

Economic Community of West African States, African Regional Bodies

A/P3/5/82 Protocol Relating to the Definition of Community Citizen

Legislation as at 29 May 1982

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Economic Community of West African States

A/P3/5/82 Protocol Relating to the Definition of Community Citizen

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Commenced

[This is the version of this document as it was at 29 May 1982 to 31 May 1982.]

The High Contracting Parties

MINDFUL of Article 5 of the Treaty of the Economic Community of West African States establishing the Authority of Heads of State and Government, its composition and functions;

RECALLING that Paragraph 1 of Article 27 of the Treaty of the Economic Community of West African States as amended stipulates that Community citizens are citizens of member states that satisfy the conditions to be defined in a protocol establishing a code of citizenship for the Community.

CONSIDERING that member states would still exercise the sovereign right in conferring their citizenship on any person;

CONSIDERING that the requirements for the acquisition, the loss, the forfeiture, the withdrawal and the reintegration within the Community are not necessarily the same in all member states;

HAVE AGREED AS FOLLOWS:—

Article 1 – On the acquisition of Community Citizenship

1. A citizen of the Community is—
 - a. Any person who is a national by descent of a Member State and who is not a national of any non-Member State of the Community
 - b. Any person who is a national by birth of any of the Member States either of whose parents is a national by sub-paragraph (1) above provided that such a person on attaining the age of 21 decides to take up the nationality of the Member State. However, a person who had already attained the age of 21 before coming into force of this Protocol and who is of dual nationality shall renounce the nationality of that parent who is not a national by virtue of sub-paragraph (a) above.
 - c.
 - I. Any adopted child who at birth is not a citizen of the Community or whose nationality is unknown but who on attaining the age of 21 expressly takes up the nationality of his adoptive parent who is a Community citizen.
 - II. An adopted person who has already attained majority before the coming into force of this Protocol and who is of dual nationality shall expressly renounce the nationality of any State outside the Community.
 - III. Any child adopted by a citizen of the Community provided that the child has not attained his majority to decide on the nationality of his own choice.
 - d. A naturalised person of a Member State who has beforehand made a formal application and satisfies the following conditions:

had renounced the nationality of any State outside the Community and such a renunciation is explicitly supported by an act of renunciation duly authenticated by the appropriate authorities of the country or countries whose nationality or nationalities he formerly enjoyed, and

- II. had effectively resided permanently in a Member State for a continuous period of fifteen years preceding his application for Community Citizenship. Such residence shall mean a permanent establishment of abode on the territory of a Member State without any subsequent transfer to any State outside the Community.

{Please note: numbering as in original.}

The ECOWAS Council of Ministers or any organ of the Community invested of such power at the request of a Member State may reduce this period of fifteen years for the benefit of a person because of exceptional services that such a person had rendered to the Community or because of any other special consideration.

- e. However, a naturalised person of any Member State may not be granted such status of community citizenship if by granting such status the fundamental interests of one or more Member States shall be jeopardised.
- i. Any child who is not a Community citizen at birth or whose nationality is unknown, adopted by a naturalised citizen of the Community and who at the age of 21 years expressly takes up the nationality of his adopted parent.

However, such adopted child shall enjoy this status only after fifteen (15) years of permanent and continuous residence in the same Member State.

- ii. An adopted person by a naturalised citizen of the Community and having already attained the age of 21 years before the entry into force of the present Protocol and who is of dual nationality, who expressly renounce the nationality of any other State outside the Community.
- f. However, he shall only enjoy the status of the Community citizenship only after fifteen (15) years of permanent and continuous residence in the same Member State.

Any child born of naturalised parents of a Member State who has acquired the citizenship of the Community in accordance with the provisions of Paragraph (d) above.

However, in order to become eligible for Community Citizenship, the child shall before attaining the age of 21, expressly renounce the nationality of any non-Member State of the Community which he may possess.

Article 2 – Loss, forfeiture and withdrawal of Community Citizenship

1. Any person may lose Community Citizenship for the following reasons:
- permanent settlement in a State outside the Community;
 - voluntary acquisition of the nationality of a State outside the Community;
 - a *de facto* acquisition of the nationality of a State outside the Community;
 - loss of one's nationality of country of origin;
 - on his express request.
2. Any naturalised person who has acquired the status of Community citizen may forfeit this citizenship for the following reasons,
- if he involves in activities incompatible with the status of Community citizen, and or prejudicial to the fundamental interests of one or more Member States of the Community.
 - if he has been sentenced in any state of the Community for an act considered to be a crime and recognised as such within the Community.

The situation is the same when such a crime is committed against a citizen of the Community.

3. Community citizenship may be withdrawn from a person for the following reasons:
 - a. when it becomes evident after the acquisition of the citizenship, that the person concerned did not satisfy the requisite conditions for the acquisition of Community citizenship:
 - b. if, Community citizenship was obtained through lies or fraud.

Article 3 – On re-integration

Re-integration of Community Citizenship is granted after enquiry.

Article 4 – Transitional provisions

Pending the installation of a judicial body that will be responsible for issues relating to requests for acquisition, loss, the forfeiture, withdrawal of Community Citizenship, the Council of Ministers is vested with the powers to examine such questions subject to appeal before the Authority.

Article 5 – Deposit and entry into force

- a. This additional Protocol shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitively upon ratification by at least seven signatory States in accordance with the constitutional procedures applicable for each signatory State.
- b. This additional Protocol and all Instruments of Ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this additional Protocol to all Member States and notify them of the dates of deposits of the Instruments of Ratification and shall register this additional Protocol with the Organisation of African Unity, the United Nations and such Organisations as the Council shall determine.
- c. This additional protocol shall be annexed to and shall form an integral part of the Treaty.

In faith whereof we the Heads of State and Government of the Economic Community of West African States have signed this additional Protocol.

Done at Cotonou this 29th day of May, 1982 in single original in the English and French languages, both texts being equally authentic.