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REPORT OF THE 1ST EXTRAORDINARY SESSION OF THE STC ON MIGRATION, REFUGEES AND IDPS, 29 OCTOBER - 3RD NOVEMBER 2018, EQUATORIAL GUINEA, MALABO
SPECIALIZED TECHNICAL COMMITTEE (STC) ON MIGRATION, REFUGEES AND DISPLACED PERSONS
Extraordinary Session
MINISTERIAL MEETING
2-3 NOVEMBER 2018
Malabo (Equatorial Guinea)

AU/STC/MRDP/MIN/Rpt(Ext.)
Original : English

THEME: « Overcoming the challenges of statelessness, forced displacement and free movement of persons in Africa »

REPORT OF THE MINISTERIAL MEETING
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I. INTRODUCTION

1. The Ministerial Meeting of the Extraordinary Session of the Specialized Technical Committee (STC) on Migration, Refugees and Displaced Persons in Africa was held at the Sipopi International Conference Center in Malabo, Equatorial Guinea, from 2 to 3 November 2018.

2. The Ministerial meeting was preceded by a meeting of Experts held from 29 October to 1 November 2018.

3. In attendance were Ministers and Heads of Delegations from the following 37 African Union Member States namely: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Chad, Comoros, Congo, DRC, Côte d'Ivoire, Djibouti, Egypt, Eswatini, Ethiopia, Equatorial Guinea, The Gambia, Lesotho, South Africa, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Mauritius, Mozambique, Niger, Uganda, Rwanda, Saharawi Arab Democratic Republic, South Sudan, Togo, Tunisia, Zambia and Zimbabwe.

4. Representatives of the Regional Economic Communities (RECs), namely the Economic Community of Central African States (ECCAS), the Common Market for Eastern and Southern Africa (COMESA) and the Southern African Development Community (SADC) also participated in the meeting. The Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) were in attendance as observers.

II. OPENING SESSION

5. The opening session of the Ministerial meeting on Migration was attended by the entire diplomatic community in Equatorial Guinea and the President of the Republic of Equatorial Guinea, His Excellency Mr. Obiang Nguea Mbasogo.

6. This session was marked by statements by H.E Ms. Uwizeye, Minister at the Office of the President of Rwanda, and representative of the Republic of Rwanda, who chaired the STC, followed by Ambassador Minata Samate Cessouma, Commissioner for Political Affairs of the African Union Commission while by the President of the Republic of Equatorial Guinea, His Excellency Mr. Obiang Nguea Mbasogo, made his welcome statement.
7. Commissioner Minata Samate Cessouma, on behalf of the Chairperson of the African Union Commission, H.E. Moussa Faki Mahamat, thanked the President of the Republic of Equatorial Guinea, his Government and People for hosting the STC on Migration and for the warm reception and excellent organization of the STC.

8. Thereafter, she stressed that the STC was an important platform for discussing key issues for the implementation of the African Union Agenda 2063 and introduced the main themes for deliberation during the extraordinary session of the STC, namely, the finalization of the draft Protocol to the African Charter on Human and Peoples' Rights relating to the specific aspects of the right to nationality and the elimination of statelessness in Africa, the adoption of Guidelines for the Specification, Design and Production of the African passport as well as the characteristics of the passport and updated information on the financial implications for the operationalization of the African Humanitarian Agency.

9. Ms. Uwizeye emphasized in her speech the importance of the extraordinary session of the STC, which her country had the honour of chairing its first session. She expressed her gratitude to the people and government of Equatorial Guinea and His Excellency Mr. Obiang N'guema Mbasogo, President of the Republic of Equatorial Guinea, for gracing the extraordinary session of the STC with his presence.

10. In his opening speech, President Obiang Nguema Mbasogo raised the thorny issue of the root causes of humanitarian crises in Africa which were both endogenous and exogenous. He reminded the participants that throughout the course of the history of mankind, Africa had suffered humanitarian crises as a result of decisions and policies pursued by non-African bodies and that currently many African countries were confined to situations of perpetual instability.

11. He advocated for the protection of Africa and its states against non-African entities that were always ready to resort to the various means of destabilization at their disposal against the continent and its people. He also pointed out that his country, Equatorial Guinea, was the Chair of the Subcommittee of the Permanent Representatives Committee (PRC) on Refugees, Returnees and Internally Displaced Persons in Africa, a position which conferred honour on his country, but also and above all placed on her a major responsibility on issues of migration, refugees and displacement of populations.

12. The President ended his speech informing the participants of the readiness of his country Equatorial Guinea to play an active role in the year 2019 which has been devoted to refugees, returnees and displaced persons in Africa.

OPENING

III. DELIBERATIONS

a) Presentation and adoption of the agenda
13. Her Excellency Ambassador Minata Samate Cessouma, Commissioner for Political Affairs of the African Union, welcomed all the delegates and then invited the Chair of the Extraordinary Session of the Specialized Technical Committee on Migration, Refugees and Displaced Persons, H.E Judith Uwizeye, Minister for the Presidency of Rwanda, to chair the meeting.

14. HE Mrs. Uwizeye presented the agenda of the meeting and invited delegates to adopt it.

15. Following the adoption of the agenda, the Minister invited the Chair of the meeting of the Experts of the Extraordinary Session of the Specialized Technical Committee on Migration, Refugees and Displaced Persons to present the report and the decisions adopted by their meeting.

b) Presentation of the report of the Experts

16. The Chair of the meeting of the Experts of the Specialized Technical Committee presented the summary of the report which focused on the following issues:
   a. Guidelines on the design, production and issuance of the African Passport and its two annexes;
   b. Draft protocol to the African Charter on Human and Peoples’ Rights on specific aspects of the right to nationality and the eradication of statelessness in Africa.

17. Under the item ‘any other business’, the chair of the Experts’ meeting updated the meeting on the African Humanitarian Agency and the Khartoum Regional Operations Center.

18. Following the presentation of the experts’ report, the Honorable Minister then directed the chair of the experts’ meeting to present their recommendations.

c) Discussions

19. After the presentation of the report, the delegations commented on the following points:

On the technical specifications:

20. Delegations enquired whether it was possible to change the pantone colors of the African passport, as presented in the Guidelines. They further enquired whether there was an African travel document for the category of specific groups referred to in Article 24 of the Protocol on the Free Movement of Persons.

21. In her response, the Minister stated that the STC on Migration, Refugees and Displaced Persons did not have the mandate and expertise to adequately address those technical issues and reminded the delegates that the guidelines were the result of series of consultations conducted by the Experts of Member States on Migration, who worked closely with the International Civil Aviation Organization (ICAO), which,
According to its mandate, was also responsible for ensuring the conformity of passports with international standards.

**Regarding the consideration of the Draft Protocol to the African Charter on Human and Peoples' Rights on Specific Aspects of the Right to Nationality and the Eradication of Statelessness in Africa.**

22. The delegations raised several questions on the Draft Protocol, including the issue of reservations; the definition of the concept of "usual place of abode; the definition of "Child", the compatibility of the Protocol with national laws, as well as the legality of residence to determine nationality. Some delegates also raised procedural issues regarding the role of the STC on Legal Affairs in addressing some of the issues raised by the delegates at the Extraordinary Session of the STC on Migration, Refugees and Displaced Persons.

23. The following specific questions were raised:
   a) the incompatibility between the definitions of "child" in some national laws and in the protocol;
   b) the importance of defining the concept of "usual place of abode" in order to avoid the risk of contradictory or divergent definitions of the concept of "habitual residence" in "national legislation";
   c) can Member States express reservations with respect to any of the provisions of the Protocol in the light of a general provision on reservations in Article 26?
   d) the link between the "legality" of the place of residence and the determination of nationality.

24. The Minister thanked the delegates for their questions and comments and invited them to submit their proposed amendments and recommendations to the Secretariat in writing. She requested the AU Commission and the Legal Counsel to answer some of the specific questions and also informed the meeting that the STC Justice and Legal Affairs would be the appropriate forum to deal with some of the outstanding legal issues.

25. The Legal Adviser referred to the Vienna Convention which stipulates the conditions under which reservations may be made and that reservations incompatible with the object and purpose of a treaty were not allowed. The Commissioner for Political Affairs indicated that the recommendations, reservations and comments made by the delegates would be reflected in the report which would be forwarded to the STC on Justice and Legal Affairs.

**IV. Closing**

26. The Ministerial meeting ended with statements by the Commissioner for Political Affairs, Ms. Minata Samate Cessouma, the Chairperson of the STC on Migration, Refugees and Internally Displaced Persons, Ms. Uwizeye and the Minister of Foreign Affairs of the Republic of Equatorial Guinea, Mr. Simeon Oyono Essono.
SPECIALIZED TECHNICAL COMMITTEE (STC) ON MIGRATION, REFUGEES AND INTERNALLY DISPLACED PERSONS
EXTRAORDINARY SESSION
MINISTER AND EXPERTS MEETING
29 OCTOBER - 3 NOVEMBER 2018
Malabo, Equatorial Guinea

THEME: “Overcoming the Challenges of Statelessness, Forced Displacement and the Free Movement of Persons in Africa”

DRAFT DECISIONS
WE, Ministers in charge of Migration, Refugees and Internally Displaced Persons meeting at the Extraordinary Session of the African Union Specialized Technical Committee (STC) on Migration, Refugees, and Internally Displaced Persons, held on 29 October – 3 November 2018, in Malabo, Equatorial Guinea,

GUIDED by our common vision for an integrated continent, politically united and based on the ideals of Pan Africanism and the vision of Africa’s Renaissance as reflected in Aspiration 2 of the African Union Agenda 2063;

RECALLING the provisions on the right to freedom of movement and residence of persons as enshrined in Article 12 of the 1981 African Charter on Human and Peoples’ Rights;

RECOGNIZING the role played by the African Commission on Human and People’s Rights to develop a Protocol to the African Charter on Human and People’s Rights on the Specific Aspects to a Nationality and the Eradication of Statelessness in Africa based on its mandate as provided for under Article 66 of the African Charter on Human and Peoples’ Rights in order to fill existing gaps on right to nationality under the African Human Rights system;

RECALLING the Assembly decision Assembly/AU/Dec.607(XXVII) adopted in July, 2016 in Kigali, Rwanda welcoming the launch of the African Passport and urging Member States to adopt the African Passport and to work closely with the African Union Commission to facilitate the process towards its issuance at national level based on international standards, design and specifications;

RECALLING ALSO the adoption of the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment by the Assembly during the Assembly of Heads of States in January 2018, in Addis Ababa, Ethiopia, where they adopted decision Assembly/AU/Dec.67(XXX); and ENCOURAGING Member States to ratify the Protocol.

CONSIDERING Assembly decision, Assembly/AU/Dec.707(XXXI) declaring year 2019 as “The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”; in which the Assembly requested the Commission, in collaboration with the Permanent Representatives Committee (PRC) and other Stakeholders, to prepare a concept note and roadmap for the
implementation of the 2019 theme;


2. REQUEST the AU Commission to organize a meeting with all stakeholders to discuss other legal matters related to the passport


4. REQUEST the Commission to transmit the amended Draft Protocol to the STC on Justice and Legal Affairs for consideration and onward transmission to the AU policy organs.

5. EXPRESS APPRECIATION to H.E Mr. Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea and the Government of Equatorial Guinea for the warm welcome and hospitality extended to all delegates.
AFRICAN UNION GUIDELINES
FOR THE DESIGN, PRODUCTION AND ISSUANCE OF THE AFRICAN PASSPORT

REV 2
Table of Contents

I. Background.................................................................................................................. 3

II. Purpose of the Guidelines.......................................................................................... 4

III. Mandate for the Development of the Guidelines.................................................. 5

IV. Guiding Principles...................................................................................................... 5

V. Key Elements of the African Passport...................................................................... 6

VI. Way Forward............................................................................................................. 8
I. Background

The free movement of African citizens across borders in their own continent is central to the vision of the African Union (AU). In pursuing its mandate of pan-African unity, the AU is guided by a vision of "an integrated, prosperous and peaceful Africa driven by its own citizens and representing a dynamic force in the international arena". The free movement of persons is key to the attainment of this vision as articulated in Agenda 2063-The Africa We Want. It is no wonder that free movement of persons and the African Passport is one of the flagship projects of Agenda 2063. Aspiration 2 of Agenda 2063 envisions "an integrated continent politically united based on the ideals of Pan-Africanism and the vision of Africa’s Renaissance". African leaders aspire for "a continent where free movement of people, capital, goods and services will result in significant increases in trade and investments among African countries rising to unprecedented levels and strengthen Africa’s place in global trade". Agenda 2063 calls for the development and issuance of the African passport as a catalyst for the realization of free movement of persons towards a visa-free Africa.

During its 27th Ordinary Session held in Kigali, Rwanda in July 2016, the AU Assembly of Heads of State and Government requested the African Union Commission to “provide technical support to Member States to enable them to produce and issue the African Passport to their citizens”. It is, therefore, against this background that the African Union Commission (AUC) has initiated the development of these guidelines for the design, production and issuance of the African Passport in order to support efforts by AU Member States in achieving the noble goals of the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment. The Protocol was adopted by the AU Member States during the 29th Ordinary Session of the Assembly of Heads of State and Government held in Addis Ababa in January/February 2018.

This document is structured along the following sections:

II. Purpose of the Guidelines;
III. Mandate for the Development of the Guidelines;
IV. Guiding Principles;
V. Key Elements of the African Passport; and
VI. Way Forward.

One of the key aspirations of African Union has been to attain a united and integrated Continent with seamless free movement of persons, capital, goods and services. The
support of this aspiration is reflected in various legal instruments and decisions of the policy Organs of the OAU/AU.

The existence and use of regional travel documents has proven that free movement is indeed possible, but one single travel document at a continental level could be even more beneficial both in identity, cost, cohesiveness and systems integration. It is therefore in this bid of continued developmental growth and integration that the Protocol on Free Movement remains a topic at hand and hence the intentions to make the dream of a united Africa, that will allow free movement within the continent. This dream was validated again in the Agenda 2063 of the African Union.

Aspiration 2 of Agenda 2063, says as follows:
"We aspire that by 2063, Africa will be a continent with seamless borders, and management of cross border resources through dialogue.

Therefore, this dream will be translated through the ratification of the Protocol and the issuance of an African Passport that will be recognized by all and made usable to all. This will also provide one African identity that sends a strong message of unity, pan-Africanism and coherence as a continent.

The African Union Guidelines for the Design, Production and Issuance of the African Passport was developed following a series of meetings of Member States Experts and Chiefs of Immigration as follows:-

14 – 16 May 2018, Seychelles – Meeting of Member States Chiefs of Immigration, composed of Director Generals and Senior Officials from Immigration, Ministry of Justice, Ministry of Interior/Home Affairs and Ministry of Foreign Affairs as the case may be in each Member States.

9 – 11 July 2018, Nairobi, Kenya – Meeting of Member States Experts in-charge of development and issuance of National Passports, which was composed of Government Experts from agencies/departments dealing with issuance of passports, civil registration/documentation, justice and immigration as the case may be in the different Member States.

12 -13 July 2018, Nairobi Kenya – Meeting of Member States Chiefs of Immigration, composed of Director Generals and Senior Officials from Immigration, Ministry of
II. Purpose of the Guidelines

These Guidelines are meant to serve as a reference point for the design, production and issuance of the African Passport by AU Member States. They provide common minimum technical specifications and security features that will guide each Member State on the development of the African Passport. The design, features and specifications must be in accordance with the minimum requirements of ICAO.

III. Mandate for the Development of the Guidelines

The mandate for the development of the Guidelines for the African Passport is the AU Assembly Decision (Assembly/AU/Dec.607(XXVII)) adopted in July 2016, Kigali, Rwanda, which requires the AU “Commission to provide technical support to Member States to enable them to produce and issue the African Passport to their citizens”.

IV. Guiding Principles

These Guidelines provide the delimitations and extent to which the design and production of the African Passport must adhere before the actual issuance.

The following are the guiding principles:

1) **Sovereignty:** The sovereignty of the issuing Member States must be respected as stipulated in the Protocol on Free Movement of Persons, Right of Residence and Right of Establishment;

2) **Gradual implementation:** The Protocol on Free Movement stipulates in Article 5, paragraph 1 the ‘*progressive realization of the protocol in 3 phases*’ and hence allows each Member State to implement it at its own pace;

3) **Harmonization of policies, and laws:** Article 26, paragraph 2 and Article 27, paragraphs 2 and 3, stipulate clearly the role of State Parties in ensuring laws, policies, procedures and systems at national level are aligned to the Protocol in order to ensure the effectiveness of the Protocol;
4) **The Guidelines provide common minimum design and security features**

that will constitute the minimum standards for a valid African Passport. However, each Member State is free to add on more features specific to its own security requirements in compliance to its national laws and regulations.

V. **Key Elements of the African Passport**

i. **Categories**: different categories will be issued as follows:

a) **The Diplomatic Passport**

b) **The Official/Service Passport**

c) **The Ordinary Passport**

The above mentioned three categories of passports will be issued according to the national laws and regulations of Member States.

ii) **Colors**:

a) The African Passport colours shall be identified as follows: ¹

- The Diplomatic Passport – RED (Pantone 200C)
- The Official/Service Passport – BLUE (Pantone 275C)
- The Ordinary Passport – GREEN (Pantone 355C)

b) The colours of the inner pages of the African Passport shall be at the discretion of Each Member State.

c) The combination of the colors of the cover pages and the national colors on the inside pages will allow for both continental and national identity.

iii) **Designs**:

a) The layout of the African Passport will be as follows:

- **Front Outer Cover**: name of the African Union, name of Issuing Country, Court of Arms of the Country, Category of Passport, and the Symbol of Chip

¹ Details of the shades of the African Passport colours are in annexure 2.
- **Front Inner Cover:** logo of the African Union
- **Back Outer Cover:** blank (no text)
- **Back Inner Cover:** emergency information
- **Inner Pages:** to vary from country to country to reflect national cultural contexts, based on national laws and regulations.

Refer to Annex II for the positioning and sizing of the logos.

b) **Number of Pages:** The passport pages shall range from thirty-two (32) to sixty-four (64).

c) **Languages on the Cover Page:** a minimum of two languages, one of them being an official language of the African Union (Arabic, English, French, Portuguese and Kiswahili) will be adopted. However, Member States are free to add any other national language based on their national laws, regulations and practices, taking into account the requirements of ICAO with respect to languages.

iv) **Technical Specifications:** The African Passport will have the minimum technical specifications and security features contained in Annex I. Member States must comply with ICAO standards, as updated from time to time.

v) The following elements constitute the common standards:

a) **New Generation e-Passport:** Member States shall issue a New Generation e-Passport (also known as a biometric passport), which is a passport booklet that has an embedded electronic microprocessor chip which contains biometric and other information that can be used to authenticate the document and the identity of the passport holder as the rightful owner of the document.

b) The **bio-data page** will be standardized and designed to meet the ICAO standards. It will be at the discretion of the Member States to consider security paper or polycarbonate as material for the bio-data page;

c) **Validity of the passport:** The validity of a passport issued to adults shall be limited to a maximum of 10 years. The validity of a passport
issued to minors, as per ICAO requirements, shall not exceed 5 years, and will contain the relevant security features. Member States will issue passports in accordance with their national laws, rules and regulations.

The African Passport’s validity shall not be extended once it has expired.

VI. Way forward: The way forward is made of elements of preparedness for the issuance of the African Passport. They are as follows:

a) Communication to Member States: Once the Guidelines are adopted, the AU will communicate the decision to all Member States as per Article 29 of the Protocol on Free Movement of Persons, Right of Residence and Right of Establishment.

Member States should transmit their African Passport specimens and corresponding certificates at least 90 days before issuance through diplomatic bilateral arrangements.

b) Commencement date: a specific date should be agreed upon as the commencement date for the issuance of the African Passport for any Member State in conformity with these Guidelines;

c) Preparation for issuance of the African Passport: Each Member State is encouraged to put in place the following in preparation for the design, production and issuance of the African Passport:

- Relevant legal and regulatory frameworks;
- Development of relevant systems and infrastructure for connectivity;
- Production of the new designs and specifications of the African Passport; and
- Production or procurement of passport booklets.

d) Popularization and sensitization about the passport: Member States should popularize the African Passport to their citizens and sensitize other relevant members of the international community through relevant national mechanisms. The AUC and RECs will assist Member States in the
popularization campaign in line with Articles 28 and 29 of the Protocol on Free Movement of Persons, Right of Residence and Right of Establishment

e) **Phase out/transitional arrangement:** A specific time frame should be agreed upon as the period that allows the use of the current passports in circulation, as issued by Member States. This could include providing an allowance for expiry of the currently issued passports while some Member States may decide to replace their passports immediately and complete the exercise within a specific period.
Annex I: Minimum Technical Specifications and Security Features

1.1. Minimum Physical Security Features

<table>
<thead>
<tr>
<th>Elements</th>
<th>Mandatory Features</th>
</tr>
</thead>
</table>
| i. Paper Substrates | - controlled UV response  
- two-tone watermark  
- chemical sensitizers  
- appropriate absorbency and surface characteristics  
- reactive inks and chemical sensitizers in paper |
| ii. Background and Text Printing | - two-colour guilloche background  
- rainbow printing  
- micropinted text  
- unique data page design  
- offset/intaglio printing techniques for static data |
| iii. Inks | - UV fluorescent ink  
- reactive inksign  
- ink with optically variable properties |
| iv. Numbering | - page numbering on all visa pages  
- printed and/or laser-perforated passport number |
| v. Protection against photo substitution and alteration | - integrated biographical data  
- security background merged within portrait area  
- visible security device overlapping portrait area  
- heat-sealed secure laminate or equivalent  
- additional photo (ghost photo/ultra violet)  
- DOVID/ hologram |
| vi. Protection against page substitution | - secure sewing technology  
- UV fluorescent sewing thread  
- unique data page design  
- page numbers integrated into security design  
- multi-color sewing thread |

1.2 Protection against Theft and Abuse

- good physical security  
- full audit trail  
- serial numbers on blank documents, as applicable  
- tracking and control numbers of components, as applicable  
- secure transport of blank documents  
- international information exchange on lost and stolen documents (INTERPOL)  
- internal fraud protection procedures  
- security vetting of staff  
- CCTV in production areas  
- centralized storage and personalization, where possible

1.3 Electronic Security Features
<table>
<thead>
<tr>
<th>i. Location of chip</th>
<th>- either back cover of passport or bio data page (polycarbonate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ii. Minimum size of chip</td>
<td>- 32 kilobytes</td>
</tr>
</tbody>
</table>
| iii. Biometrics | - Electronic/digital photo (facial image) – minimum size as per ICAO standards  
- Fingerprint (number of digits stored subject to national laws and regulations)  
- signature |
| iv. Electronic Security Mechanisms | - passive authentication  
- active authentication  
- BAC and PACE access control  
- extended access control |

1.4 Public Key Directory (PKD)

All Member States are recommended to implement and join the public key directory.

NOTE:
The above mentioned are the adopted minimum security features. Member States have the discretion to add other features as they deem necessary.
ANNEX 2: Agreed colors, categories and features of the African Passport

AFRICAN PASSPORT
COMPUTER GENERATED DESIGN OF THE MINIMUM TECHNICAL SPECIFICATIONS

COLOUR: RED PANTONE 200 PC

Back-Outer Cover should be left blank (no text)

The Front Outer Cover
Name of African Union,
Name of the issuing Country, Logo of country, Category of Passport and Symbol of Chip.
COLOUR: RED PANTONE 200 PC
Minimum Language 2 (Two)
The Front Outer Cover
Name of African Union,
Name of the issuing Country, Logo
of country, Category of Passport and Symbol of Chip.
COLOUR: GREEN PANTONE 350 PC
Minimum Language 2 (Two)

Back-Outer Cover
should be left blank (no text)

COLOUR:
GREEN PANTONE 350 PC
COLOUR: BLUE PANTONE 2766 PC

The Front Outer Cover
Name of African Union,
Name of the issuing Country, Logo
of country, Category of Passport and Symbol of Chip.
COLOUR: BLUE PANTONE 2766 PC
Minimum Language 2 (Two)
Front Inner Cover – *The Logo of the African Union.*

Back Inner Cover – *Emergency Information.*

* Member States are allowed to add more Security Feature.
* the Logo is Centered (Vertically and Horizontally)
* the Dimension of the AU logo is 45.0 mm Horizontally and 37.0 mm Vertically.
2019-02-07

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Africa Union

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