

10 Citizenship

Citizenship has meaning when it is related to some rights and duties. The qualifications for citizenship are found in the place of birth, decent, marriage, legislation and naturalisation.

A citizen has a legal membership of a country. He also has full political and legal rights in the State. As a citizen, he has legal duties and social rights. The legal duties are those things which he, as a citizen must do whether or not he likes them. His social rights are those claims which the State must make possible for him to enjoy.

A citizen of a country refers to his country as his permanent home. He is expected to have no other home except where the constitution allows dual citizenship. As a citizen of a country, an individual enjoys the legal protection and privileges of his own country wherever he may be in the world. This is why foreign nationals with problems are referred to their high commissions or embassies whenever they commit any crime especially after conviction.

As a citizen, an individual has civil rights (political, economic and social). The political rights enable him to take part in the political activities of his country such as forming political parties, voting and being voted for, appointment to political positions, etc. The civil and economic rights are those related to his rights to relate to anybody of his choice, engage in any legal business, etc. For all these, the citizen has allegiance to the State. His absolute loyalty is to the particular State of which he is a citizen. Such a person will be described as a national of that particular country.

10.1 TYPES OF CITIZENSHIP

People become citizens of a country through a number of ways, which include birth, marriage and registration, naturalisation and conferment.

Citizenship by Birth

A person is described as a citizen of a country if either or both parents are born in that country. This relates to the notion that the parents also have citizenship of that country and he can inherit citizenship from them. If for instance, Saliu, whose parents are from Zungeru in Nigeria, is born in Ghana. Saliu is a Nigerian in spite of his place of birth. A person whose mother is Nigerian but whose father is Chadian is, in spite of the father's origin, a Nigerian. Citizenship by birth is about the most apparent of the processes of acquiring citizenship. Such a citizen does not even require a passport or visa to enter his country. Indeed, citizenship by birth is not acquired, it is bestowed.

Citizenship by Marriage and Registration

A foreigner can become a citizen of another country by marriage and registration. For instance, if Anne, an English, marries Kalu, a Nigerian, Anne can apply to the Nigerian government for citizenship. Her qualification for acceptance is that she is married to a Nigerian.

However, before this registration is allowed, the person to be registered has to satisfy certain conditions. The first and perhaps the most important is that the person has to renounce his or her original citizenship. Secondly, the person must be of good character. Thirdly, he must take an oath of allegiance prescribed by the State. The fourth condition is that the person must show an intention of genuine desire to be resident in the State.

Citizen by Naturalisation

A citizen of a country can become a citizen of another country if he so desires. In that case, he will apply to the government for naturalisation. This has the implication that he must have renounced his citizenship of his former country. This citizenship is subject to the approval of the government and only very few foreigners form the habit of applying. Once admitted, the naturalised citizen will, henceforth, be entitled to the rights and privileges of a citizen. He is therefore entitled to the rights and privileges of citizenship of his new country as if he had been born there.

Naturalisation simply means that a person has acquired the citizenship of a country other than the country of his birth, and thereby has become a citizen of his new country.

There are various conditions for naturalisation and they differ from one nation to another. Generally, there are six conditions which an alien must satisfy before he is naturalised. They are as follows:

- (i) He must be of full age.
- (ii) He must be of good character.
- (iii) He must show genuine intention to be resident in that State.
- (iv) He must show genuine interest or love for the State and show willingness to contribute meaningfully to its progress.
- (v) He must take the oath of allegiance of that State.
- (vi) He must renounce the citizenship of any other State.

When a person is naturalised, he is issued the certificate of naturalisation which qualifies him to enjoy all the rights of citizenship of his new State.

Citizenship by Conferment

An individual may be made a citizen of a country as a mark of honour. The government may award or honour the person either for certain services or some outstanding attributes. Such citizenship was conferred on Miriam Makeba by President Sekou Toure of Guinea. By this conferment, Miriam Makeba became a citizen of Guinea in addition to her citizenship of Tanzania and Liberia. In this case, such a person does not have to renounce the citizenship of his or her country. In this circumstance, dual or multiple citizenship is possible.

10.2 CITIZENSHIP AND INDIGENESHIP

Citizenship may run into the problem of definition under a federal system of government as obtained in Nigeria. A citizen of Nigeria is also a citizen of his home state. Since citizenship bestows on the individual certain rights and imposes certain duties, the citizen looks up to the federal government for certain services and his state government for some other services. In this circumstance, the citizenship of the country is more paramount because the membership of the state is only possible if the centre holds. The citizenship is an exclusive right of a sovereign State. Thus, the so-called citizenship of a state in a federation is called indigeneship. Just as citizenship has certain rights and privileges, indigeneship also has certain rights and privileges which are subordinate to citizenship.

10.3 RIGHTS OF A CITIZEN

The rights of citizens are claims of the citizens in the State which are inalienable, recognised by the law of the land and safeguard by the government. These can be put under four categories namely: private rights, economic rights, social rights and political rights.

- (i) Private rights are those claims on the State which are mainly personal to the citizens. These include right to life, right to personal safety, right to family, right to privacy and freedom of conscience and religion.
- (ii) Economic rights are concerned with economic security and equal opportunity for citizens to earn their living. These include right to work and earn wages and right to own property.

- (iii) Political rights have to do with the citizen's participation in the government of the State. These include right to vote, right to stand for election, right of equal eligibility to government office, right to criticise government, etc.
- (iv) Social rights deal with the citizen's enjoyment of social interaction and interrelationships. These include right to form association, right to education and right to free expression of opinion (freedom of speech).

There are, however, certain developments in the case of Nigeria. All Nigerian citizens in one state or the other do not enjoy the same privileges and rights. A distinction is usually made between indigenes of a state and non-indigenes. For instance, in most applications for scholarship or admission, participation in certain social services or admission to certain institutions, one's state of origin may determine whether such services are secured. Indigenes of a particular state often have advantages over non-indigenes of the state. In this circumstance, the individual so favoured will consider his home state as more relevant. This is not limited to state level, it extends even to local governments. The principle behind it is to ensure even and fair share of resources. It is also to allocate responsibilities in terms of provisions of services to a group of people who can claim that, as indigenes, such services are their dues. The state's government can turn to the same people for certain sacrifices. It is, therefore, proper to admit that a Nigerian citizen is also an indigene of his home state and that he has obligations to both the federal government and his state government. While he is regarded as a citizen in one, he is regarded as an indigene in another.

All these are the fundamental liberties which a State must ensure that its citizens enjoy. They are necessary to make life worth living and serve as a guarantee for good government. They are also essential to ensure greater happiness for the citizens.

These rights are entitlements which the State accords its citizens without discrimination as to their sex, place of birth, political affiliation, colour or creed. Rights must be provided and safeguarded by the law of the land. This is done in most cases through the constitution.

The implication is that these rights come from the constitution. It can therefore, be said that rights are constitutionally defined and they are to be protected by the government. It is also the duty of the government to ensure that these rights are preserved in as much as the citizen conforms to certain expectations. The government cannot act arbitrarily in violation of the citizen's right without incurring the wrath of the people.

As the government concedes certain things to the citizen, the citizen is not entirely left to do what he pleases without constraints, making these rights more of theory than what usually is the practice. Even though the government is expected to guarantee these rights, agents of government often violate them. In case of violation, the individual has the right to seek redress in the courts using the prerogative orders such as *habeas corpus*, *mandamus* and *certiorari*.

Habeas corpus is a mechanism for challenging unlawful imprisonment. If a citizen is unlawfully detained or held in custody, he can challenge such detention in the law court to force the power holding him to present a justification for such act or to set him free.

The *writ of mandamus* is an order by the court commanding a public officer, public corporation or local authority to perform its duty imposed on it by law. This is granted at the request of a citizen.

Certiorari is a prerogative order of the High Court asking that the decision of an inferior authority be quashed. All these are the means through which the citizen may enforce his rights.

However, there are no unlimited rights anywhere. Where the right of one man stops, that of another begins. Rights and the attendant privileges involve a principle of 'give and take'. It is only under certain conditions that the rights of the individual are preserved. The law that gives the rights also imposes certain conditions under which the rights could be interfered with. For instance, freedom of movement may be denied an individual if he is found guilty of any criminal offence by a court of law. The right to expression may be limited by the law of slander and libel. The right to association may be in jeopardy if the association is for a criminal purpose. The right to privacy can be denied if an individual is suspected

of possessing some unlawful materials in his custody. During emergencies, rights can also be restricted e.g. curfew.

From the foregoing, it can be concluded that while there are rights which the individual enjoys, these rights are also limited by certain forces in the society. A detailed discussion of citizens' rights is in Chapter 8 under 'Fundamental Human Rights'.

10.4 DUTIES AND OBLIGATIONS OF A CITIZEN

The State is like a parent protecting the child, and the child doing certain things in return for the parent. The State takes care of the citizen by protecting his rights and the citizen, in return, has some duties and obligations to the State. The following are his reciprocal responsibilities to the state:

- (i) Before he can enjoy all the benefits of a citizen, he should be law-abiding. He must obey the laws made by the government which is an agent of the State. The citizen must be loyal to his nation and all his allegiance must be to the nation. If he does not obey the law while others do, his rights to life, movement and so forth will be threatened.
- (ii) A citizen must pay his tax and all other levies which his government may demand of him. For instance, if he does not pay his tax, there will be no money to maintain the police whose responsibility it is to protect his rights.
- (iii) The citizen must perform other civic responsibilities such as voting at elections. If he does not vote, he will lose the opportunity of taking part in the choice of government to be elected in his country and if a bad government comes into existence, he will not be in a position to complain, placing his right in jeopardy.
- (iv) Furthermore, the citizen must answer national calls such as joining the army during emergencies in defence of the country. He must serve in the National Youth Service Corps when he is qualified to do so. A citizen must give evidence in court as State's security by reporting people of suspicious character to the police.

The citizen cannot avoid carrying out any of these responsibilities. Some of the duties entail moral considerations. For instance, a person who refuses to vote at elections cannot be prosecuted, but he will be doing a lot of harm by helping to choose an unpopular government. Once a bad government is elected, there will be threat to the rights and privileges which the citizen enjoys. However, when a good government comes to power, a citizen must obey it. The citizen can disobey a bad government with a view to bringing such government down.

The implication of the foregoing is that, rights and duties go together. As the citizen claims rights on the State, the State demands certain duties in response to the enjoyment of those privileges. A person who fails to carry out his duties to the State will also lose his privileges from the state.

10.5 DIFFERENCES BETWEEN A CITIZEN AND A NON-CITIZEN

A citizen is a person who is a legal member of a State. A non-citizen is a stranger who has no legal rights of the State in which he lives. For instance, Akuwudike is Nigerian because he was born of Igbo parentage in Imo State of Nigeria. He has not acquired the citizenship of any other country. Kofi, on the other hand, is not a citizen of Nigeria. His parents are Ghanaian and Kofi has not naturalised in Nigeria. He cannot demand from the Nigerian government such rights as voting or participation in politics. Kofi looks up to the Ghanaian government for protection.

Although Akuwudike and Kofi are black men and they are both living in Nigeria at the same time, what the two of them can do are not the same because one is a citizen and the other is a foreigner i.e. an alien.

A citizen refers to his country as his permanent home while a foreigner refers to the country as his temporary place of residence. The membership of the country is through descent for the citizen, but the

foreigner has no such claim.

Whereas a citizen enjoys the protection of his country in and outside of it, the foreigner merely enjoys protection for security if, within the boundaries of the country of sojourn, he has legal papers to stay in that country. For instance, if an alien enters a country illegally, the host country has no obligations to protect him, but if his papers are valid, the country of sojourn has to protect him on behalf of his own government on diplomatic grounds.

While a citizen has all political and civic rights in his country (i.e. can vote, be voted for, form political parties, start any business, etc.), these rights are not extended to the foreigner. Even if the foreigner is permitted to do business, his business may be seriously regulated and in fact, he may not be allowed to do certain businesses.

A foreigner does not owe any allegiance to the country in which he lives. He may refuse to defend it. He may refuse to serve as a juror. He may refuse to give evidence in court, etc.

Although citizens and non-citizens are human beings, their difference lies in the privileges, rights, and duties they get from or give to the country in which they live. While the citizen is a bona fide and full-fledged member of the country, the foreigner is just a bird of passage who may leave the country at any time and may never come back, or make reference to the country again. He cannot legally enter the country without a visa. If an alien misbehaves, he is repatriated to his country but a citizen will be punished for his derelictions.

KEY POINTS

Citizenship

A citizen is a person who has legal membership of a State.

(a) Types of Citizenship

- (i) *Citizenship by birth:* This is inherited because one's parents are citizens.
- (ii) *Citizenship by marriage and registration:* An American woman married to a Nigerian can claim citizenship if she applies for registration and satisfies the conditions.
- (iii) *Citizenship by naturalisation:* This is by application to become a citizen while renouncing former citizenship.
- (iv) *Citizenship by conferment:* Honorary citizenship which is conferred on distinguished persons e.g. citizenship conferred on Miriam Makeba by the Guinean government.

Citizenship and Indigeneship

Citizens are legal residents of a country while indigenes are the natives or the original inhabitants of their local states.

The problems of citizenship in a federal system are:

- (i) Citizenship does not entitle an individual to all things in a state if he or she is not an indigene.
- (ii) Indigeneship and the benefits of it make for dual citizenship and dual loyalty in a federation.

Rights of a Citizen

- (i) Political rights are right to vote, right to stand for election, right to form political parties, and right to criticise government.
- (ii) Private rights are right to life, right to family, right to privacy, right to personal safety, freedom of conscience and religion.
- (iii) Economic rights are right to work and right to own property.
- (iv) Social rights are right to form association, right to education, right to free expression of opinion.

Duties and Obligations of a Citizen

- (i) He must be law-abiding.
- (ii) He must pay taxes.
- (iii) He must owe allegiance to the State.
- (iv) He must answer national calls.

Differences between a Citizen and a Non-Citizen

Citizen	Non-citizen
(i) He is a legal member of a State.	(i) He is not a legal member of a State.
(ii) He has acquired citizenship either by birth, naturalisation, marriage, registration and conferment.	(ii) He has not acquired citizenship.
(iii) He has entitlement to certain rights from the State.	(iii) He does not enjoy these rights.
(iv) He has a permanent home in the State.	(iv) He has a temporary home in the State.
(v) He has no other place of country other than the one he lives in.	(v) He has the citizenship of another country.
(vi) He performs civic duties like voting.	(vi) He does not and cannot perform civic duties.
(vii) He owes allegiance to his country.	(vii) He owes no allegiance to the country in which he lives.

SAMPLE EXAMINATION QUESTIONS

Essay Questions

1. What are the main types of citizenship?
2. What are the differences between a citizen and a non-citizen?
3. What are the duties and obligations of a citizen to the State?
4. Discuss the basic rights of a citizen and show the limitations of these rights and those of the State.
5. What problem does the federal system of government bring into the concept of citizenship? Discuss fully the implications of this problem.

Objective Questions

1. Citizenship by naturalisation implies that the person being naturalised must be
 - (a) an alien by birth.
 - (b) an indigene by birth.
 - (c) a foreign woman married by an indigene.
 - (d) a citizen through registration.
2. Which of the following is not a condition for naturalisation?
 - (a) Taking oath of allegiance
 - (b) Renouncing citizenship of another State

- (c) Receiving national merit award
 - (d) Being of full age
3. Which of the following is a type of citizenship?
- (a) Indigeneship
 - (b) Registration
 - (c) Conferment
 - (d) Naturalisation
4. Which of the following is a political right?
- (a) Right to life
 - (b) Right to form social clubs
 - (c) Freedom to vote
 - (d) Right to property
5. An important duty of a citizen to his State is
- (a) freedom to work for the State.
 - (b) allegiance to the State.
 - (c) owning property in the State.
 - (d) fighting for his own rights within the State.

Answers to Objective Questions

- 1. a
- 2. c
- 3. b
- 4. c
- 5. b