

**AFRICAN UNION**

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**[DRAFT PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON [THE SPECIFIC ASPECTS OF] THE RIGHT TO A NATIONALITY AND THE ERADICATION OF STATELESSNESS IN AFRICA]**

**[Protocol on the right to a nationality and the eradication of statelessness in Africa]**

**PREAMBLE**

**[THE STATES PARTIES** to the African Charter on Human and Peoples' Rights of 1981] [The heads of state and government of the Member States of the AU]:

**[CONSIDERING** that Article 66 of the African Charter on Human and Peoples' Rights provides for special protocols or agreements, if necessary, to supplement the provisions of the Charter;]

**RECALLING** the commitment in the 50th Anniversary Solemn Declaration adopted at the 50<sup>th</sup> Anniversary summit of by the Assembly of Heads of State and Government of the African Union on 26 May 2013 to realise the aspirations of the African people for an African citizenship, in line with the Agenda 2063;

**DRAWING INSPIRATION**, from the Universal Declaration of Human Rights of 1948, mentioned in the African Charter on Human and Peoples' Rights, of which Article 15 provides that "everyone has the right to a nationality" and that "no one shall be arbitrarily deprived of his [or her] nationality nor denied the right to change his [or her] nationality";

**RECALLING** the provisions of, the 1990 African Charter on the Rights and Welfare of the Child, the 2003 Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa;

**ALSO RECALLING** the pioneering role played by the Regional Economic Communities of the African Union in the evolution development of new frameworks for citizenship at the regional level as a means of accelerating the integration of Africa's peoples;

**RECOGNISING** that the right to a nationality is a fundamental condition for the protection and effective exercise of the full range of other human rights;

**REAFFIRMING** that States have the primary responsibility of States in for the prevention and eradication of statelessness and that in relation to nationality both the legitimate interests both of States and those of individuals must be taken into account;

**INFORMED** by the decisions and resolutions of the African Commission on Human and Peoples' Rights and of the African Committee of Experts on the Rights and Welfare of the Child recognizing and protecting the right to a nationality and condemning arbitrary deprivation of nationality;

**CONSIDERING** that the prevention and eradication of statelessness can contribute to the collective effort of nation-building and the strengthening of peace and security on the continent;

**AFFIRMING** that statelessness is contrary to respect for the right to human dignity and to legal status enshrined in Article 5 of the African Charter on Human and Peoples' Rights;

**MINDFUL** that the 1966 International Covenant on Civil and Political Rights and the 1989 United Nations Convention on the Rights of the Child provide that every child has the right to acquire a nationality;

**MINDFUL ALSO** of the deep interest of African States to regularise and improve the status of stateless persons so that they may enjoy their fundamental rights and freedoms, in accordance with their national laws and the relevant legal instruments of the United Nations and the African Union;

**EMPHASISING** the importance of effective civil registration systems for the eradication of statelessness, and the particular need to facilitate the registration of border communities and nomadic populations;

**CONSCIOUS** that the history of the African continent, especially the initial establishment of borders by colonial powers, has given particular characteristics to questions of nationality and statelessness in our States that are not sufficiently taken into account by the existing African and international instruments;

**RESOLVED** to eradicate statelessness in Africa by taking effective steps to ensure that everyone has the right to a nationality, including through the adoption of voluntary agreements to settle questions relating to nationality, the harmonisation of nationality laws, access of all to civil registration, and the prohibition of arbitrary deprivation or denial of nationality;

**HAVE AGREED AS FOLLOWS:**

## **ARTICLE 1. Definitions**

For the purpose of this Protocol:

**“Acquisition of nationality”**: means the grant of nationality following an application made by a person, or his or her representative, to the competent authorities of a State [in conformity with the conditions and procedures established by that State in its national law];

**“African Charter”** means the African Charter on Human and Peoples' Rights;

**“African Commission”** means the African Commission on Human and Peoples' Rights established under the African Charter;

**“African Committee of Experts”** means the Committee of Experts established under the African Charter on the Rights and Welfare of the Child;

**“African Court”** means the African Court on Human and Peoples' Rights or any successor institution to the Court;

**“Appropriate connection”** means a connection by personal or family life to a State, including a connection by one or more of the following attributes: birth in the relevant State; descent from or adoption or kafala (fostering) by a national of the State; habitual residence in the State; marriage to a national of the State; birth of a person's parent, child or spouse in the State's

territory; the State's being the location of the person's family life; or, in the context of succession of States, a legal bond to a territorial unit of a predecessor State which has become territory of the successor State;

**“Arbitrary”** means the character of an action undertaken or decision taken in violation of national law or the relevant provisions of the African Charter;

**“Attribution of nationality”** means the automatic transmission of a country's nationality to a person;

**“Child”** means any person below the age of eighteen years;

**“Constitutive Act”** means the Constitutive Act of the African Union;

**“Deprivation of nationality”** means withdrawal of nationality initiated by the authorities of the State;

**“Discrimination”** means any distinction, exclusion or restriction which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field;

**“Habitual residence”** means the place where a person has stable factual, continuous [and lawful] residence, or the place where a person has established his or her permanent or habitual centre of interests;

**“Kafala”** means a voluntary commitment made by a person (kafeel), according to the national law of the State Party, to undertake responsibility for the protection, upbringing and care of a child, in the same way as a parent would do for his or her own child;

**“Loss of nationality”** means withdrawal of nationality which is automatic, by operation of law;

**“National”** means a person who has the nationality of the State concerned;

**“Nationality”** means a legal bond between a person and a State, and shall not be understood as does not indicate a reference to the ethnic or racial origin of the person;

**“Parent”** means the biological or adoptive mother or father [or kafeel (foster carer)] of a person, and any person to whom family relationship with similar effects is established or recognised by law of the State Party concerned;

**“Person”** means a natural person [or human being];

**“Recovery of nationality”** means re-establishment of nationality by a person who was previously a national;

**“Regularisation”** means the obtaining by a person of the necessary authorisation or documents to be recognised as legally present in a State;]

**“Renunciation of nationality”** means the voluntary relinquishment of nationality by a person [in accordance with national law];

**“Spouse”** means a husband or wife as recognised under the laws of the State Party concerned;

**“Stateless person”** means a person who is not considered as a national by any State under the operation of its law, including a person whose nationality cannot be established;

“**State succession**” means the replacement of one State by another in the responsibility for the international relations of a territory.

## **ARTICLE 2. Objectives**

The objectives of this Protocol are to:

- a. Promote, protect and ensure respect for the right to a nationality in Africa;
- b. Ensure that statelessness in Africa is eradicated;
- c. Determine the general principles for the prevention and eradication of statelessness in Africa;
- d. [Establish the obligations and responsibilities of States relative to [the specific aspects of] the right to a nationality in Africa, taking into account their legitimate interests].

## **ARTICLE 3. General Principles**

1. It is for each State Party to determine under its own national law who are its nationals, taking into due account the provisions of this Protocol and relevant international conventions that it has ratified, international custom, and the principles of law generally recognised with regard to nationality.
2. The States Parties agree and recognize that:
  - a. Every person has the right to a nationality;
  - b. No one shall be arbitrarily deprived or denied recognition of his or her nationality nor denied the right to change his or her nationality;
  - c. States shall take steps, individually and collectively, to eradicate statelessness and to ensure that every person has the right to the nationality of at least one state where he or she has an appropriate connection.
  - d. In all actions undertaken or decisions taken by any person or authority concerning the nationality of a child, his or her best interests shall be the primary consideration.

## **ARTICLE 4. Non-Discrimination**

1. The rules and practices of a State Party relating to nationality shall not include any discrimination based on race, ethnic group, colour, sex, language, religion, political or any other opinion, national or social origin, fortune, disability, birth or other status, except for those specifically permitted by this Protocol.
2. A State Party shall grant women and men equal rights to acquire, transmit, change or retain their nationality, and with respect to the nationality of their children.
3. Notwithstanding the provisions in paragraph 1 of this Article, a State Party may preserve the right to make distinctions among its nationals, if at the time of signature, ratification

or accession to this Protocol it specifies its retention of such right, for either of the following purposes, being provisions existing in its national law at that time:

- a. To limit access to functions and professions specifically designated by the State Party concerned to persons who were attributed its nationality at birth or who have exclusive nationality of that State; or
- b. To provide, [subject to the provisions of Article 16 of this Protocol], for different criteria for deprivation of nationality from those who were attributed nationality at birth and those who have acquired it later.

## **ARTICLE 5. Attribution of Nationality at Birth**

1. A State Party shall, subject to any exceptions that may be provided in its national law, attribute nationality by operation of law from the moment of birth to the following persons :
  - a. A child born in its territory one of whose parents had the nationality of that State at the time of the child's birth,;
  - a.b. A child born outside its territory one of whose parents had the nationality of that state at the time of the child's birth [subject to any exceptions which may be provided for by its domestic law as regards children born abroad]. A State shall, however, always provide for the attribution of nationality to a child born abroad if:
    - i. either of the child's parents has its nationality and was born in its territory, or
    - ii. the child would otherwise be stateless]].
  - c. A child born in the territory of the State of one parent also born there [if the child would otherwise be stateless];
  - b.d. A child born in the territory of the State of parents who are stateless or of unknown nationality or in other circumstances in which the child would otherwise be stateless;
2. A State Party shall also attribute nationality from the date of birth to:
  - a. A child found in its territory of unknown parents, who shall be considered to have been born in its territory of parents possessing the nationality of that State, [unless his or her parentage is established during his or her minority and he or she acquires the nationality of one parent];
  - b. A person born in the territory of the State who has remained habitually resident there during a period of his or her childhood. Such recognition shall take place at the latest at the person's majority and may be either:
    - i. automatically by operation of law; or
    - ii. by declaration of the person or one of his or her parents;
  - c. A child adopted by [or, as relevant, legally recognised (or taken care of by an act of kafala)] a national.

3. A State Party shall ensure that its national laws relating to the attribution of nationality at birth, to children born within and outside its territory, do not result in statelessness.
4. If the application of the State Party's laws relating to the attribution of nationality at birth result in statelessness, the State Party should waive its requirements in favour of the person who would otherwise be stateless.

## **ARTICLE 6. Acquisition of Nationality**

1. A State Party shall provide in its national law for the possibility of acquisition of its nationality by persons who have established their habitual residence there.
2. A State Party shall facilitate the possibility of acquisition of its nationality, in [accordance with] its national law [by:
  - a. The child of a person who has acquired or who acquires its nationality;
  - b. A child born in the territory of the State to a non-national parent who is has established his or her habitual residence there][and who is at risk of statelessness] [and who cannot establish his or her nationality];
  - c. A child in the [legal] care of a national of the State [including by kafala][if at risk of becoming stateless];
  - d. A person who had his or her habitually residence in its territory as a child and who remains so resident at majority;
  - e. The spouse of a national;
  - f. A stateless person;
  - g. [A refugee [where it has been established that he or she is stateless/ who is at risk of becoming stateless][if he or she risks becoming stateless because of the loss or deprivation of his or her nationality of origin].]

[Proposal to replace Art 6(2):

If a person is at the risk of becoming stateless, a State Party [shall] [may] facilitate in its national law the possibility of acquisition of its nationality [ upon satisfying the State Party's requirements for acquisition of nationality][provided that he has not been convicted of a crime against the security of the State...].

3. A State Party shall not make the renunciation of another nationality a condition for the acquisition of its nationality where such renunciation is not possible or cannot reasonably be required or exposes the person to the risk of statelessness.
4. In cases where a State Party confers its nationality on persons who are not habitually resident in its territory, it should ensure that such a conferral of nationality respects the principles of friendly, including good neighbourly, relations and territorial sovereignty, [and should refrain from conferring nationality en masse, even if multiple nationality is allowed by both States.]

## **ARTICLE 7. Habitual Residence**

1. In the cases where entitlement to nationality or other right provided under this Protocol depends on habitual residence, a State Party shall not require in its national law that such residence be lawful and continuous if the person is stateless.

## **ARTICLE 8. Nomadic and [Cross-]border Populations**

1. In the case of persons whose habitual residence is in doubt, notably persons who follow a pastoralist or nomadic lifestyle and whose movements cross borders, or who live in border regions, the States Parties concerned shall cooperate to:
  - a. Take all appropriate measures to ensure that such persons have the right to the nationality of at least one of the States to which they have an appropriate connection;
  - b. [Grant or provide proof of nationality to a person on application if that person has an appropriate connection to that State and is unable to obtain documents proving that he or she has the nationality of any other State.]; and
2. A States Party may take into consideration any relevant factors that may be necessary as evidence of an appropriate connection, including:
  - i. repeated residence in the same location over many years;
  - ii. the presence of family members in that location throughout the year;
  - iii. the cultivation of crops on an annual basis at that location;
  - iv. the use of water points and seasonal grazing sites;
  - v. the burial sites of ancestors;
  - vi. the testimony of other members of the community;
  - vii. well-known public facts attested by the competent authorities;
  - viii. the expressed will of the person.

## **ARTICLE 9. Marriage**

A State Party shall provide in law that :

- a. Marriage or the dissolution of a marriage between a national and a non-national shall not automatically change the nationality of either spouse nor affect the capacity of the national to transmit his or her nationality to his or her children.
- b. The change of nationality of one spouse during marriage shall not automatically affect the nationality of the other spouse or of the children.

## **ARTICLE 10. Children's Rights**

1. A State Party shall adopt legislative and other measures to ensure that the birth of every child is immediately registered and that every child is attributed a nationality at birth or acquires a nationality [as soon as possible] thereafter.

2. In determining the nationality of a child, the law shall not distinguish between those born in and out of wedlock.
3. A State Party shall ensure that in all judicial or administrative proceedings affecting the nationality of a child who is capable of communicating his or her own views, an opportunity shall be provided for the views of the child to be heard, either directly or through an [impartial] representative, as a party to the proceedings, and those views shall be taken into consideration by the relevant competent authority in accordance with the provisions of appropriate national law.
4. [A State Party shall respect the duty of parents, and where applicable legal guardians, to provide guidance and direction in the enjoyment of those rights subject to the its national laws and policies.]

#### **ARTICLE 11. Multiple[dual] Nationality**

1. A State Party may recognise [permit the right of a national to hold other nationalities] [recognise multiple nationality].
2. Without prejudice to [Notwithstanding subarticle (1),] A State Party shall not prohibit multiple nationality in the case of:
  - a. A child who was attributed multiple nationalities at birth; or
  - b. A person who acquires another nationality automatically through marriage.
3. If a person[child] who has, or is presumed to have, two or more nationalities is required to choose between different nationalities after attaining majority, this requirement shall be clearly set out in law, and a State Party shall :
  - a. Provide for a [reasonable] period during which the option may be exercised after majority, and allow for exceptions to any time limit where reasonably required;
  - b. Accept a statement from the consular authorities of the other relevant State or States that the person has renounced or has never held the nationality of that State, and presume that the person does not have the nationality of such State if there is no response [within a reasonable period].

#### **ARTICLE 12. Evidence of Entitlement to a Nationality**

1. A State Party shall provide in its national law that every person has the right to official copies of the publicly held documents required to establish that person's entitlement to nationality at birth or the conditions for acquisition of its nationality, including but not limited to certificates of birth, adoption, kafala, guardianship, marriage, divorce or death.
2. A State Party [shall][may] provide in law for proof of the facts establishing entitlement to nationality at birth or the conditions for acquisition of nationality by oral testimony and other appropriate means where documentary evidence is not available or cannot reasonably be demanded.



**ARTICLE 13. Documentation of Nationality**

1. A State Party shall provide in its national law for the right to a certificate of nationality or other appropriate document that is proof of a person's nationality and shall define the authorities and procedures to obtain that document.
2. A State Party shall issue to every national on application, without distinction based on sex [after satisfaction of the administrative formalities established in national legislation,] the documents [legally] accepted as proof of nationality including [a birth certificate where relevant,] [a national identity card where such documents are in use,] and a passport.
3. A State Party shall take all appropriate measures to ensure that unaccompanied and separated children obtain the documents accepted as proof of nationality, which shall be issued in their own names, in conformity with national law..
4. A State Party shall prohibit all arbitrary acts of cancellation, non-renewal, confiscation or destruction of the documents referred to in this article belonging to any person.,
5. When a person holds a document indicating that he or she is the national of a State, the burden of proof shall be on the institution that asserts that he or she is not a national to prove that the person does not have the nationality to which he or she claims to be entitled..

**ARTICLE 14. Diplomatic Protection and Consular Assistance [deleted]**

**ARTICLE 15.ARTICLE 14. Renunciation of Nationality (former article 15)**

A State Party shall not prohibit its national from renouncing the voluntary renunciation of his or her nationality, unless such renunciation would render the person stateless.

**ARTICLE 16.ARTICLE 15. Loss of nationality (former article 16)**

If a A State Party does not permit multiple nationality, it may provide for the loss of its nationality in case of voluntary acquisition by a national of another nationality.

**ARTICLE 16. ARTICLE 16 BIS: Deprivation of nationality**

1. If a State Party does not permit multiple nationality, it may provide for deprivation of nationality from a national who has been attributed more than one nationality at birth, if the person does not opt for its nationality within a set period after majority, as permitted by Article 11(2), provided that it shall be confirmed that the person does in fact hold another nationality.
2. A State Party may provide for the deprivation of its nationality from a person who has been attributed nationality at birth in cases where recognition of its nationality has been obtained by means of fraud or false representation or concealment of any relevant fact attributable to the applicant, [unless the fraud or false representation was not material or

took place more than ten years earlier [or where the effect of deprivation would be disproportionate to the reason for deprivation].]

3. A State Party may provide for the deprivation of nationality acquired after birth if:
  - a. The person acquired its nationality by means of fraud or false representation or concealment of any relevant fact attributable to the applicant, [unless the fraud or false representation was not material or took place more than ten years earlier [or where the effect of deprivation would be disproportionate to the reason for deprivation]];
  - b. The person voluntarily serves in the military forces of another State against the State Party;
  - c. The person is convicted of a crime that is seriously prejudicial to the vital interests of the State Party;
  - d. [The person has conducted himself in a manner seriously prejudicial to the national security, public order and vital interests of the State Party.]
4. [A State Party may provide for the deprivation of nationality from a child person who was attributed nationality under Article 5(2)(a) of this Protocol, if the his or her parentage of the child person is later established during his or her childhood and he or she acquires the nationality of one parent.]
5. A State Party shall not arbitrarily deprive any person or group of persons of their nationality, including on racial, ethnic, religious or political grounds or on grounds related to exercise of rights established by the African Charter.
6. When a State Party deprives a person of his or her nationality, the decision shall not automatically affect the nationality of the person's spouse or children.
7. A State Party [shall not[in any case] [is encouraged not to] not provide for the [loss or] deprivation of nationality if the person would thereby become stateless [subject to article 16(4)].

#### **ARTICLE 17. Recovery of nationality**

1. [A State Party shall provide in law for the recovery of nationality by its former nationals.] [A State Party shall facilitate, in the cases and conditions provided in its national law, the recovery of its nationality by its former nationals.]
2. If a State Party does not permit multiple nationality it may condition the recovery of nationality on renunciation of another nationality.
3. [A State Party shall permit the recovery of its nationality if:
  - a. The person renounced its nationality;
  - b. The person lost its nationality on voluntary acquisition of another nationality;
  - c. The person lost its nationality as a child as a result of a parent's loss or deprivation of nationality;

- d. The person lost its nationality on marrying a non-national and, following a divorce, has lost the nationality of the spouse as a result;
- e. The person has become stateless.]

#### **ARTICLE 18.            Limitations on Expulsion**

1. A State Party shall not expel a person from its territory on the grounds that the person is a non-national, except [after exhaustion of administrative and judicial remedies][by a decision taken by a competent judicial authority on an individual basis and subject to appeal].
2. A State Party shall not expel a person without confirmation that he or she both is a non-national and has another nationality, [nor while a challenge or review of a decision to deny recognition of or to deprive that person's nationality, [launched before the decision to expel,] is pending before a competent administrative or judicial authority.].
3. A State Party may base its decision on the necessity for expulsion on grounds of national security or public order.
4. A State Party shall not expel any person in violation of the principles of international human rights or refugee law[, including peremptory norms with respect to the protection of persons from exposure to severe violations of their fundamental human rights, such as the prohibition of torture, and inhuman or degrading treatment or punishment, the application of the death penalty or the risk of statelessness [except on grounds of national security or public order].].

#### **ARTICLE 19.            Undetermined Nationality, Recognition and Protection of Stateless Persons**

1. A State Party shall provide in law for a process to determine the nationality of a person whose nationality is undetermined, and the criteria for the attribution of the status of stateless person, as an interim measure.
2. A State Party shall guarantee to stateless persons in its territory humanitarian assistance and protection of universally recognised human rights, in conformity with its obligations under the African Charter and the human rights instruments of the United Nations.
3. A State Party shall provide to persons with the status of stateless person identity and travel documents, unless there are overriding issues of national security.

#### **ARTICLE 20.            Succession of States and Nationality**

1. In cases of State succession, States Parties shall endeavour to regulate matters relating to nationality through co-operation and agreement amongst themselves and, where relevant, in their relationships with other States concerned.
2. A State Party shall take appropriate measures to prevent persons who, at the time of a State succession, had the nationality of a predecessor State, from becoming stateless as a result of the succession.

3. A State Party shall adopt rules and procedures to facilitate the recognition of nationality of persons who had the nationality of a predecessor State, during a transition period following State succession, based on the following principles:
  - a. Every person who had the nationality of a predecessor State has the right to nationality of at least one of the successor States;
  - b. [Persons having their habitual residence in a territory affected by the succession of States shall be presumed to acquire the nationality of the relevant successor State on the date of such succession;]
  - c. Persons who are qualified to acquire the nationality of two or more successor States shall, if not permitted to hold both nationalities, have a right of option.
4. A predecessor State shall not [arbitrarily] withdraw its nationality from a person before he or she acquires confirmation of the nationality of a successor State.
5. In determining matters relating to deciding on the grant or preservation of nationality, a State Party shall take into consideration, amongst other criteria, the will of the person concerned.

#### **ARTICLE 21. Rules and Procedures relating to Nationality**

1. A State Party shall ensure that the normative, institutional and procedural framework governing recognition, acquisition, loss, deprivation, renunciation, certification or recovery of their nationality are clear and accessible.
2. A State Party shall ensure that administrative procedures relating to applications for recognition, acquisition, renunciation, recovery or certification of nationality, and for the issue of identity or nationality documents, are not arbitrary.
3. A State Party shall provide in law that all decisions in relation relating to the nationality of a person shall be reasoned and notified to each person or his or her legal representative.
4. A State Party shall provide in law that all decisions affecting a person's nationality shall be subject to review by administrative and [or] judicial institutions to which appeal can be made, in conformity with national law.

#### **ARTICLE 22. Monitoring and Implementation**

A State Party shall ensure implementation of this Protocol at national level and, in their periodic reports submitted in accordance with Article 62 of the African Charter, indicate the legislative and other measures undertaken for the full realisation of the rights recognised by this Protocol and their efforts to eradicate statelessness.

#### **ARTICLE 23. ARTICLE 22 BIS: Interpretation**

The African Commission and, where relevant, the African Court shall be seized with matters of interpretation and the hearing of communications relating to the implementation of this Protocol, as provided by the relevant provisions of the African Charter and the Protocol establishing the African Court.

**ARTICLE 23.ARTICLE 24. Cooperation among States and with International Agencies (former article 23)**

1. States Parties undertake to co-operate with one another, in particular within the framework of the African Union, and to create, where necessary, mechanisms to facilitate this cooperation in the determination of nationality, eradication of statelessness and harmonisation of the applicable laws and rules relating to nationality.
2. States Parties may enter into arrangements on the basis of reciprocity to share with any other States Parties information on the grant attribution, or voluntary acquisition, loss and deprivation of their nationality.
3. States Parties shall cooperate with relevant African and international agencies, including in particular the UN Office of the High Commissioner for Refugees, that have a mandate relating to the matters considered in this Protocol.

**ARTICLE 24.ARTICLE 25. Signature, Ratification, and Accession (former article 24)**

1. This Protocol shall be open for signature, ratification and accession by the [States Parties to the African Charter][Member States of the African Union], in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the African Union.

**ARTICLE 26. ARTICLE 24 BIS Reservations**

1. A State Party may, when ratifying or acceding to this Protocol, submit a reservation with respect to any of the provisions of this Protocol.
2. A reservation shall not be incompatible with the objectives of this Protocol.
3. Unless otherwise provided, a reservation may be withdrawn at any time.
4. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission of the African Union who shall notify other States Parties of the withdrawal accordingly.

**ARTICLE 25.ARTICLE 27. Entry into Force (former article 25)**

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification.
2. For a State Party that accedes to this Protocol after it comes into force, the provisions of the Protocol shall take effect for that State thirty (30) days after the date of deposit of the instrument of accession.
3. The Chairperson of the Commission of the African Union shall notify all Member States of the entry into force of this Protocol within fifteen (15) days.

**ARTICLE 26.ARTICLE 28. Status of the present protocol (former article 26)**

None of the provisions of the present Protocol shall affect more favourable provisions for the realization of the right to a nationality and the eradication of statelessness contained in the national laws of States parties or in any other regional, continental or international conventions treaties or agreements applicable in these States Parties.

**ARTICLE 27.ARTICLE 29. Amendment and Revision (former article 27)**

1. Any State Party may submit proposals for the amendment or revision of this Protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the African Union who shall transmit the same to the States Parties, to the African Commission and to the African Union Commission on International Law within thirty (30) days of receipt thereof for their advisory opinion.
3. The Assembly, upon advice of the Executive Council, shall examine these proposals through the existing mechanisms of the African Union, within a period of one year following notification of States Parties under paragraph 2 of this article.
4. The Assembly may adopt amendments or revisions by a simple majority.
5. The amendment shall come into force for a State Party that has accepted it thirty (30) days after the Chairperson of the Commission of the African Union has received notice of the acceptance.

**ARTICLE 30. Denunciation (former article 28)**

1. Any State Party to this Convention may, three years after the entry into force of this Protocol, denounce its provisions by a written notification to the Chairperson of the African Union Commission of the African Union.
2. At the end of one year from the date of such notification, if not withdrawn, the Protocol shall cease to apply with respect to the denouncing State.
3. The denunciation does not affect obligations of State Parties incurred prior to its notification.