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**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.**

**How Can Lebanese Retain or Lose His Newly Acquired Nigerian Citizenship?**

A citizen of a country is one that is accorded the right to belong to it by the laws of the country. A Nigerian citizen is one accorded the right to belong to Nigeria by the Constitution of Nigeria. The Constitution of the Federal Republic of Nigeria of 1999 provided in sections 25, 26 and 27 that a person can only become a citizen of Nigeria by birth, by registration or by Naturalization. These provisions exclude people who do not meet the requirements contained in them from becoming citizens of Nigeria.

**Examining the Effect of Domicile on Naturalization**

It is to noted that the conditions to be met by a non-Nigerian who wishes to acquire Nigerian Citizenship through naturalization include that he must have domiciled in Nigeria for not less than (a) fifteen consecutive years or (b) fifteen years in aggregate. The aggregation of fifteen years shall begin to count the moment the applicant completes a year’s domicile in Nigeria without any break in-between the twelve months making up the year. Failure to meet up with this singular requirement relating to (b) above, that is, fifteen years in aggregate defeats any application for a Nigerian citizenship routed through it. It is the base upon which the superstructure, that is, the aggregation of years relating to citizenship stands. The above position is understandable because once the one-year continuous domicile is attained, the person intending to acquire the Nigerian citizenship may be going out of Nigeria at will but must ensure that he completes the fifteen years aggregate requirement within a period of twenty years. This technical requirement apparently relaxes the stringent rule of fifteen years consecutive or continuous domicile by giving the applicant wishing to take the opportunity of the requirement of fifteen aggregate years within a period of twenty years, five years leave of absence from Nigeria which may be taken consecutively or spaced out within a period of twenty years.

The effect of domicile, therefore, on naturalization is that it facilitates citizenship by naturalization. It is a prime factor the absence of which can mar the chances of obtaining the grant of Nigerian citizenship by naturalization. The nature of domicile is immaterial to the grant. Therefore, whether a person applying for such a grant is a tenant or a landlord in Nigeria does not affect negatively his or her chances of receiving the grant predicated on his or her application. In the same vein, the 1999 Constitution is silent on the functional aspect of domicile in the acquisition of Nigerian citizenship. The domicile of a foreigner in Nigeria in order to carry out his functions in a multinational company or any other foreign body in Nigeria may come under scrutiny with the aim of deciding whether in that capacity he can include the number of years spent in the services of his employer in order to make up the fifteen years requirement of domicile before naturalization in Nigeria. Such a domicile, it is submitted, carries the same weight as that of a person who in his private capacity is domiciled in Nigeria at all material times. In other words, a former diplomat who wants to obtain Nigerian citizenship through naturalization can include the number of years he domiciled in Nigeria as a diplomatic envoy of his country in order to make up the fifteen (15) years domicile requirement attached to the acquisition of the Nigerian citizenship by naturalization. It is not a sustainable argument to maintain that since he was then a diplomat representing his country in Nigeria that those years he served in the capacity of a diplomat should not be included in calculating the fifteen-year period of domicile. Since the 1999 Constitution does not place any such impediment on the way of applicants wishing to obtain the Nigerian citizenship through naturalization, it would amount to an act of injustice to deny such citizenship based on a rebuttable assumption that the years of functioning as a diplomat would not be counted while calculating the number of years such an applicant has spent in Nigeria.

 **The Need to Define the Phrase “Useful Contribution”**

Having resolved the issues revolving around domicile, there is the need to emphasize at this point that the channel of bringing more people into the population of Nigerians through naturalization is an avenue of bringing only good adults’ characters to wear the Nigerian color or acquire the citizenship of Nigeria. Good infants or good minors do not have any constitutional right to apply for citizenship by naturalization. The channel has no consideration for people who lack the intention or the desire to domicile in Nigerian. A mad person in a diplomat’s immediate family, though has the backing of international law to domicile in Nigeria could be rightly adjudged to lack the clear intention of his desire to be domicile in Nigeria. It is to be noted that the purpose of domicile in the Nigerian constitutional context is to enhance the assimilation of the way of life of the indigenous community by the citizenship applicant. This assimilation must not be apparent but as real as could positively affect the opinion of the Governor of a state about the sociability of the applicant. In addition to the sociability of the applicant, another important element is that an applicant for the grant of the Nigerian citizenship by naturalization must be an asset and not a liability to Nigeria. No notorious drug peddler, terrorist, pirate or fraudster can acquire the grant. Any application for the grant can be quashed by a petitioner who proves that the applicant is a liability and not an asset to Nigeria. The litmus paper for testing the asset basis of naturalization is whether the applicant has made or is capable of making useful contribution to the advancement, progress and well-being of Nigeria. The contribution stated here needs only to be useful. The silence on the general nature of “useful contribution” removes every reasonable doubt as per whether a mere suggestion, recommendation or advice given to the authorities of the government of Nigeria prior to the application for citizenship by naturalization suffices as a useful contribution. Taken from all standards of rationale judgement contribution can be in cash or in kind. Cash apart, kind remarks, about Nigeria at a time the international community is wondering whether Nigeria is on course or not, in terms of security and stability could serve as a useful contribution if such a remark becomes a basis for laundering Nigeria’s image abroad. The point is that until the constitution is amended to state in clear, unequivocal terms what it means by “useful contribution” all reasonable contributions could be placed on it without its veracity being impeached or successfully challenged. The making of useful contributions shows a great level of commitment to the Nigerian project. The view that commitment to a cause shows an unquestionable acceptance of that cause is an average viewpoint that needs not be vehemently canvassed for before its general acceptance. Therefore, commitment to Nigeria as reflected in the making of useful contributions without any form of reservation or inhibition is a sign of acceptance of Nigeria unreservedly. Does such maker of useful contributions need any other proof to show his allegiance to Nigeria?

**The Nature of Oath of Allegiance in Naturalization Affairs**

The drafters of the 1999 Constitution thought it wise to include taking the oath of allegiance as one of the requirements for acquiring Nigerian citizenship by naturalization. The functional aspect of an oath is basically related to both morality and law. The moral angle is revealed by the fact that the oath binds the conscience to live up to the expectation of the oath. On the aspect of the law, it is trite law that going against an oath legally administered on a person could attract the wrath of the law. For instance, the crime of perjury is installed in the Nigerian Criminal Justice system in order to check the menace of lying under an oath. By swearing an oath, an individual places’ himself under the burden of speaking the truth and nothing but the truth. The burden referred to, here, means a legal burden which has a moral undertone. Attaching the string of oath of allegiance to the acquisition of citizenship does not carry much legal weight to the whole exercise. This assumption is sustained by the discovery that the oath of allegiance is only extracting from the oath taker a mere promise of being true and faithful to Nigeria. This, it is submitted, is different from the evidential oath administered to witnesses in court aimed at extracting the truth underlying the facts of a case from witnesses who come or are brought to give evidence in court in support of or against facts of the case. While, liars under this type of oath can be convicted and be sent to jail on the basis of perjury, those aliens who do not mean a single word among the words contained in the oath of allegiance may not face any such treatment. This doubt is founded on the basis that there is no provision in the said oath where the refrain to the effect that all that the oath of allegiance taker would say “would be the truth and nothing but the truth” is inserted. This omission is suggestive of the fact that there is no palpable intention on the part of the drafters of the 1999 Constitution to criminalize any failure on the part of the oath of allegiance taker who does not take the oath as serious as it is required. Suffice it to say at this point that the constitutional stance on the oath of allegiance as a factor in considering an alien legible to acquire the Nigerian citizenship is that such oath taking is an imperative act and must not be dispensed with, otherwise the applicant for Nigerian citizenship would fail to have his application granted or the procedure for obtaining the citizenship fully complied with. The oath of allegiance is apparently aimed at forbidding an alien who takes up Nigerian citizenship from undertaking subversive actions against the territory, government and people of Nigeria. Such subversive actions include spying activities which undermine the political independence, territorial integrity and corporate existence of Nigeria. Moreover, admitting people who are not passionate about Nigeria’s wellbeing and security would amount to consciously compounding the existing problems of Nigeria. It is noteworthy to state that the applicants for Nigerian citizenship have by virtue of their applications shown a clear intention to become Nigerian citizens if their applications are granted. Intention is one of the elements required in order to grant citizenship to an alien subject fulfilling other constitutional requirements such as possession of full capacity, good character and obtaining of a favorable opinion of the Governor of the state where applicant proposes to be resident. The phrase, “good character” is not expressly defined. It is left within the subjective interpretative ability of the president to whom the applications are addressed through the appropriate channel. A “good character” is a relative term which if left undefined could be interpreted to mean anything which serves better the interests of all those involved in one matter or the other relations to grant of the Nigerian citizenship to aliens.

 **Governor’s Opinion and Citizenship by Naturalization**

Another subjective element in the case of obtaining of Nigerian citizenship by naturalization relates to the opinion of the Governor of a state in which he is domiciles, on whether the local people in the community living in the Governor’s state have accepted him and that the applicant has been integrated fully into the communal life of the people of that community. The opinion of the Governor, apart from being a subjective factor, may in the actual sense be the opinion of any of his commissioners, particularly that of Local Government and Chieftaincy Matters. In the light of the above fact, the opinion of the Governor may be adjudged to be an artificial act which does not provide any sufficient justification for its requirement by the 1999 Constitution. However, an applicant can challenge an unfavorable opinion of the Governor which bars him from being conferred with the right of being a citizen on the ground that the expressed opinion is an opinion other than that of the Governor on the ground that it is the Commissioner and not the Governor, as required by the law, that formed the opinion. This position could be argued against by maintaining that the Governor in question delegated his function as it relates to the formation of the opinion to the commissioner. However, a counter argument that the 1999 Constitution did not contemplate the delegation of such power to any other person and as a result of this that such delegation of power is unconstitutional, null, void and of no effect whatsoever.

**Marriage and Acquisition of Nigerian Citizenship**

Marriage under the Nigerian Marriage Act is a union between a man and woman who are joined together by legitimate authorities to live as husband and wife. The 1999 Constitution made provisions for the acquisition of the Nigerian citizenship by alien women who get married to Nigerian men by virtue of registration. Again, a marriage related privilege in terms of the legitimate acquisition of Nigerian citizenship is extended to a person who is born outside Nigeria any of whose grandparents is from a tribe indigenous to Nigeria. in other words, where X, a Nigerian woman married to Y, a man of German nationality, gives birth to P who grew up later in Germany and married a German woman. The child of this later woman, a German by birth wishing to take up the nationality of Nigeria would be required to go by means of acquiring Nigerian citizenship by virtue of registration. In the above cases all having to do with marriage, the person applying for citizenship by registration does two things conjunctively: applies for registration as a citizen of Nigeria and if application is granted, takes the oath of allegiance. This form of acquisition of the Nigerian citizenship on a comparative basis is less arduous and tasking than that of citizenship acquisition by naturalization. All that the applicant is concerned with is just to marry a Nigerian man, apply for citizenship and if granted, takes the oath of allegiance. In fact, citizenship acquisition is reflective of a certain progression in the continuum of demands or pre-requisites to be met before the grant of the Nigerian citizenship.

**Less Complex Modes of Acquiring a Nigerian Citizenship**

The demand for citizenship by birth is the person to be born must be borne by a Nigerian citizen, irrespective of gender and the location of the birth place must be either in Nigeria or outside Nigeria. in this type of acquisition of citizenship, there is no form of application required. Birth by a Nigerian is the basic factor that confers this right of Nigerian citizenship automatically. Even if the Nigerian parent of the citizen are living abroad, the automatic acquisition would not be encumbered by that fact. The same position to cases where one of the parents is a Nigerian living abroad with the spouse. The fact that a person is born a Nigerian is not the act of the beneficiary whether consciously or unconsciously. There is no exertion of the mental energy of the beneficiary who is simply born a Nigerian as regards writing an application seeking for acquisition of Nigerian citizenship by birth. A different picture is presented in the case of citizenship by registration. There are higher demands for the acquisition of such citizenship. Unlike citizenship by birth, it is not automatic. There exists a conscious exercise of the mental faculty in other to acquire the citizenship right to become a Nigerian and the exercise in question relates to writing an application which is a form of tasking or exercising the mental faculty. Further progression in terms of demands to be met before one acquires a Nigerian citizenship is seen in the case of citizenship by naturalization. This is the most complex form of citizenship acquisition in Nigeria. The community of people where the foreign applicant is domiciled, the State Governor of the state where the community is located and the President of the Federal Republic of Nigeria play major roles in conferring on a foreign applicant the right of Nigerian citizenship. Moreover, there are still requirements relating to long domicile of the applicant in Nigeria, having full capacity and having the intention to become a citizen of Nigeria. From the foregoing, it could be seen that citizenship by birth is simple, to acquire, citizenship by registration is a bit complex; while citizenship by naturalization is cumbersome to a acquire. The progression from a simple to a cumbersome mode of acquisition is sustained by what each of those citizens have at stake in relation to Nigeria. Citizenship by birth is blood related, that of registration is marriage related; while that of naturalization is environmentally and asset related. The blood, marital and environmental cum asset factors are the foundations on which citizenship in Nigeria is based. Among the three factors, the one apparently controversial is the marital factor. It favors only married women and unnecessarily discriminates against married men. In other words, an alien woman who gets married to a Nigerian man is qualified to applying for citizenship of Nigeria by registration. An alien man married to a Nigerian woman does not have the same privilege accorded to him. This discrimination has raised considerable dust in the reasoning of intellectuals, including jurists. A foreign woman married to a Nigerian has come to stay in the husband’s land till death does them part. The likelihood of her remaining in Nigeria as a Nigerian is increased because of her posterity which has taken root in Nigeria. A foreign man getting married to a Nigerian woman is very likely to leave Nigeria with his Nigerian wife and children and return to the country of his nationality. It is worthy to note that the constitution does not foreclose the possibility of such a person becoming a Nigerian. Where he is serious in acquiring a Nigerian citizenship, he strives to qualify to meet up with the stringent constitutional provisions on citizenship acquisition by naturalization.

**Conclusion**

A Lebanese looking to retain his or her Nigerian citizenship only has to, once citizenship is acquired, live and comply by the rules places before him and stay by the word of the oath he or she swore. Once any of the rules is faulted the citizenship will be lost and the person will most likely be expelled from Nigeria.

**Theories Similar to Social Contract Theory and Their Strength**

Social contract, is an actual or [hypothetical](https://www.merriam-webster.com/dictionary/hypothetical) compact, or agreement, between the ruled and their rulers, defining the rights and duties of each. In primeval times, according to the theory, individuals were born into an anarchic state of nature, which was happy or unhappy according to the particular version. They then, by exercising natural reason, formed a society (and a government) by means of a contract among themselves.

In moral and political philosophy, the social contract is a theory or model that originated during the Age of Enlightenment and usually concerns the legitimacy of the authority of the state over the individual. Social contract arguments typically posit that individuals have consented, either explicitly or tacitly, to surrender some of their freedoms and submit to the authority (of the ruler, or to the decision of a majority) in exchange for protection of their remaining rights or maintenance of the social order. The relation between natural and legal rights is often a topic of social contract theory. The term takes its name from *the social contract* (French: *Du contrat social ou Principes du droit politique*), a 1762 book by [Jean-Jacques Rousseau](https://en.wikipedia.org/wiki/Jean-Jacques_Rousseau) that discussed this concept. Although the antecedents of social contract theory are found in antiquity, in Greek and Stoic philosophy and Roman and Canon Law, the heyday of the social contract was the mid-17th to early 19th centuries, when it emerged as the leading doctrine of political legitimacy.

**Force Theory**

Force Theory of origin of state -similar to the social contract theory- is another fallacious theory, but historically important, which is offered as an explanation of the origin and meaning of the State. There is an old saying that war beget the king and true to this maxim, the theory of Force emphasizes the origin of the State in the subordination of the weak to the strong. The advocates of the theory argue that man, apart from being a social animal is bellicose by nature. There is also a lust for power in him. Both these desires prompt him to exhibit his strength and in the early stages of the development of mankind a person physically stronger than the rest captured and enslaved the weak. He collected in this way a band of followers, fought with others, and subjugated the weak.

Having increased the number of his followers, over whom he exercised undisputed authority, he became a tribal chief. A clan fought against a clan and a tribe against a tribe. The, powerful conquered the weak and this process of conquest and domination continued till the Victorious tribe secured control over a definite territory of a considerable size under the sway of its tribal chief, who proclaimed himself the King. Leacock gives a matter of fact explanation of the Force Theory when he says that historically it means that government is the outcome of human aggression, that the beginnings of the State are to be sought in the capture and enslavement of man by man, in the conquest and subjugation of feebler tribes and generally speaking in the self-seeking domination acquired by superior physical force. The progressive growth from tribe to kingdom, and from kingdom to empire is but a continuation of the same process. The theory, in from tells us that the State is primarily the result of forcible subjugation through long continued Warfare, among primitive groups and historically speaking, as Jenks says, “there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare.”

**Merits of the Force Theory**

* In so far as the theory explains the origin and development of state, it contains a considerable amount of truth because war and conquest have gone a long way in building of states in all ages.
* The theory brings to the forefront the fact that “might” or force is indispensable to the state and without it a state can neither exist nor function.

**Divine Command Theory**

Divine Command Theory is the view that morality is somehow dependent upon God, and that moral obligation consists in obedience to God’s commands. Divine Command Theory includes the claim that morality is ultimately based on the commands or character of God, and that the morally right action is the one that God commands or requires. The specific content of these divine commands varies according to the particular religion and the particular views of the individual divine command theorist, but all versions of the theory hold in common the claim that morality and moral obligations ultimately depend on God.

Divine Command Theory has been and continues to be highly controversial. It has been criticized by numerous philosophers, including Plato, Kai Nielsen, and J. L. Mackie. The theory also has many defenders, both classic and contemporary, such as Thomas Aquinas, Robert Adams, and Philip Quinn. The question of the possible connections between religion and ethics is of interest to moral philosophers as well as philosophers of religion, but it also leads us to consider the role of religion in society as well as the nature of moral deliberation. Given this, the arguments offered for and against Divine Command Theory have both theoretical and practical importance.

**Advantages of Divine Command Theory**

* Metaphysical and objective: God is the origin and regulator of morality. Surely there is no better source for deciding what is right and wrong than God's unchanging law
* God knows us best: God is objective, as well as our creator. We may think that things are good for us, such sas having an affair, but God's law is against this for a reason
* Absolute rules: the laws we have to stick by are often clear, such as the Ten Commandments
* Takes away human responsibility: goodness isn't subject to our misunderstanding of situations - our reasoning is fallible, and so following God's law safeguards against this
* God is inherently good: The Bible describes God as 'holy', meaning separate from sin. Therefore, what he commands must be good

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What is 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 law to regulate them. There were

hardships and oppression on the sections of the society. To overcome from these

hardships they entered into two agreements which are:-