NAME: IDRIS AISHA MOHAMMED

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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

QUESTION 1

A Lebanese can retain his or her newly acquired Nigerian citizenship through the following ways: Registration and Naturalization.

BY REGISTRATION: According to section 26-(1) subject to the provisions of section 28 of the Nigerian constitution, a citizenship by person to whom the provisions of this section may apply may be registered as a registration citizen of Nigeria, if the president is satisfied that-

1. He is a person of good character
2. He has shown a clear intention of his desire to be domiciled in Nigeria; and
3. He has taken the oath of allegiance prescribed in the seventh schedule of 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

(b) every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.

BY NATURALIZATION: According to 27-(1) subject to the provisions of section 28 of the Nigerian constitution, any person who is qualified in accordance with the provisions of this section may apply to the president for the grant of a certificate of naturalization.

(2) No person shall be qualified to apply for the grant of a certificate of naturalization, unless he satisfies the president that-

1. he is a person of full age and capacity
2. he is a person of good character
3. he has shown a clear intention of his desire to be domiciled in Nigeria
4. 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
5. he is a person who has made or is capable of making use of contribution to the advancement, progress and well-being of Nigeria
6. he has taken the Oath of allegiance prescribed in the seventh schedule of the Nigerian constitution; and
7. 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 aggregate to not less than fifteen years.

(1B). A Lebanese can loss his or her newly acquired Nigerian citizenship voluntarily in the sense that they decide on their own to renounce the citizenship and involuntarily meaning that they will be deprived of the citizenship if they are convicted for being disloyal to the Federal republic of Nigeria.

Renunciation of citizenship: according to 29(1) of the Nigerian constitution, any of Nigeria who wishes to renounce Nigerian citizenship shall make a declaration in the prescribed manner for renunciation.

(2) The president shall cause the declaration made under subsection of this section above to be registered and upon such registration, the person made the declaration shall cease to be a citizen of Nigeria.

(3) The president may withhold the registration of any declaration under subsection(I) of this section above if:

(a) the declaration is made during any war in which Nigeria is physically involved, or’

(b) his opinion, it is otherwise contrary to public policy

Deprivation of citizenship: according to 30 (1) of the Nigerian constitution, 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 such that a person within the period of seven years has 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 a citizen of Nigeria by birth of his citizenship, if he 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 that war, or unlawfully communicated with such enemy to the detriment of or with the intent to cause damage to the interest of Nigeria.

EVOLUTION OF STATES:

Divine Right Theory

This theory claims that God created the state and God has given those of royal birth a divine right to rule. This is the oldest theory among the origin of state. It basically talks about the right of kings. They saw it as they were accountable to no other authority but God, as it was in the bible. The priest and the king or the magic man and the king were the early combination of rulers

In the work ‘law of free monarchies’ by James, kings were justly called by God as they exercised a manner of resemblance of the divine power here on earth. The following were listed as the rights of king in the book:

1. The monarchy is divenly orientated
2. The hereditary right is indispensable
3. The Kings are accountable for God alonin
4. The resistance of a lawful king is sin.

The king Stuart king James I claimed that he derived his authority directly from God. According to him, the king is wise and intelligent, but his subjects are wicked. Even if the king is bad, the people have no right to rebel against him. In the 19th century kings of Austria, Prussia, and Russia formed a Holy alliance under the idea that they were appointed by God to rule over their people. Anyway, the European kings took haven under the divine theory in order to justify their dictatorships. This theory has supporters among religious people.

The theory came under criticism in the 20th century being an incorrect explanation of the origin of the state therefore the theory became nullified for being unhistorical, irrational and unscientific.

The STRENGTH OF THE DIVINE RIGHT THEORY.

The theory was a very powerful factor in preserving order and strengthening the respect for man, property and government and it reveals itself in the political organization. This theory also created moral responsibility for rulers as they were cast with a divine injunction to rule to the perfect satisfaction of the heavens.

FORCE THEORY

The force theory claims that someone took control over an area and forced all the individuals within that area to conform to their rules. The advocates on this theory were of the opinion that the origin of state and its development was based on force, that is force is used by the strong above the weak and their consequent control over them. Whenever the strong over powered the weak, the strong became the master and ruled over the weak. The strong party was then vested with the ruling powers of the state and the weak became their subjects and they strong party had the responsibility to maintain law and order and as such force was not only accountable for the origin of a state but for the development of the state.

According to Edward Jenks, he said, ‘historically speaking, there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare’.The small states fought among themselves and the successful ones made big states. Kingdoms of Norway, Sweden and Denmark are historical examples of creation of states by the use of force.

The force theory was based on the doctrine of ‘survival for the fittest’. There was also a natural struggle for existence in the animal world and this analogy is said to have stretched to the human world.