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*COURSE: POLITICALSCIENCE*

*MIDSEMESTERASSIGNMENTONCITIZENSHIPANDTHEORY*

*QUESTION:HOW CANALEBANESELOOSEHISNEWLYGOTTENNIGERIAN*

*CITIZENSHIP*

*RETAININGORGAININGCITIZENSHIP*

*Firstly what is citizenship?*

*Citizenship is the status of a person recognized under the custom or law as being a*

*legalmemberofasovereignstateorbelongingtoanation.Theideaofcitizenshiphas*

*been defined as the capacity of individuals to defend their rights infront 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.ByBirth*

*2.ByRegistration*

*3.ByNaturalisation*

*Bybirth-namely-(a)EverypersonborninNigeriaafterthedateofindependence*

*(October1,1960),eitherofwhoseparentsoranyofwhosegrandparentsbelongsor*

*Belonged to a community indigenous to Nigeria;*

*ProvidedthatapersonshallnotbecomeacitizenofNigeriabyvirtueofthissectionif*

*Neither of his parents nor any of his grandparents was born in Nigeria.*

*(b)EverypersonbornoutsideNigeriaeitherofwhoseparentsisacitizenofNigeria.*

*(2)Inthissection,"thedateofindependence"meansthe1stdayofOctober1960.*

*By registration: 26.Subject to the provisions of section28 of this Constitution ,a person*

*To whom theprovisionsofthissectionapplymayberegisteredasacitizenofNigeria,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)HehasshownaclearintentionofhisdesiretobedomiciledinNigeria;and*

*3. (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)AnywomanwhoisorhasbeenmarriedtoacitizenofNigeriaoreverypersonoffull*

*ageandcapacitybornoutsideNigeriaanyofwhosegrandparentsisacitizenofNigeria.*

*AFOREIGNER(Lebanese)CANALSOGAINCITIZENSHIPTHROUGH:*

*By naturalization: .Subjecttotheprovisionsofsection28ofthisConstitution,any*

*personwhoisqualifiedinaccordancewiththeprovisionsofthissectionmayapplyto*

*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*

*Naturalization ,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,acceptabletothelocalcommunityinwhichheistolivepermanently,*

*And has been assimilated into the way of life of Nigerian sin 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. HehastakentheOathofAllegianceprescribedintheSeventhScheduletothis*

*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)ResidedinNigeriacontinuouslyforaperiodoftwelvemonths,andduringtheperiod*

*oftwentyyearsimmediatelyprecedingthatperiodoftwelvemonthshasresidedin*

*Nigeriaforperiodsamountingintheaggregatetonotlessthanfifteenyears.*

*28.Subjecttotheotherprovisionsofthissection,apersonshallforfeitforthwithhis*

*Nigeriancitizenshipif,notbeingacitizenofNigeriabybirth,heacquiresorretainsthe*

*citizenshipornationalityofacountry,otherthanNigeria,ofwhichheisnotacitizenby*

*birth.*

*29.AnycitizenofNigeriaoffullagewhowishestorenouncehisNigeriancitizenship*

*Shall make a declaration in the prescribed manner for the renunciation.*

*(2)ThePresidentshallcausethedeclarationmadeundersubsectionofthissectionto*

*beregisteredanduponsuchregistration,thepersonwhomadethedeclarationshall*

*cease to be a citizen of Nigeria.*

*(3)ThePresidentmaywithholdtheregistrationofanydeclarationmadeunder*

*Subsection of this section if(*

*a)ThedeclarationismadeduringanywarinwhichNigeriaisphysicallyinvolved;or*

*(b)In his opinion ,it is otherwise contrary to publicpolicy.*

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

*(a)"fullage"meanstheageofeighteenyearsandabove;*

*(b)Anywomanwhoismarriedshallbedeemedtobeoffullage.*

*30.ThePresidentmaydepriveaperson,otherthanapersonwhoisacitizenofNigeria*

*bybirthorbyregistration,ofhiscitizenship,ifheissatisfiedthatsuchapersonhas,*

*withinaperiodofsevenyearsafterbecomingnaturalized,beensentencedto*

*imprisonmentforaterm ofnotlessthanthreeyears.*

*(2)ThePresidentshalldepriveaperson,otherthanapersonwhoiscitizenofNigeriaby*

*birth,ofhiscitizenship,ifheissatisfiedfrom therecordsofproceedingsofacourtof*

*laworothertribunalorafterdueinquiryinaccordancewithregulationsmadebyhim,*

*that-*

*(a)Thepersonhasshownhimselfbyactorspeechtobedisloyaltowardsthe Federal*

*RepublicofNigeria;or*

*(b)Thepersonhas,duringanywarinwhichNigeriawasengaged,unlawfullytradedwith*

*theenemyorbeenengagedinorassociatedwithanybusinessthatwasintheopinion*

*ofthepresidentcarriedoninsuchamannerastoassisttheenemyofNigeriainthat*

*war,orunlawfullycommunicatedwithsuchenemytothedetrimentoforwithintentto*

*causedamagetotheinterestofNigeria.*

*31.ForthepurposesofthisChapter,aparentorgrandparentofapersonshallbe*

*deemedtobeacitizenofNigeriaifatthetimeofthebirthofthatpersonsuchparentor*

*grandparentwouldhavepossessedthatstatusbybirthifhehadbeenaliveonthedate*

*ofindependence;andinthissection,"thedateofindependence"hasthemeaning*

*assignedtoitinsection25ofthisConstitution.*

*32.Thepresidentmaymakeregulations,notinconsistentwiththisChapter,prescribing*

*allmatterswhicharerequiredorpermittedtobeprescribedorwhicharenecessaryor*

*convenienttobeprescribedforcarryingoutorgivingeffecttotheprovisionsofthis*

*Chapter,andforgrantingspecialimmigrantstatuswithfullresidentialrightstonon-*

*NigerianspousesofcitizensofNigeriawhodonotwishtoacquireNigeriancitizenship.*

*(2)Anyregulationsmadebythepresidentpursuanttotheprovisionsofthissection*

*shallbelaidbeforetheNationalAssemblyNIGERIA*

*C*

*Nigeriannationalitylawallows dualnationality ofpeopleofNigeriandescenteither*

*throughbirthorparentage.TheyarealsoallowedtoholdpublicofficeinNigeria*

*SomeinNigeriafeelthatdualnationalitydamagesnationalityunityofthecountry.*

*ThisLebanesecanalsolosethiscitizenshipthroughsomecertainways*

*"Involuntaryloss"mayoccurduetoeitherautomaticlapseofthecitizenshipfrom the*

*lebaneseforfailuretotakesomeactiontoretaincitizenship,oractivewithdrawalof*

*citizenshipbythecountryifthisLebaneseshoulddoactionsagainsttherightsof*

*Nigeriaegstealingorbeinganespionageortrytooverthrowgovernment.*

*Incontrast,"voluntaryloss",oftencalled"relinquishment"or"renunciation"*

*Renunciationofcitizenship.Renunciationisthevoluntaryactofrelinquishing*

*one's citizenship ornationality.Itistheoppositeof naturalization,wherebyaperson*

*voluntarilyacquiresacitizenship,andisdistinctfrom denaturalization,wheretheloss*

*of citizenship isforcedbyastate,isinitiatedbytheLebanese Itisnotalwayseasyto*

*makeacleandistinctionbetweenthetwocategories:lossofcitizenshipduetoaninitial*

*causeundertakenvoluntarily(forexample,voluntarilyservinginaforeignmilitaryor*

*voluntarilynaturalisingasacitizenofaforeigncountry)couldbeseeneitheras*

*"voluntaryloss"or"involuntaryloss".*

*The EuropeanUnionDemocracyObservatory,inastudyofthenationalitylawsofthirtythreeEuropeancountries,*

*foundninebroadly-definedcasesinwhichacitizenofa*

*countrymaylosehisorhercitizenship:*

*4.VoluntaryacquisitionofanothercitizenshipthisiswhentheLebaneseapplyforanother*

*citizenship*

*5.Residingabroadonapermanentbasis:thisoccursiftheLebanesegoestostayabroad*

*foralongertimeorperiod*

*6.Fraudinthenaturalisationprocess,including sham marriages,orfailuretogiveupthe*

*othercitizenshipincountrieswhichrequirethatasaconditionofnaturalisation*

*7.Servinginaforeignmilitaryorforeigngovernment*

*8.Uponadoptionbyaforeigncitizen,orotherchangeinthechild'slegalrelationtothe*

*parentssuchasannulmentofmaternity/paternity*

*9.Foraminor,uponthelossofcitizenshipbytheparentsoftheLebanese*

*10.Failuretofulfillconditions,forexampleinJapan,whereJapanesechildrenbornwithan*

*additionalcitizenshiploseJapanesecitizenshipiftheyfailtogiveuptheother*

*citizenshipbeforetheageof22*

*Note:Involuntarylossofcitizenshipdoesnotnecessarilymeanautomaticand*

*immediateloss.Evenifacountry'slawsstatethatundercertaincircumstances*

*citizenshipisautomaticallyremoved,untilofficialsofthegovernmentorembassyare*

*informed,thatcountry'sgovernmentwillprobablystillretainthatperson'snameinits*

*citizenshiprecords.*

*Assignment2socialcontracttheoryandothertheoriesexplainingthestate*

*SocialContractTheory.*

*TheDivinetheoryestablishedthe‘DivineRights’ofkings.Incontradiction,thesocial*

*contracttheoryemphasizedthatthestatewasnotthecreationofGodbutitwasthe*

*resultofanagreemententeredintobymenwhooriginallyhadnogovernment*

*organisation.Thehistoryofworldisdividedintotwoperiods;theperiodbeforethe*

*statewasinitiatedandtheperiodafter.*

*Inthefirstperiodtherewasnogovernment.Therewasnolawthatcouldbeenforcedas*

*therewasnohumanauthoritytoformulateandtoenforcethem.Manlivedinastateof*

*nature,inwhichtheyweresubjecttofollowonlysuchregulationthatnaturewas*

*supposedtoprescribe.Howmenlivedinthestateofnaturewithoutcoerciveagencyof*

*agovernment,whatmadethem establishagovernment,theterm ofcontractandthe*

*partytocontractwherediscussedinthetheory.Onethingacceptedbyalltheexponents*

*ofthetheorywasthatthestatewasahumancreationasaresultofcontract.Withallits*

*defectsthetheoryhascertainmerits.Itemphasizedthestatetoensuresafetyand*

*protectionofitssubjects.Thecivilsocietyrestsontheconsentoftheruledandnot.*

*ThetheoryofDivineOrigin*

*Thisistheoldesttheoryamongtheoriginofthestate.Itstatedabouttherightofkings.*

*Theformalstatementofthistheoryisthatthestatehasbeenestablishedbyand*

*ordinatesofGod;itsrulersdivinelyappointed;theyareaccountabletonoauthoritybut*

*God,asdescribedinBible.Thecombinationofearlierrulerswhereofpriestandkingor*

*themagicmanandking1.*

*AccordingtoMaclver,themagicmanwaspriestandking.Allarecombinedasone.In*

*theepicMahabarath,itisrecordedGodappointedManutorulethepeopleaspertheir*

*requesttoprotectthem.Jamesinhiswork“TheLawofFreeMonarchies”,kingsare*

*justlycalledGod,fortheyexerciseamannerofresemblanceofdivinepoweronearth,*

*KingareaccountableforGodonly.Thepeoplecannotquestionhim fortherightor*

*wrongdonebyhim.JameshasstatedthefollowingrightsofthekinginLawoffree*

*Monarchies:23*

*i. Monarchyisdivinelyoriented.*

*ii. Hereditaryrightisindispensable*

*iii. KingsareaccountableforGodalone.*

*iv. Resistancetolawfulkingissin.*

*Thistheoryhassupportersonlyamongthereligiouspeople.Ithasbeennullifiedfor*

*beingunhistorical,irrationalandunscientific.Itsmeritwasapowerfulfactorin*

*preservingorderandstrengtheningtherespectofman,propertyandgovernmentandit*

*revealsitselfinthepoliticalorganization.*

*ForceTheory:*

*Theexponentsoftheforcetheorywereoftheviewthattheoriginofstateandits*

*developmentwasbasedonforce,thatis,forceusedbythestrongovertheweakand*

*theirconsequentcontroloverthem.Insuchaway,whereverthestronggroupoutdid*

*theweakthestrongbecamethemasterandruledtheweak.Thestronggroupbecame*

*vestedwithrulingpowerandthefedeatedweremadetheirsubjects.Accordingtothe*

*Jenks“Historically,thereisnoteventheslightestdifficultyinprovingthatallpolitical*

*communitiesofthemoderntypeowetheirexistencetothesuccessfulwarfare.The*

*warringclansandtribesestablishedtheirauthorityinadefiniteterritory.Theirchief*

*becametheruleronthebasisofhisphysicalforce.Thestateisbornoutofforce.Exist*

*inforceanddieintheabsenceofforce.AccordingtoBluntschli,forceisan*

*indispensableelementoftheorganizationofthestate2.Inthetwoworldwars,Great*

*BritaindefendeditsterritoryagainsttheNaziforcesonlywiththemilitarypower.*

*Further,theRussianmilitarypowerstoppedtheaggressionoftheGermanforces.*

*Theforcetheoryisscientific,itsapplicationcouldbeseenthroughthe*

*historicalincidents.HerbertSpencersdoctrineofthe“SurvivaloftheFittest”*

*provesandupholdsthetheory.Through“bloodandiron”somegreateststates*

*havebeenestablished.Inpractice,thistheoryisverydangerous.Itisendangering*

*thepeaceandsecurityoftheworld.Theverybasisofthistheorywasdirectionto*

*thestatestowardspreparationofwar,warisknownfordestructionandkillingof*

*mankindandsuppressingthemoralforces.Thetheoryjustifiesdespotism.Itis*

*againstthefreedom ofsmallnations,internationalpeaceandamity.International*

*lawrejectsthistheory.Interstaterelationscannotbebasedonforce.Force*

*ceasesonlytobethebasisofthestatewhichdoesnotstandonsolidfoundation.*

*Evolutionarytheory:*

*Allthefivetheorieswereanalyzedbeforeregarding‘TheOriginoftheState’is*

*inadequate,incomplete,defectiveandspeculative.Itwasnotabletogivethetrueand*

*correctexplanationoftheoriginofthestate.Itwaslackingonthegroundoflogic,legal,*

*philosophicalandhistoricaldefect.Itisanassumptionandtheemphasisisontheone*

*ortwofactswhichisinsufficienttocometoadefiniteconclusion.Inthisregard,Dr.*

*Garnerhasaptlystated,“thestateisneitherthehandworkofGod;northeresultof*

*superiorphysicalforce;northecreationofresolutionofconvention,noramere*

*expansionoffamily.Thestateisnotamereartificialcreationbutaninstitutionor*

*naturalgrowthofhistoricalevolution*

*JW Burgersreportedthat“statehasacontinuousdevelopmentofhumansocietyout*

*ofagrosslyimperfectbeginningthroughcrudebutimprovingformsofmanifestation*

*towardsaperfectanduniversalorganizationofmankind.AccordingtoLeacock“the*

*stateisagrowth,anevolution,theresultofagradualprocessrunningthroughoutall*

*theknownhistoryofmenandreceivingintoremoteandunknownpast”3.Adetailed*

*examinationoftheriseofthestateresultedinthatthereweremanyfactorswhichhave*

*contributedfortheevolutionofthestate.*

*Thus,theimportantfactorscontributedtothegrowthofthestateare*

*1.NaturalInstinct*

*2.Kinship*

*3.Religion*

*4.Propertyanddefense*

*5.Force*

*6.PoliticalConsciousness*

*Further,investigationrevealsthatthefactscontributedplayeddifferentroleinattaining*

*theconstituentportionofthestatehood.Themethodadoptedbyeachcommunity*

*variesfrom eachotherandisdifferentaccordingtoenvironment.Inthisregard,*

*SumnerandKellerrightlypointedoutthat“Astherearenocharmsorevensharply*

*markedlinesofdemarcationbetweenperiodsofevolutionbutzonesoftransitiononly,*

*itisimpossibletosayatwhatpointthestatefirstappearsasitistodeterminewhen*

*moralbecomeslaworatwhathourthechildbecomesyouthoryouthaman”50.The*

*stateisahistoricalandnaturalgrowth.Naturalinstinct,kinship,religion,property*

*defenceandcommerce,forceandpoliticalconsciousnesshavebeenthedominant*

*factors.Itisagradualevolutionaryprocess.Stateisnotdivineorganizationitisnatural*

*formation;itisnotbasedonforceonlyyetitistheinfluenceoffactors;itisnotbased*

*oncontractorconsent;nevertheless,politicalconsciousnessisthelifeandbloodof*

*state.Stateisnotamereexpansionoffamilyhoweverbloodrelationshipisan*

*importantfactorinevolutionofstate.Onthoroughstudyandanalysisofallthetheories,*

*itisrevealedthathistoricalorevolutionarytheoryismorerealisticandscientificin*

*approach.Thereforemodernpoliticalresearchershaveconsideredthistheoryas*

*realisticandscientificinexplainingtheevolutionofstate.Nosinglefactoris*

*responsibleforthegrowthofthestate*