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MATRIC NUMBER: 19/law01/119

COURSE: POLITICAL SCIENCE

COURSE CODE: POL 102

ASSIGNMENT

1. How can a Lebanese retain or lose his or her newly acquired Nigerian citizenship.

2. Social Contract Theory explains the evolution of states, what other theories explain the same, and their strengths.

ANSWERS

Firstly, Nigerian nationality law is the law of Nigeria which concerns citizenship andother categories of Nigerian nationality

Lebanese nationality law governs the acquisition, transmission and loss of Lebanese citizenship. Lebanese citizenship is the status of being a citizen of Lebanon and it can be obtained by Birth or naturalization . Lebanese nationality is transmitted by Paternity (father) Therefore, a Lebanese man who holds Lebanese citizenship can automatically confer citizenship to his children and foreign wife (only if entered in the Civil Acts Register in the Republic of Lebanon). Under the current law, descendants of Lebanese emigrants can only receive citizenship from their father and women cannot pass on citizenship to their children or foreign spouses.

Loss of citizenship, also referred to as loss of nationality, is the event of ceasing to be a Citizen of

a country under the nationality law of that country. It is a blanket term covering both involuntary loss of citizenship, such as through denaturalization as well as voluntary renunciation of citizenship.

Lebanese nationality law governs the acquisition, transmission and loss of Lebanese citizenship. Lebanese citizenship is the status of being a citizen of Lebanon and it can be obtained by birth or naturalization. Lebanese nationality is transmitted by paternity (father) (see Jus sanguinis).[1] Therefore, a Lebanese man who holds Lebanese citizenship can automatically confer citizenship to his children and foreign wife (only if entered in the Civil Acts Register in the Republic of Lebanon). Under the current law, descendants of Lebanese emigrants can only receive citizenship from their father and women cannot pass on citizenship to their children or foreign spouses.[2][1]

On 12 November 2015, the Parliament of Lebanon approved a draft law that would allow "foreigners of Lebanese origin to get citizenship", [3] the Minister of Foreign Affairs and Emigrants Gebran Bassil announced on 5 May 2016 the beginning of the implementation of citizenship law for Lebanese diaspora.

Article 6 of the 23 May 1926 Lebanese Constitution, as amended to 19 October 1995, stipulates that "the Lebanese nationality and the manner in which it is acquired, retained and lost, shall be determined according to the law." (Constitutions Mar. -1998, 5).

According to Citizenship Laws of the World, a person who wishes to renounce his/her Lebanese citizenship is required to send a letter of renunciation to the nearest Lebanese embassy or consulate (U.S. Office of Personnel Management Mar. 2001). The embassy or consulate will send the letter of renunciation to Lebanon for approval and will notify the applicant of the decision (ibid.).

This information was corroborated by a representative of the Embassy of Lebanon, in Ottawa, in an 18 September 2003 telephone interview.

In his book entitled Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon, Uri Davis states that

the loss of Lebanese citizenship is regulated under the Law (Lebanese Citizenship) of 31 January 1946, as amended by Decree no. 10828 of 9 October 1962.

Whereas until the promulgation of Decree 10828 it was possible for a Lebanese citizen to take foreign citizenship without losing his Lebanese citizenship (provided he was authorized to do so by a certificate issued by the head of State – Regulation no. 15, Article 8), after the said amendment, a Lebanese citizen is both required to seek official authorization by Decree issued by the head of State to take a foreign citizenship and loses his Lebanese citizenship in the event that he does so (article 1(i)).

In reality, such decrees are taken very often to facilitate the acquisition of another nationality. Subsequently, after such an acquisition, another Decree is issued at the request of the same person, cancelling the first Decree, resulting in the applicant then retaining Lebanese nationality (Davis 1997, 155).

In addition, the author also quotes Article 2 of Decree No. 10828 according to which

"any person of Lebanese origin who is resident outside Lebanon and opted not to take Lebanese citizenship, may, in the event that he had permanently returned to Lebanon, apply to be counted as Lebanese and the Cabinet ... is authorized to issue regulation to that effect" (1997, 157).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Rights and responsibilities of Lebanese citizens

Rights of citizens

Citizens of Lebanon have by law the legal right to:

• Live freely in Lebanon without any immigration requirements irements

• Gain access to free education covering primary, secondary and university education

• Receive all health-care benefits at any public health institution

• Participate in the Lebanese political system

• Benefit from the privileges of the free trade market agreements between Lebanon and many Arab countries

• Get exempted from taxes with no condition of reciprocity

• Own and inherit property and values in Lebanon

• Enter to and exit from Lebanon through any port

• Travel to and from other countries in accordance with visa requirements

• Seek consular assistance and protection abroad by Lebanon through Lebanese embassies and consulates abroad.

Responsibilities of citizens

All Lebanese citizens are required by law, when required by the Lebanese government, to bear arms on behalf of Lebanon, to perform noncombatant service in the Lebanese Armed Forces, or to perform work of national importance under civilian direction.

The code

The code covering the Lebanese nationality was issued in 1926.

Acquisition of Lebanese citizenship

Jus sanguinis

A child born to a Lebanese father or whose paternity has been declared acquires Lebanese citizenship by descent, irrespective of the nationality of the mother, and irrespective of her marital status.

A child whose Lebanese citizenship depends on paternal links loses citizenship when those are cut.

By marriage

A foreign woman who marries a Lebanese man may apply for Lebanese citizenship after having been married for at least one year and their marriage has been entered in the Civil Acts Register in the Republic of Lebanon. No language test is required, but the wife must show integration into the Lebanese way of life, compliance with the Lebanese rule of law and that she poses no danger to Lebanon's internal or external security.

A foreign wife of a Lebanese citizen can apply for naturalization while resident overseas after one year of marriage to a husband who is a Lebanese citizen, and close ties to Lebanon.

The non-Lebanese husband cannot acquire Lebanese citizenship by marriage to a Lebanese woman.it has been argued that to enable the Lebanese wife to pass Lebanese citizenship to a non-Lebanese husband would lead to a flood of Palestinians acquiring citizenship, upsetting the delicate demographics in the country.

Birth in Lebanon

Birth in Lebanon does not in itself confer Lebanese citizenship. Therefore, jus soli does not apply.

Loss of Lebanese citizenship

Loss due to adoption

A Lebanese child adopted by foreign parents is considered to have lost Lebanese citizenship.

Annulled adoptions

Where a former Lebanese citizen lost citizenship due to adoption by foreign parents and that adoption is later annulled, the Lebanese citizenship is considered to never have been lost.

Loss due to birth abroad

A Lebanese citizen born abroad to a Lebanese father and holding at least one other nationality loses the Lebanese citizenship at age 25 if:

• She/He has never been announced to the Lebanese authorities,

• She/He has never written to the Lebanese authorities expressing her/his desire to retain Lebanese citizenship,

• She/He (or her/his guardians) have never sought to procure Lebanese identity documents for her/him, i.e. a passport or an identity card,

• Equally, the child of a person who thus loses Lebanese nationality equally loses Lebanese nationality,

• Exceptionally, a person who has been prevented, against their will, from taking the necessary actions to retain Lebanese citizenship may undertake the required actions within a delay of one year following the cessation of such delays.

Dual citizenship

According to the Lebanese Ministry for Migration, there have been no restrictions on multiple citizenship in Lebanon since 1 January 1926, and foreigners who acquire Lebanese citizenship and Lebanese citizens who voluntarily acquire another citizenship retain their Lebanese citizenship (subject to the laws of the other country), as was the case before that date.

Since the nationality laws of many countries now allow both parents to transmit their nationality to their common child (and not only the father, as used to often be the case), many children automatically acquire multiple citizenship at birth. However, Lebanon specially notes that this has not created any practical problems. Military service, the most likely problem to arise, is usually done in the country where the person resides at the time of conscription. For instance, a dual Lebanese-Armenian national must do his military service in Armenia, since Armenia has compulsory military service for two years for males from 18 to 27 years old. All male dual citizens regardless where they live are required to serve in the military as if they were Armenian resident citizen with certain exceptions. Most male Armenian citizens living outside of Armenia do not return to serve in the military.

Until 2007, military service in Lebanon was mandatory for men only. All men were required to do one year military service through age 18+. Training was only done whenever they had free time or time off school including summer vacations and holidays. There was also training done alongside high school. On 4 May 2005, a new conscription system was adopted, making for a six-month service, and pledging to end conscription within two years. As of 10 February 2007 mandatory military service no longer exists in Lebanon.

Even though Lebanese nationality law permits multiple citizenship, a Lebanese national who also holds another country's citizenship may be required to renounce the foreign citizenship, under the foreign country's nationality law. A dual Lebanese-Japanese national must, for instance, make a declaration of choice, to the Japanese Ministry of Justice, before turning 22, as to whether he or she wants to keep the Lebanese or Japanese citizenship.

Reforms

There is a public demand for giving the opportunity for Lebanese women to transmit their Lebanese nationality to their children and also to their husbands.[7][8][1] Moreover, the Lebanese citizenship to be given to the 8-14 million diaspora of Lebanese living all over the world.[9][10]

On 7 November 2015, Gebran Bassil, the Minister of Foreign Affairs and Emigrants, "refused to compromise on a draft law that would grant citizenship to the descendants of Lebanese expatriates by expanding it to include the foreign spouses and children of Lebanese women".[11]

On 11 November 2015, the Lebanese Parliament and Free Patriotic Movement member Ibrahim Kanaan stated that the ministers have agreed to pass a "10-article draft law titled “The Reacquisition of Lebanese Citizenship to the Descendants of Lebanese Emigrants,” to grant those of Lebanese origin the nationality on the basis of certain procedures and legal pathways.[10][12]

On 12 November 2015, the Lebanese Parliament approved a raft of draft laws, including a law allowing foreigners of Lebanese origin to get citizenship.[3]

On 5 May 2016, the Gebran Bassil, the Minister of Foreign Affairs and Emigrants announced the beginning of the implementation of citizenship law for Lebanese diaspora.[4][13][additional citation(s) needed] However, the law would allow only grandchildren of Lebanese paternal grandfathers but not grandchildren of Lebanese maternal grandmothers to apply for citizenship.[1]

Law for descendants of Lebanese origin

Article I [14][15][16] Every natural person who meets one of the two eligibility requirements has the right to reclaim his/her Lebanese nationality.

• 1- If the records of the 1921 census at the Ministry of the Interior and Municipalities, and the records of emigration clearly indicate that he/she or any direct paternal ancestral/predecessors or next of kin to the fourth degree were present in the Republic of Lebanon, as registered by the 1921 census records at the Ministry of the Interior and Municipalities (that will prove the emigration to a direct paternal/ancestral predecessor.

• 2- If he/she or the above-mentioned ancestral predecessors or next of kin were naturalized as Lebanese citizens according to the law of naturalization promulgated in January 19, 1925, and has neglected to claim or reclaim his/her citizenship. In other words, most emigrants required little more than their emigration papers that listed origins.[17][18]

Article II [14][15][19] This law intends to verify the “actual presence of Lebanese relatives in the town, village or neighborhood,” which an individual would claim, including the degree of kinship, along with any ownership/holding of rights to real property that may have been “devised, bequeathed, or inherited from a Lebanese citizen.”

I swear by Almighty God that I have decided to reclaim my Lebanese nationality entirely of my own free will

Although bureaucratic in nature, this aspect of the law was meant to encourage associations with the land, a defining feature of Lebanese nationality. Where one traced his/her roots were deemed vital that, again, added a specific feature to the law. The law would allow grandchildren of Lebanese paternal grandfathers to apply for citizenship.[1] The latest law would help Lebanese expatriates take part in future Lebanese parliamentary elections by voting at Lebanese embassies abroad. The number of Lebanese living outside the country is thought to at least double the number of citizens living inside,[2] which means at least 8 million people.

Refugees in Lebanon[edit]

Excessive restrictions are in place on granting of Lebanese citizenship due to the importance of the country’s demographics in the political system.[20] However, Armenian and Assyrian refugees came to Lebanon in 1915 from present-day southeastern Turkey, following the Armenian and Assyrian genocide.[21] And when Lebanon was formed after Ottoman rule subsided, these Armenians and Assyrians were given citizenship to Lebanon.[22] Also, under the Syrian-occupied Lebanon in 1994, the government naturalized over 154,931 foreign residents, of Palestinian (mostly Palestinian Christians) and Syrian (mostly Syrian Sunnis and Christians) descent.[23] It was argued that the purpose of these naturalizations was to sway the elections to a pro-Syrian government.[24] This allegation is based on how these new citizens were bussed in to vote and displayed higher voting rates than the nationals did.[23]

Most Palestinians in Lebanon do not have Lebanese citizenship and therefore do not have Lebanese identity cards, are legally barred from owning property or legally barred from entering a list of desirable occupations.[25] However, some Palestinians, mostly Palestinian Christians, however, did receive Lebanese citizenship, either through marriage with Lebanese nationals or by other means.[23] In 2017, a census by the Lebanese government counted 174,000 Palestinians in Lebanon,[26] but other sources estimate the number as high as 400,000.

On June 1, 2018, the notoriously anti-naturalization Lebanese president, Michel Aoun[27] signed a naturalization decree granting citizenship to a reported 300 individuals. These individuals come for various backgrounds and religions, however all of them are in one way wealthy and have ties to Syrian president, Bashar al-Assad.[24]

NIGERIAN NATIONALITY LAW

Nigerian nationality law is the law of Nigeria which concerns citizenship and other categories of Nigerian nationality.

(1) The following are ways to gain citizenship in Nigeria

By Birth

By Registration

By Naturalisation

By birth-namely- (a) Every person born in Nigeria after the date of independence (October 1, 1960), either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria;

Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of his grandparents was born in Nigeria.

(b) Every person born outside Nigeria either of whose parents is a citizen of Nigeria.

(2) In this section, "the date of independence" means the 1st day of October 1960.

By registration: 26. (1) Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that -

(a) He is a person of good character; two people to testify to that which one should a Religious minister...

(b) He has shown a clear intention of his desire to be domiciled in Nigeria; and

(c) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.

(2) The provisions of this section shall apply to-

(a) Any woman who is or has been married to a citizen of Nigeria or every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.

By naturalization: 27. (1) Subject to the provisions of section 28 of this Constitution, any person who is qualified in accordance with the provisions of this section may apply to the President for the same of a certificate of naturalisation.

(2) No person shall be qualified to apply for the grant of a certificate or naturalisation, unless he satisfies the President that -

\* (a) He is a person of full age and capacity;

\* (b) He is a person of good character;

\* (c) He has shown a clear intention of his desire to be domiciled in Nigeria;

\* (d) He is, in the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the local community in which he is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation;

\* (e) He is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;

\* (f) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution; and

\* (g) He has, immediately preceding the date of his application, either-

(i) Resided in Nigeria for a continuous period of fifteen years; or

(ii) Resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for periods amounting in the aggregate to not less than fifteen years.

28. (1) Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he acquires or retains the citizenship or nationality of a country, other than Nigeria, of which he is not a citizen by birth.

29. (1) Any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation.

(2) The President shall cause the declaration made under subsection (1) of this section to be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

(3) The President may withhold the registration of any declaration made under subsection (1) of this section if-

(a) The declaration is made during any war in which Nigeria is physically involved; or

(b) In his opinion, it is otherwise contrary to public policy.

(4) For the purposes of subsection (1) of this section.

(a) "full age" means the age of eighteen years and above;

(b) Any woman who is married shall be deemed to be of full age.

30. (1) The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship, if he is satisfied that such a person has, within a period of seven years after becoming naturalized, been sentenced to imprisonment for a term of not less than three years.

(2) The President shall deprive a person, other than a person who is citizen of Nigeria by birth, of his citizenship, if he is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him, that -

(a) The person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or

(b) The person has, during any war in which Nigeria was engaged, unlawfully traded with the enemy or been engaged in or associated with any business that was in the opinion of the president carried on in such a manner as to assist the enemy of Nigeria in that war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.

31. For the purposes of this Chapter, a parent or grandparent of a person shall be deemed to be a citizen of Nigeria if at the time of the birth of that person such parent or grandparent would have possessed that status by birth if he had been alive on the date of independence; and in this section, "the date of independence" has the meaning assigned to it in section 25 (2) of this Constitution.

32. (1) The president may make regulations, not inconsistent with this Chapter, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Chapter, and for granting special immigrant status with full residential rights to non-Nigerian spouses of citizens of Nigeria who do not wish to acquire Nigerian citizenship.

(2) Any regulations made by the president pursuant to the provisions of this section shall be laid before the National Assembly NIGERIA

CITIZENSHIP: Citizenship is based upon the Constitution of the Federal Republic of Nigeria, dated 1989. (UKC-Commonwealth Nation) Those born before or on the date of independence, October 1, 1960, whose parents or grandparents were born in Nigeria and who were legally residing in Nigeria at the time, are considered citizens of Nigeria. BY BIRTH: Birth within the territory of Nigeria does not automatically confer citizenship. BY DESCENT: Child, at least one of whose parents is a citizen of Nigeria, regardless of the child's country of birth. REGISTRATION: The following persons are eligible to become citizens through registration: A foreign woman who marries a citizen of Nigeria. Person who is of adult age (17), born outside Nigeria, any of whose grandparents is or was a citizen of Nigeria. A foreign child adopted by Nigerian parents. BY NATURALIZATION: Nigerian citizenship may be acquired upon fulfillment of the following conditions: Person is of full age (17), has resided in Nigeria for at least 15 years, is of good character, plans to remain in Nigeria, is familiar with Nigerian language and customs, has a viable means of support, and has renounced previous citizenship.

LOSS OF CITIZENSHIP:

VOLUNTARY: Voluntary renunciation of Nigerian citizenship is permitted by law. Contact the Embassy for details and required paperwork. INVOLUNTARY: The following are grounds for involuntary loss of Nigerian citizenship: Registered or Naturalized citizen voluntarily acquires the citizenship of a foreign country. Naturalized citizen, before seven years of residence, sentenced to prison for three years or more. Registered or Naturalized citizen is convicted of acts of disloyalty to the Federal Republic of Nigeria.

Dual nationality

Nigerian nationality law allows dual nationality of people of Nigerian descent either through birth or parentage. They are also allowed to hold public office in Nigeria.

Some in Nigeria feel that dual nationality damages nationality unity of the country.

2. OTHER THEORIES OF THE EVOLUTION OF STATE INCLUDE:

i. DIVINE ORIGIN THEORY: Divine Theory of Origin of State, though one of the earliest, has a simple explanation to offer. It is a theory of political authority and not a theory of the origin of the State. The State, its advocates maintain, was created by God and governed by His deputy or Vicegerent. It was His will that men should live in the world in a state of political society and He sent His deputy to rule over them. The ruler was a divinely appointed agent and he was responsible for his actions to God alone. As the ruler was the deputy of God, obedience to him was held to be a religious duty and resistance a sin. The advocates of the Divine Origin Theory, in this way, placed the ruler above the people as well as law. Nothing on earth could limit his will and restrict his power. His word was law and his actions were always just and benevolent. To complain against the authority of the ruler and to characteristic his actions as unjust was a sin for which there was divine punishment.

ii. FORCE THEORY: Having increased the number of his followers, over whom he exercised undisputed authority, he became a tribal chief. A clan fought against a clan and a tribe against a tribe. The, powerful conquered the weak and this process of conquest and domination continued till the Victorious tribe secured control over a definite territory of a considerable size under the sway of its tribal chief, who proclaimed himself the King. Leacock gives a matter of fact explanation of the Force Theory when he says that historically it means that government is the outcome of human aggression, that the beginnings of the State are to be sought in the capture and enslavement of man by man, in the conquest and subjugation of feebler tribes and generally speaking in the self-seeking domination acquired by superior physical force. The progressive growth from tribe to kingdom, and from kingdom to empire is but a continuation of the same process. The theory, in from tells us that the State is primarily the result of forcible subjugation through long continued Warfare, among primitive groups and historically speaking, as Jenks says, “there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare.”Once the State had been established, force, which had hitherto been utilized for subjugating others. Was used as an instrument for maintaining internal order and making it secure from any kind of external aggression. But this alone was not sufficient. Force was used as the sinews of war and power and a bid for superiority, one State fought against another, eliminating the weaker and only those survived which either could not be conquered, or no venture was made to conquer them as they were comparatively powerful. The theory of Force, therefore, traces the origin and development of the State to conquest and justices its authority, by the proposition that might is right. The theory has, thus, four Implications. First, force is not only a historical factor, but is the present essential feature of the State secondly, that the States were born of force only thirdly, that power is their justification and raison d’etre and, finally, that the maintenance and extension of power within and without is the sole aim of the State.

iii. EVOLUTIONARY THEORY: All the five theories were analyzed before regarding ‘The Origin of the State’ is inadequate, incomplete, defective and speculative. It was not able to give the true and correct explanation of the origin of the state. It was lacking on the ground of logic, legal, philosophical and historical defect. It is an assumption and the emphasis is on the one or two facts which is insufficient to come to a definite conclusion. In this regard, Dr. Garner has aptly stated, “the state is neither the hand work of God; nor the result of superior physical force; nor the creation of resolution of convention, nor a mere expansion of family. The state is not a mere artificial creation but an institution or natural growth of historical evolution”. J W Burgers reported that “state has a continuous development of human society out of a grossly imperfect beginning through crude but improving forms of manifestation towards a perfect and universal organization of mankind”48. According to Leacock “the state is a growth, an evolution, the result of a gradual process running through out all the known history of men and receiving into remote and unknown past”49. A detailed examination of the rise of the state resulted in that there were many factors which have contributed for the evolution of the state. Thus, the important factors contributed to the growth of the state are 1. Natural Instinct 2. Kinship 3. Religion 4. Property and defense 5. Force 6. Political Consciousness Further, investigation reveals that the facts contributed played different role in attaining the constituent portion of the statehood. The method adopted by each community varies from each other and is different according to environment. In this regard, Sumner and Keller rightly pointed out that “As there are no charms or even sharply marked lines of demarcation between periods of evolution but zones of transition only, it is impossible to say at what point the state first appears as it is to determine when moral becomes law or at what hour the child becomes youth or youth a man”.