

Citizenship Education *in* Nigeria

Book 1



Edited by

Dr. E. S. I. Ejere

*Citizenship Education in Nigeria
Book One*

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CONTRIBUTORS

Dr. E. S. I. Ejere and U. D. Abasilim

*Department of Political Science and Public Administration
University of Uyo, Uyo, Akwa Ibom State, Nigeria.*

UDEME ARCHIBONG UNA

*Department of Political Science & Public Administration
University of Uyo, Uyo.*

ENEBONG, MARTINS TOM PH.D

*Department of Political Science
University of Calabar, Calabar*

BARR. SUNDAY CHRIS OKON-AKPAN

**DEPARTMENT OF POLITICAL SCIENCE
UNIVERSITY OF CALABAR, CALABAR**

MR. IDONGESIT EDET UDOSEN

**DEPARTMENT OF PUBLIC ADMINISTRATION
UYO CITY POLYTECHNIC, UYO**

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CHAPTER 4

NIGERIAN CITIZENSHIP

Dr. E. S. I. Ejere and U. D. Abasilim

*Department of Political Science and Public Administration
University of Uyo, Uyo, Akwa Ibom State, Nigeria.*

INTRODUCTION

The concept of citizenship is not new in today's world. In fact, citizenship education and training has become a key aspect of education systems all over the world. Citizenship is generally understood as referring to the relation between the individual or collective and the state. It comprises a range of issues and elements including the rights and privileges, duties and obligations of a citizen in a given country. No wonder, it is often said that the hope and future of any responsible government or country lies in making her citizens recognise and cultivate the commitment to pursue their civic duties and protect their collective rights and privileges. This chapter, in the main, focuses on citizenship in Nigeria.

CITIZENSHIP: MEANING AND THEORETICAL CONSIDERATIONS

The term citizenship is traced to the Latin word "*civitas*" which simply means membership of a place. However, the word 'citizen' is usually used to refer to the membership of a country and it is associated with rights and obligations in

ancient Athens. According to the Oxford Dictionary, a citizen is a person who has full rights in a country. While for Smith (1995) a citizen is a person with political rights to participate in processes of popular self governance. In a similar vein, Alapiki (2010) defined a citizen as a full member of a State who enjoys, if qualified by age, residence and other lesser requirements, full political and legal rights and privileges in a State. Chaturvedi (2006) explained that a citizen is a person enjoying full political and civil rights and owing specified duties to a State, usually because he was born in its territory or because of the nationality of his/her parents. A citizen can be defined as one who has rights in a State which he/she is entitled to either by the fact of birth or acquisition which other residents within a state may not be entitled. This differentiates a citizen from an alien/foreigner. For aliens/foreigners to acquire citizenship status, they are required to fulfill certain residency requirements before they could be considered as naturalised citizens (Ayañ, 2004:60).

There is need to distinguish between a citizen and an alien/foreigner and also between a citizen and a subject; though they are all found in a State. A citizen is a person who owes his/her allegiance to the State where he or she resides but an alien/foreigner is a person who resides in a State, but owes allegiance to some other State. For example, the Chinese nationals residing in Nigeria owe their allegiance to China and not Nigeria. Secondly, a citizen of a State enjoys all civil and political privileges of that State, but an alien/foreigner does not enjoy all or full civil and political privileges of the state they reside in. In fact, they are denied the political privileges such as the right to vote. A member of a State where a monarchical form of government predominates is usually

called subject. This type of government is the oldest form of governance and was very popular in the past but its practice has greatly declined in modern times. Essentially, it is rule by one person – a monarch (by whatever name called: King, Queen, Emperor, Sultan, Emir, Oba) on whom the legislative, executive and judicial powers of State are vested. The monarchical form of government is usually hereditary, though there are also elective types – but, these are rare (Ejere, 2010). However, both citizens and aliens/foreigners are bound to obey the laws of the State in which they reside.

From the above definitions of citizen, one can state emphatically that a person is recognised by a country as being her citizen because such person possesses certain characteristics (for example being born in that country, qualified by age and residence) which entitles him or her to some rights and also obligations in that country. Some of the rights are political rights such as the right to vote and be voted for, to participate in the process of popular self governance and so on. Also, there are certain criteria to be fulfilled by individuals who want to become a member of a particular country. The criteria to become a Nigerian citizen differ from those specified for becoming an American citizen. For instance, for one to be a naturalised citizen of Nigeria, such individual must be at least 18 years and must have resided in Nigeria for at least 15 years, is of good character, plans to remain in Nigeria, is familiar with Nigeria languages and customs, has a viable means of support and has renounced previous citizenship. While for individuals that want to be a naturalised citizen of America; the person as to be age of 18 years or older, be a permanent resident for a certain period of time (usually 5 years, person of good moral

character who has a basic knowledge of U.S. government), have a period of continuous residence and physical presence in the United States, be able to read, write and speak basic English. There are exceptions to this rule: for someone who at the time of filling is 55 years old and has been a permanent resident for at least 15 years or is 50 years old and has been a permanent resident for at least 20 years or has a permanent physical or mental impairment that makes the individual unable to fulfill these requirements.

With this understanding, citizenship is simply a state of being a member of a particular country. It connotes being an integral part of one's own geo-political community, entitled to full rights and privileges which non-citizens cannot enjoy. In fact, virtually all national constitution states the criteria which one must fulfill and also the conditions to be met by aliens/foreigners who want to acquire citizenship of a country (Umoh, 2010:98). In a similar manner, Chaturvedi (2006:45) posited that citizenship consist not merely in enjoying certain rights and guarantees, but also in discharging one's obligations conscientiously. There should be desire to contribute one's mite to the welfare of the society manifested in an active participation in public affairs and the improvement of cultural, political and material aspects of social life. Without such participation, citizenship becomes meaningless.

Commenting further, Alapiki (2010:17) views citizenship as "the right to have rights". Explaining further, he opined that closely related to the right to freedom is the right to citizenship and that citizenship is derived from the concept of nationality and every state has the right to define who its

nationals are, for the purpose of, according to them, rights provision and protection as well as extracting obedience from them. For Mahajan (2006:309) what constitutes citizenship today is not direct participation in administration, but allegiance to the state in which a citizen resides and enjoys political privileges. By allegiance to the State, it is meant the respect of the citizen for the basic ideals of the State and willingness to defend the State in the time of crisis.

However, citizenship has three major features or qualities which are: allegiance to the State; enjoyment of civil and political rights and the desire to promote general happiness and common well-being of the State he/she resides in. This is in line with what Bryce (1922) identified as qualities of a good citizen. According to him, a good citizen is one who possesses the following qualities, namely "intelligence, self-control and conscience". By intelligence he meant that a citizen must have a strong common sense and the capacity to understand properly the interest of the community to which he or she belongs. For self control, he or she must know how to subordinate his private interests to the general interest of the society and for the quality of conscience; a good citizen must be devoted to his/her duty, create a sense of responsibility and service towards the community he/she resides in. A good citizen is expected to discharge his duties honestly and diligently. He/she should always be ready and willing to render every kind of service to the community where he/she resides. He further stated some hindrances to good citizenship. According to him; indolence, private self-interest and party spirit stands in the way of citizens realising the ideals of good citizenship. By indolence, citizens are indifferent to their rights and duties and are too much

preoccupied with their private safety and security that would in the long run lead to the downfall of democracy. For self-interest, most citizens are usually guided by self-interest and by so doing such individuals shirks his/her public responsibilities or ignores general welfare. While for party spirit, most citizens work in a party spirit rather than the national interest and so on.

It is imperative to note that the citizen and the State are bound by reciprocal rights and duties, and if we say that citizenship simply means a state of being a member of a country, then we can therefore say that citizenship is a kind of political identity that has a reciprocal relationship with his/her nation, that is individuals who are citizens of a particular country are expected to perform some functions (duties) in relation to the State because of the rights and privileges they enjoy. In effect, a citizen of a given country is expected to identify with the interests of his/her country even at the expense of their membership in families or professions and also show patriotism and loyalty to the nation-state. Every State presides over a given human population made up mainly of its own citizens, but also include citizens of other countries residing within the boundaries of the State at any particular point in time.

It is note worthy to emphasise that there is relationship between the nation-state and citizenship. The symbolic relationship between the nation-state and citizen is anchored on the social contract theory postulated by Thomas Hobbes, John Locke and Jean Jacque Rousseau. Though there are various theories that have been postulated on the origin of the State (theory of divine origin, the theory of force, natural

theory of the State) and its relationship. According to Thomas Hobbes, before the State came into being or existence, human beings lived in a State of nature which was a State when men were living without any common power set over them (there was no government) and war was the order of the day: such a war was such that every man was against every man, not a physical war per se but the perpetual and continuous struggle of all against all, law and justice was absent in the State of nature. The life of man in the State of nature was solitary, poor, nasty, brutish and short. In order to escape from the State of nature, the territorial State was established. Though Thomas Hobbes proposed that a monarchy was the most desirable political arrangement in bringing some order (even though he recognised that the sovereign might include a number of people), he opined that the sovereign power should be absolute, but should also recognise the rights of the individuals to self preservation. For John Locke, he refuted Hobbes assumptions that the State of nature was a "State of war of all against all".

According to him, the state of nature was a State of liberty where all men were rational and had the notion of fundamental right of life and that there were limits to the exercise of authority by those it was entrusted to at the point of signing the social contract. Jean Jacques Rousseau idea of a State of nature was different from Thomas Hobbes, but similar to John Locke in that, for him man initially lived in a State of innocence and simplicity. In this State, man's goodness, innocence and peace was of a solitary life, devoid of social life. To him, the State emerged due to the quest of men's agreement to emerge from the State of nature and

become members of the civil society through the social contract. He further argued for the right of the people to participate in running the affairs of the government (Udokang, 2000).

From the foregoing, one can deduce and conclude that there is a relationship between the State and citizen because there can be no State without citizens. This is due to the fact that people (citizens) are one of the four essential elements of the State.

TYPES AND PRINCIPLES OF CITIZENSHIP

Various types of citizenship are recognised in Nigeria. They are:

- (a) *Natural Citizenship*: This is citizenship by birth. That is, those people born in Nigeria and this type of citizenship is determined on the basis of the place of birth and those persons whose parents are from Nigeria. Therefore, we are natural citizens because we were born in Nigeria or that our parents are from Nigeria.

According to Mahajan (2006) there are two principles by which a citizen can be called a natural citizen. One is called *Jus Sanguinis* (rule of blood relation) and the other *Jus Soli* (rule of the place of birth). For the principle of *Jus Sanguinis* (rule of blood relation), the citizenship of a child follows his parents or any of them, irrespective of the place of birth. States like France, Italy, Germany and Nigeria follows this principle. The effect is that the child of a Nigerian parent becomes a Nigerian citizen even if he or she was born outside Nigeria.

Where the principle of *Jus Soli* (the place of birth) is the guiding consideration in conferring citizenship, the children of a citizen born abroad become aliens and the children of alien parents born within the territory of the state become its citizens. States like India, England and the United States follow a mixed principle- children born of alien parents on their territory are as good natural citizens as the children born of citizens at home or abroad.

MERITS OF NATURAL CITIZENSHIP

- (a) He/She is a legal member of the State
- (b) There are no formalities that need to be fulfilled before he/she can become a natural citizen.
- (c) He/She enjoys political right – the right to vote and be voted for (the right to seek and to hold office), the right to share in the government.
- (d) He/She is entitled to legal protection and access to the Courts of law.
- (e) He/She is protected from internal and external invasions.
- (f) He/She enjoys civil and social rights that is, the right necessary for individual freedom of movement, the right of equality before the law, the right to own private property, the right to live the life of a civilised being according to the standards prevailing in the country's constitution.
- (g) This form of citizenship cannot be revoked.

DEMERIT(S) OF NATURAL CITIZENSHIP

The obvious demerit of natural citizenship is that this type of citizenship is irrevocable under any circumstances no matter how bad the citizen maybe or become.

- (b) **Naturalised Citizenship:** This category involves person in Nigeria who acquired their citizenship through legal or constitutional means. In most cases, they are foreigners/aliens. In other words, an individual is said to have acquired this type of citizenship by either adoption or registration. That is to say, such citizen is an alien/foreigner who for certain reason(s) decides to renounce his original citizenship to become the citizen of another State by fulfilling the conditions laid down by that State. It is worthy of note that citizenship by registration falls under this type of citizenship. For instance, the citizenship that is acquired through marriage or through the process of child adoption.

MERITS OF NATURALISED CITIZENSHIP

- (a) He/She becomes a legal member of the state.
- (b) He/She is entitled to legal protection and access to the Courts of law.
- (c) He/She is protected from internal and external invasions.
- (d) He/She enjoys civil and social rights that is the right necessary for individual freedom of movement, the right of equality before the law, the right to own private property, the right to live the life of a civilised being according to the standards prevailing in the country's constitution.

DEMERITS OF NATURALISED CITIZENSHIP

- (a) Such citizen is expected to fulfill certain conditions or pass through certain formalities before he/she can be classified to be a naturalised citizen.

- (b) A naturalised citizen within ten (10) years of registration or a grant of certificate of naturalisation is debarred by law from elective or appointive office.
- (c) Such citizen must take an oath renouncing their native citizenship, this leading to losing their citizenship in their native country.
- (d) This kind of citizenship can be revoked.

- (c) **Honourary Citizenship:** In most cases, this is also known as citizenship by conferment. This type of citizenship is usually bestowed on distinguished eminent foreigners by the government or President without the usual requirement as a mark of honour and a sign of recognition.

MERITS OF HONOURARY CITIZENSHIP

- (a) Such citizenship are exempted from the usual statutory requirements.
- (b) He/She is a honorary member of the State.

DEMERITS OF HONOURARY CITIZENSHIP

- (a) This type of citizenship is not entitled to elective and appointive positions.
- (b) Such citizens are expected to fulfill certain conditions (be a distinguished eminent foreigner) before they can be awarded or conferred with this type of citizenship.

- (d) **Dual Citizenship:** Additionally, we also have what is called dual citizenship in Nigeria, which is only recognised for Nigerian citizen by descent (natural citizens). This is a situation whereby an individual is a citizen of two countries either by birth like those born

in America whose parents are Nigerians (these persons are said to have dual citizenship).

MERITS OF DUAL CITIZENSHIP

- (a) A dual citizen enjoys the benefits and privileges of the two countries whose citizenship he/she holds.

DEMERITS OF DUAL CITIZENSHIP

- (a) A dual citizen may face the dilemma of divided loyalty in the event of conflict between the countries whose citizenship he/she holds.
- (b) A dual citizen owes obligations/allegiance to one rather than two country.

RIGHTS AND PRIVILEGES OF CITIZENSHIP

There are basic entitlements that every citizen should enjoy and which he/she may legitimately demand for. In the same like, rights can be defined as an entitlement or privilege that are conferred on a citizen by law (these are usually written down in the constitutions of the conferring countries and their limitations to these rights are also written down in the constitution). These rights are stipulated in the 1999 constitution, chapter four (section 33) of the Federal Republic of Nigeria as Amended as follows:

- (a) Every person has the right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of criminal offence of which he has been found guilty in Nigeria.
- (b) Every individual is entitled to respect for the dignity of his person; and accordingly no person shall be

subjected to any form of torture or inhuman or degrading treatment.

- (c) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty except in accordance with a procedure permitted by law e.g. in the execution of the sentence or order of a court in respect of criminal offence of which he has been found guilty and so on.
- (d) Every person shall be entitled to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference.

The constitution also provides for rights such as the right to fair hearing, right to freedom of thought, conscience and religion, the right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination, right to property among others. However, certain conditions could limit some of the constitutionally guaranteed human right.

LIMITATIONS TO RIGHTS OF THE CITIZEN There are certain restrictions or constraints to the rights of a citizen and these include:

- (a) **Absence of the rule of law:** the primary concern of the rule of law is that government should be predicated on law and that the governmental power should likewise also be limited according to the law. Moreover, the rule of law posits that all classes of people are equal before the law as administered by the ordinary court and that no person can be punished

except for proven breach of the law (Ejere, 2004). This means that human rights must not be what government gives which can be taken away at will, they are fundamental aspect of the constitution. Also, there should be no exemptions or preferential treatment of any class of people in the State to the ordinary courts and the fundamental human rights are inalienable because they cannot be withdrawn by any authority except through the due process of law. What this implies is that, the absence of the strict adherence to the rule of law will bring about gross abuse of citizens fundamental human rights.

- (b) Poverty and ignorance: it has been discovered that most citizens especially in the developing world, Nigeria inclusive, are indifferent towards life and its problems and this is due to abject poverty faced by them because they are economically weak. This deprives them of their rights. In most cases the rich often use their money and economic position to pervert justice and promote the violation of human rights of the poor. In addition, most citizens are ignorant of their rights. In this sense, we mean that the exercise of the rights of citizens are not guaranteed in the face of ignorance and in such a situation this hinders citizens from knowing when their rights are been trampled upon.
- (c) Political influence on the judiciary: Where judicial system is been perverted by political intrigues, the exercise and enjoyment of fundamental human rights may be seriously constrained. For instance; the human

right violations by Nigerian security forces (Joint Task Force) in the name of countering the threat to the public posed by Boko Haram.

- (d) **Military rule:** Military in politics all over the world is regarded as an aberration, in the sense that most of the democratic norms and values that support the enforcement and promotion of human rights of the people are always absent under this rule and this account for the cases of human right abuse in Nigeria under the past military regimes, most people were denied their rights or are constrained from exercising them during military rule. For example, Decree 4 of 1984 (now abrogated) permitted certain officers of the state to keep in custody any citizen for a specified time period, that is, six months in incarceration without being able to exercise the right of seeking redress in a law court. These unbearable acts were rampant during the Babangida and Abacha regimes. Although this does not mean that in every democracy freedom of association, and right of freedom of expression are guaranteed.
- (e) **Declaration of a State of emergency:** Frequent declaration of a state of emergency may also constrain the exercise of fundamental human rights, as virtually all sections of the constitution that deals with the enforcement of these rights are usually suspended or thrown off during emergency periods; meaning that the application of the rule of law may become limited. For instance, the freedom of movement, right to associate and right to communication may be infringed

upon under the cover of maintaining law and order in the State as we have in the troubled northern states (Adamawa, Yobe and Borno) where a radical Islamist outfit (Boko Haram) has been carrying out killings and battling with government forces.

- (f) The phenomenon of sit-tightism: The phenomenon which is peculiar to most African leaders in particular and some developing countries in general which leads to the emergence of tyrants which hinders the exercise and promotion of human rights under a dictatorial or autocratic government. It is expected that rights of citizens would be abused in a government that is dictatorial or autocratic as the rule of law as earlier mentioned which is categorical for the exercise and enjoyment of human rights will always be absent.
- (g) Absence of democratic rule: it is well known all over the world that protection of fundamental freedom and rights is one of the key elements of democracy and the absence of this rule may result into gross abuse or denial of human rights.
- (h) Disobedience to law: anybody found guilty of disobeying the law of the land by the court of law is always denied some of his/her rights until the punishment for disobedience is over and this stands as a limitation to the rights of the citizen.

DUTIES AND OBLIGATIONS OF CITIZENS

Duties are those legal things citizens are expected from a citizen to do for the up keep of the State and for the State to continue to perform her functions to the citizens. On the other

hand, obligations are things citizens are expected to willingly perform. With regard to Nigeria (the 1999 Constitution, Section 24 of the Federal Republic of Nigeria as Amended) summarised the duties of a citizen thus:

- (a) Abide by the constitution; respect its ideals and its institutions such as the National flag, the National Anthem, the National Pledge and legitimate authorities;
- (b) Help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required;
- (c) Respect the dignity of other citizens and the rights and legitimate interests of others and live in unity and harmony and in the spirit of common brotherhood;
- (d) Make positive and useful contributions to the advancement, progress and well-being of the community where he resides;
- (e) Declare his income honestly to appropriate and lawful agencies and pay his/her tax promptly.

MODES OF ACQUIRING CITIZENSHIP IN NIGERIA

Having discussed the types of citizenship, it is necessary to understand the modes of acquiring citizenship in Nigeria. This can be found in chapter three, sections 25-27 of the Federal Republic of Nigeria 1999 constitution as Amended. When we say or talk about modes of acquiring citizenship, what we mean is the ways, methods or manner in which an individual can become a citizen of Nigeria. It

must be understood, however, that the modes of acquiring citizenship in a country differs from one country to the other. The modes of acquiring citizenship in Nigeria include the following:

- (a) **By Birth:** This mode of acquiring citizenship is usually by birth in Nigeria, that is a person(s) born in Nigeria before or after independence and whose parents or grandparents belonged to a community indigenous to Nigeria or any person born outside Nigeria either of whose parents is a citizen of Nigeria.

- (b) **By Registration:** This is usually done by the President who may register any person as a citizen of Nigeria, if he is satisfied that such person(s) is of good character, he/she has shown a clear intention to be domiciled in Nigeria and has taken the Oath of Allegiance. Such person(s) are usually women who are married to Nigerians or people born outside Nigeria who are of full age and capacity and either whose grandparents are Nigerians.

- (c) **By Naturalisation:** Any person(s) may also apply to the President of Nigeria to be granted a certificate of naturalisation provided he/she satisfy the following conditions:
 - He/She must be a person of full age and capacity;
 - He/She is a person of good character;
 - He/She has shown a clear intention to be domiciled in Nigeria;
 - He/She is in the opinion of the governor where he/she plans to reside to be acceptable to the local

community and has assimilated the way of life of Nigerians;

- He/She has made or is capable of making contributions to the advancement, progress and well being of Nigeria;
- He/She has taken the Oath of Allegiance;
- He/She has resided in Nigeria for a period of fifteen (15) years;
- He/She has resided in Nigeria for a period of twelve (12) months and preceding that he/she has stayed in Nigeria for periods amounting in aggregate to not less than fifteen years.

FORFEITURE/DEPRIVATION/WITHDRAWAL OF CITIZENSHIP IN NIGERIA

(This can be found in Chapter Three, Section 30, Subsection 1 and 2 of the Federal Republic of Nigeria 1999 constitution as Amended). Simply, a citizen could forfeit (or be deprived or citizenship withdrawn) his/her citizenship on the following grounds:

- When a registered or naturalised citizen voluntarily acquires the citizenship of a foreign country;
- Naturalised citizen before seven (7) years of residence is sentenced to prison for three (3) years or more;
- Registered or naturalised citizen is convicted of acts of disloyalty to the Federal Republic of Nigeria.

SIGNIFICANCE AND BENEFITS OF CITIZENSHIP

It is important to re-emphasise here that a citizen of Nigeria enjoys certain benefits that a non-citizen (aliens/foreigners) does not enjoy. Since citizens enjoy some benefits of being a member of a State, they owe some obligations to the State. For instance, the citizen has a tax obligation and owes allegiance, loyalty and commitment to the State and in turn the citizen is entitled to protection by the State. In a nutshell, a citizen is a member of a State and both the citizen and the State shares in a reciprocal responsibilities. However, though this protection is extended to aliens/foreigners, most times this responsibility is often denied.

Some of the significance and benefits of Nigerian citizenship are:

- (a) The citizen becomes a legal member of the State.
- (b) He/She enjoys political rights – the right to vote and be voted for.
- (c) He/She is entitled to legal protection and access to the Courts of law.
- (d) He/She is protected from both internal and external invasions.
- (e) He/She enjoys civil and social rights that is the right necessary for individual freedom of movement, the right of equity before the law, the right to own private property, the right to live the life of a civilised being according to the standards prevailing in the country's constitution.

CONCLUSION

In this chapter, we have thus far examined the concept and theoretical considerations of citizenship, types of citizenship, rights and privileges of citizenship, limitations to rights of the citizen, duties and obligations of citizens, modes of acquiring citizenship, forfeiture of citizenship, and the significance and benefits of citizenship in Nigeria. Our discourse was aimed to stimulate and inform the reading public on what citizenship in Nigeria entails and to also highlight the significance of Nigerian citizenship as well as the relationship between the citizenry and the State particular in terms of the conferment of rights and duties/obligations to both citizens and the State. Finally, we conclude by submitting that the study of citizenship should be taken seriously in Nigeria so as to develop the citizenship skills and inculcate appropriate societal values to our children and youths who are the future leaders of our country.

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