Name: DANIA nurat peace

Matric number: 19/law01/059

Couse: political science

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.

 The English word “citizenship” is derived from the word citizen which has the Latin root “civitas” (city, state, town, body of citizens, etc). In the literal meaning a citizen is one who dwells in a particular city, town or state. A proper definition of citizenship therefore will depend on the proper definition of who a citizen is.

 The Longman Contemporary English Dictionary defines a citizen as “someone who lives in a particular town, country or state and has rights and responsibilities there…. Someone who belongs to a particular country, whether they are living there or not.” Similarly Stanford Encyclopaedia of Philosophy defines a citizen as “ a member of a political community who enjoys the right and assumes the duties of membership.” From the foregoing, a citizen can be said to be a natural or legal member of a political community entitled to rights and privileges that the state can provide an in turn assumes obligations required by law for the wellbeing of the state. With the above understanding of who a citizen is we can now explain the concept of citizenship.

 Citizenship as a concept denotes the legal rights or status of being a member of a particular state or country as well as one’s individual response to the attendant duties or obligations to that state or country. It involves an individual’s link or relationship with the state or country in which the person is entitled to legal, social and political rights and in turn owes duties and obligations to the state, duties such as obedience to the laws, payment of taxes, defense of the state and other social responsibilities. There are different epochs of history and their view about citizenship beginning with the ancient Greece Polis, through the Roman era, the Medieval, the Renaissance and the Modern times. I’ll be talking on just the Modern conception of citizens

 The Modern day conception of citizenship is very much influenced by the democratic system of government. Modern citizenship unlike the Greek citizenship is much more passive. While not discarding the idea of political participation, it favors the system of political representation where governance is delegated to some persons who represent others in government affairs, protecting their rights while the citizens fulfill their civic duties to the state.

**DIMENSION OF CITIZENSHIP THAT DEFINE ITS PREDOMINANT VIEWS**

1. From the legal perspective: Citizenship is seen as a legal status of a person who is endowed with civil, political and social rights. The citizen in this case is a legal entity who operates within the confines of the law, owing allegiance to the state and its laws and is in turn entitled to its protection. In this case, the individual need not participate actively in politics like being an official in any arm of government
2. From the political perspective of citizenship: A citizen is one who participates actively in the political life of the state. In this sense, only political agents are citizens
3. From the identity perspective: Citizenship denotes membership of a particular state or country which gives the individual a distinct source of identity.

**FACTORS THAT DETERMINE CITIZENSHIP AND THEIR ACCEPTANCE IN NIGERIAN CONSTITUTION**

There are universally accepted ways of obtaining the citizenship of a country. The Nigerian constitution recognizes and accepts these factors as well as the three dimensions and two models of citizenship discussed above. Citizenship may be gained through birth, through parentage, through marriage or through naturalization

1. Citizenship by birth (jus soli i.e. Right of Soil): This is the case where one automatically becomes a citizen of a state or country because he was born there.
2. Citizenship through Parentage (jus Sanguinis i.e. right of blood): In this case, a person becomes a citizen of a state if one or both of his parents are citizens of that state. Also a person born outside a particular country becomes a citizen of that country as long as one or both of his parents are citizens of that country. Before the advent of the sex equality campaign in the 20th century, this right used to be limited to only paternal lineage as it is still obtainable in some African ethnic nationalities where citizenship is based on paternal ancestry or ethnicity. There are also presently limitations in many countries to the right of citizenship by descent to a certain number of generations with regard to those born outside the state or country. Citizenship by parentage just as that by birth cannot be withdrawn or revoked since it is given automatically by nature. It can also not be denied or rejected
3. Citizenship by Marriage (jure matrimonii i.e. right of marriage): In this case citizenship is obtained by marrying a citizen of a particular state or country. This form of citizenship is facing challenges in modern times because of sham or contract marriage in immigration destination countries where citizens for the purpose of payment marry non-citizens to assist them obtain citizenship with no intention of living as husband and wife.
4. Citizenship through Naturalization: This is a situation where citizenship is granted to persons who have lawfully entered a country to reside or have been granted political asylum. After residing in this host country for some specific period of time stipulated by law and exhibited reasonable knowledge of the language and culture of the place and being of good conduct without serious criminal record, the immigrant is granted citizenship upon application. This form of citizenship also called “contract of citizenship” by Raphael ( 1970, 86) unlike that by birth and by parentage can be revoke by legitimate authority in cases of serious crimes, hence it is conditional on having a reasonably good behavior.

In line with the universally accepted standard the Nigerian Constitution recognizes these factors in Sections 25, 26 and 27 as citizenship by birth (comprising of right of soil and right of blood), by registration and by naturalization. The Nigerian constitution also safeguards the rights of every citizen of Nigeria against any form of discrimination in sections 33-46.

**NIGERIAN NATIONALITY LAW**

Nigerian nationality law governs the acquisition, transmission and loss of Nigerian citizenship. It is the law of Nigeria which concerns citizenship and other categories of Nigerian nationality.

 Based on the 1999 Constitution of Nigeria as amended, the requirements to gain citizenship in Nigeria aside by birth (that is, if you are born in Nigeria) is through Registration and Naturalization.

**By Registration:** 26. (1) Subject to the provisions of section 28 of the 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;

1. 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 provision of section 28 of the 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 naturalization.

(2) No person shall be qualified to apply for the grant of a certificate or naturalization, 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 propose 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;
1. Resided in Nigeria for a continuous period of fifteen years, or
2. 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.

**Renunciation of citizenship**

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

**Deprivation of citizenship**

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 the war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.

Based on the question giving, the only way a Lebanese can gain his Nigerian citizenship is by Registration or Naturalization and he can lose his citizenship Voluntary or Involuntary.

1. VOLUNTARY: Voluntary renunciation of Nigerian citizenship is permitted by law. Contact the Embassy for details and required paperwork.
2. INVOLUNTARY: The following are grounds for involuntary loss of Nigerian citizenship; Registered or Naturalized citizen voluntarily acquired the citizenship of a foreign country.
* Naturalized citizens, 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.

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

1. DIVINE ORIGIN THEORY: The oldest theory about the evolution or origin of state is the divine origin theory. It is also known as the theory of divine right of Kings. The exponents of this theory believe that the state did not come into being by any effort of man. It is created by God. The King who rules over the state is an agent of God on earth. The King derives his authority from God and for all his actions he is responsible to God alone. Obedience to the King is ordained to God and violation of it will be a sin. The King is above law and no subject has any right to question his authority or his action. The King is responsible of God alone

 STRENGTHS OF THE DIVINE ORIGIN THEORY

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.

1. The Patriarchal Theory as the Origin of the State: The principal exponent of this theory is Sir Henry Maine. According to him, the city is a conglomeration of several families which developed under the control and authority of the eldest male member of the family. The head or father of the patriarchal family wielded great power and influence upon the other members of the family. His writ was carried out in the household. This patriarchal family was the most ancient organized social institution in the primitive society. Through the process of marriage the families began to expand and they gave birth to gen which stands for household. Several gens made one clan. A group of clan constituted a tribe. A confederation of various tribes based on blood relations for the purpose of defending themselves against the aggressors formed one commonwealth which is called the state. Sir Henry Maine’s analysis of the growth of the state is- “The elementary group is the family connected by the common subjection to the highest male ascendant. The aggregation of families forms the gens or the house. The aggregation of houses makes the tribe. The aggregation of the tribe constitutes the commonwealth.”

 STRENGTHS OF THE PATRIARCHAL THEORY

 Just as men and women unite to form families, so many families unite to form villages and the union of many villages forms the state which is a self-supporting unit (Aristotle)

1. Force Theory as Origin of the State: Another early theory of the origin of state is the theory of force. The exponents of this theory hold that wars and aggressions by some powerful tribe were the principal factors in the creation of the state. They rely on the oft-quoted saying “war begot the King” as the historical explanation of the origin of the state. The force or might prevailed over the right in the primitive society. A man physically stronger established his authority over the less strong persons. The strongest person in a tribe is therefore made a chief or leader of that tribe. After establishing the state by subjugating the other people in that place the chief used his authority in maintaining law and order and defending the state from the aggression from outside. Thus force was responsible not only for the origin of the state but for development of the state also.

 History supports the force theory as the origin of the state. According to Edward Jenks: “Historically speaking, there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare.” As the state increased in population and size there was a concomitant improvement in the art of warfare. The small states fought among themselves and the successful ones made big states. The kingdoms of Norway, Sweden and Denmark arc historical examples of the creation of states by the use of force. In the same process, Spain emerged as a new state in the sixth century A.D. In the ninth century A.D. the Normans conquered and established the state of Russia. The same people established the kingdom of England by defeating the local people there in the eleventh century A.D. Stephen Butler Leachock sums up the founding of states by the use of force in these words;

 “The beginnings of the state are to be sought in the capture and enslavement of man-by-man, in the conquest and subjugation acquired by superior physical force. The progressive growth from tribe to kingdom and from kingdom to empire is but a continuation from the same process.”

STRENGTHS OF THE THEORY OF FORCE

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

1. 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. Like the Aryans, 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 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.
2. It made the states 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 recognizes the use of force in modern statecraft too.