

GST 113

NIGERIA PEOPLES & CULTURE

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LESSON 1

CITIZENSHIP

This lesson introduces the understanding of citizenship, ancient and contemporary origins of citizenship; the issue of rights of citizens; the methods or conditions of acquiring citizenship, and duties and obligations of a citizen in Nigeria.

It is hoped that at the end this lesson you should be able to:

- know what citizenship actually means in Nigeria;
- discuss the ancient and contemporary origins of citizenship;
- know the conditions of acquiring citizenship in Nigeria;
- know the difference between political rights and civil liberty; and
- know about rights and obligations of citizens in Nigeria E.t.c

Citizenship is the status of a person as recognized under the constitution of a country or a sovereign state as being a legal member of such country or state. It gives the person holding the citizenship access to all the benefits and rights stated in the constitution of such country.

According to *The Oxford Advanced Dictionary of Current English*, a citizen is he that has full rights in a State either by birth or by gaining such rights.

Every country has its own law governing citizenship and other aspects of their nationality. It is known as Nationality Law. Based on the constitution of the Federal Republic of Nigeria, becoming a citizen of Nigeria is governed by the Nigerian Nationality Law. This law governs everything relating to citizenship and every other category of Nigerian nationality. There are four types of citizenship in Nigeria:

1. CITIZENSHIP BY BIRTH

The citizenship by birth is sometimes further broken in two namely; *Jus Sanguinis (blood relation)* and *Jus soli (territory of birth)*.

i. *Jus Sanguinis*: This is often refer to as citizenship by descent. Citizenship in Nigeria is basically acquired through the principle of *Jus Sanguinis* and not *Jus Soli*. This means at least one of the parents of the person is a Nigerian even if the person was born outside of Nigeria. Therefore, in Nigeria, citizenship by birth is often tied with citizenship by the parent(s) descent i.e either of the parents is a descendant of Nigeria.

In essence, being born in Nigeria does not automatically confer Nigerian citizenship. Citizenship by birth does not necessarily mean that you must be born within Nigeria. As long as your parents are citizens of Nigeria, it does not matter where you are born.

ii. *Jus Soli*: This is basically citizenship acquired by the virtue of being born in a place or territory. In some countries like the USA, anyone born within the territory is automatically a citizen of the country irrespective of the citizenship of the parents. This is clearly stated in the 14th Amendment of the United States of America: “*All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and the State wherein they reside.*”

2. CITIZENSHIP BY REGISTRATION

This type of citizenship can be obtained by any of the following persons;

- i. A foreign woman married to a Nigerian man.
- ii. Anyone who is of age (17) born outside of the country whose either one or both grandparents is or was a citizen of Nigeria.
- iii. A foreign child adopted by Nigerian parents.

Citizenship Registration and Citizenship by Naturalization are both referred to as ***Citizenship by Legal Processes***.

3. CITIZENSHIP BY NATURALISATION

Citizenship by Naturalization could be applicable to anyone who is of full age and has lived in Nigeria for at least fifteen (15) years, and has intentions to continue residing in Nigeria. Such person must be familiar with the customs and language of Nigeria and must be able to support himself/herself.

While Birth is the commonest means of acquiring citizenship of a State, Naturalization is the commonest “legal” mode of acquiring the citizenship of a State. The number of years of legal residence that qualifies one to be naturalized varies from country to country.

You should know that there are at least three forms of naturalization namely:

1. Direct Naturalization

Here, the individual acquires the citizenship of a State after he has fulfilled the prescribed legal prerequisites as determined by that state.

Nigeria’s case, for instance, an applicant must be resident in the country for a continuous period of fifteen years, or for at least fifteen of non- continuous twenty years, including twelve consecutive months immediately preceding application to the president for the grant of certificate of naturalization.

Besides, the applicant must be able to contribute to the growth or advancement of Nigeria; must be of age and capacity, and must be of good character and wishes to be domiciled in Nigeria. Also, the person must satisfy the Governor of the State of residency that he or she is acceptable to the immediate community and has indeed been assimilated into its norms, values, etc.

2. Derivative Naturalization

This simply means that a spouse or a child becomes or acquires citizenship status as a result of the parents’, spouses’ or relatives’ direct naturalization.

3. Collective Naturalization

In this case, a group of people occupying a defined territory acquires the citizenship privileges of another either by treaty or by statute annexing the territory to a new one.

HOW TO BECOME A CITIZEN OF NIGERIA

The provisions for obtaining Nigerian citizenship are stated in Chapter 3 of the Constitution of the Federal Republic of Nigeria 1999 known as the *Nigerian Citizenship Act*.

By birth Section 25:

(1) The following persons are citizens of Nigeria by birth namely;

(a) Every person born in Nigeria after the date of independence (October 1, 1960), either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria; Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of his grandparents was born in Nigeria.

(b) Every person born outside Nigeria either of whose parents is a citizen of Nigeria.

(2) In this section, "the date of independence" means the 1st day of October 1960.

By registration Section 26:

(1) Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that –

(a) He is a person of good character; two people to testify to that which one should a Religious minister...

(b) He has shown a clear intention of his desire to be domiciled in Nigeria; and

(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) Any woman who is or has been married to a citizen of Nigeria or every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.

By naturalization Section 27:

(1) Subject to the provisions of section 28 of this Constitution, any person who is qualified in accordance with the provisions of this section may apply to the President for the same of a certificate of naturalisation.

(2) No person shall be qualified to apply for the grant of a certificate or naturalisation, unless he satisfies the President that;

(a) He is a person of full age and capacity;

(b) He is a person of good character;

(c) He has shown a clear intention of his desire to be domiciled in Nigeria;

(d) 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;

(e) He is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;

(f) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution;

(g) 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 the aggregate to not less than fifteen years.

The Nigerian Nationality Law allows a person of Nigerian descent to hold dual nationality and to hold public office in the country.

ORIGINS OF CITIZENSHIP

1. Ancient Origins

It is very difficult if not impossible to trace the origins of citizenship without going back to Greek philosophers. Indeed, Greek philosophers are best known as the systematizers of early “scientific thought”. In early Athenian society, the concept of citizen was very different from what we know of it today. Plato and Aristotle, for instance, had a strange and unique understanding of citizenship. According to them, a citizen was he who was born into or classified within the penumbra of the ruling class or the *Aristocratic class*. That is, the philosopher-king, the guardian and the like. Only this category of people could exercise the right to life, private property, education, leadership, vote and be voted for, etc. To Plato and Aristotle, anyone outside the foregoing categories was just an ordinary person, someone of low birth or a servant. He did not deserve the status of a citizen. His lifestyle could not go beyond that of an animal. Indeed, he was someone totally imbued with passions instead of reason.

2. Contemporary Origins

The contemporary origin and understanding of citizenship different from that of Plato and Aristotle can be traced to as far back as 1789. The declaration of the Rights of Man issued by the National Assembly of France during the French Revolution in 1789 gave a universal and an unbiased dimension to citizenship. We could hear statements such as Men are born and always continue, free and equal in respect of their rights (Appadorai, 1975:86). We hold these truths to be self-evident; that all men are created equal... was also found in the American Declaration of independence in 1776.

RIGHTS AND PRIVILEGES OF CITIZENS

You should know that in any State the individual must have his rights and privileges as well. Civil liberty is an aggregate of the rights recognized by the State. Appadorai (1975), contends that civil liberty consists of the rights and privileges which the state creates and protects for its citizens. According to Okoli and Okoli (1990) the most important of these rights and privileges that citizens of any state enjoy can be grouped into two, namely: *political rights and civil rights*

A. Political Rights

Here every adult citizen for instance, is entitled to vote or be voted for in any election unless and until he is disqualified by competent authority of the State.

B. Civil Rights

These are rights that inhere in the individual, and they must, *ipso facto*, be protected by the basic law or the constitution, and indeed, the legal process of the state. These are rights to:

- a. Life, dignity of human person, personal liberty, fair hearing,

- b. Freedom of thought, private and family life, peaceful assembly and association, freedom of movement and freedom from discrimination.

OBLIGATIONS OF CITIZENS

As stated earlier, besides the rights and privileges the individual enjoys as a member of the state, he also has some obligations *vis-is-vis* the State. These obligations can be summarized as follows:

- A citizen is expected to place the interest of the State before any other interest;
- A citizen must pay his tax promptly;
- A citizen must obey the laws of the State;
- A citizen must defend the State against internal and external enemies;
- A citizen must uphold the honour and dignity of the State; and
- A citizen must respect the symbol and symbolism of the State.