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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.

**HOW A LEBANESE RETAIN OR LOSE HIS OR HER NEWLY ACQUIRED NIGERIAN CITIZENSHIP**

**INTRODUCTION**

The Nigerian constitution may have accepted in principle the prominent models of citizenship as well as the factors that determine it but in reality it is denied in various spheres of life. This paper, employing the methods of philosophical exposition and analysis while relying on data from books, journals and current affairs, reviews the concept of citizenship with the objective of determining its practicability or impracticability, application or denial in contemporary Nigerian society. The paper exposed some shortcomings and discrepancies in the application of citizenship in the various confederating states in Nigeria and recommends a strict application of citizenship as it is applicable in other parts of the civilized world and as it is enshrined in the Nigerian constitution.

 The fact that a Lebanese acquired a Nigerian citizenship means there is a presence of dual citizenship. Dual citizenship simply means, multiple **citizenship**, **dual citizenship**, multiple **nationality** or **dual nationality**, is a person's **citizenship** status, in which a person is concurrently regarded as a citizen of more than one country under the laws of those countries.Dual citizenship has become an unexceptional status in the wake of globalization yet remains at the sufferance of states. This essay advances the novel claim that dual citizenship should be protectable as a human right. In light of the threat that dual nationals once posed to stable bilateral relations, states were justifi ed, historically, in suppressing the status. As that threat has dissipated, the values of freedom of association and liberal autonomy implied by citizenship ties should trump lingering state resistance. Failure to recognize the status also burdens the exercise of political rights by raising the cost of naturalization. Insofar as dual citizenship undermines state solidarities, that interest is too diffuse to justify nonapplication of associational and self-governance norms. There is growing evidence from state practice that dual citizenship is appropriately situated in a human rights framework.

 On Dual citizenship, a person shall forfeit 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. A citizen of Nigeria of full age, may renounce his Nigerian citizenship by making a declaration in the prescribed manner for the renunciation, and the President shall cause the declaration to be registered, thereupon the person ceases to be a Nigerian citizen. And the President may deprive a person , other than a person who is a citizen of Nigeria b y 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.

**DENIAL OF CITIZENSHIP IN NIGERIA AND FACTORS MILITATING**

**AGAINST CITIZENSHIP RIGHTS IMPLEMENTATION**

We must affirm strongly that to be truly a citizen one’s basic constitutional rights must be well protected by the law of the land irrespective of the part of the country he resides. Hence Barbalet (1988, 20) asserts that for one to be truly called a citizen “there must be freedom the state cannot invade as well as actions that the state must perform.” The practical acceptance of citizenship in contemporary Nigeria through the implementation of some rights accruing to one by the fact of his being a citizen notwithstanding, the issue of Nigerian citizenship is weak because in practice it is secondary to ethnic nationality, state, local government, town, clan or village citizenship as the case may be. Thus while possessing town, clan or village citizenship guarantee one of all the rights and privileges of Nigerian citizenship, it is not the case that possessing Nigerian citizenship entitles one of the rights and privileges provided by the state, town, clan or village citizenship.

 Hence in Nigeria, many Nigerian citizens are accorded the status of aliens once they are outside their state of origin, local government, town, clan or village in various spheres of life. Among the many areas that witness the deprivation of citizenship rights in Nigeria to Nigerian citizens and question the importance of Nigerian citizenship include the following:

1. **In the area of employment and job opportunities.**

 The Indigene and Non-indigene syndrome determines a lot of things in getting employed in

Nigeria. It is extremely difficult for a Nigerian citizen to be offered employment in a job provided by a state or local government outside his state or local government of origin. Such jobs are for indigenes of that state or local government. It is also near impossible even to get jobs in some federal government establishments located in a particular state or some state government establishments located in a particular local government if one does not come from that locality. Hence Nigerian citizens who even if they were born in these states or local governments, as the case may be, and have lived all their lives in these places are denied this opportunity simply because their parents were non-indigenes of the state. This discrimination International Journal of Research in Arts and Social Sciences has also found itself in non-governmental or private establishments where indigenes agitate for the employment of their people to key positions to the exclusion of other Nigerians. In this case it has become almost impossible to see a non-indigene being the Vice-Chancellor of a state university and very rare to see one in a federal university. Highly qualified Nigerian professionals cannot become Chief Medical Directors, Chief Judges, Accountant Generals, etc. in General or Teaching Hospitals, or state government ministries outside their own states of origin.

1. **In the area of education many Nigerians are discriminated against as aliens outside their states of origin even when they and their parents reside in such states and fulfilled their social obligations in the state in question.**

 Some state governments that offer scholarship to students at secondary and university levels insist that beneficiaries of such scholarship must be indigenes of the state and must be students of state owned institutions, other Nigerian citizens even if they or their parents are tax payers in such a state, or even if they were born and reside there but have another state of origin are denied this privilege. In some states of the Nigerian federation there exists a dichotomy in the payment of school fees at the secondary and university education levels in institutions run by the state. Non-indigenes pay higher school fees like foreign students do. In some states that register the students for external examination like WASC or NECO free of charge, Nigerian Citizens who are not indigenes of such states are excluded. In offering of admission into institutions of higher learning the scores used as cut off marks are not the same for all Nigerians; the bar is raised for non-indigenes to deny them admissions in favour of indigenes who can be admitted with far lower scores.

1. **In elective offices:**

 The denials of citizenship through discrimination and promotion of grades of first class and second citizens rears its head again in the exercise of one’s civic right of being voted for during elections. Whereas a citizen of Nigeria can vote in any part of the country where he resides, he may not be voted for outside his place of origin even when the constitutional requirements are met. For instance, it is easier for an indigene who resides in the United States to come home and contest for election than for a non-indigene who has lived more than thirty years in the locality to contest even if he was born and bred there. This being the case, the citizen of Nigeria in question is being treated as a non-citizen though he has fulfilled all the conditions required by law to stand for election for the office in question. The reason for his disqualification is simply because he is a non-indigene.

1. **In several other areas**

 The denial of citizenship rears its head virtually in every spheres of life in the Nigeria contemporary society. In the acquisition of land, in taxation, in promotions, in award of contracts, in the civil service, in the military even in religious circles, provision of medical care, etc., discriminations abound based on indigene and non-indigene criteria thereby denying some well qualified Nigerian citizens the rights and privileges they are entitled to while demanding of them the fulfillment of their social obligations. Thus their being second class citizens in their country make them in no way better than aliens. It may be asserted that in Nigeria it is more profitable to be an indigene than to be a citizen since “indigeneship” carries with it all the rights and privileges of citizenship whereas Nigerian citizenship does not carry with it the rights and privileges offered by “indigeneship”. It may even be said that Nigerian citizenship concedes some of its rights and privileges when confronted by “indigeneship.” Being an indigene of a particular ethnic nationality, state, local government area, town, clan, village or kindred, as the case may be, is stronger than being a Nigerian citizen because it offers more opportunities than being a Nigerian citizen. First and foremost it guarantees a person one hundred percent right to

Nigerian citizenship and all it offers and grants a person more rights and privileges in hislocality more than Nigerian citizenship can grant a non-indigene. International Journal of Research in Arts and Social Sciences

 In the contemporary Nigerian society there is a very visible dichotomy or conflict between

indigeneship and citizenship with the former appearing to be more profitable than the latter.

Being a non-indigene in a particular state in Nigeria outside one’s state of origin is near to being a non-Nigerian.

**FACTORS THAT CONTRIBUTE TO THE DENIAL OF CITIZENSHIP IN**

**CONTEMPORARY NIGERIAN SOCIETY**

 First among the factors that lead to the denial of citizenship rights in contemporary Nigeria is the existence of and loyalty to ethnic nationalities, states, local government areas, towns, clans, villages etc. This natural or administrative structural factor in turn promotes “son of the soil” syndrome or what Omotosho (2010, 146-180) regards as “indigeneity” or “indigeneship” which promotes the abuse and denial of Nigerian citizenship in a plethora of ways making Nigerian citizens mere second class citizens outside their states of origin.

 In Nigeria there is undue attachment and loyalty to one’s ethnic nationality, state, or local government. This factor makes indigenes of a particular state, local government, town, clan, etc. exclude other Nigerians from benefits that belong to all Nigerians simply because they are non-indigenes. The worst hit in this indigeneity drama are Nigerian citizens without an ethnic nationality who may have obtained their citizenship by naturalization or as settlers.

They may have no state or ethnic nationality to have recourse to. In this case their Nigerian citizenship will be of little consequence. Thus the undue recognition and loyalty to the multiple indigenous groups more than the Nigerian state is a major inhibiting factor to the proper application of citizenship in the contemporary Nigerian society.

Another factor that contributes to denial of citizenship rights in Nigeria is disregard for the rule of law. Where the rule of law is not respected the society is open to all forms of abuse of human rights. There seem to be a tacit approval of the discrimination Nigerian citizens face outside their states of origin, because no individual nor cooperate body has been prosecuted for discriminating against citizens of Nigeria in their own country.

Other factors that promote the denial of citizenship rights in the contemporary Nigerian society are Prebendalism and Clientelism which established a political hegemony that favour its loyalists to the exclusion of others. Ukpe (1999, 13) sees prebendalism as a system of spoilt politics where the winner takes all. Political affiliation fostered by prebendalism solely and exclusively represents the interest of their members represented by politicians, contractors, legal professionals, bureaucrats, military personnel and the academia. Hence employment promotions, appointment to key lucrative positions in government establishments are the exclusive reserve of members to the exclusion of other well qualified citizens of Nigeria merely seen as outsiders or second class citizens.

According to Joseph (1999, 55) clientelism is “a channel through which one joins the dominant class and a practice which is then seen as fundamental to the continued enjoyment of the prerequisites of that class.” Thus prebendalism and clientelism are two sides of the same coin by which people, through the help of godfathers to whom they have shown loyalty, receive undue favours like promotions, contracts, key appointments, loans, plots of land etc when other citizens are denied such favours.

**CONCLUSION**

 The Nigerian state as this paper has shown is a Nation-State, i.e. a nation organized as an association of many ethnic nationalities which are communities or groups with all the conditions for a common life that promotes natural sentiments of loyalty and identity. Hence these ethnic groups are so intrinsically bound together as nations in the stronger sense than the Nigerian federation which is a nation in the weaker sense held together by a legal bond.

The structure of the Nigerian state where Nigerian citizens show more loyalty to their ethnic nationality has made the application of citizenship in Nigeria an unfulfilled project. It is a proven fact that many Nigerian citizens are either treated as second class citizens or aliens in Nigeria with the rights and privileges of citizenship denied them because they are not indigenes of a particular ethnic group, state or local government. In Nigeria therefore it is indigeneship that matters and not citizenship. Being a citizen of Nigeria without being an indigene of a state or local government is of little benefit in Nigeria. Disregard for the rule of law, prebendalism and clientelism are other ugly practices that promote the denial of citizenship in Nigeria. Though it will be wrong to assert that the Nigerian citizenship is totally inconsequential, it will not be false to say that its denial is more visible than its application in contemporary Nigeria where Nigerian citizenship means very little outside one’s state of origin.

This paper after the above recommendations believe that full implementation of citizenship right is a realizable project if Nigerians work towards national integration irrespective of their ethnic nationalities and states of origin; if Nigerians will accept and treat each other as members of the same Nigerian family with equal duties, rights and privileges irrespective of their parental origin, language, religion or political affiliation; if Nigerians respect the rule of law and finally if Nigerians will pay more loyalty to the Nigerian state than their ethnic nationality and highlight the things that unit them while minimizing the things that divide them

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**SOCIAL CONTRACT THEORY EXPAINS THE EVOLUTION OF STATES, WHAT OTHER THEORIES EXPLAIN THE SAME, AND THEIR STRENGTHS**

**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”35. 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 state36. 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.

 **Merit and Demerit 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 34 Ibid - Eddy Asivatham .K.K .Misra P. 76. 35 E.Jenks, “A History of Politics : Page No.71 36 R.C. Agarwal, “Political Theory” Page No. 116. 21 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.

**Patriarchal Theory:** Family is the foremost constituent of society as it is the oldest of all human institutions and playing important role in the evolution of state. Aristotle says, “the state is the natural expansion of the family”. According to Leacock “First, the house hold, then patriarchal family, then, the tribe or persons of kindred decent and family nation – so emerged the social series created on this basis”. Sir Henry Maine (1822 – 88) the chief supporter of the Patriarchal theory has stated, “the elementary group in the family, connected by common subjection to the highest male ascendant: the aggression of families form gents or house: the aggression of house make the tribe – the aggression of tribes consist the common wealth”37. In brief, state is the extension of family, the head of the state is the father; people consist of his children. To strengthen his view, he cited the examples from ‘Old Testament’, the Brotherhoods of Athens, the Patria Potestas of Rome, and the Indian joint family system , further he added, “the eldest male parent – the oldest ascendant was absolutely supreme in his house hold and his domination extended to life and death and was as unqualified master for his children and their houses, so for his wives”39. Thus, the Patriarchal theory was established on the principle of three features i. Male kinship ii. Permanent Marriage and H.S.Maine, “Ancient Law World Classical Edition: Page No.106 38 Ibid - A. Appadurai - Ibid -Eddy Asivatham .K.K .Misra - page No. 78. iii. Paternal authority

 **Criticism and value**: Mc Herman, Morgan and Jenks condoned the patriarchal theory on the ground that Matriarchal families are prior to patriarchal families, that is, the process by which the families develop from clans into tribes. (According to Maine’s concept, ‘however the tribe in their earliest and the primary groups and then comes the clan and finally comes the family, Finally, family and state are separate’40). It is wrong to indicate that one develops with the help of other. The theory emphasized that the primitive society and family are not the origins of the state. However, it has the merit on the ground as the theory emphasised the element kinship in making the origin of the state.

 **Matriarchal Theory:**

The fundamental idea of Matriarchal theory is that “maternity is a fact; paternity is a fiction”. According to this theory in the primitive society, there exisist Matriarchal groups or hordes. The kinship could be traced only through mother and there was no common male head. Chief exponents of the theory are Mc Herman, Morgan and Jenks. In their publications,

“Primitive Society” (1866), “Studies in ancient society” (1877), “A history of politics” (1900) have described the Matriarchal theory43. According to them, Matriarchal system was prior to patriarchal system. There was no male head kinship was found out through mother (and mother to daughter). There was no permanent institution of marriage. The permanent form of marriage was association of polyandry, women had more than one husband. Therefore, in this kind of society the kinship was traced through women and not in men. In this system children belong to the clan of their mother. After the mother’s death, the elder daughter takes over the property. To support their idea, they had chosen the similar system existing in Australia, Malaya, Bangladesh and Malabar44. According to them, ‘family leads to the formation of gens and gens to that of tribes, the expansion of tribes to village, expansion of village to state’.

**Evaluation:**

The Matriarchal theory traces the origin of the state from primitive society. It points out that the evoluation of the state started from the tribe and not from family and it has been verified by anthropologist46. It is more sociological rather than political. It explained the origin of the family and not of the state. It disregards the important facts which paved way for the development of state. Kinship played an important role in the evolution of the social and political system.

**Historical or 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”

. J.W. Burgless “ Political Science and Constitutional Law” Volume – I Page No.59

 Leacock Stephen “Element of Political Science”, London, Constable – Page No. 37

Sumner and Keller “The Science of Society” Volume – I Page No. 695.

 **Natural Instinct**

 Reasoning faculty of men ‘by way of thinking himself’ makes way to instinct. Fundamentally, the state is based on the gregarious instinct and reason. The statement of Aristotle that man is by nature a social and political animal and he who by nature and not by mere accident is without a state is either above humanity or below it further he stated that the state came into existence for the sake of more life but it continues for the sake of good life.

Nature implies man to live in society in order to regulate society based on customary rules and regulations. In course of time, rules and regulations took the form of laws, society gradually became a political organization which paved way for the evolution of the state to which nature and social environment assisted in the development. Thus, the natural and social instinct of man had conclusive role in the growth and development of state.

**Kinship**

 The important features of state namely organization and authority, command and obedience, can be traced in the bond of kinship. Gettle rightly pointed out that kinship strengthens the bond of unity and contributes to form the political organization. Many features of early state are prescribed to modern state. Mac Iver stated that in kinship creates society and society at length creates the states.52 Sir Henry Maine pointed out, “the most recent researches into the primitive history of society point to the conclusion that the earliest tie which knitted men together in communities was consanguinity or kinship”53. The early period family was a social institution and tribe a political institution. The disputes were resolved by the head of the tribe. The unification of the tribe form the state. Thus kinship played a important role in the growth and development of state.

**Religion**

 Another important factor that brought people together in ancient society was religion. The primitive men were in fear of various natural phenomena and objects. The magicians made use of the fear, ignorance and superstition of their fellow men and established a dominant control over them. Later magic gave way to religion, fear to worship and prayer consequently, with the passage of time, the magician was replaced by the priest. Religion and politics were mixed up in early society. The priest assumed the power of king. The priest cum king appealed to God by means of prayer to safeguard the interest of community. According to Gettle, “kinship and religion were, therefore, two aspects of the same thing and the unity and obligation of the groups were given religious sanctions. Its important part in this regard is that in the primitive era religion made man civilized, cultured and culture to discipline”. Gettle has aptly stated, thousands of years were needed to create that discipline and submission to authority on which all successful governments must rest and their chief means in early part of the process where theories and despotism are based mainly on the super natural sanction of religion”55. The tribes of Arabia were united by Prophet Mohammed on the basis of religion56. Likewise small and big kingdoms were established in the name of religion. There has been a close relationship between the religion and politics which united the people. Thus, religion made its predominant presence in the growth and development of state.

 **Property and Defense**

 The primitive people passed three stages to acquire prosperity: (i) hunt man stage (ii) herd man stage (iii) agricultural stage. In course of time, people came to know the practical use of agriculture which made them settle at one place and in this way village came into existence. Further, the art of agriculture trade developed and successfully and commerce expanded, as a result, idea of property and the interest in keeping it with them lead to conflicts. To protect the property, people of one tribe united together to defend themselves and their property. Thus, in order to avoid dispute, the need for law and regulation and to administer the necessity of state were thought of. Gettle has rightly stated that as wealth increased, so the idea of property also developed and laws were needed for protection and regulation of property rights and for the settlement of property disputes. Thus, property, defence , economics and commerce played an important role in the development and establishment of the state.

 **Force**

 Averment of arts of agriculture made the people settle at a place. In course of time, to save their property and belongings, they themselves united together. The tribe which was well organized under strong leader defeated the weak neighboring tribes and attach their territory. They created boundaries and established rights. According to German thinker Nietzcshea “the strong people are the rare great minds who alone are fit to direct, the destiny of the people”. Bluntselhi stated that force is an essential organization of state. In this regard, the view of Prof. Mac Iver is that the emergence of the state, “is not due to force, although in process of expansion of force undoubtedly played a part

 **Political consciousness**

The final important factor that helps to bring out the growth and development of the state was the dawn of political conscious among the people. Political consciousness indicates the recognition of certain conclusion to be achieved through political organization. At the beginning, there was no awareness of unity of interest. In course of time, the importance of defending people against the enemy took both internal and external; maintaining law & order regulation rose upon the mind of the people. They felt the awareness of the authority to regulate social issues and protect their life and property. This consciousness and unity paved way for particular organization, that is the state. In this connection Prof. Gilchirst has stated “underlying all other elements in state formation including kinship and religion is politicalconsciousness, the supreme element”59. According to Bluntschli, “desire for social life leadsto the organization of state”.

 **Evaluation**

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 Different factors contributed for the development of state.

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