalida si toos ah ama saameyn kasta oo aan habooneyn go'aan qaadashada qofkasta oo qabanaya hawlaha qeybta dadweynaha ama waaxda gaarka loo leeyahay iyadoo la tixgelinayo, in faa'iidada aan caadiga ahayn ay tahay mid nafsadeeda ama cid kale, iyo sidoo kale codsi, rasiid ama aqbalaadda deeqda ama ballan-qaad ka faa'iideysigaas, iyadoo la tixgelinayo saameyntaas , in saamaynta la adeegsado ama in kale ama in kale ama saameyntu ay keenayso natiijada la rabay;
- r) Xaraan-ku-hodmid;
- s) Adeegsiga ama qarinta wixii ka soo baxa fal kasta oo lagu tilmaamay Qodobkan;
- Sh) Ka-qeyb-qaadasho maamule ahaan, la-maamule, wakiil, baare, kaalmeeye ama fududayn xaqiiqada kaddib, ama qaab kale oo kamid ah guddiga ama isku-day guddi, wada-shaqeyn kasta ama shirqool lagu sameeyo, fal kasta oo lagu tilmaamo qodobkan.

2. Heshiiskan wuxuu sidoo kale ku dabaqmayaa heshiis dhexmara labo dhinac ah ama in ka badan oo kamid ah Xubnaha Qaramada ee la xiriira fal kasta ama hawl-qabad kasta ee musuq-maasuq iyo xad-gudubyada la xiriira ee aan lagu xusin Heshiiskan.

## **Qodobka 5aad**

### **Sharci-dejinta iyo Tallaabooyin kale**

Si waafaqsan ujeedooyinka ku xusan Qodobka 2aad ee Heshiiskan, Xubnaha Qaramada waxay fulinayaan in:

1. Ay qabatimaan sharci-dejin iyo tallaabooyin kale ee looga baahan yahay in lagu dejiyo xad-gudubyada, ficillada lagu xusay Qodobka 4aad faqradiisa 1 ee Heshiiskan.
2. Ay xoojiyaan tallaabooyinka kontaroolka qaranka si loo hubiyo in dejinta iyo hawl-gallada shirkadaha shisheeye ee ku sugan dhulalka Xubinta Qaran ay ku xirnaan doonaan ixtiraamka sharciga qaran ee dhaqan-galka ah.
3. Ay dhisaan, gacanta ku hayaan, iyo in ay xoojiyaan hay'adaha madaxa-bannaan ee dawliga ah ee la-dagaallanka musuq-maasuqa ama wakaaladaha.
4. Ay qabatimaan sharci-dejin iyo tallaabooyin kale oo abuuri kara, joogtaynaya laguna xoojinayo xisaabinta gudaha, hanta-dhawrida iyo nidaamyada dabogalka, gaar ahaan dakhliga dadweynaha, risiidhaha dakhli-ururinta iyo cashuuraha, kharashyada iyo hab-raacyada kiraynta, soo-gadashada iyo maareynta badeecadaha iyo adeegyada dawladda.
5. Ay Qabatimaan sharci-dejinta iyo tallaabooyinka kale ee lagu ilaalinayo dadka xog-bixiyeyaasha ah iyo markhaatiyada musuq-maasuqa iyo xad-gudubyada la xiriira, oo ay ku jiraan ilaalinta aqoonsiyadooda.
6. Ay qabatimaan tallaabooyin xaqiijinaya in muwaadiniintu soo sheegaan dhacdooyinka musuq-maasuqa iyagoo aan ka cabsanayn aargudasho.
7. Ay qabatimaan tallaabooyinka sharci-dejinta ee qaranka si loo ciqaabto kuwa sameeya warbixinnada beenta ah iyo kuwa si ku-talo-gal ah u bixiya warbixin ka dhan ah dadka aan waxba galabsan ee musuq-maasuqa iyo xad-gudubyada la xiriira.
8. Ay qabatimaan isla markaana xoojiyaan qaababka kor loogu qaadayo aqoonta bulshada si loo ixtiraamo wanaagga dadweynaha iyo danaha dadweynaha, iyo wacyiga lagula dagaallamayo musuq-maasuqa iyo xad-gudubyada la xiriira, oo ay ku jiraan barnaamijyada waxbarashada dugsiyada iyo wacyi-gelinta warbaahinta, iyo kobcinta jawi karti u leh ixtiraamka anshaxa.

## **Qodobka 6aad**

### **Dhaqitaanka Faa'iidooyinka Musuq-maasuqa**

Xubnaha Qaramadu waxay qabatimayaan sharci-dejintaas iyo tallaabooyinka kale ee lagama-maarmaanka u ah in lagu aburo xad-gudubyo fal-dembiyeed:

1. Beddelka, wareejinta ama tuurista hantida, iyadoo la ogyahay in hantida noocaas ah uu ka dhasho musuq-maasuq ama xad-gudubyo la xiriira ujeeddadooda qarinta ama ka dhigeysa asalka sharci-darrada ah ee hantida ama caawinta qof kasta oo ku lug leh gelitaanka xad-gudubka inuu ka baxsado cawaaqibka sharciga ah ee falkiisa ama falkeeda.
2. Qarinta ama u ekaanta dabecada dhabta ah, isha, goobta, dabecadda, dhaqdhaqaaqa ama lahaanshaha ama xuquuqaha la xiriira hanti ee dhaxalka la xiriira musuq-maasuq ama xad-gudubyada la xiriira;
3. Sheegashada, haysashada ama isticmaalka hantida iyadoo la og yahay waqtiga helitaanka, in hantidaasi la dhaxlay musuq-maasuq ama xad-gudubyo la xiriira.

### **Qodobka 7aad**

#### **La-dagaallanka Musuq-maasuqa iyo Xad-gudubyada la Xiriira ee Adeegga Dadweynaha**

Si loola dagaallamo musuq-maasuqa iyo xad-gudubyada la xiriira ee adeegga dadweynaha, Qaramada Xubnaha ah waxay isku hawlayaan in:

1. Ay weydiistaan dhammaan ama saraakiisha dadweynaha ee la magacaabay inay caddeeyaan hantidooda waqtiga la wareegista xafiiska inta lagu gudo-jiro iyo muddadooda xafiiska adeegga dadweynaha.
2. Ay abuuraan guddi gudaha ah ama hay'ad la mid ah oo loo idmaday inay dejiso xeer-anshaxeed oo ay kormeeraan hirgelintiisa, kuna wacyi-geliyaan kuna tababaraan saraakiisha dadweynaha arrimaha anshaxa.
3. Ay horumariyaan tallaabooyinka anshax-marineed iyo hab-raacyo baaritaan ee ku aaddan musuq-maasuqa iyo xad-gudubyada la xiriira iyadoo lagu keydinayo hannaanka tiknoolojiyada iyo kordhinta taxtar kuwa u xilsaaran arrinkan.
4. Ay hubiyaan daah-furnaanta, sinnaan iyo waxtarka maareynta hab-raacyada qandaraas-bixinta iyo kireynta ee adeegga dadweynaha.
5. Iyadoo la cuskanayo qodobbada sharciga maxalliga ah, xasaanad kasta oo la siiyo saraakiisha dawladda ma noqon doonto wax carqalad ku ah baarista eedeymaha ka dhanka ah iyo dacwad ku soo oogidda saraakiishaas.

### **Qodobka 8aad**

#### **Xaaraan-ku-hodmid**

1. Si waafaqsan xeerarka sharcigooda gudaha, Xubnaha Qaramada ayaa fulinaya in ay qabtimaan tallaabooyinka lagama-maarmaanka u ah in la aburo sharci jideynaya xad-gudub lid ku ah xaraan-ku-hodmida.

2. Xubnaha Qaramada ee aasaasay xad-gudub lid ku ah xaraan-kku-hodmidda ee sharcigooda gudaha, xad-gudub noocaas ah waxaa loo tixgelin doonaa fal musuq-maasuq ama xad-gudub la xiriira ujeedooyinka Heshiiskan.

**Qodobka 9aad**  
**Helitaan Macluumaad**

Xubin Qaran kasta waxay qabatimaysaa sharci-dejintaas iyo talaabooyin kale si loo dhaqan-geliyo xuquuqaha helitaanka macluumaad kasta ee loo baahan yahay in gacan laga geysto la-dagaallanka musuq-maasuqa iyo xad-gudubyada la xiriira.

**Qodobka 10aad**  
**Maal-gelinta Axxaabta Siyaasadda**

Xubin Qaran kastaa waxay qabatimaysaa sharci-dejin iyo talaabooyin kaleba in:

- b) Ay mamnuucaan adeegsiga lacagaha lagu helo iyadoo loo marayo dhaqano sharci-darro ah iyo musuq-maasuq si loogu maal-geliyo axsaabta siyaasadeed; iyo
- t) In mabaadi'da daah-furnaanta Lagu daro maal-gelinta axsaabta siyaasadeed.

**Qodobka 11aad**  
**Hay'adaha Gaarka ah**

Xubnaha Qaramada waxay fulinayaan in:

1. Ay qabatimaan tallabooyinka sharci-dejinta iyo talaabooyinka kale oo looga hortagayo la-dagaallanka falalka musuq-maasuqa iyo xad-gudubyada la xiriira ee ay geystaan hay'adaha qeybta gaarka loo leeyahay.
2. Ay abuuraan aalado lagu dhiirri-gelinayo ka-qeyb-qaadashadooda hay'adaha gaarka loo leeyahay ee la-dagaallanka tartanka caddaalad-darrada, iyadoo la ixtiraamayo hannaanka qandaraasyada iyo xuquuqda hantida gaarka loo leeyahay.
3. Ay qabatimaan talaabooyinkaas kale ee laga yaabo inay lagama-maarmaan u yihiin ka-hortagga shirkadaha inay bixiyaan laaluush si ay ugu guuleystaan qandaraasyadooda.

**Qodobka 12aad**  
**Bulshada Rayidka iyo Warbaahinta**

Xubnaha Qaramada waxay fulinayaan in:

1. Si buuxda looga qeyb-qaato la-dagaallanka musuq-maasuqa iyo xad-gudubyada la xiriira iyo in la faafiyo heshiiskan, iyadoo si buuxda looga wada qeyb-gelinayo Warbaahinta iyo Bulshada Rayidka ah.

2. Ay abuuraan jawi karaya in uu awood u siinaya bulshada rayidka iyo warbaahinta inay ku hayaan Dawladaha heerarka ugu sarreeya ee daah-furnaanta iyo isla-xisaabtanka ku aaddan maamulka maareynta ee arrimaha dadweynaha.
3. Ay hubiyaan oo bixiyaan ka-qeyb-gelinta bulshada rayidka hannaanka korjoogteynta iyo la-tashiga bulshada rayidka ah ee hirgelinta heshiiskan.
4. Ay hubiyaan in Warbaahinta loo oggolaado helitaanka macluumaadka xaaladaha dacwadaha musuq-maasuqa iyo xad-gudubyada la xiriira, iyadoo shuruud looga dhigayo in faafinta macluumaadka noocaas ah aysan saameyn xun ku yeelan hab-raaca baarista iyo xaqa helitaanka dhegaysiga garsoor caadil ah.

### **Qodobka 13aad** **Ikhtisaaska Maxkamadda**

1. Xubin Qaran kasta waxay lahaanaysaa ikhtisaas maxkamadeed oo ku aaddan falalka musuq-maasuqa iyo xad-gudubyada la xiriir marka:
  - b) xad-gudub lagu sameeyo guud ahaan ama qeyb ahaan gudaha xuduudeeda;
  - t) uu xad-gudub geysto mid kamid ah muwaadiniinteeda meel ka baxsan xuduudeeda ama uu falkaas ku kaco qof deggan xuduudeeda; iyo
  - j) dembilaha la tuhunsan yahay uu joogo xuduudeeda oo aysan u gudbinayn qofkaasi dal kale.
  - x) Marka xad-gudubka, in kastoo lagu galay meel ka baxsan xuduudeeda, uu saameynayo, si ku aaddan aragtidda Qaranka ay khusayso, danihiisa muhiimka ah ama dhaawac leh ama raad-reebyo waxyeello ah ama saameynta xad-gudubyadaas ay ku yeeshaan Xubinta Qaran.
2. Heshiiskani ma reebayo ikhtisaas ciqaabeed kasta oo ay fuliso Xubinta Qaran si waafaqsan shuruucdeeda gudaha.
3. Ka sokow faqradda (1) ee isla Qodobkan, qofna laguma maxkamadayn karo labo jeer isla hal xad-gudubi.

### **Qodobka 14aad** **Damaanad-qaadka Ugu Yar ee Garsoor Xaq ah**

Si waafaqsan shuruucda gudaha, qof kasta oo lagu eedeeyo inuu ku kacay falal musuq-maasuq iyo xad-gudubyo la xiriira wuxuu heli doonaa maxkamad caddaalad ah ee dacwadaha ciqaabta si waafaqsan damaanadda ugu yar ee ku tibaaxan Axdiga Afrika ee Xuquuqda Aadanaha iyo Dadyowga iyo wixii kale oo kasta ee la xiriira xuquuqda aadanaha ee caalamiga ah oo ay aqoonsan yihiin Xubnaha Qaramada ay khuseeyso.

## **Qodobka 15aad** **Dib-u-celin**

1. Qodobkan waxaa lagu dabaqayaa xad-gudubyada ay abuureen Xubnaha Qaran si waafaqsan Heshiiskan.
2. Xad-gudubyada ku jira ikhtisaaska heshiiskan waxaa loo qaadanaayaa inay ku jiraan shuruucda gudaha ee Xubnaha Qaran sida dembiyo u baahan dib-u-celin. Xubnaha Qaran waxay xad-gudubyadaas ku darayaan xad-gudubyada u baahan dib-u-celineed oo ku jira heshiisyada dib-u-celinta ee ka dhexeeya ama dhexdooda ah.
3. Haddii Xubin Qaran ka yeesho dib-u-celinta mid shuruud ku xiran ee jiritaanka heshiis dib-u-celin ay hesho codsi dib-u-celin ee ka timid Xubin Qaran oo uusan ka dhexayn heshiis noocaas ah, waxay u tixgelinaysaa heshiiskan inuu yahay aasaas sharci ah ee dhammaan xad-gudubyada uu heshiiskani khuseeyo.
4. Xubin Qaran oo aan sameynayn shardi ku xiran jiritaanka heshiis dib-u-celin waxay u aqoonsanaysaa xad-gudubyo uu heshiiskani ku dabaqmayo sidii xad-gudubyo dib-u-celineed oo iyaga dhexdooda ah.
5. Xubin Qaran kasta waxay fulinaysaa in ay celiso qof kasta lagu soo eedeeyey ama lagu helay xad-gudubyo musuq-maasuq iyo xad-gudubyo la xiriira, oo laga fuliyey xuduuda Xubin Qaran oo kale oo dib-u-centiisa uu codsaday Xubinta Qarankaas, si waafaqsan sharcigooda gudaha, heshiis kasta oo dib-u-celin oo ku dabaqmaya, ama is-af-garadyo dib-u-celin ama qorsheyaal jira oo ka dhexeeya ama u dhexeeya Xubnaha Qaran.
6. Marka Xubin Qaran xuduudeeda qof ku sugan lagu eedeeyo ama lagu helo xad-gudubyo oo ay diido in celiso qofkaas si waafaqsan in ay ikhtisaas u leedahay qaadidda xad-gudubyadaas, Xubinta Qaran ee laga codsaday waxaa waajib ku ah in ay u gudbiso dacwada si aan dib-u-dhac lahayn hay'adaheeda awoodda u leh si maxkamadayn loogu sameeyo, haddii aan si kale loogu raacsanayn Xubinta Qaran ee codsanaya, iyadoo loo soo sheegi doonaa natiijada kama-dambaysta ah Xubinta Qaran ee codsanaysa.
7. Iyadoo la raacayo qodobbada shuruucda waddanka iyo heshiisyada dib-u-celinta ee la dabaqi karo, waxaa u bannaan Xubinta Qaran ee la codsaday, kaddib markay ku qanacdo in duruufaha sidaas u baahan yihiin oo ay yihiin kuwo degdeg ah isla markaana ay codsanayso Xubinta Qaran in gacanta lagu dhigo qof la raadinayo wareejintiisa iyo qof xaadir ku ah dhulkeeda ama la qaado talaabooyin kale oo munaasib ah si loo hubiyo in qofkaasi ku sugan yahay hab-raacyada dacwo ee dib-u-celinta.

**Qodobka 16aad**  
**La-wareegidda iyo Hantidda & Hab-raacyadda la Xiriira Musuq-**  
**maasuqa**

1. Xubin Qaran kasta waxay qabatimaysaa inay qaado talaabooyin sharci- dejinta ee lagama-maarmaanka u ah in awood la siiyo:
  - b) Mas'uuliyiin karti u leh inay baaraan, aqoonsadaan, raad-raacaan, maamulaan, xayiraan ama qabtaan qalabkii iyo waxyaabihii musuq-maasuqu ku xirnaa inta la sugayo xukunka kama-dambaysta ah;
  - t) La-wareegidda faa'iidooyin ama hanti, qiimaha u dhigmo faa'iidooyinkaas, laga dhaxlay, si waafaqsan xad-gudubyada lagu sheegay heshiiskan; iyo
  - j) Mag-dhaw faa'idada lagu helay musuq-maasuqa.
2. Xubinta Qaran ee laga codsaday waxay, sida uu u oggolaanayo sharcigeedu iyo si ku aaddan Xubinta Qaran ee codsanaysa, qabanaysaa isla markaana la wareegaysaa walax kasta:
  - b) kaasoo loogu baahan karo caddeyn xad-gudub ee la isweydiinayo; ama
  - t) kaasoo lagu helay natiijada xad-gudub loogu talo-galay soo-celinta la codsaday iyo kaasoo, waqtiga qabashada lagu helo dadka sheegatay ama la ogaado markaas kaddib.
3. Waxaa bananan Waxyaabaha lagu sheegay faqradda (2) ee Qodobkan, haddii ay arrinkaas Dalbato Xubinta Qaran in lagu wareejiyo Qarankaas xitaa haddii la diido wareejinta qof la codsaday ama laga cudur-daartay wareejintiisa geeri darteed, la waayo ama baxsado qofka la baadi-goobayo.
4. Marka walaxda la soo sheegay lagu helo qabasho ama la-wareegid xuduuda Xubinta Qaran ee laga codsaday kan dambe wuxuu karaa, si la xiriirta dacwad taagan ama dacwado ciqaab oo socda, si meel-gaar loo hayo ama loo gudbinayo Xubinta Qaran ee codsatay, oo shardigu yahay in loo celinayo Xubinta Qaran ee laga codsaday.

**Qodobka 17aad**  
**Qarsoodida Bankiga**

1. Xubin Qaran kasta waxay qabatimaysaa inay qaado tallaabooyinka lagama-maarmaanka u ah ee lagu xoojinayo maxkamadaheeda ama hay'adaha kale ee awoodda u leh soo-saarista amarada la-wareegidda ama qaadashada dhaqaalaha bankiyada ama dukumintiyada ganacsiga oo leh aragti hirgelitaan ee heshiiskan.
2. Qaranka codsanaya ma adeegsanayo macluumaad kasta oo la helay taasoo lagu ilaalinayo sirta bankiga ujeeddo kasta oo aan ka ahayn dacwadda loo codsaday macluumaadkaas, haddii aan oggolaansho looga haysan Xubinta Qaran ee la codsaday.

3. Xubnaha Qaran ma dalban karaan sirta bankiga si ay u sababeeyaan diidmadda iskaashi la xiriira falalka musuq-maasuqa iyo xad-gudubyada la xiriira ee ku aaddan qiyamka heshiiskan.
4. Xubnaha Qaran waxay iskood isugu hawlayaan inay galaan heshiisyo naftooda ah oo labo-geesood ah, si ay uga tanaasulaan sirta bankiyada ee ee xisaabaadka shakiga ku jira, isla markaana u oggolaadaan mas'uuliyiinta awoodda u leh inay ka helaan caddeymo kasta ee bankiyada iyo hay'adaha maaliyadeed, si waafaqsan ku-hoos-jirka Garsoorka, caddeyn kasta oo gacantooda ku jirto.

### **Qodobka 18<sup>aad</sup>**

#### **Iskaashi iyo Gargaar Qaanuun ee Wadajir ah**

1. Si waafaqsan sharciyadooda gudaha iyo heshiisyada dhaqan-galka ah, waa in ay si degdeg ah u bixiyaan iskaashi farsamo iyo wada-shaqeyn suurta-gal ah, marka ay uga soo baahdaan laamaha shaqada ku leh ka-hortagga musuq-maasuqa iyo xad-gudubyada xiriirka la leh, haddii ay ahaan lahayd in laga hortago, la dabo-galo, la baaro, isla markaana la ciqaabo falalka musuq-maasuq iyo xad-gudubyada la xiriira.
2. Haddii labo Xubnood Qaran ama wax ka badan sameystaan xiriir dhexdooda ah iyagoo tixraacaya sharciyo mideysan ama hab-raacyo kale oo gaar ah, waa u bannaan tahay in ay sameystaan xiriir labo dhinac ah, iyagoo aan jebinayn qodobadda heshiiskan.
3. Xubnaha Qaran waxay sameysan karaan iskaashi dhexdooda ah oo ay isku weydaarsanayaan daraasadaha iyo cilmi-baarista ku saabsan sida loola dagaalamo musuq-maasuqa iyo xad-gudubyada xiriirka la leh, sidoo kale khibradaha dhanka ka-hortagga musuq-maasuqa iyo xad-gudubyada xiriirka la leh.
4. Xubnaha Qaran waxay yeelanayaan iskaashi dhexdooda ah marka ay suurta-galka tahay iyagoo iska taageeraya arrimaha farsamadda marka la sameynayo barnaamijyada iyo xeerarka Anshaxa, iyo iyadoo la eegayo danaha hawl-wadeennada in la diyaariyo tababaro iyo aqoon-isweydaarsi ku saabsan la-dagaallanka musuq-maasuqa iyo Xad-guduyada xiriirka la leh.
5. Xeerarka qodobkan ku xusan wax saameyn ah kuma yeelanayso waajibaadka lagu xusay heshiis kale oo labo-geesood ah ama in ka badan kaasoo xaqiijinaya qeyb ahaan ama dhammaan iskaashiga iyo isweydaarsiga sharciga ah ee arrimaha ku saabsan fal-dembiyeedyada.



6. Qodobkani ma xusayo axkaam u diidayso Xubnaha Qaran ka ah heshiiskan in midoodba midda kale u gudbisoo kaalmo-sharciyeed ku habboon oo uu oggolaanayo xeerarkooda gudaha.

### **Qodobka 19<sup>aad</sup> Iskaashi Caalami ah**

Si loo gaaro iskaashi caalami ah oo mug leh, Xubnaha Qaran waxay:

1. Iskaashi la sameynayaan wadamada asal ahaan u leh shirkadaha jinsiyadaha badan (ka hawl-gala wax ka badan hal dawlad) si ay u caddeeyaan fal-dembiyeedka iyo ciqaabista ku-lug-lahaanshaha lacagaha sida qarsoodida ah la iskugu gudbiyo iyo qaab walbo oo laga dheehan karo musuq-maasuq marka lagu gudo-jiro isweydaarsiga hantida iyo ganacsiga caalamiga ah.

2. Xoojinta iskaashi goboleedka, qaaradeedka iyo midka caalamiga ah si looga reebo musuq-maasuqa hawlaha ganacsiga caalamiga ah.

3. Dhiirri-gelinta dhammaan wadamada si ay u sameystaan habab sharci-dejin oo lagama maarmaan ah si looga reebo hawl-wadeennada in ay sii haystaan hantida ay ka sameeyeen laaluushka, iyadoo la xirayo akoonadda ay ku leeyihiin bankiyada dibadda iyo in la fududeeyo dib-u-soo-celinta lacagaha la kaayaday (la xaday) ama lagu helay si aan sharci ahayn wadamada asal ahaan lahaa.

4. Si dhow ula shaqeynayaan hay'adaha maaliyadda caalamiga ah, kuwa gobolka iyo kuwa ka farcama gobolka si looga baabi'yo musuq-maasuqa barnaamijyada dib-u-dhiska iyo iskaashiga, iyadoo la sameynayo hal-beegyo adag oo lagu hubinayo u-qalmidda iyo maamul-wanaagga murashixiinta marka lagu gudo-jiro siyaasadda guud ee horumarinta.

5. Iskaashadaan si waafaqsan axdiyada caalamiga ah ee xiriirka la leh iskaashiga caalamiga ah ee la xiriira arrimaha xad-gudubyada iyadoo ujeedku yahay baaritaannada iyo hababka la xiriira fal-dembiyeedyada ku cad baaxadda heshiiskan.

### **Qodobka 20<sup>aad</sup> Awoodaha Qaran**

1. Iyadoo la eegaya ujeedooyinka iskaashi iyo kaalmada sharci ee la isweydaarsanayo ee ku xusan heshiiskan, Xubin Qaran waxay la xiriiraysaa Madaxa guddiga, xilliga la saxiixayo ama la gudbinayo dokumentiyada oggolaanshaha, ama wakaaladda qaranka u xilsaaran xad-gudubyada lagu caddeeyey Qodobka (4) faqradiisa (1) ee heshiiskan.

2. Dawladda iyo wakaaladaha qaranka waxay mas'uul ka yihiin soo gudbinta iyo la wareegideeda dalabyada ku saabsan kaalmada sharciga iyo iskaashiga lagu xusay heshiiskan.
3. Hay'adaha ama Wakaaladaha Qaran waxay ka yeelanayaan xiriir toos ah, ujeeddooyinka Heshiiskan.
4. Dawladda iyo Wakaaladaheeda Qaran waxaa loo ogol yahay madax-bannaani ku filan, si ay u gutaan waajibaadka loo xilsaaray si wax-ku-ool ah.
5. Xubnaha Qaran waxay sameynayaan tallaabooyinka lagama-maarmaanka u ah hubinta in ay qabsoomaan waajibaadka loo xilsaaray hay'adaha qaranka ee u xilsaaran la-dagaallanka masuq-maasuqa iyo xad-gudubyada xiriirka la leh in ay heleen tababar iyo dhiirri-gelin ku filan si ay u gutaan waajibaadka loo xilsaaray si wax-ku-ool ah.

### **Qodobka 21<sup>aad</sup>**

#### **Xiriirka Heshiisyada kale**

Iyadoo la ilaalinayo Xeerarka ku cad qodobka (4) faqradiisa (1), Heshiiskani wuxuu ka gacan-sarreynayaa heshiis kasta ama heshiis labo- geesoodka ah ee ku saabsan la-dagaallanka musuq-maasuqa iyo xad-gudubyada xiriirka la leh, oo ka dhexeeya labo dawlad iyo wax ka badan oo ka tirsan Xubnaha Qaramada Heshiiskan.

### **Qodobka 22<sup>aad</sup>**

#### **Farsamo Dabo-gal**

1. Waxaa laga dhisayaa guddi la-talin arrimaha musuq-maasuqa Ururka Midowga Afrika dhexdiisa.
2. Guddigu wuxuu ka koobnaanayaa 11 xubnood oo Golaha Fulinta Ururka ka dooran doono liis xeer-dheerayaal ah oo aan dhana u janjeernin (madax-bannaan), lehna hufnaan iyo hawl-karnimo ku aaddan la-dagaallanka musuq-maasuqa iyo xad-gudubyada xiriirka la leh oo ay soo gudbiyaan Xubnaha Qaramada. Marka la soo xulayo xubnaha guddigan Golaha Fulinta waa in ay xaqiijiyaan metelaad isku-dheeli-tiran labada jinsi (rag iyo dumar) iyo metelaad degaan oo siman.
3. Xubnaha Guddiga iyaga ayaa qabsanaya hawlahooda gaarka ah.
4. Xubnaha Guddiga waxaa la magacaabayaa muddo labo sano ah, lana cusboonaysiin karo hal mar oo keliya.

5. Hawlaha Guddiga waxay noqonayaan:
- b) xoojinta iyo dhiirri-gelinta hawl-gallada lagu cirib-tirayo musuq-maasuqa ka jira qaaradda;
  - t) ururinta xogaha iyo dokumentiyada ku saabsan halka uu marayo musuq-maasuqa iyo xad-gudubyada xiriirka la leh ee ka dhaca gudaha qaaradda Afrika;
  - j) hormarinta qaababka ugu macquulsan ee lagu falanqeyn karo musuq-maasuqa iyo fal-dembiyeedyada xiriirka la leh, iyo ka-wacyi-gelinta bulshada saameynta xun ee uu leeyahay musuq-maasuqa iyo xad-gudubyada xiriirka la leh;
  - x) tallo-siinta dawladaha qaabka ay u xallin karaan dhibaataada uu leeyahay musuq-maasuqa, iyadoo adeegsanaya ikhtisaaska garsoorkooda;
  - k) ururinta xogaha iyo falanqeynta shaqada shirkadaha jinsiyadaha badan (ka-shaqeeya wax ka badan hal dawlad) ee ka hawl-gala wadamada Afrika, iyo u-gudbinta xogahaas dawladaha sida lagu caddeeyey Qodobka 18 faqradiisa (1) ee heshiiskan;
  - d- tayaynta iyo xoojinta diiwaanno middeysan oo ay ku qoran yihiin shaqaalaha dawladda;
  - r) abuurista xiriir iskaashi oo lala yeelanayo Guddiga Xuquuqda Aadanaha ee Afrika, dadweynaha, bulshada rayidka, hay'adaha dawliga ah, kuwa aan-dawliga ahayn (NGOs), iyo urur-goboleedyada si looga wada-hadlo wada-shaqeynta lagu cirib-tirayo musuq-maasuqa iyo xad-gudubyada xiriirka la leh;
  - s) waxay Golaha Fulinta u gudbinayaan warbixinadda ku saabsan horumarada ay Xubin Qaran kasta sameysay iyo sida ay ugu hoggaansameen qodobadda heshiiskan; iyo
  - sh) qabashada hawl walba oo ku saabsan la-dagaallanka musuq-maasuqa iyo xad-gudubyada xiriirka la leh oo ay u xilsaaraan laamaha qaabilsan sameynta siyaasadaha ee Midowga Afrika.
6. Guddigu wuxuu raacayaa xeerar u gaar ah ee hab-raac.
7. Xubnaha Qaramada waxay u soo gudbinayaan Guddiga muddo sanad gudihiis ah dhaqan-gelinta heshiiskan, horumarada laga sameeyey fulintiisa. Kaddibna Xubin Qaran kasta iyadoo raacaysa hab-raacyada xiriirka la leh, waxay warbixinadooda sanadkiiba mar u soo gudbinayaan Guddigan inta aysan furmin kulamada caadiga ah ee ay yeelanayaan qeybaha siyaasadda Midowga Afrika.

## **QODOBO GEBANGABO AH**

### **Qodobka 23<sup>aad</sup>**

#### **Saxiixid, Meel-marin, Kamid-noqosho iyo Dhaqan-gelin**

1. Heshiisku wuxuu u furnaanayaa saxiixid, meel-marin ama oggolaansho ee Qaramada Xubnaha ka Midowga Afrika.

2. Heshiiskani wuxuu dhaqan-gelayaa 30 (soddon) maalin gudahooda oo ka bilaabaneysa maalinta loo diiwaan-geliyey oggolaanshaha iyo kamid-noqoshada.
3. Heshiiskani wuxuu ka dhaqan-gelayaa dawlad walba oo dhinac ka ah oo oggolaatay kana mid noqotay loona diiwaan-geliyey dokumentiga 15aad ee oggolaanshaha, kaddibna ay ka soo wareegto 30 (soddon) maalin oo ka bilaabaneysa maalinta ay dawladu soo gudbisay dukumentigeeda oggolaansha iyo kamid-noqoshada.

### **Qodobka 24<sup>aad</sup> Ka-gaabsasho**

1. Xubin Qaran kasta waxaa u bannaan in ay soo gudbiso ka-gaabshiyaha marka la saxiixayo ama la oggolaanayo waanna in ka-gaabsigaasi noqdaa qodob ama wax ka badan oo kamid ah heshiiskan, waana inuusan ka hor-iman ujeedooyinka iyo nuxurka Heshiiskan.
2. Xubin Qaran kasta oo qeyb ka ah heshiiskan soonna gudbisay ka-gaabsigeeda, waxaa loo oggol yahay in ay ka laaban karto ka-gaabsashadeeda marka ay u saamaxdo duruufta. Ka-laabashadeeda waxay u soo gudbineysaa Guddoomiyaha Guddiga.

### **Qodobka 25<sup>aad</sup> Wax-ka-bedel**

1. Heshiiskan waxaa lagu sameyn karaa wax-ka-bedel, haddii ay Xubin Qaran codsi qoraal ah u soo gudbiso Guddoomiyaha Guddiga.
2. Guddoomiyaha Guddiga ayaa qeybinaya wax-ka-bedeladda ay soo jeediyeen dhammaan Xubnaha Qaran. Wax-ka-bedelada la soo jeediyey ma tixgelin doonaan Xubnaha Qaran inta laga gaarayo 6(lix) bilood oo ka bilaabanaysa taariikhda la qeybiyey wax-ka-bedelka.
3. Wax-ka-bedeladda waxay dhaqan-gelayaan markii ay ansixiyaan 2/3 (seddex-meelood labo meel) Xubnaha Qaramada Midowga Afrika (MA).

### **Qodobka 26<sup>aad</sup> Ka-bixid Heshiis**

1. Xubin Qaran kasta oo qeyb ka ah heshiiskan way ka bixi kartaa iyadoo ogeysiinaysa Guddoomiyaha Guddiga, ka-bixista waxay dhaqan-gelaysaa 6 (lix) bilood kaddib marka la guddoomo.

2. Kaddib ka-bixidda, waxaa sii socon doona iskaashiga Xubnaha Qaran qeybta ka ah heshiiska iyo dawladda iskaga baxday ee ku saabsan gacan-siinta iyo soowareejinta dembileyasha inta uusan dhaqan-gelin ka-bixitaanku.

### **Qodobka 27<sup>aad</sup> Keydin**

1. Guddoomiyaha Guddiga ayaa keydinaya heshiiskan iyo wax-ka-bedelladiisa.
2. Guddoomiyaha Guddiga ayaa gaarsiinaya dhammaan Xubnaha Qaran saxiixyada, oggolaanshaha, kamid-noqoshada, taariikhda dhaqan-galka, codsiyada wax-ka-bedelka ee ay soo gudbiyeen qaramadu iyo sidoo kale ansixinada iyo ka-bixitaanada.
3. Kaddib marka uu dhaqan-gal noqdo heshiiskani, Guddoomiyaha Guddiga wuxuu ka soo diiwaan-gelinayaa Xoghayaha Guud ee Qaramada Midoobey sida uu qabo Qodobka 102 ee Axdiga Qaramada Midoobey.

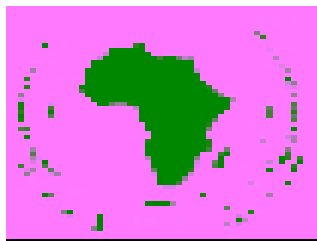
### **Qodobka 28<sup>aad</sup> Qoraaladda Saxda ah**

Qoraaladda asalka ah ee Heshiiskan waxay noqonayaan luqadaha carabiga, ingiriiska, faransiiska iyo bortaqiiska waxaana loo qaadanayaa si siman, iyadoo ku keydsanaan doonaan Guddoomiyaha Guddiga.

**IYADOO LA SUGAYO QODOBBADAN KOR KU XUSAN**, annagoo ah Madaxda Qaran iyo Dawlad ee Midowga Afrika, ama xubnaha metelaya dalalka waxaan oggolaanay Heshiiskan.

**Waxaa lagu meel-mariyey kal-fadhiga labaad ee caadiga ah, ee Golaha Guud ee Midowga Afrika**

**Maputo, 11 luulyo 20**





**AFRICAN UNION CONVENTION ON PREVENTING  
AND COMBATING CORRUPTION**

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COMBATING CORRUPTION**

**PREAMBLE**

The Member States of the African Union:

**Considering** that the Constitutive Act of the African Union recognizes that freedom, equality, justice, peace and dignity are essential objectives for the achievement of the legitimate aspiration of the African peoples;

**Further Considering** that Article 3 of the said Constitutive Act enjoins Member States to coordinate and intensify their cooperation, unity, cohesion and efforts to achieve a better life for the peoples of Africa;

**Cognizant** of the fact that the Constitutive Act of the African Union, *inter alia*, calls for the need to promote and protect human and peoples' rights, consolidate democratic institutions and foster a culture of democracy and ensure good governance and the rule of law;

**Aware** of the need to respect human dignity and to foster the promotion of economic, social, and political rights in conformity with the provisions of the African Charter on Human and People's Rights and other relevant human rights instruments;



**Bearing in mind** the 1990 Declaration on the Fundamental Changes Taking Place in the World and their Implications for Africa; the 1994 Cairo Agenda for Action Relaunching Africa's Socio-economic Transformation; and the Plan of Action Against Impunity adopted by the Nineteenth Ordinary Session of the African Commission on Human and Peoples Rights in 1996 as subsequently endorsed by the Sixty fourth Ordinary Session of the Council of Ministers held in Yaounde, Cameroon in 1996 which, among others, underlined the need to observe principles of good governance, the primacy of law, human rights, democratization and popular participation by the African peoples in the processes of governance.

**Concerned** about the negative effects of corruption and impunity on the political, economic, social and cultural stability of African States and its devastating effects on the economic and social development of the African peoples;

**Acknowledging** that corruption undermines accountability and transparency in the management of public affairs as well as socio-economic development on the continent;

**Recognizing** the need to address the root causes of corruption on the continent;

**Convinced** of the need to formulate and pursue, as a matter of priority, a common penal policy aimed at protecting the society against corruption, including the adoption of appropriate legislative and adequate preventive measures;





**Determined** to build partnerships between governments and all segments of civil society, in particular, women, youth, media and the private sector in order to fight the scourge of corruption;

**Recalling** resolution AHG-Dec 126(XXXIV) adopted by the Thirty-fourth Ordinary Session of the Assembly of Heads of State and Government in June 1998 in Ouagadougou, Burkina Faso, requesting the Secretary General to convene, in cooperation with the African Commission on Human and Peoples' Rights, a high level meeting of experts to consider ways and means of removing obstacles to the enjoyment of economic, social and cultural rights, including the fight against corruption and impunity and propose appropriate legislative and other measures;

**Further Recalling** the decision of the 37<sup>th</sup> ordinary session of the Assembly of Heads of State and Government of the OAU held in Lusaka, Zambia, in July 2001 as well as the Declaration adopted by the first session of the Assembly of the Union held in Durban, South Africa in July 2002, relating to the New Partnership for Africa's Development (NEPAD) which calls for the setting up of a coordinated mechanism to combat corruption effectively.

Have agreed as follows:

### **Article 1 Definitions**

1. For the purposes of this Convention;

**"Chairperson of the Commission"** means Chairperson of the Commission of the African Union;



**"Confiscation"** means any penalty or measure resulting in a final deprivation of property, proceeds or instrumentalities ordered by a court of law following proceedings in relation to a criminal offence or offences connected with or related to corruption;

**"Corruption"** means the acts and practices including related offences proscribed in this Convention;

**"Court of Law"** means a court duly established by a domestic law;

**"Executive Council"** means the Executive Council of the African Union;

**"Illicit enrichment"** means the significant increase in the assets of a public official or any other person which he or she cannot reasonably explain in relation to his or her income.

**"Private Sector"** means the sector of a national economy under private ownership in which the allocation of productive resources is controlled by market forces, rather than public authorities and other sectors of the economy not under the public sector or government;

**"Proceeds of Corruption"** means assets of any kind corporeal or incorporeal, movable or immovable, tangible or intangible and any document or legal instrument evidencing title to or interests in such assets acquired as a result of an act of corruption;

**"Public official"** means any official or employee of the State or its agencies including those who have been selected, appointed or elected to perform activities or functions in the name of the State or in the service of the State at any level of its hierarchy;



**"Requested State Party"** means a State Party requested to extradite or to provide assistance under this Convention;

**"Requesting State Party"** means a State Party making a request for extradition or assistance in terms of this Convention;

**"State Party"** means any Member State of the African Union which has ratified or acceded to this Convention and has deposited its instruments of ratification or accession with the Chairperson of the Commission of the African Union.

2. In this Convention, the singular shall include the plural and vice versa.

## **Article 2 Objectives**

The objectives of this Convention are to:

1. Promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors.
2. Promote, facilitate and regulate cooperation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption and related offences in Africa.
3. Coordinate and harmonize the policies and legislation between State Parties for the purposes of prevention, detection, punishment and eradication of corruption on the continent.



4. Promote socio-economic development by removing obstacles to the enjoyment of economic, social and cultural rights as well as civil and political rights.
5. Establish the necessary conditions to foster transparency and accountability in the management of public affairs.

### **Article 3 Principles**

The State Parties to this Convention undertake to abide by the following principles:

1. Respect for democratic principles and institutions, popular participation, the rule of law and good governance.
2. Respect for human and peoples' rights in accordance with the African Charter on Human and Peoples Rights and other relevant human rights instruments.
3. Transparency and accountability in the management of public affairs.
4. Promotion of social justice to ensure balanced socio-economic development.
5. Condemnation and rejection of acts of corruption, related offences and impunity.



**Article 4**  
**Scope of Application**

1. This Convention is applicable to the following acts of corruption and related offences:
  - (a) the solicitation or acceptance, directly or indirectly, by a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
  - (b) the offering or granting, directly or indirectly, to a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
  - (c) any act or omission in the discharge of his or her duties by a public official or any other person for the purpose of illicitly obtaining benefits for himself or herself or for a third party;
  - (d) the diversion by a public official or any other person, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party, of any property belonging to the State or its agencies, to an independent agency, or to an individual, that such official has received by virtue of his or her position;



- (e) the offering or giving, promising, solicitation or acceptance, directly or indirectly, of any undue advantage to or by any person who directs or works for, in any capacity, a private sector entity, for himself or herself or for anyone else, for him or her to act, or refrain from acting, in breach of his or her duties;
- (f) the offering, giving, solicitation or acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the public or private sector in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result;
- (g) illicit enrichment;
- (h) the use or concealment of proceeds derived from any of the acts referred to in this Article; and
- (i) participation as a principal, co-principal, agent, instigator, accomplice or accessory after the fact, or on any other manner in the commission or attempted commission of, in any collaboration or conspiracy to commit, any of the acts referred to in this article.



2. This Convention shall also be applicable by mutual agreement between or among two or more State Parties with respect to any other act or practice of corruption and related offences not described in this Convention.

### **Article 5** **Legislative and other Measures**

For the purposes set-forth in Article 2 of this Convention, State Parties undertake to:

1. Adopt legislative and other measures that are required to establish as offences, the acts mentioned in Article 4 paragraph 1 of the present Convention.
2. Strengthen national control measures to ensure that the setting up and operations of foreign companies in the territory of a State Party shall be subject to the respect of the national legislation in force.
3. Establish, maintain and strengthen independent national anti-corruption authorities or agencies.
4. Adopt legislative and other measures to create, maintain and strengthen internal accounting, auditing and follow-up systems, in particular, in the public income, custom and tax receipts, expenditures and procedures for hiring, procurement and management of public goods and services.



5. Adopt legislative and other measures to protect informants and witnesses in corruption and related offences, including protection of their identities.
6. Adopt measures that ensure citizens report instances of corruption without fear of consequent reprisals.
7. Adopt national legislative measures in order to punish those who make false and malicious reports against innocent persons in corruption and related offences.
8. Adopt and strengthen mechanisms for promoting the education of populations to respect the public good and public interest, and awareness in the fight against corruption and related offences, including school educational programmes and sensitization of the media, and the promotion of an enabling environment for the respect of ethics.

### **Article 6** **Laundering of the Proceeds of Corruption**

States Parties shall adopt such legislative and other measures as may be necessary to establish as criminal offences:

- a) The conversion, transfer or disposal of property, knowing that such property is the proceeds of corruption or related offences for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the offence to evade the legal consequences of his or her action.





- b) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property which is the proceeds of corruption or related offences;
- c) The acquisition, possession or use of property with the knowledge at the time of receipt, that such property is the proceeds of corruption or related offences;

**Article 7**  
**Fight Against Corruption and Related Offences**  
**in the Public Service**

In order to combat corruption and related offences in the public service, State Parties commit themselves to:

1. Require all or designated public officials to declare their assets at the time of assumption of office during and after their term of office in the public service.
2. Create an internal committee or a similar body mandated to establish a code of conduct and to monitor its implementation, and sensitize and train public officials on matters of ethics.
3. Develop disciplinary measures and investigation procedures in corruption and related offences with a view to keeping up with technology and increase the efficiency of those responsible in this regard.



4. Ensure transparency, equity and efficiency in the management of tendering and hiring procedures in the public service.
5. Subject to the provisions of domestic legislation, any immunity granted to public officials shall not be an obstacle to the investigation of allegations against and the prosecution of such officials.

### **Article 8 Illicit Enrichment**

1. Subject to the provisions of their domestic law, State Parties undertake to adopt necessary measures to establish under their laws an offence of illicit enrichment.
2. For State Parties that have established illicit enrichment as an offence under their domestic law, such offence shall be considered an act of corruption or a related offence for the purposes of this Convention.
3. Any State Party that has not established illicit enrichment as an offence shall, in so far as its laws permit, provide assistance and cooperation to the requesting State with respect to the offence as provided in this Convention.

### **Article 9 Access to Information**

Each State Party shall adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences.



**Article 10**  
**Funding of Political Parties**

Each State Party shall adopt legislative and other measures to:

- (a) Proscribe the use of funds acquired through illegal and corrupt practices to finance political parties; and
- (b) Incorporate the principle of transparency into funding of political parties.

**Article 11**  
**Private Sector**

State Parties undertake to:

1. Adopt legislative and other measures to prevent and combat acts of corruption and related offences committed in and by agents of the private sector.
2. Establish mechanisms to encourage participation by the private sector in the fight against unfair competition, respect of the tender procedures and property rights.
3. Adopt such other measures as may be necessary to prevent companies from paying bribes to win tenders.



**Article 12**  
**Civil Society and Media**

State Parties undertake to:

1. Be fully engaged in the fight against corruption and related offences and the popularisation of this Convention with the full participation of the Media and Civil Society at large;
2. Create an enabling environment that will enable civil society and the media to hold governments to the highest levels of transparency and accountability in the management of public affairs;
3. Ensure and provide for the participation of Civil Society in the monitoring process and consult Civil Society in the implementation of this Convention;
4. Ensure that the Media is given access to information in cases of corruption and related offences on condition that the dissemination of such information does not adversely affect the investigation process and the right to a fair trial.

**Article 13**  
**Jurisdiction**

1. Each State Party has jurisdiction over acts of corruption and related offences when:
  - (a) the breach is committed wholly or partially inside its territory;



- (b) the offence is committed by one of its nationals outside its territory or by a person who resides in its territory; and
  - (c) the alleged criminal is present in its territory and it does not extradite such person to another country.
  - (d) when the offence, although committed outside its jurisdiction, affects, in the view of the State concerned, its vital interests or the deleterious or harmful consequences or effects of such offences impact on the State Party.
2. This Convention does not exclude any criminal jurisdiction exercised by a State Party in accordance with its domestic law.
  3. Notwithstanding the provision of paragraph I of this Article, a person shall not be tried twice for the same offence.

**Article 14**  
**Minimum Guarantees of a Fair Trial**

Subject to domestic law, any person alleged to have committed acts of corruption and related offences shall receive a fair trial in criminal proceedings in accordance with the minimum guarantees contained in the African Charter on Human and Peoples' Rights and any other relevant international human rights instrument recognized by the concerned States Parties.



## **Article 15 Extradition**

1. This Article shall apply to the offences established by the State Parties in accordance with this Convention.
2. Offences falling within the jurisdiction of this Convention shall be deemed to be included in the internal laws of State Parties as crimes requiring extradition. State Parties shall include such offences as extraditable offences in extradition treaties existing between or among them.
3. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from a State Party with which it does not have such treaty, it shall consider this Convention as a legal basis for all offences covered by this Convention.
4. A State Party that does not make extradition conditional on the existence of a treaty shall recognize offences to which this Convention applies as extraditable offences among themselves.
5. Each State Party undertakes to extradite any person charged with or convicted of offences of corruption and related offences, carried out on the territory of another State Party and whose extradition is requested by that State Party, in conformity with their domestic law, any applicable extradition treaties, or extradition agreements or arrangements existing between or among the State Parties.



6. Where a State Party in whose territory any person charged with or convicted of offences is present and has refused to extradite that person on the basis that it has jurisdiction over offences, the Requested State Party shall be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution, unless otherwise agreed with the Requesting State Party, and shall report the final outcome to the Requesting State Party.
7. Subject to the provisions of its domestic law and any applicable extradition treaties, a Requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the Requesting State Party, take into custody a person whose extradition is sought and who is present in its territory, or take other appropriate measures to ensure that the person is present at the extradition proceedings.

**Article 16**  
**Confiscation and Seizure of the Proceeds and**  
**Instrumentalities of Corruption**

1. Each State Party shall adopt such legislative measures as may be necessary to enable:
  - (a) its competent authorities to search, identify, trace, administer and freeze or seize the instrumentalities and proceeds of corruption pending a final judgement;
  - (b) confiscation of proceeds or property, the value of which corresponds to that of such proceeds, derived, from offences established in accordance with this convention;



- (c) repatriation of proceeds of corruption.
2. The Requested State Party shall, in so far as its law permits and at the request of the Requesting State Party, seize and remit any object:
    - (a) which may be required as evidence of the offence in question; or
    - (b) which has been acquired as a result of the offence for which extradition is requested and which, at the time of arrest is found in possession of the persons claimed or is discovered subsequently.
  3. The objects referred to in clause 2 of this Article may, if the Requesting State so requests, be handed over to that State even if the extradition is refused or cannot be carried out due to death, disappearance or escape of the person sought.
  4. When the said object is liable for seizure or confiscation in the territory of the Requested State Party the latter may, in connection with pending or ongoing criminal proceedings, temporarily retain it or hand it over to the Requesting State Party, on condition that it is returned to the Requested State Party.





**Article 17**  
**Bank Secrecy**

1. Each State Party shall adopt such measures necessary to empower its courts or other competent authorities to order the confiscation or seizure of banking, financial or commercial documents with a view to implementing this Convention.
2. The Requesting State shall not use any information received that is protected by bank secrecy for any purpose other than the proceedings for which that information was requested, unless with the consent of the Requested State Party.
3. State Parties shall not invoke banking secrecy to justify their refusal to cooperate with regard to acts of corruption and related offences by virtue of this Convention.
4. State Parties commit themselves to enter into bilateral agreements to waive banking secrecy on doubtful accounts and allow competent authorities the right to obtain from banks and financial institutions, under judicial cover, any evidence in their possession.



**Article 18**  
**Cooperation and Mutual Legal Assistance**

1. In accordance with their domestic laws and applicable treaties, State Parties shall provide each other with the greatest possible technical cooperation and assistance in dealing immediately with requests from authorities that are empowered by virtue of their national laws to prevent, detect, investigate and punish acts of corruption and related offences.
2. If two or several State Parties have established relations on the basis of uniform legislation or a particular regime, they may have the option to regulate such mutual relations without prejudice to the provisions of this Convention.
3. State Parties shall co-operate among themselves in conducting and exchanging studies and researches on how to combat corruption and related offences and to exchange expertise relating to preventing and combating corruption and related offences.
4. State Parties shall co-operate among themselves, where possible, in providing any available technical assistance in drawing up programmes, codes of ethics or organizing, where necessary and for the benefit of their personnel, joint training courses involving one or several states in the area of combating corruption and related offences.
5. The provisions of this Article shall not affect the obligations under any other bilateral or multilateral treaty which governs, in whole or in part, mutual legal assistance in criminal matters.



6. Nothing in this Article shall prevent State Parties from according one another more favourable forms of mutual legal assistance allowed under their respective domestic law.

### **Article 19** **International Cooperation**

In the spirit of international cooperation, State Parties shall:

1. Collaborate with countries of origin of multi-nationals to criminalise and punish the practice of secret commissions and other forms of corrupt practices during international trade transactions.
2. Foster regional, continental and international cooperation to prevent corrupt practices in international trade transactions.
3. Encourage all countries to take legislative measures to prevent corrupt public officials from enjoying ill-acquired assets by freezing their foreign accounts and facilitating the repatriation of stolen or illegally acquired monies to the countries of origin.
4. Work closely with international, regional and sub regional financial organizations to eradicate corruption in development aid and cooperation programmes by defining strict regulations for eligibility and good governance of candidates within the general framework of their development policy.



5. Cooperate in conformity with relevant international instruments on international cooperation on criminal matters for purposes of investigations and procedures in offences within the jurisdiction of this Convention.

**Article 20**  
**National Authorities**

1. For the purposes of cooperation and mutual legal assistance provided under this Convention, each State Party shall communicate to the Chairperson of the Commission at the time of signing or depositing its instrument of ratification, the designation of a national authority or agency in application of offences established under Article 4 (1) of this Convention.
2. The national authorities or agencies shall be responsible for making and receiving the requests for assistance and cooperation referred to in this Convention.
3. The national authorities or agencies shall communicate with each other directly for the purposes of this Convention.
4. The national authorities or agencies shall be allowed the necessary independence and autonomy, to be able to carry out their duties effectively.



5. State Parties undertake to adopt necessary measures to ensure that national authorities or agencies are specialized in combating corruption and related offences by, among others, ensuring that the staff are trained and motivated to effectively carry out their duties.

### **Article 21**

#### **Relationship with other Agreements**

Subject to the provisions of Article 4 paragraph 2, this Convention shall in respect to those State Parties to which it applies, supersede the provisions of any treaty or bilateral agreement governing corruption and related offences between any two or more State Parties.

### **Article 22**

#### **Follow up Mechanism**

1. There shall be an Advisory Board on Corruption within the African Union.
2. The Board shall comprise 11 members elected by the Executive Council from among a list of experts of the highest integrity, impartiality, and recognized competence in matters relating to preventing and combating corruption and related offences, proposed by the State Parties. In the election of the members of the board, the Executive Council shall ensure adequate gender representation, and equitable geographical representation.



3. The members of the Board shall serve in their personal capacity.
4. Members of the Board shall be appointed for a period of two years, renewable once.
5. The functions of the Board shall be to:
  - a. promote and encourage adoption and application of anti-corruption measures on the continent;
  - b. collect and document information on the nature and scope of corruption and related offences in Africa;
  - c. develop methodologies for analyzing the nature and extent of corruption in Africa, and disseminate information and sensitize the public on the negative effects of corruption and related offences;
  - d. advise governments on how to deal with the scourge of corruption and related offences in their domestic jurisdictions;
  - e. collect information and analyze the conduct and behaviour of multi-national corporations operating in Africa and disseminate such information to national authorities designated under Article 18 (1) hereof;
  - f. develop and promote the adoption of harmonized codes of conduct of public officials;



- g. build partnerships with the African Commission on Human and Peoples' Rights, African civil society, governmental, Intergovernmental and non-governmental organizations to facilitate dialogue in the fight against corruption and related offences;
  - h. submit a report to the Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of this Convention;
  - i. perform any other task relating to corruption and related offences that may be assigned to it by the policy organs of the African Union.
6. The Board shall adopt its own rules of procedure.
7. States Parties shall communicate to the Board within a year after the coming into force of the instrument, on the progress made in the implementation of this Convention. Thereafter, each State Party, through their relevant procedures, shall ensure that the national anti-corruption authorities or agencies report to the Board at least once a year before the ordinary sessions of the policy organs of the AU.



## **FINAL CLAUSES**

### **Article 23**

#### **Signature, ratification, accession and Entry into Force**

1. The present Convention shall be open for signature, ratification or accession by the Member States of the African Union.
2. The Convention shall enter into force thirty (30) days after the date of the deposit of the fifteenth instrument of ratification or accession.
3. For each State Party ratifying or acceding to the Convention after the date of the deposit of the fifteenth Instrument of Ratification, the Convention shall enter into force thirty (30) days after the date of the deposit by that State of its instrument of ratification or accession.

### **Article 24**

#### **Reservations**

1. Any State Party may, at the time of adoption, signature, ratification or accession, make reservation to this Convention provided that each reservation concerns one or more specific provisions and is not incompatible with the object and purposes of this Convention.
2. Any State Party which has made any reservation shall withdraw it as soon as circumstances permit. Such withdrawal shall be made by notification to the Chairperson of the Commission.





**Article 25  
Amendment**

1. This Convention may be amended if any State Party makes a written request to the Chairperson of the Commission.
2. The Chairperson of the Commission shall circulate the proposed amendments to all State Parties. The proposed amendments shall not be considered by the State Parties until a period of six (6) months from the date of circulation of the amendment has elapsed.
3. The amendments shall enter into force when approved by a two-thirds majority of the Member States of the AU.

**Article 26  
Denunciation**

1. Any state Party may denounce the present Convention by sending notification to the Chairperson of the Commission. This denunciation shall take effect six (6) months following the date of receipt of notification by the Chairperson of the Commission.
2. After denunciation, cooperation shall continue between State Parties and the State Party that has withdrawn on all requests for assistance or extradition made before the effective date of withdrawal.



**Article 27  
Depository**

1. The Chairperson of the Commission shall be the depository of this Convention and the amendments thereto.
2. The Chairperson of the Commission shall inform all State Parties of the signatures, ratifications, accessions, entry into force, requests for amendments submitted by States and approvals thereof and denunciations.
3. Upon entry into force of this Convention, the Chairperson of the Commission shall register it with the Secretary General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

**Article 28  
Authentic Texts**

The original of this Convention, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Chairperson of the Commission.

**IN WITNESS WHEREOF WE**, the Heads of State and Government of the African Union, or our duly authorized representatives have adopted this Convention.

**Adopted by the 2nd Ordinary Session  
of the Assembly of the Union**

**Maputo, 11 July 2003**

