AFE BABALOLA UNIVERSITY, ADO EKITI, EKITI STATE.

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QUESTION- 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.

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1. HOW CAN A LEBANESE RETAIN CAN LOSE HIS OR HER NEWLY ACQUIRED NIGERIAN CITIZENSHIP.

What is Citizenship?

According to Wikipedia, Citizenship is the status of a person recognized under the custom or law as being a legal member of a sovereign state or belonging to a nation. The idea of citizenship has been defined to the Capacity of individuals to defend their rights in front of the governmental authority.

Types of Citizenship include

1. Citizenship by Birth- The provision of section 25 of the Nigerian Constitution states that the following people are to be regarded as citizen of Nigeria by birth.
   1. People who were born in Nigeria before and after the date of Independence
   2. People whose parents, grandparents or other relatives belong to indigenous Nigerian Communities. And what is meant by the indigenous communities from Nigeria? Nigeria is a country with hundreds of tribes and if your parents or grandparents belong to one of these tribes, you can be or become a citizen of Nigeria by birth. It includes Igbo, Yoruba, Hausa, Fulani, Efik and many others.
   3. If your parents or grandparents were or are citizens of Nigeria by Birth; this applies if you were born in another country
2. Citizenship by Registration- The provisions of section 26 of the Nigerian Constitution explain that a person who is not Nigerian by birth can become a citizen of Nigeria by Registration. A person can apply to become a Nigerian citizen by registration if he or she satisfies these conditions:
   1. The person is of good character (This statement should be testified by two people, and one of them should be a religious minister)
   2. This person expresses and shows clear intention of his inclination/desire/wish to be domiciled in Nigeria.
   3. This person has subscribed to the oath of allegiance to Nigeria, which is provided by the seventh schedule of the Nigerian Constitution
   4. The provisions of section 26 of the Nigerian Constitution also state that the following categories of the citizen can apply for the Nigerian. It also includes every person who has parents or grandparents of any indigenous Nigerian tribe.

C. Citizenship by Naturalization- if a person cannot apply to become a Nigerian citizen by Birth or Registration, he can still apply to become a naturalized Nigerian citizen if he meets these requirements:

1. This person is of full age.

2. This person is of good character ( just like in the type before)

3. This person has shown a clear desire to be domiciled in the country.

4. The governor of the state where the person applying for citizenship wants to reside has to confirm the desire of the community to assimilate this person.

5. The person should be capable of contributing to the well being of Nigeria and its citizen.

6. The person has lived in Nigeria for fifteen years preceding the application date.

C. Dual Citizenship- A person who is a citizen of Nigeria by birth can acquire the citizenship of another country. Nonetheless, it’s not an option for the people who became citizens of Nigeria by naturalization or registration will have to announce his/her other citizenships within 12 months. 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. Now back to the question, how can a Lebanese retain lose his or her newly acquired Nigerian Citizenship.

RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

**“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” S.29 (1)** 1999 constitution of the Federal republic of Nigeria.

From the above provision of the constitution evidently say that renunciation is a voluntary act of relinquishing ones citizenship or nationality for another.

Historically, the right to renounce one's obligation to his country was perpetually denied by the common law doctrine. This denial however continued till late 19th century when the United States passed into law her **Expatriation Act of 1868** and later the Bancroft Treaties which recognized the right to renounce one’s citizen.

**Reasons why people renounce their citizenship?**

1. Multiple citizenship- In Nigeria, despite the fact that S.28 of the 1999 constitution allows for dual citizenship, on the other hand, it has also limited saw by making a person to forfeit his Citizenship where it appears that such person is not a citizen by birth and he later acquires or retain the citizenship or nationality of another country other than Nigeria. It is advised that any person vying for any elective political Citizenship of any elective political position should rather renounce their Citizenship of the other country before making attempt to contest for any election in Nigeria.
2. Out of allegiance- when a person pledges his allegiance or loyalty to another country other than his own country, he advertently or inadvertently relinquishes his Citizenship of his earlier country. This can overtly be carried out by joining the armed force of the country or accepting jobs where an oath of allegiance or other form declaration of allegiance is required.

**Conditions/ procedure for renunciation.**

**Eligibility**

1. Such person must be aged 18 years and above (exception to a married woman below 18. (S.29 (4)(b))
2. Such person must be of a sound mind
3. Such person must have acquired or would likely be granted Citizenship in another country
4. Such person has no criminal or financial liability to the state.

**Consequences for renunciation of citizenship**

Below are the consequences of renouncing one’s Citizenship in Nigeria. The right and qualification to vote and be voted for has been relinquished. The Federal government bears no responsibility for protection and assistance while traveling overseas.

1. Automatically the Citizenship of the children born abroad has also been relinquished because the parents are no longer a citizen of Nigeria
2. No more access to Federal government jobs once relinquished.

2. SOCIAL CONTRACT THEORY EXPLAINS THE EVOLUTION OF STATES, WHAT OTHER THEORIES EXPLAIN THE SAME, AND THEIR STRENGTHS.

Social contract theory, nearly as old as philosophy itself, is the view that persons’ moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live. Socrates uses something quite like a social contract argument to explain to Crito why he must remain in prison and accept the death penalty. However, social contract theory is rightly associated with modern moral and political theory and is given its first full exposition and defense by Thomas Hobbes. After Hobbes, John Locke and Jean-Jacques Rousseau are the best known proponents of this enormously influential theory, which has been one of the most dominant theories within moral and political theory throughout the history of the modern West. In the twentieth century, moral and political theory regained philosophical momentum as a result of John Rawls’ Kantian version of social contract theory, and was followed by new analyses of the subject by David Gauthier and others. More recently, philosophers from different perspectives have offered new criticisms of social contract theory. In particular, feminists and race-conscious philosophers have argued that social contract theory is at least an incomplete picture of our moral and political lives, and may in fact camouflage some of the ways in which the contract is itself parasitical upon the subjugations of classes of persons. Other theories that explain the evolution of state include-

1. Force Theory

2. Divine Right Theory

**3**. Evolutionary Theory

1. Force Theory- This theory proposes that the origin of state is developed through the use of force. One person or a small group of people claim control over the population in a specific area by force.





#### Once the rule is well established the state is established. This theory is generally a result of war. One example: Adolf Hitler and his control over Germany that led to the attempted control of Europe, as well as the mass genocide of the Jewish population. Merits of the Theory:

****The theory of force, though untenable as an explanation of the origin of the state, has some redeeming features:****

First, the theory contains the truth that some states at certain points of time were definitely created by force or brought to existence by the show of force. When the Aryans came to India they carried with them weapons of all kinds and horses to use in the war against the non-Aryans and by defeating the non-Aryans they carved out a kingdom in India.

Later on, the Aryans sprawled their kingdoms and broad-based their government and ruled with the backing of the people.

Secondly, the other silver lining of the theory is that it made the slates conscious of building adequate defence and army to protect the territorial integrity of the state. That is why we find commanders of war or Senapati as an important post in the ancient kingdoms.

In the modern state, we find a substantial amount of money used on defence budget. Every state in the modern world has got a defence minister which unmistakably recognises the use of force in modern statecraft too.

2.Divine Right Theory-The divine right theory holds that God created the state. God gave certain individuals of royal birth the divine right to rule. Since God divinely ordained its rulers and they were accountable to God, the population obeyed the ruler as they were required to obey God.





This theory existed in many countries such as England and Europe throughout the Middle Ages. Although the divine theory is totally discredited as an origin of the state, there are some good things in it. The summum bonum of the theory is that it stimulated discipline and law-abidingness among the subjects at a time when these were the needs of the hour in those anarchical conditions. This theory also created the moral responsibility of the rulers, because they were cast with a divine injunction to rule to the perfect satisfaction of the heaven.

3. Evolutionary Theory-

This theory states that the state evolved over time, starting with the primitive family. One person in the family was determined to be the leader of the family. On a primitive level, a basic government was formed.





Over decades, the family became a clan and a clan became a tribe. The state was identified when the tribe settled in a designated area and claimed it as their own.