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QUESTION

1. How can a Lebanese citizen retain or lose his or her newly acquired Nigerian citizenship?

2. Social Contract Theory explains the evolution of states, what other theory explains the same, and their strengths?

 ANSWER

Citizenship is the status of an individual recognized under the law as being a legal member or entity of a soverign state or belonging to a nation.

A citizen is a person or individual who is legally recognized as a member of a sovereign state or nation.

There are three ways anyone can acquire citizenship in Nigeria. in relation to the question asked a Lebanese citizen can acquire a Nigerian citizenship through the following ways which are as follows;

1. By Birth

2. By Naturalisation

3. By Registration

CITIZENSHIP BY BIRTH

The Nigerian Constitution explains in detail in section 25 those who are eligible for Nigerian citizenship under this category. People who are born within the territory of Nigeria after the 1st of October 1960 that have at least a parent or grandparent who belonged or identified with a community indeginous to the geographical location known as Nigeria. Some communities indeginous to Nigeria are; Yoruba, Igbo, Hausa, Fulani, Kanuri, Uhrobo, Ibibio and so on.

Individuals born outside of Nigeria whose parents or grandparents were or are citizens of Nigeria are eligible to apply for citizenship of Nigeria by birth.

However, this section makes it clear that it is totally impossible for an individual to claim Nigerian citizenship by birth if neither of his parents and grandparents was born in Nigeria.

So, with the above information the Lebanese citizen can acquire or retain his or her Nigerian citizenship if he or she were born in Nigeria or have parents or grandparent who were.

CITIZENSHIP BY REGISTRATION

The aspect of citizenship by registration is covered by section 26 of the Nigerian constitution. An individual can be certified to be a citizen of Nigeria if he or she satisfies all of the following conditions as stipulated by that section of the Nigerian constitution.

Below are some of the stipulations which much be adhered to by individuals who want to acquire a Nigerian citizenship status by registeration;

• The person is of good character (Testimonies should be made by a religious minister and one other member of the society on behalf of the aspirng citizen that he or she has been of good moral conduct and behaviour).

• The person expresses and shows a clear desire to be resident in the country.

• The Oath of Allegiance to Nigeria, which is provided by the Nigerian Constitution has to be administered onto the person.

Under The Nigerian Constitution, there are perculiar cases which give rise for the following people to be recognized as Nigerian citizens by registration.

• In a case of a lady or woman who got married to a man from Nigeria.

• In a case where either his or her grandparents are from Nigerian and he or herself has grown to a capacity and approved age.

According to the information above the Lebanese citizen may acquire or retain his or her Nigerian citizenship if he or she is of good character, expresses and shows a clear desire to be a resident of the country and must swear the oath of allegiance. It is also clearly stated that in a perculiar situation of a woman who got married to a Nigerian man and if either of an individuals grandparents are from Nigeria and he or herself has grown to a capacity and approved age they may be granted Nigerian citizenship by registration

CITIZENSHIP BY NATURALIZATION

This involves those who cannot apply to become a citizen of Nigeria either by birth or by registration, naturalization is another option to consider. Section 27 of the constitution makes provision for this provided certain requirements are met subject to section 28 of the constitution.

If the person is confident that he or she meets the following requirements, a written application is then made to the president applying for a certificate of naturalization.

• He/she must be of full age and capacity

• The person is of good character (Testimonies should be made by a religious minister and one other member of the society on behalf of the aspirng citizen that he or she has been of good moral conduct and behaviour).

• The person must have shown a clear desire to be resident in the country.

• The person should be capable of contributing to the wellbeing of Nigeria and its citizens.

• The governor of the state of the host community where the person applying for citizenship wants to reside has to confirm the willingness of that community to accept that individual into their fold.

• He/she has to be administered the Oath of Allegiance prescribed in the Seventh Schedule of the constitution.

• The person must have lived in Nigeria continuously for a period of fifteen years preceding the application date. A person who has lived continuously for a duration of twelve months in Nigeria and then over the next twenty years lived in Nigeria intermittently for periods totaling not less than fifteen years can also apply if he/she fulfills the other requirements.

Section 28 of The Nigerian Constitution makes it clear that a person who intends to acquire Nigerian citizenship by registration or by naturalization must first renounce citizenship of other countries he/she may have acquired previously except citizenship of a country acquired by birth. So, with this information above the Lebanese person can acquire or retain his or her Nigerian citizenship if he or she abides to the rules and requirements stated above and also, he or she has to renounce citizenship of other countries

On the other hand a citizen may loose his Nigerian citizenship status if an individual is involved in the following offenses punishable under the Nigerian Legal System as well as under the Nigerian Constitution;

• Terrorist acts (including recruiting, training, funding of terrorist groups or organisations)

• Treason or espionage (Overthrowing the government or sabotaging military equipment)

• Imprisonment

• Renunciation of Citizenship

TERRORIST ACTIVITIES

The calculated use of violence (or the threat of violence) against civilians in order to attain goals that are political or religious or ideological in nature; this is done through intimidation or coercion or instilling fear including recruiting, training, funding of terrorist groups or organistions to carry out such heinous activities. In relation to the case in hand the Lebanese citizen can lose his or her Nigerian citizenship if he or she indulges in such activities.

TREASON OR ESPIONAGE

Treason or high treason is the crime of betraying ones country, especially by attempting to kill or overthrow the soverign or government. It could be also seen as the act of levying war against the State, in order to intimidate the President or soverign leader.

In accordance with the Nigerian Law whoever commits treason will be punished with death, and whoever attempts or abets treason shall be punished through imprisonment for life or for any less term or with fine or both.

Some treasonable offenses include:

● To remove otherwise than by constitutional means during his term or office the President of the Federal Republic or the Governor of any State of the Federal Republic of Nigeria

● To levy war against Nigeria or any part of the Federation in order by force or constraint to compel the President or the Governor of a State as the case may be, to change his measures or counsels, or in order to put any force or constraint upon or to intimidate or overawe either House of the National Assembly or, as the case may be, the House of Assembly of a State.

● To aid and abet any person who is not a national of Nigeria to make an armed invasion on Nigeria or any part thereof, and manifests such intention by an overt act, shall be punished with imprisonment for life or any less term and shall also be liable to fine.

Espionage is the practice of spying or of using spies, typically by governments to obtain sensitive political and military information. The practice of spying or the use of spies typically by governments to obtain political and military information.

CONVICTION

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 or she is satisfied that such a person has, within a period of seven years after becoming naturalized, been convicted and served an imprisonment term for a period not less than three years.

RENUNCIATION OF CITIZENSHIP

The right to renounce Nigerian citizenship is established in sub section 29 of The 1999 Constitution of Nigeria (as amended), which states that "any citizen of Nigeria of full age who wishes to renounce his/her Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation", which the government is obliged to register except when Nigeria is physically involved in a war or when the President of Nigeria is of the opinion that the renunciation is contrary to public policy. Under sub section 29(4)(a), a person of either gender becomes "of full age" at eighteen years, while under sub section 29(4)(b) a girl younger than that is still deemed to be "of full age" if she is married”

Answer

SOCIAL CONTRACT THEORY

The concept of social contract theory is that in the beginning man lived in the state of nature. They had no government and there was no standard or law put in place to regulate them. There were hardships and oppression on sections of the society.

To overcome from these hardships, they entered into two agreements which are;

● Pactum Unionis

● Pactum Subjectionis

By the first pact of Unionis, people sought protection of their lives and property. As, a result of it a society was formed where people undertook to respect each other and live in peace and harmony. By the second pact of subjectionis, people united together and pledged to obey an authority and surrendered the whole or part of their freedom and rights to an authority.

The authority guaranteed everyone protection of life, property and to a certain extent liberty. Thus, they must agree to establish society by collectively and reciprocally renouncing the rights they had against one another in the State of Nature and they must imbue some one person or assembly of persons with the authority and power to enforce the initial contract.

In other words, to ensure their escape from the State of Nature, they must both agree to live together under common laws, and create an enforcement mechanism for the social contract and the laws that constitute it.

The Social Contract theory replaced the theory of Divine Origin and the former was replaced by the Historical or Evolutionary theory.

DIVINE THEORY OF ORIGIN OF STATE

The Divine Theory of Origin of State, though one of the earliest, has a simple explanation to offer. It is a theory of political authority and not a theory of the origin of the State. The State, its advocates maintain, was created by God and governed by His deputy or Vicegerent. It was His will that men should live in the world in a state of political society and he sent his deputy to rule over them. The ruler was a divinely appointed agent and he was responsible for his actions to God alone.

As the ruler was the deputy of God, obedience to him was held to be a religious duty and resistance a sin. The advocates of the Divine Origin Theory, in this way, placed the ruler above the people as well as law. Nothing on earth could limit his will and restrict his power. His word was law and his actions were always just and benevolent. To complain against the authority of the ruler and to characteristic his actions as unjust was a sin for which there was divine punishment.

The theory of the Divine Origin of the State is as old as Political Science itself. There is sufficient evidence to prove now that early States were based on this conception and all political authority was connected with certain unseen powers. The earliest ruler was a combination of priest and king or the magic man and king the authority and reverence which a ruler commanded depended upon his position as a priest or a magic man. Religion and politics were so inextricably mixed up in the primitive society that not a hazy line of demarcation Could be drawn between the two.

Even today, the State of Pakistan does not seem to draw a distinction between, religion and politics. Sir Mohammad Zafarullah Khan, the then Pakistan Foreign Minister, while speaking on the Objective Resolution in the Pakistan Constituent Assembly in 1949, said: Those who sought to draw a distinction between the spheres of religion and politics as being mutually exclusive put too narrow a construction upon the functions of religion. The abrogated Constitutions declared Pakistan an Islamic Republic to be governed With the Islamic principles. President Zia-ul-Haque significantly modified the 1973 constitution to bring it in conformity to the injunctions of Islam. In addition to Islamic Arab States, the Islamic Republic of Iran, the Islamic Republic State of Bangladesh and the Islamic State of Afghanistan are the most recent examples of theocratic States.

The theory that the State and its authority has a Divine Origin and sanction finds equivocal support in the scriptures of almost all religions in the world. In the Mahabharata, it is recounted that the people approached God and requested him to grant them a ruler who should save them from the anarchy and chaos prevailing in the state of nature. “Without a Chief, O Lord”, they prayed, we are perishing. Give us a Chief whom we shall worship in concert and who will protect us the theory of Divine Origin, however, received a new impetus with the advent of Christianity. Render unto Caesar the things that are Caesar’s, said Jesus Christ, and Paul amplified this in his Epistle to the Romans, which has been quoted by writers’ time and again in support of the theory of Divine Origin. We are, thus, told, let every soul be subject unto the higher powers. For there is no power but of God the powers that be are ordained of God. Whosoever, therefore, resisted the power, resisted the Ordinance of God and they that resist shall receive themselves damnation. The theory of Divine Origin so enunciated, believed in and accepted, thus, implied;

• That God deliberately created the State and this specific act of His grace was to save mankind from destruction

• That God sent his Deputy to rule over mankind. The ruler was a divinely appointed agent and he was responsible for his actions to God alone whose Deputy the ruler was. All were ordained to submit to his authority and disobedience to his command was a sin for which there was a divine punishment.

STRENGTHS OF THE DIVINE 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.

THE HISTORICAL OR EVOLUTIONARY THEORY

There have been various theories which have been propounded to give explanation on the origin of the state, but no single theory offers an adequate explanation. The theory which explains and is now accepted as a convincing origin of the state, is the Historical or Evolutionary theory. It explains the state is the product of growth, a slow and steady evolution extending over a long period of time and ultimately shaping itself into the complex structure of a modern state.

This theory is more scientific but rather the state is neither the handiwork of God, nor the result of superior physical force, nor the creation of evolution or convention, nor a mere expansion of the family. The state is not a mere artificial mechanical creation but an institution of natural growth or historical evolution says professor Garner.

There were a number of factors which helped the evolution of the state. They were kinship, religion, war, migration economic activities and political consciousness.

The important factors which contributed to the growth of the state are;

• Kinship

• Religion

• Property and defense

• Force

• Political consciousness

KINSHIP

Kinship is the most important and was based upon blood relationship. It was the first strongest bond of unity. Family constituted the first link in the process of the evolution of the state with the expansion of the family arose new families and the multiplication of families led to the formation of clans and tribes. Kinship was the only factor which bound the people together.

According to Professor Mac Iver, the magic of names reinforced the sense of kinship, as the course of generations enlarged the group. The blood bond of sonship changed imperceptibly into the social bond of the wider brotherhood. The authority of the father passes into the power of the chief once more under the aegis of kinship new forms arise which transcend it. Kinship creates society and society at length creates the state'.

RELIGION

Religion provided the bond of unity in early society. It also affected all walks of life. The worship of a common ancestor and common gods created a sense of social solidarity. There was fear in the hearts of men as far as religion was concerned. Even today we see religious practices, affairs and faith in uniting people. In the early days a number of races are united by religion and unity was essential for the creation of state.

FORCE

Force also played an important part in the evolution of the state. It was the use of physical force that was responsible for the growth of kingdoms and empires.

PROPERTY AND DEFENSE

Property and defense played a vital role in the evolution of state in ancient times particularly among the people who were nomads and vagabonds and tribal. Professor Laski has referred to the necessity of acquiring property by the members of society and protecting the property acquired with reference to the population mentioned above.

This led to making adjustments in the social system and relationship between the members of different groups. The need to protect property ultimately compelled the ancient people to establish the state.

POLITICAL CONSCIOUSNESS

Lastly, political consciousness arising from the fundamental needs of life for protection and order.

When the people settle down on a definite territory in pursuit of their, subsistence and a desire to secure it from encroachment by others. The need for regulating things and persons is felt imminently and this is the essence of political consciousness.

CONCLUSION

It follows that many factors helped the growth of the state. No single factor alone was responsible for its origin. Sometimes all and sometimes many of them help the process by which uncivilized society was transformed into a state, of all the theories which seek to explain the origin of the states, the evolutionary theory is the most satisfactory. It should be noted that no theory pin-points the time at which the state originated as a consequence of many factors working in union at different times.