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UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.au.int

SC19681

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**REPORT ON THE HOSTING OF THE AFRICAN MINERALS
DEVELOPMENT CENTRE (AMDC)**

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I. INTRODUCTION

1. The Executive Council, in decision EX.CL/Dec.714(XXI), adopted at its 26th Ordinary Session held July 2012 in Addis Ababa, Ethiopia, endorsed the Addis Ababa Declaration on “Building a Sustainable Future for Africa’s Extractive Industry – from Vision to Action” adopted by the 2nd AU Conference of Ministers Responsible for Mineral Resources Development whereby the African Union Commission was requested to expeditiously establish the African Minerals Development Centre (AMDC) in order to provide strategic technical support capacity to AU Member States for the implementation of the Action Plan of the Africa Mining Vision through a Business Plan that was developed.

2. Consequently, pursuant to Executive Council Decision EX.CL/Dec.857(XXVI) adopted in January 2015 at the Summit held in Addis Ababa wherein the Commission was requested to expeditiously establish the AMDC as a specialized agency of the African Union to ensure Member States obtain optimal revenues from mineral resources and mutual transparency and accountability by mining companies and governments, the Statute of the AMDC was developed in conformity with the relevant provisions for a specialized agency and submitted to the Specialized Technical Committee on Justice and Legal Matters in November 2015. Thereafter the Statute was finalized and adopted by the Summit in January 2016.

3. The mineral sector is very sensitive and involves development, security, sovereignty and territorial integrity of the continent. In order therefore to gain ownership of the sector which attracts Foreign Direct Investment and diverse partners, there was need to develop clear legal instruments and mechanisms in order to secure the appropriate level of influence and interaction from Member States on the overall operations of the Centre, in particular defining priorities and establishing criteria for engagement with different partners. Without putting in place a governing structure that effectively involves Member States at all stages of the life cycle of the Centre, there was a risk of institutionalizing an “African” mineral Centre that is de facto driven by partners.

4. The AMDC operating as a five year project and financed wholly by partners, mainly by Australia and Canada was launched during the Third Ordinary Session of the Conference of African Ministers Responsible for Minerals Resource Development (3rd CAMRMD) that met in Maputo Mozambique in December 2013. Having considered a number of issues including: ownership, sustainability, reporting mechanism in respect of the AU Policy structures, the Ministers directed the African Union Commission (the Commission) to work towards establishing the AMDC as an AU Permanent Structure and to conduct a study on its financing mechanism focusing primarily on Member States’ funding. The Ministers decided that UNECA should continue to house the project while the Commission works out the hosting arrangements by AU Member States.

5. Notes Verbales were sent to all AU Member States to request for expressions of interest in hosting the Centre. Five countries responded within the time limit. The

countries that submitted offers to host the Centre are Guinea, Kenya, Mali, Sudan and Zambia.

6. The Criteria for Hosting AU Organs adopted by the Seventh Ordinary Session of the Executive Council vide Decision EX.CL/195 (VII) Rev.1 Annex III and endorsed by the 5th Ordinary Session of the Assembly in July 2005 in Sirte, Libya regarding hosting of AU organs by Member States requires that an independent team shall be set up by the Commission and shall make a fact-finding mission to Member States offering to host organs of the Union to inspect the proposed site and submit a report thereon to the Executive Council for consideration. In this regard, pursuant to the offer made by the above-mentioned five countries to host the AMDC, an evaluation mission composed of representatives of the Department of Trade and industry, the Office of the Legal Counsel and the Office of the Secretary General proceeded to those countries to evaluate the proposed sites and facilities in the respective countries that offered to the host AMDC.

7. Prior to the evaluation missions, the Criteria for hosting AU organs/agencies were communicated to them.

II. CRITERIA FOR HOSTING AU ORGANS/SPECIALIZED AGENCIES

8. Member States hosting or proposing to host AU organs as well as specialized agencies should meet the following

Minimum basic requirements:

- a) The host country shall provide, at its expense a secure structure with furnished and equipped office premises for the seat of the organ on the basis of the objective requirements of office space;
- b) The premises offered by the host country should be such that the organ shall be easily accessible;
- c) The host country shall meet the requirements of a conducive political atmosphere and adequate logistical facilities;
- d) There should be appropriate and efficient modern infrastructure especially telecommunication facilities to enable the office to function efficiently;
- e) There shall be available housing, hotel accommodation and health infrastructure to meet the functional needs of the organ;
- f) Without prejudice to these criteria, nothing in these criteria shall be taken to preclude a member state from offering more facilities. In this regard, a member state offering to host an organ of the Union is encouraged to provide, at its expense, where the Head of the Organ is required to be resident at the seat, an appropriate furnished and equipped official residence;

- g) A Member State hosting or wishing to host any of the organs of the Union should have ratified the General Convention on Privileges and Immunities of the OAU, the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations.

III. FINDINGS OF THE MISSION

9. In undertaking the fact finding mission, the Commission was guided by the Criteria for Hosting AU organs which also applies to the hosting of all AU institutions. The mission inspected the proposed buildings/sites and facilities offered for hosting the Centre and had discussions with the relevant authorities in all the five member states. The findings of the mission are detailed below:

A. GUINEA

10. The AUC delegation met separately with the Prime Minister, the Minister of Foreign Affairs and Guineans from abroad, the Minister of Mines and Geology, and the Minister, Chief of Staff of the Presidency.

11. The Prime Minister indicated that Mining is at the heartbeat of the Republic of Guinea and is the foundation of its economy. He recalled that Guinea played a major role in the creation of the OAU/AU and defends African interests both political and economic. The Prime Minister gave the assurance on behalf of the President that Guinea is totally committed to satisfy all the criteria required in order to host the Centre. Guinea, as a traditional mining country since colonial rule, has the necessary expertise and know-how that will be an asset to the Centre and that it can share with the rest of the continent. He invoked the principle of equitable distribution of AU organs/agencies and assured the delegation that Guinea is fully committed to host the Centre.

12. The Minister of Foreign Affairs recalled that Guinea is a founding member of the OAU/AU. She indicated that Guinea is called a geological scandal because of the amount and variety of mineral resources it is endowed with. The first Alumina plant was established in Guinea in 1963. The country ranks first in the world in bauxite reserves and accounts for 94% of Africa's mining of bauxite. It is also richly endowed with iron, gold, diamond, manganese and uranium among others and with plenty of land and water. She indicated that Guinea would be hosting a specialized agency of the AU for the first time and that it has 60 years' experience in management of mineral resources which it can share with other African countries. She advocated strongly for the merits of Guinea to host the Centre. The Minister indicated that the Government would ratify all the necessary legal documents and that the Head of State himself is very keen to have the Centre in Guinea.

13. The Minister of Mines and Geology reiterated the strong interest of Guinea to host the Centre. He emphasized the endowment of the country in mineral resources, particularly in having the largest untapped high quality iron ore in the world which makes Guinea a natural environment to host the Centre. He indicated that Guinea has been among the leaders of Africa's independence and does not host any AU institution. He stressed that Guinea will meet all the criteria necessary to win the bid

which it should for the sake of fairness. The Minister pointed out that Guinea is becoming a bilingual country and that the Prime Minister has been appointed from the Mining background. He informed the delegation that the Ministry is working with UNECA/AMDC to fully align its mining code with the Africa Mining Vision and that it has embarked on a training programme abroad for the youth who after returning will manage the new alumina plants being established. Guinea is also setting up an Alumina refinery. The cadastre has been modernised and put online in order to attract credible investors. A Committee has been put in place with the assistance of the African Development Bank in order to review all contracts, especially Simandou, overseen by the President to ensure compliance with local content policy. The President who is a Pan Africanist has already discussed with President Buhari of Nigeria on developing the mineral sector together with neighbouring countries like Mali.

14. Thereafter, a PowerPoint presentation was made to give more details to the delegation on Guinea's endowment in mineral resources, on the priority being given to the mineral sector by the Government, with regard to improvement of skills, job creation, support to local enterprises and improvement of investment framework, and also the objective reasons why AMDC should be hosted in Guinea.

15. The Chief of Staff of the Presidency highlighted the will of the President to host the Centre in Guinea. A vast programme of review of contracts is being carried out and in all transparency all contracts are now online. A training hub of Excellence already exists in Boké for four countries of the region and can be extended to the whole continent. The mining code of the countries of the Mano River Basin is being harmonised. The AMDC would assist greatly in those exercises and also benefit from the experience of the country. In addition, English language is widely used apart from French.

Evaluation against criteria for hosting AU organs

a) Office space

16. The delegation visited the two provisional options offered by Guinea to host the AMDC:

- i) The Cité des Nations of furnished and equipped offices, CEO Residence and accommodation for staff; and
- ii) The ex-compound of BHP Billiton in Sangarédi (**around 177 Kms from Conakry**) comprising of offices, housing, conference room, clinic, leisure grounds, restaurant, all of international standards. However, the internet around this area is intermittent and the distance of the Offices from Conakry might prove to be hard for the staff and family as the centre will be at a distance from the basic requirements such as main Referral Hospital although the Centre is well equipped with Health facilities.

17. In addition, the delegation was shown a piece of land of 20 hectares allocated by the Government in Coyah, in the outskirts of town where it can build and equip new offices for the AMDC, as well as accommodation for the CEO and the staff. This area

can be doubled if the request to host AMDC is granted. The delegation visited the location which has a very conducive environment.

b) Conducive political atmosphere and adequate logistical facilities

18. Guinea is a friendly country that is committed to ensure the security and well-being of its citizens and guests

c) Modern infrastructure especially telecommunication facilities

19. Guinea puts at the disposal of the AMDC modern infrastructure and facilities that will allow it to fulfill its mission efficiently. Each provisional location visited is equipped with offices, telecommunication facilities that will allow an effective management of the AMDC business. 3G mobile telephone is available over the whole country (more than 9,4 million subscribers). More than 2 million people are linked to internet.

d) Available housing, hotel accommodation and health infrastructure

20. There are 3 main national hospitals in Conakry in addition to modern clinics and medical centres. Seven airline companies fly to Conakry daily. The international Airport is being modernized. The delegation visited the high standard Mohamed V Conference Centre. The hotel capacity is about 1500 rooms, including 5-star hotels such as Palm Camayenne, Kaloum, Sheraton and Radisson Blue.

e) Ratification of:

- i) The General Convention on Privileges and Immunities of the OAU: Guinea signed the OAU General Convention on 25/10/1965 and ratified the Convention on 12/04/1965;
- ii) the Vienna Convention on Diplomatic Relations of 1961: Guinea acceded to the Convention on 10/01/1968; and
- iii) The Vienna Convention on Consular Relations: Guinea acceded to this Convention on 30 June 1988.

B. KENYA

21. The AUC delegation met separately with the Permanent Secretary of the Ministry of Foreign Affairs and the Permanent Secretary of the Ministry of Mines.

22. The Permanent Secretary of the Ministry of Mines advocated for Kenya to host the Centre as a world class minerals centre for the continent. He added that the Kenyan Government has put aside funds for AMDC as well as a budget for the CEO accommodation.

23. Queried about how the Centre would be funded, the AUC explained that as a Specialised Agency that is autonomous in its financial management, the funding of the Centre would be decided upon by the Conference of State Parties. Donor funding

could be of assistance but should not be the main source of funding which then would offset the ownership of the Centre.

24. The courtesy call on the Ministry of Foreign Affairs was to enlighten the Ministry on the Centre and for follow up action since Foreign Ministry is the link between the AUC and a Member State.

Evaluation against criteria for hosting AU organs

a) Office space

25. The delegation visited a brand new building, not yet furnished, in the area of Government offices, which was meant to serve as laboratory but which could be allocated to the AMDC as temporary structure pending the construction of proper AMDC offices in the UN area if Kenya wins the bid to host the Centre. Working premises are secured.

b) Conducive political atmosphere and adequate logistical facilities

26. Nairobi is a hub for air transport all over Africa and also for medical purposes. Public utilities such as local transportation, local and international schools, hotels, hospitals, churches, leisure facilities and a number of malls are available.

27. The main airlines flying to and from Nairobi are Ethiopian Airlines, Kenya Airways, Emirates, Turkish Airlines, Qatar Airways, Air France, Lufthansa, Quantas, Etihad, South African Airways, Air Mauritius, Royal Air Maroc, China Southern flights, among others.

c) Modern infrastructure especially telecommunication facilities

28. Kenya benefits from appropriate and efficient telecommunications facilities and IT services that will enable the office to function efficiently.

d) Available housing, hotel accommodation and health infrastructure

29. Housing for accommodation is available in Nairobi. Hotels of very high to medium and lower standards are available as well as high standard hospitals, clinics and health centers.

30. Kenya hosts many international organisations.

e) Ratification of legal instruments:

- i) The General Convention on Privileges and Immunities of the OAU: Kenya signed the OAU General Convention on 21/10/1965 and ratified the Convention on 12/01/1967;
- ii) the Vienna Convention on Diplomatic Relations of 1961: Kenya acceded to the Convention on 01/07/1965; and

- iii) The Vienna Convention on Consular Relations: Kenya acceded to this Convention on 01/07/1965.

C. MALI

31. The AUC delegation met separately with the President of the National Parliament, the Minister of Mines, the Permanent Secretary for Foreign Affairs, the Permanent Secretary for Land Development and the Resident Representative of WAEMU-UEMOA.

32. The Minister of Mines, who contributed to the formulation of the Africa Mining Vision, indicated that Mali is a country dedicated to African integration and is ready to forego part of its sovereignty to that effect as reflected in its Constitution. He stressed that the President, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Land Development and the Permanent Representative of Mali to the African Union are working together and are very committed to host the AMDC. The country is taking the necessary measures to ratify the statute of the AMDC. As for the hosting requirements, Mali fulfils them all and is ready to offer more.

33. The Minister recalled that mining, particularly gold, goes far way back in the history of Mali. The mining sector is one of the levers of the country's economic growth, contributing to an average of 8% to GDP in 2015. Gold makes up 70% of Mali's export earnings. The country is also rich in diamonds, energy substances, iron, phosphate, aluminum, lithium, manganese and rare earth minerals. Intensive exploration is going on. Mali is member of the Extractives Industries Transparency Initiative (EITI) process. Despite being landlocked, Mali was the first to host the major mining companies of the world. Mali has best practices to share with other countries and has done a lot of studies on value chain and local procurement. Mining is diversifying into the production of cement and creating opportunities for SMEs and SMIs.

34. The Permanent Secretary of the Ministry for Land Development briefed the delegation about the land that has been allocated for the AMDC, the School of Mining (one of the Nelson Mandela Institutes) as well as about accommodation for the Director General of AMDC and the best areas in town where the staff can rent houses. He confirmed the capacity of the Mali to host the Centre and to provide all required facilities.

35. The Permanent Secretary at the Ministry of Foreign Affairs welcomed the delegation and highlighted some of the reasons making Mali a natural host for the AMDC. He stressed particularly the fact that Mali was the only country in Africa that is able, according to its Constitution, to abandon part of its sovereignty for Africa's integration. Foreigners are allowed to buy property freely in Mali and have equal treatment with Malians. He underscored the possibility of sharing of experience and contributing to the development of the mining sector in Africa through the AMDC. He also recalled that Mali was up-to-date in its contributions to the African Union.

36. The delegation was received by the President of the National Parliament and MPs, members of the Bureau of the Committee on Mining. The President briefed the delegation on the rich mineral resources of Mali and underscored the fact that the Parliament is ensuring that mining goes hand in hand with agriculture and that the

rights of the local communities are respected in the mining zones. He recalled that Mali is always the first to ratify all AU Treaties and Conventions and that the Parliament will ensure that the Statute of the AMDC is ratified as quickly as possible. He also stated that it is because gold is not refined within Mali that sometimes statistics read that Mali is the third gold producer in Africa but that in fact it could be the second. There are nine industrial mines in Mali that produce about 45 tons of gold yearly and 266 artisanal mines that produce around 5 tons of gold yearly. He assured the delegation that it came to the right place to establish the AMDC.

37. The Permanent Representative of WAEMU in Mali highlighted the existing free movement of persons and goods within that region through the simple use of ID card. He reiterated the fact that Mali was committed to Africa's integration. He informed the delegation that Mali has put at the disposal of WAEMU (UEMOA) 11000 hectares of land and five hectares for the regional development and construction of the UEMOA Parliament. He assured the delegation of the faithfulness of Mali to its commitments.

Evaluation against criteria to be met

a) Office space

38. The delegation visited a G+7 building with elevator, armored doors and windows, parking, located close to River Niger, formerly occupied by USAID where 3 floors can be allocated to the offices of the AMDC.

39. In addition, the delegation was shown a piece of land of 20 hectares allocated by the Government around Bamako airport that will host the AMDC, the African School of Mining, the laboratory for the development programme of mineral resources and the national data bank for petroleum data.

b) Conducive political atmosphere and adequate logistical facilities

40. Mali is a country that has returned to its long culture of political stability since the election of President Keita in 2013 for five years. It arouses interest on an international level through its culture, its traditions, its friendly people and hospitality.

41. The following institutions exist to support mining operations in Mali: the National Directorate of Geology and Mines; the Mineral Resources Development Programme; the Authority for the Promotion of Oil Research in Mali; the Office for Assessment, Evaluation and Certification of Diamonds and the Chamber of Mines of Mali.

c) Modern infrastructure especially telecommunication facilities

42. Mali has an excellent telecommunication network with two main operators (Orange and Malitel) that are present on the entire territory even in remote villages.

d) Available housing, hotel accommodation and health infrastructure

43. Mali has a pleasant living environment with many recreational activities for children and adults in its cities (museums, amusement parks, zoo, restaurants, nightclubs etc.). There are adequate hospitals and clinics in Bamako in addition to

medical centres. The most regular airline companies flying to Bamako are Ethiopian Airlines, Turkish Airlines, Royal Air Maroc, Air France, Kenya Airways, ASKY airlines, KLM.

44. Hotels in Bamako are Azalai Grand Hotel, Azalai Salam, Raddisson Blu Hotel, Onomo Hotel, and many others.

e) Ratification of:

- i) The General Convention on Privileges and Immunities of the OAU: Mali signed the OAU General Convention on 25/10/1965 and ratified the Convention on 05/04/1965;
- ii) The Vienna Convention on Diplomatic Relations of 1961: Mali acceded to the Convention on 28/03/1968; and
- iii) The Vienna Convention on Consular Relations: Mali acceded to this Convention on 28/03/1968.

D. SUDAN

45. The AUC delegation met with the Director of African Union Department of the Ministry of Foreign Affairs and the General Manager of the Ministry of Minerals, Geological Research Authority and their colleagues Ambassadors and Engineers respectively.

46. Mining is a key sector in Sudan's economy and constituted around 14% of the GDP in 2012 which amounts to \$ 9.7 billion In addition to it has a high potential to grow rapidly. Sudan is very much interested in hosting the AMDC since they do not host any AU organ/agency. There is security in the country and the streets of Khartoum are quite safe.

Evaluation against criteria for hosting AU Organs

a) Office space

47. Petroleum, gas and mining used to be under one Ministry. Now Petroleum has moved to a new building under its own Ministry. The former building for Petroleum, a few metres from the Nile River, is now proposed to host the AMDC. It contains very high standard offices, fully furnished and equipped with high class furniture, lavatories, CEO office, guest holding rooms, catering, etc. It also hosts spacious meeting rooms and above all a huge conference hall capable of accommodating around 1000 participants with fully equipped interpretation booths, screens, etc. Across the street, along the Nile, is a club belonging to the Ministry of Mines where the staff can relax with families and enjoy cruises.

48. However, the Government has also already allocated land where new offices can be built for the AMDC in one year if needed.

b) Conducive political atmosphere and adequate logistical facilities

49. The Republic of Sudan is peaceful and safe. Public utilities such as local transportation, local and international schools, hotels, hospitals, churches, leisure facilities and a number of malls are available.

50. The main airlines flying to and from Khartoum are Ethiopian Airlines, Kenya Airways, Emirates, Flydubai, Lufthansa, Sudan Airways, Saudia Airlines, Turkish Airlines, Royal Jordanian.

c) Modern infrastructure especially telecommunication facilities

51. Sudan benefits from appropriate and efficient telecommunications facilities and IT services that will enable the office to function efficiently.

d) Available housing, hotel accommodation and health infrastructure

52. Housing for accommodation is inexpensive in Khartoum, around US\$ 300 for an officer's house. The Nile, trees and green spaces contrast with the heat. Air-conditioning is very common. Hotels of very high to medium and lower standards are available as well as high standard hospitals, clinics and health centers.

53. US sanctions have been removed. Many UN organizations are hosted in Khartoum as well as COMESA Court of Justice.

e) Ratification of:

- i) The General Convention on Privileges and Immunities of the OAU: Sudan signed the OAU General Convention on 25/10/1965 and ratified the Convention on 01/06/1969;
- ii) The Vienna Convention on Diplomatic Relations of 1961: Sudan acceded to the Convention on 13/04/1981; and
- iii) The Vienna Convention on Consular Relations: Sudan acceded to this Convention on 23/03/1995.

E. ZAMBIA

54. The AUC delegation met separately with the Permanent Secretary (PS) of the Ministry of Foreign Affairs, the Permanent Secretary of the Ministry of Mines, and with the Director Human Resources Administration of the Ministry of Works and Supply. A representative of the Embassy of Zambia in Addis Ababa accompanied the delegation throughout the visit.

55. The PS of Foreign Affairs pointed out that Zambia had been very much involved in the liberation movement of Southern Africa and had not given much attention to hosting AU organs/agencies since it became a member of the OAU/AU fifty years ago. It could boast of a democratic and peaceful political environment and would be happy to host the AMDC.

56. The PS of the Ministry of Mines spoke about Zambia's development in the mining sector, especially in processing copper into cables/wires for electricity and other purposes. He also underlined the fact that Zambia could assist neighbouring countries to process their raw materials.

57. The Director of the Ministry of Works and Supply led the delegation to the proposed sites for hosting the AMDC.

58. The second day of the visit was dedicated to evaluation of potential premises and a tour of the town to see other facilities.

Evaluation against Criteria for Hosting AU organs

a) Office space

59. The delegation was shown the following structures:

- i) The first floor of the building of the Prosecution Office capable of hosting at least 20 staff temporarily while waiting for a permanent structure to be built for the AMDC;
- ii) A huge building at the finishing stage of construction, being built for the National Statistics Office and a wing of which could be allocated to the AMDC.

60. Both are within town and are easily accessible. They can be furnished and equipped with internet in accordance with requirements for the AMDC. Other facilities the team were shown are the Geological Centre, the University and Mining institute, main hospitals, malls, and other potential premises for hosting the AMDC

b) Conducive political atmosphere and adequate logistical facilities

61. Zambia and Lusaka particularly enjoy democracy and peace. Public utilities such as local transportation, local and international schools, hotels, hospitals, churches, leisure facilities and a number of malls are available.

62. The main airlines flying to and from Lusaka are Ethiopian Airlines, Kenya Airways, South African Airways, Emirates and Angolan Airlines.

c) Modern infrastructure especially telecommunication facilities

63. Zambia benefits from appropriate and efficient telecommunications facilities and IT services that will enable the office to function efficiently.

64. Many international organisations are hosted in Zambia including the COMESA Authority Headquarters. No AU institution is currently hosted by Zambia, with the exception of the ECOSOCC secretariat which is under preparation.

d) Available housing, hotel accommodation and health infrastructure

65. Lusaka is endowed with vast green spaces and trees, among very few tall buildings which keep the town cool and pleasant. Housing in the form of apartments and especially villas are available for residence purposes. Hotels of very high to medium and lower standards are located in various areas of town. Hospitals, clinics and health centers are equally available.

e) Ratification of:

- i) The General Convention on Privileges and Immunities of the OAU: Zambia signed the OAU General Convention on 25 October, 1965 and ratified the Convention on 12 December 2016;
- ii) The Vienna Convention on Diplomatic Relations of 1961: Zambia acceded to the Convention on 16 June 1975; and
- iii) The Vienna Convention on Consular Relations: Zambia did not accede to this Convention.

66. Zambia offered to organize a field trip to the biggest extractive copper mining site, however due to time constraints the field trip was not undertaken.

f) Recommendations

67. The Executive Council to select a country for hosting the AMDC based on:

- i) Whether the country meets fully the criteria set;
- ii) Whether the country could meet those criteria within a minimum period of not exceeding one year.

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