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***MID SEMESTER ASSIGNMENT ON CITIZENSHIP AND THEORY***

***QUESTION :HOW CAN A LEBANESE LOOSE HIS NEWLY GOTTEN NIGERIAN CITIZENSHIP***

RETAINING OR GAINING CITIZENSHIP

Firstly what is citizenship?

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 as the capacity of individuals to defend their rights in front of the governmental authority. Every member of a state or country has this right but foreigners can also gain citizenship through other ways

For example

1. By Birth
2. By Registration
3. 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. 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 -

1. (a) He is a person of good character; two people to testify to that which one should a Religious minister...
2. (b) He has shown a clear intention of his desire to be domiciled in Nigeria; and
3. (c) He has taken the [Oath of Allegiance](https://en.m.wikipedia.org/wiki/Oath_of_Allegiance" \o "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.

A FOREIGNER(Lebanese)CAN ALSO GAIN CITIZENSHIP THROUGH :

**By naturalization:** . 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.

1. No person shall be qualified to apply for the grant of a certificate or naturalisation, unless he satisfies the President that -
2. He is a person of full age and capacity;
3. He is a person of good character;
4. He has shown a clear intention of his desire to be domiciled in Nigeria;
5. 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;
6. He is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;
7. He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution; and
8. (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. 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. 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 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 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 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. 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](https://en.m.wikipedia.org/wiki/Federal_Republic_of_Nigeria" \o "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 of this Constitution.

32. 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

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Nigerian nationality law allows [dual nationality](https://en.m.wikipedia.org/wiki/Multiple_citizenship" \o "Multiple citizenship) 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.

This Lebanese can also lose this citizenship through some certain ways

"Involuntary loss" may occur due to either automatic lapse of the citizenship from the lebanese for failure to take some action to retain citizenship, or active withdrawal of citizenship by the country if this Lebanese should do actions against the rights of Nigeria eg stealing or being an espionage or try to overthrow government .

In contrast, "voluntary loss", often called "relinquishment" or "renunciation" **Renunciation of citizenship**. Renunciation is the voluntary act of relinquishing one's **citizenship** or **nationality**. It is the opposite of **naturalization**, whereby a person voluntarily acquires a **citizenship**, and is distinct from denaturalization, where the loss of **citizenship** is forced by a state, is initiated by the Lebanese It is not always easy to make a clean distinction between the two categories: loss of citizenship due to an initial cause undertaken voluntarily (for example, voluntarily serving in a foreign military or voluntarily naturalising as a citizen of a foreign country) could be seen either as "voluntary loss" or "involuntary loss".

The [European Union Democracy Observatory](https://en.m.wikipedia.org/wiki/European_Union_Democracy_Observatory" \o "European Union Democracy Observatory), in a study of the nationality laws of thirty-three European countries, found nine broadly-defined cases in which a citizen of a country may lose his or her citizenship:

1. Voluntary acquisition of another citizenship this is when the Lebanese apply for another citizenship
2. Residing abroad on a permanent basis :this occurs if the Lebanese goes to stay abroad for a longer time or period
3. Fraud in the naturalisation process, including [sham marriages](https://en.m.wikipedia.org/wiki/Sham_marriage" \o "Sham marriage), or failure to give up the other citizenship in countries which require that as a condition of naturalisation
4. Serving in a foreign military or foreign government
5. Upon adoption by a foreign citizen, or other change in the child's legal relation to the parents such as annulment of maternity/paternity
6. For a minor, upon the loss of citizenship by the parents of the Lebanese
7. Failure to fulfill conditions, for example in Japan, where Japanese children born with an additional citizenship lose Japanese citizenship if they fail to give up the other citizenship before the age of 22

Note :Involuntary loss of citizenship does not necessarily mean automatic and immediate loss. Even if a country's laws state that under certain circumstances citizenship is automatically removed, until officials of the government or embassy are informed, that country's government will probably still retain that person's name in its citizenship records.

Assignment 2 social contract theory and other theories explaining the state

**Social Contract Theory.**

The Divine theory established the ‘Divine Rights’ of kings. In contradiction, the social contract theory emphasized that the state was not the creation of God but it was the result of an agreement entered into by men who originally had no government organisation. The history of world is divided into two periods; the period before the state was initiated and the period after.

# In the first period there was no government. There was no law that could be enforced as there was no human authority to formulate and to enforce them. Man lived in a state of nature, in which they were subject to follow only such regulation that nature was supposed to prescribe. How men lived in the state of nature without coercive agency of a government, what made them establish a government, the term of contract and the party to contract where discussed in the theory. One thing accepted by all the exponents of the theory was that the state was a human creation as a result of contract. With all its defects the theory has certain merits. It emphasized the state to ensure safety and protection of its subjects. The civil society rests on the consent of the ruled and not .

# The theory of Divine Origin

This is the oldest theory among the origin of the state. It stated about the right of kings. The formal statement of this theory is that the state has been established by and ordinates of God; its rulers divinely appointed; they are accountable to no authority but God, as described in Bible. The combination of earlier rulers where of priest and king or the magic man and king[[1]](#footnote-1).

According to Maclver, the magic man was priest and king. All are combined as one. In the epic Mahabarath, it is recorded God appointed Manu to rule the people as per their request to protect them. James in his work “The Law of Free Monarchies”, kings are justly called God, for they exercise a manner of resemblance of divine power on earth, King are accountable for God only. The people cannot question him for the right or wrong done by him. James has stated the following rights of the king in Law of free Monarchies:23

1. Monarchy is divinely oriented.
2. Hereditary right is indispensable
3. Kings are accountable for God alone.
4. Resistance to lawful king is sin.

This theory has supporters only among the religious people. It has been nullified for being unhistorical, irrational and unscientific. Its merit was a powerful factor in preserving order and strengthening the respect of man, property and government and it reveals itself in the political organization.

**Force Theory:**

The exponents of the force theory were of the view that the origin of state and its development was based on force, that is, force used by the strong over the weak and their consequent control over them. In such a way, wherever the strong group out did the weak the strong became the master and ruled the weak. The strong group became vested with ruling power and the fedeated were made their subjects. According to the Jenks “Historically, there is not even the slightest difficulty in proving that all political communities of the modern type owe their existence to the successful warfare. The warring clans and tribes established their authority in a definite territory. Their chief became the ruler on the basis of his physical force. The state is born out of force. Exist in force and die in the absence of force. According to Bluntschli, force is an indispensable element of the organization of the state[[2]](#footnote-2). In the two world wars, Great Britain defended its territory against the Nazi forces only with the military power. Further, the Russian military power stopped the aggression of the German forces.

The force theory is scientific, its application could be seen through the historical incidents. Herbert Spencers doctrine of the “Survival of the Fittest” proves and upholds the theory.Through “blood and iron” some greatest states have been established. In practice, this theory is very dangerous. It is endangering the peace and security of the world. The very basis of this theory was direction to the states towards preparation of war, war is known for destruction and killing of mankind and suppressing the moral forces. The theory justifies despotism. It is against the freedom of small nations, international peace and amity. International law rejects this theory. Interstate relations cannot be based on force. Force ceases only to be the basis of the state which does not stand on solid foundation.

**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. 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”[[3]](#footnote-3). 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”50. The state is a historical and natural growth. Natural instinct, kinship, religion, property defence and commerce, force and political consciousness have been the dominant factors. It is a gradual evolutionary process. State is not divine organization it is natural formation; it is not based on force only yet it is the influence of factors; it is not based on contract or consent; nevertheless, political consciousness is the life and blood of state. State is not a mere expansion of family however blood relationship is an important factor in evolution of state. On thorough study and analysis of all the theories, it is revealed that historical or evolutionary theory is more realistic and scientific in approach. Therefore modern political researchers have considered this theory as realistic and scientific in explaining the evolution of state. No single factor is responsible for the growth of the state

1. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)