A/P3/5/82 PROTOCOL RELATING TO THE
DEFINITION OF COMMUNITY CITIZEN

THE HIGH CONTRACTING PARTIES

MINDFUL of Article 5 of the Treaty of the
Economic Community of West African States establi­
sing the Authority of Head of State and Govern­
ment, 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 Commu­
nity citizens are citizens of member states that
satisfy the conditions to be defined in a protocol
establishing a code of citizenship for the Commu­
nity.

CONSIDERING that member states would still
exercise the sovereign right in conferring their citizen­
ship 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-para­
graph (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 Commu­
nity 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.

II. 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 renoun­
ciation duly authenticated by the
appropriate authorities of the
country or countries whose nationa­
ality 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 Citizen­
ship. 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.

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 excepti­
onal services that such a person had rendered to the
Community or because of any other special consi­
deration.

e. However, a naturalised person of any Member
State may not be granted such status of communi­
ty citizenship if by granting such status the funda­
mental 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 naturalis­
ed 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 con­
tinuous 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:
   a. permanent settlement in a State outside the Community;
   b. voluntary acquisition of the nationality of a State outside the Community;
   c. a de facto acquisition of the nationality of a State outside the Community;
   d. loss of one’s nationality of country of origin;
   e. on his express request.

2. Any naturalised person who has acquired the status of Community citizen may forfeit this citizenship for the following reasons:
   a. 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.
   b. 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.

H. E. COLONEL MATHIEU KEREKOU
President of the People's Republic of BENIN

H. E. SAMUEL KANYON DOE
Commander-in-Chief, Chairman of the People's Redemption Council and Head of State of the Republic of LIBERIA

HON. BRIGADE COMMANDER PEDRO PIRES
Prime Minister, for and on behalf of the President of the Republic of CAPE VERDE

HON. DRISSA KEITA
Minister of Finance and Commerce, for and on behalf of the President of the Republic of MALI

H. E. FELIX HOUPHOUET BOIGNY
President of the Republic of IVORY COAST

H.E. LT. COLONEL MOHAMED KHOUINA OULD HAIDALLA
President of the Military Committee of National Salvation, Head of State of the Islamic Republic of MAURITANIA

HON. DR. MOMODOU S. K. MANNEH
Minister of Economic Planning and Industrial Development, for and on behalf of the President of THE GAMBIA

H. E. COLONEL SEYNI KOUNTCHE
President of the Supreme Military Council, Head of State of the Republic of NIGER

H. E. FLIGHT LIEUTENANT JERRY JOHN RAWLINGS
Chairman, Provisional National Defence Council (P. N. D. C.) Republic of GHANA

H. E. ALHAJ1 SHEHU SHAGARI
President of the Federal Republic of NIGERIA

H. E. AHMED SEKOU TOURE
President of the People's Revolutionary Republic of GUINEA

H. E. ABDOU-DAOUFL
President of the Republic of SENEGAL

HON. VICTOR SAUDE MARIA
Vice Chairman of the Revolutionary Council, Prime Minister, for and on behalf of the President of the Republic of GUINEA BISSAU

H. E. DR. SIAKA STEVENS
President of the Republic of SIERRA LEONE

H. E. COLONEL SAYE ZERBO
President of the Military Committee for Redress for National Progress, Head of State of the Republic of UPPER VOLTA

H. E. GENERAL GNASSINGBE EYADEMA
President of the Republic of TOGO.