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COURSE:POLITICALSCIENCE

MIDSEMESTERASSIGNMENTONCITIZENSHIPANDTHEORY

QUESTION:HOWCANALEBANESELOOSEHISNEWLYGOTTENNIGERIAN CITIZENSHIP

RETAININGORGAININGCITIZENSHIP Firstlywhatiscitizenship?

Citizenshipisthestatusofapersonrecognizedunderthecustomorlawasbeinga legalmemberofasovereignstateorbelongingtoanation.Theideaofcitizenshiphas beendefinedasthecapacityofindividualstodefendtheirrightsinfrontofthe governmentalauthority.Everymemberofastateorcountryhasthisrightbutforeigners canalsogaincitizenshipthroughotherways Forexample

1.ByBirth

2.ByRegistration

3.ByNaturalisation

Bybirth-namely-(a)EverypersonborninNigeriaafterthedateofindependence (October1,1960),eitherofwhoseparentsoranyofwhosegrandparentsbelongsor belongedtoacommunityindigenoustoNigeria;

ProvidedthatapersonshallnotbecomeacitizenofNigeriabyvirtueofthissectionif neitherofhisparentsnoranyofhisgrandparentswasborninNigeria.

(b)EverypersonbornoutsideNigeriaeitherofwhoseparentsisacitizenofNigeria.

(2)Inthissection,"thedateofindependence"meansthe1stdayofOctober1960.

Byregistration: 26.Subjecttotheprovisionsofsection28ofthisConstitution,aperson towhomtheprovisionsofthissectionapplymayberegisteredasacitizenofNigeria,if thePresidentissatisfiedthat-

1. (a)Heisapersonofgoodcharacter;twopeopletotestifytothatwhichone shouldaReligiousminister...
2. (b)HehasshownaclearintentionofhisdesiretobedomiciledinNigeria;and
3. (c)Hehastakenthe OathofAllegiance prescribedintheSeventhScheduleto thisConstitution.

(2)Theprovisionsofthissectionshallapplyto-

(a)AnywomanwhoisorhasbeenmarriedtoacitizenofNigeriaoreverypersonoffull ageandcapacitybornoutsideNigeriaanyofwhosegrandparentsisacitizenofNigeria.

AFOREIGNER(Lebanese)CANALSOGAINCITIZENSHIPTHROUGH:

Bynaturalization: .Subjecttotheprovisionsofsection28ofthisConstitution,any personwhoisqualifiedinaccordancewiththeprovisionsofthissectionmayapplyto thePresidentforthesameofacertificateofnaturalisation.

1. Nopersonshallbequalifiedtoapplyforthegrantofacertificateor naturalisation,unlesshesatisfiesthePresidentthat-
2. Heisapersonoffullageandcapacity;
3. Heisapersonofgoodcharacter;
4. HehasshownaclearintentionofhisdesiretobedomiciledinNigeria;
5. Heis,intheopinionoftheGovernoroftheStatewhereheisorheproposesto beresident,acceptabletothelocalcommunityinwhichheistolivepermanently, andhasbeenassimilatedintothewayoflifeofNigeriansinthatpartofthe Federation;
6. Heisapersonwhohasmadeoriscapableofmakingusefulcontributiontothe advancement;progressandwell-beingofNigeria;
7. HehastakentheOathofAllegianceprescribedintheSeventhScheduletothis Constitution;and
8. (g)Hehas,immediatelyprecedingthedateofhisapplication,either-

(i)ResidedinNigeriaforacontinuousperiodoffifteenyears;or

(ii)ResidedinNigeriacontinuouslyforaperiodoftwelvemonths,andduringtheperiod oftwentyyearsimmediatelyprecedingthatperiodoftwelvemonthshasresidedin Nigeriaforperiodsamountingintheaggregatetonotlessthanfifteenyears.

28.Subjecttotheotherprovisionsofthissection,apersonshallforfeitforthwithhis Nigeriancitizenshipif,notbeingacitizenofNigeriabybirth,heacquiresorretainsthe citizenshipornationalityofacountry,otherthanNigeria,ofwhichheisnotacitizenby birth.

29.AnycitizenofNigeriaoffullagewhowishestorenouncehisNigeriancitizenship shallmakeadeclarationintheprescribedmannerfortherenunciation.

(2)ThePresidentshallcausethedeclarationmadeundersubsectionofthissectionto beregisteredanduponsuchregistration,thepersonwhomadethedeclarationshall ceasetobeacitizenofNigeria.

(3)ThePresidentmaywithholdtheregistrationofanydeclarationmadeunder subsectionofthissectionif(a)ThedeclarationismadeduringanywarinwhichNigeriaisphysicallyinvolved;or (b)Inhisopinion,itisotherwisecontrarytopublicpolicy.

(4)Forthepurposesofsubsectionofthissection.

(a)"fullage"meanstheageofeighteenyearsandabove;

(b)Anywomanwhoismarriedshallbedeemedtobeoffullage.

30.ThePresidentmaydepriveaperson,otherthanapersonwhoisacitizenofNigeria bybirthorbyregistration,ofhiscitizenship,ifheissatisfiedthatsuchapersonhas, withinaperiodofsevenyearsafterbecomingnaturalized,beensentencedto imprisonmentforatermofnotlessthanthreeyears.

(2)ThePresidentshalldepriveaperson,otherthanapersonwhoiscitizenofNigeriaby birth,ofhiscitizenship,ifheissatisfiedfromtherecordsofproceedingsofacourtof 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,andforgrantingspecialimmigrantstatuswithfullresidentialrightstononNigerianspousesofcitizensofNigeriawhodonotwishtoacquireNigeriancitizenship.

(2)Anyregulationsmadebythepresidentpursuanttotheprovisionsofthissection shallbelaidbeforetheNationalAssemblyNIGERIA

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Nigeriannationalitylawallows dualnationality ofpeopleofNigeriandescenteither throughbirthorparentage.TheyarealsoallowedtoholdpublicofficeinNigeria SomeinNigeriafeelthatdualnationalitydamagesnationalityunityofthecountry.

ThisLebanesecanalsolosethiscitizenshipthroughsomecertainways

"Involuntaryloss"mayoccurduetoeitherautomaticlapseofthecitizenshipfromthe lebaneseforfailuretotakesomeactiontoretaincitizenship,oractivewithdrawalof citizenshipbythecountryifthisLebaneseshoulddoactionsagainsttherightsof Nigeriaegstealingorbeinganespionageortrytooverthrowgovernment.

Incontrast,"voluntaryloss",oftencalled"relinquishment"or"renunciation" Renunciationofcitizenship.Renunciationisthevoluntaryactofrelinquishing one's citizenship ornationality.Itistheoppositeof naturalization,wherebyaperson voluntarilyacquiresacitizenship,andisdistinctfromdenaturalization,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 shammarriages,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,whatmadethemestablishagovernment,thetermofcontractandthe 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.Thepeoplecannotquestionhimfortherightor 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 againstthefreedomofsmallnations,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

JWBurgersreportedthat“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 variesfromeachotherandisdifferentaccordingtoenvironment.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