

# CHAPTER ELEVEN

## CONSTITUTIONAL DEVELOPMENTS, RIGHTS AND CITIZENSHIP IN NIGERIA

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### INTRODUCTION

Human beings by nature need orderliness to co-exist and this cannot be achieved without laid down rules and regulations. The organized rules, regulations and plan of a society is said to be constitution. According to Olise *et al* (1990) cited in Okibe (2000), constitution is defined as all the rules and regulations, principles, norms or conventions, which collectively determine the practice of government in any given community. The constitution is an embodiment of rules determining how decisions of a group are made in the interest of the group. It is an agreed principle that gives direction on how a country/group should be governed. The constitution contains statements intended to define the relations between rulers and the ruled, the basic institutional framework of government, the rights and duties of citizens, and many important procedures to be followed in connection with those matters (Anifowose, 2005). The word was first used in this sense after the “Glorious Revolutions” of 1688 in Britain, when the deposed King James II, was accused of having violated the fundamental constitution of the kingdom (Mclean and McMillian, 2003).

### Sources of Constitution

1. Act of Parliament
2. Judicial Precedent
3. Common laws of the land and conventions
4. Constitutional documents/conferences
5. Experience of the writers
6. International laws
7. History of the people

### Need for Constitution

1. For orderliness and stability in the act of governance
2. Spell out the relationship among other organs and institutions of government
3. Define boundary of operation of other organs of government as well as boundary between the citizens and the government
4. It ensures that party in government do not become too powerful or tyrannical

5. The constitution guarantees the rights of citizens because of the entrenchment of fundamental human rights.
6. It defines duties and obligations of citizens

### **Types of Constitution**

According to Oji (1997), constitution can be classified into the following types:

1. By the form in which the constitution is presented (written or unwritten)
2. By the mode of operation (rigid or flexible)
3. By the type of political system which it institutes (Federal or Unitary).

### **Written and Unwritten Constitution**

Written constitution refers to the type of constitution that the rules governing the organization of government and the rights, powers and responsibilities of different units as well as citizens/members are clearly documented in single/few documents. This type can be found in USA, Nigeria etc. while unwritten constitution as the name implies, refers to the type of constitution that the rules governing the organization of government and the rights, powers and responsibilities of different units as well as citizens/members are not written or codified in a single/formal documents. This can be found in Great Britain.

### **Rigid and Flexible Constitution**

This classification is used to check the level and speed of change in the constitution. Rigid implies that the amendment to the constitution is tough as it is obtainable in USA, Nigeria, Ghana, France etc. while flexible constitution indicates that the amendment process is relatively easy. Examples of countries with flexible constitution are Britain, Finland, Italy etc.

### **Unitary and Federal**

A unitary constitution is a constitution that makes provision for only one central government. It means, the administration is highly concentrated at one point, though power may be delegated. Examples of unitary states are Britain, France and Belgium. Conversely, a federal constitution exists in a state where there is more than one level of government. The constitution shares powers between the central government and the component states/regions that make up the federation. This system can be found in countries like USA, Switzerland, Nigeria, Australia, India etc.

### **Capitalist or Socialist**

Also the constitution can be classified as capitalist (Bourgeois) or socialist (proletarian). The capitalist strive to uphold the value of the bourgeois class and maintenance of the *status quo* (Okibe, 2000). In socialist dimension, Lenin (1948) cited in Okibe (2000) posits as a reference point that “law is politics” and the law of

Soviet Union is declared to be “class law”. “Proletarian law”, rooted in materialism and environmental factors. Law is socially constructed to become a legally recognised procedure and institution (Okoro *et al.* 2023).

## **Constitutional Development in Nigeria**

What is presently known as Nigeria was a conglomerate of many ethnic groups with distinct background, culture and religion. Before the coming of the colonial masters, each group was administered by Emirs, Obas, Obis, Obongs, Uboon etc. as applicable. The British pulled the entire Northern part into one protectorate known as Northern Protectorate, and the South into one protectorate known as southern protectorate. In 1914, the Southern protectorate and Northern protectorate were amalgamated to form Nigeria with Sir Frederick Lugard as its first Governor-General.

### **Amalgamation Constitution of 1914**

It is also known as the Nigerian Council. With the amalgamation of the Northern and Southern protectorate, the hitherto separate entities which were administered differently came under one administration by Sir Lord Lugard. The primary factors for the amalgamation by the British include:

- The mere need to make the wealth and seaport facilities available to the North, and
- To eliminate the existing administrative barriers, costing the British much financial inputs in the running of the Northern region which hitherto had depended on the imperial treasury (Onwubiko, 1973).

The Nigerian council existed alongside with the legislative council of the colony of Lagos. The establishment of the council heralds a milestone in the constitutional development of Nigeria. The council was made up of 36 members as follows:

- (a) 23 British officials, consisting of the Governor, members of the Executive council, the first class residents, the Political Secretaries and the Secretaries of the Northern and Southern protectorates.
- (b) 13 unofficial members, consisting of 4 nominated by the Governor-General to represent commerce, shipping, mining and banking interest; one to represent the Lagos Chambers of Commerce, one for Calabar Chambers of Commerce and one to represent Chambers of Mines; six (6) Nigerians nominated by Governor-General to represent Nigerian in the following areas: Chieftaincy interest (Two Emirs from the North, the Alaafin of Oyo and one member each from Calabar, Lagos and Benin-Warri area.

- (c) The council acted as mere advisory body without executive/legislative authority and its decision/resolution lacked powers. The governor-General was not bound by the decision. The council was made up of mostly uneducated Nigerians and as such the interest was not there.

### **Clifford Constitution of 1922**

Consequent upon some noticeable weakness of the amalgamation constitution of 1914, there was need for a new constitution. The new constitution which was adopted in 1922, known as the “Clifford Constitution” derived its name from the then governor of Nigeria Sir Hugh Clifford who took over from Sir Frederick Lord Lugard. The constitution introduced a new Executive Council and Legislative Council. The constitution abolished the legislative council for Lagos colony as well as the Nigerian council. Sir Clifford was interested in providing Nigerians with legislative body that will make the people have a say through representative and democratization of electoral process as a prerequisite for choosing legislative members (Okibe, 2000).

Under this constitution, a legislative council was established for the colony and protectorate of Nigeria with 46 members. The official members were 27 which included the Governor and 19 unofficial members. From the 19 unofficial members, 15 were nominated by the governor while 4 were elected from Nigeria. Lagos had 3 while Calabar had one from the 4 elected unofficial members. These four were the first elected Africans in the legislature in British tropical African. The Northern were not included in the representation in the legislative council, legislation for the Northern Province was by Proclamation by the Governor-General. The electorate consisted of only male adults who were British protected persons who had residual qualification of twelve months and gross annual income of £100 (N200.00). The elective principle was the most remarkable introduction.

The constitution gave rise to the formation of political parties and establishment of newspapers. As a result, the Nigerian National Democratic Party (NNDP) led by Herbert Macaulay in 1923 became the first political party. The NNDP assisted by her newspaper, Lagos Daily News launched in 1925 dominated and won all the 3 seats allocated to Lagos in 1923, 1928 and 1933 to the legislative council. The Clifford constitution in addition to the establishment of the legislative council, provided for the establishment of the executive council which consisted of the Chief Secretary, the Lieutenant Governors of the protectorate of Nigeria, the Administrator of the Colony, the Treasurer, the Director of Medical Services and the Secretary of Native Affairs. There was provision for the appointment of other official members and extraordinary members by the Governor with the approval of the Secretary of State.

### **Merits of Clifford Constitution**

1. Introduction of elective principle

2. Gave room for political activities
3. Awakened the spirit of Nationalism
4. It served as the first constitution in Nigeria
5. Gave room for the establishment of newspapers
6. It brought about new legislative council
7. Prepared Nigeria for self government

### **Demerits of Clifford Constitution**

1. The Northerners were excluded from the legislative council
2. It bred sectionalism
3. The constitution excluded Nigerians from the executive council
4. The legislative council were dominated by the Europeans
5. The Governor-General had veto power in both the legislative and executive councils.
6. The elective principle was limited to Lagos and Calabar only.
7. The executive council was dominated by the Europeans
8. The elective principle was not extended to the executive council.
9. The constitution gave too many powers to the Governor General.
10. Disenfranchisement of the female and the poor.
11. Majority of the Nigerian unofficial members nominated were illiterate

### **The Richards Constitution of 1946**

Arthur Richard assumed office as Governor of Nigeria in 1943. Before his assumption of office, Sir Graham Thompson took over from Sir Hugh Clifford in 1926 and served till 1930. From 1930 to 1936, Sir Donald C. Cameron became the Governor of Nigeria. Sir Benard Bourdillion succeeded Cameron and served from 1937-1943. It was Bourdillion who started the process for a new constitution where he proposed regionalism. It was his recommendations that formed the basis of the Richard's constitution of 1946.

### **Objectives of the Richards Constitution**

1. To promote the unity of Nigeria
2. To secure more participation of Africans in the discussions of their own affairs (matters)
3. To provide within, that desire for the diverse elements which make up the country
4. To evolve a constitutional framework to cover all parts of Nigeria
5. To divide the country into regional administrative units.

## **Provisions of the Richards Constitution**

The constitution provided for the whole country a legislative council of 44 members with the following composition:

- The Governor – as the president
- 16 official members of which 13 were ex-officio and 3 nominated; and 28 unofficial members.

From the 28 unofficial, 24 were indirectly elected while 4 members were elected.

Also the constitution provided for the creation of regional Houses of Assembly. The constitution provided for the Northern region a Bi-cameral Legislature – the House of Chiefs and House of Assembly while the Western and Eastern regions had a uni-cameral legislature.

The North House of Assembly consisted of

- Senior Resident as President
- 18 official members
- 24 unofficial members

The Western House of Assembly consisted of

- Chief Commissioner as President
- 13 official members and
- 19 unofficial members

The Eastern House of Assembly consisted of

- Chief Commissioner as president
- 13 official members and
- 18 unofficial members

The regional councils served as a link between the Native Authorities as well as the legislative council. The Regional Council advised the Governor by resolution on any matter referred to them by the Governor or introduced by any member of the house. It was also the responsibilities of the regional House to examine estimates of expenditure, both annual and supplementary as well as bills that were applicable to the regions. The regional Houses never had constitutional powers to make laws but could only advise the council as the governor was not obligated to take the advice. For the executive council, the constitution did not change the provision(s) of the 1922 constitution. The provisions of the 1922 were applicable in the new constitution as regards the Executive Council.

## **Merits of Richards Constitution of 1946**

1. It brought together the North and South in common legislative council
2. The constitution introduced regionalism
3. It laid the structure for a federalism
4. It provided for unofficial majority in the legislative council
5. It paved way for further rapid constitutional development
6. It provided for one Nigeria in the Executive Council
7. It provided link between the Legislative Assembly and the Native Authority

### **Demerits of Richards Constitution of 1946**

1. Nigerians were not consulted in the preparation of the constitution
2. The Executive Council was dominated by the Europeans as it was in Clifford's constitution
3. It divided the country into 3 unequal parts
4. The introduction of regional politics is one of the bane of Nigeria politics today
5. Regional Houses were given limited power
6. The governor still had power to veto bills and could reject or accept advice
7. Franchise was limited to Lagos and Calabar only in the constitution
8. The constitution failed to provide the link between the Legislature and Executive.

### **The Macpherson Constitution of 1951**

Sir John Macpherson succeeded Sir Richard as the new Governor of Nigeria in 1948. Having noticed the criticism leveled against Richard constitution, Macpherson took some steps to review the 1946 constitution. To correct the mistake of his predecessor on the issue of consultation embarked on wide consultation at different levels on the constitution. Constitutional conferences were held and the outcome gave birth to a new constitution in 1951. The main features of the constitution included:

- (a) Central legislature (House of Representatives) which consisted of
  - A president
  - 6 Ex-official members
  - 136 Representative members elected from the regional House and
  - 6 Special members appointed by the Governor to represent interests not adequately represented in the House.
- (b) Central Executive Council (Council of Ministers) which consisted of:
  - Governor which presided
  - 6 ex-officio members
  - 12 ministers with 4 ministers from each region
- (c) Creation of Regional Legislature
- (d) Creation of Regional Executive Councils
- (e) The three Provinces were renamed, Western, Eastern and Northern Regions

### **Merits of Macpherson Constitution of 1951**

1. There was power sharing between the central and regional government
2. For the first time, Nigerians were part of the process of making the constitution
3. It allowed for increase in elected majorities in central and regional legislatures
4. It allowed to some level of autonomy at the region
5. It brought about the House of Representatives.
6. It encouraged the quest for federalism
7. It created a system of revenue allocation in the country



### **Demerits of Macpherson Constitution of 1951**

1. With regional consciousness, ethnic and regional politics became more pronounced
2. There was no provision for Prime Minister and Premier
3. Ministers were not given full responsibility
4. While the Western and Northern regions operated a bicameral legislature, the East operated a unicameral legislature
5. The constitution did not grant independence
6. It gave limited powers to the regions
7. It allowed the Governor veto power on any matter in the country

Conclusively, the constitution was faced with many crises which made it to collapse. These included the disagreement between the North and the South over “self government in 1956” motion introduced by Chief Anthony Enahoro of Action Group in the Federal House of Representatives in 1953, the crises within NCNC in the Eastern Region, the resignation of both the AG and NCNC ministers in the Federal Cabinet at the Kano riot of 1953 which people from South were killed (Akinboye and Anifowose, 1999).

### **The Lyttleton Constitution of 1954**

A combination of insurmountable factors culminated in the breakdown of the 1951 constitution. Most fundamental was political violence which essentially emanated from the antagonistic misunderstanding generated by the motion for self government in 1956, submitted to the Federal Parliament in 1953 by Anthony Enahoro (Okibe, 2000). The Lyttleton Constitution of 1954 was preceded by two Constitutional Conferences of 1953 and the Lagos Constitution Conference of 1954 (Akinboye and Anifowose, 1999). The decision arrived at in the two conferences were published and became effected in October, 1954. Some of the main features of the constitution included:

- (a) Introduction of a federal system of government
- (b) Regionalisation of the public service
- (c) Regional Assembly were given residual powers to pass bills into laws without the approval of the central government
- (d) It provided for the position of a Premier for the regions
- (e) No provision for Prime Minister
- (f) Granting regional administration for Southern Cameroon
- (g) Departmental control by the Ministers
- (h) Establishment of Federal Supreme Court as well as High Court for the regions
- (i) Electoral colleges were abolished
- (j) Separation of power between legislature and judiciary
- (k) At the center, there was a single chamber of legislative arm (Udoma, 1994; Anyaele, 2003; Dibia, 2018)



### **Other Main Provisions**

1. Federal legislature consisted of:
  - (a) A speaker
  - (b) 3 Ex-officio members namely
    - i. Chief Secretary to the Government of the Federation
    - ii. Attorney General of the Federation
    - iii. Financial Secretary of the Federation
  - (c) 184 Representative members made up of
    - i. 92 Representative members to be elected from the Northern Region
    - ii. 42 Representative members to be elected from each of the Western and Eastern Region
    - iii. 6 Representative members to be elected from the British Southern Cameroon and
    - iv. 2 Representative members to be elected from Lagos
  - (d) 6 Special Representative members to be appointed by the Governor-General in his discretion to represent interests not adequately represented.
2. Federal Council of Ministers consisted of:
  - (a) The Governor-General or his representative as President
  - (b) 3 Ex-officio members consisting of
    - i. The Chief Secretary of the Federation
    - ii. The Attorney General of the Federation, and
    - iii. The Financial Secretary of the Federation
  - (c) 10 members of the council
    - i. 3 appointed by Governor-General from among members of the House of Representatives elected in the Northern Region
    - ii. 3 appointed by Governor-General from among members of the House of Representatives elected in the Western Region
    - iii. 3 appointed by Governor-General from among members of the House of Representatives elected in the Eastern Region
    - iv. 1 member of the House of Representatives elected in the Southern Cameroon.
3. The Regional Legislature
  - i. (a) Western House of Assembly – consisted of a speaker and a deputy speaker and 80 directly elected members.  
(b) Western House of Chiefs – It consisted of important chiefs and a president elected from the members of the house
  - ii. (a) The Northern House of Assembly – This consisted of four (4) ex-officio members, ten nominated members, ninety (90) indirectly elected members and a president nominated by the Governor.  
(b) The Northern House of Chiefs – This consisted of all important chiefs, three official members and the governor as its president

- iii. The Eastern House of Assembly – It consisted of a speaker who presided and eighty four (84) members who were directly elected.
- 4. The Regional Executive, the Governors of the Regions appointed the leader of the majority party as the premier of the Region and Regional Ministers were appointed by the Governors on the advice of the premiers. The constitution still retained the Governor's veto power.

### **Merits Lyttleton Constitution**

- 1. Regionalization of the Civil Service and Judiciary
- 2. It marked the formal beginning of Federal System of government
- 3. Introduction of direct election into Federal and Regional Legislatures
- 4. Creation of office of the Premier who become Regional Head of Government
- 5. Nigerians were made ministers at different levels
- 6. Removal of governor-General and Lieutenant-Governors as members of legislative council
- 7. Creation of the post of Permanent Secretaries and Parliamentary Secretaries at the Federal and Regional levels.
- 8. The nature/provisions of the constitution helped in the achievement of independence
- 9. It gave room for division of powers between the Central and Regional Governments
- 10. It reduced the official representation in the Legislative House.

### **Demerits of Lyttleton Constitution**

- 1. There was no provision for the office of the Prime Minister
- 2. The legislative council at the Federal was unicameral which was not the case with other countries
- 3. The constitution still retained official members
- 4. There was no uniform electoral system
- 5. Veto and Reserve powers were still with the Governor-General
- 6. The Supreme Courts were not given power to entertain appellate cases in Nigeria
- 7. Refusal to create more regions, rather the constitution retained the three regions.

### **The 1957 and 1958 Constitutional Conferences**

On 23<sup>rd</sup> May, 1957 the conference opened at Lancaster House under the chairmanship of the Right Honourable Alan Lennox-Boyd MP, Secretary of State for the Colonies (Udoma, 1994). The need for constitution amendment and concern for Nigeria's independence necessitated the constitutional conference. Some of the most important matters discussed and decision taken at the conference included minorities demands for the creation of new states and the manner of allaying their

fears, the establishment of House of Chiefs in the Eastern Region and the classification of chiefs in the said Region; and the setting up of a second chamber at the center for the Federation to be known as the Senate.

Also, consideration was given to the question of the grant of independence to Nigeria in 1960 (Udoma, 1994). Moreso, the Governor of the Region should appoint as Premier the person that commanded a majority in the House of Assembly. Use of Universal Adult Suffrage in the East, West and Southern Cameroon and adult male suffrage in the North was agreed. The East and West should be granted self-government immediately after the conference while the Northern region was to be granted self government in 1959.

In the 1958 constitutional conference which lasted between September 29<sup>th</sup> to October 27, 1958 with about 114 delegates and adviser from various political parties in attendance; the decisions reached were amongst others:

- (1) Inclusion of fundamental human rights in the constitution
- (2) Nigerian independence on 1<sup>st</sup> October, 1960
- (3) Plebiscites to be held at the request of UN in both the Northern and Southern Cameroon on whether they will be part of Nigeria.
- (4) Constitutional provisions about methods of amendment of the constitution were inserted and altering of regional boundaries.

### **Independence Constitution of 1960**

In 1960, 1st October, Nigeria was granted independence within commonwealth of Nation by Great Britain. The Union Jack, which used to flutter about in the sky, was hurled down and the Nigeria white and green flag made its debut. It was unfurled and it took its rightful place alone on the flag staff fluttering independently in the sky (Udoma, 1994). The 1960 independence constitution provided for the House of Representatives; 320 popular elected members from a single member constituency. In the Western and Eastern regions, method of election was by universal adult suffrage while the Northern region, it was adult male suffrage. The Prime Minister was chosen from the leader of the political party and his ministers were members of the House of Representatives. For the House of Senate, each region of the Federation was represented by 12 Senators. 4 Senators from the Federal Capital Territory of Lagos and 4 senators were selected by the Governor-General on the advice of the Prime Minister. The Senators were appointed and not elected. The House of Representatives was more powerful than the Senate.

The constitution provided for three distinct powers – The Exclusive List, the Concurrent list and the Residual List. Fundamental human rights were also entrenched into the constitution as well as rigid amendment procedure of the constitution. By the constitution, emergency/special power was conferred on the Federal Government. However, the constitution was criticized because it did not make provision for the Senate to be elected rather, appointed. Nigerians were still made to depend on the Privy Council in Britain which served as the Highest Court of Appeal for Nigeria, brought to question the independence of the country because

Judges in Britain could set aside the decisions of the Federal Supreme Court in Nigeria.

### **The Republican Constitution of 1963**

The Republican constitution was passed into law on September 19, 1963 and it came into effect on October 1, 1963. The constitution was a milestone in the efforts to extricate the polity completely from the impoverished and unsavory British encampment (Okibe, 2000). The Republican Constitution provided for the office of a president who shall be elected by the members of the Parliament. The president shall be the Head of State and Commander in Chief of the Armed Forces of the Federation. By this, the queen of England ceased to be the Head of State. The Supreme Court became the final court of Appeal in the place of the Privy Council. The Federal Supreme Court was given the power of Judicial Review. The parliament consisted of 44 members of Senate and 321 members of the House of Representatives.

As noted by Ayua (1985) cited in Okibe (2000), the chief features of the 1963 Constitution included a rigid federal constitution, the supremacy of the constitution, republicanism, the rule of law, incorporation of fundamental rights, an independent and impartial judiciary etc. However, the constitution was criticized because the President was elected by minority National Assembly members rather than the majority of the electorate. The Prime Minister was accountable to the Parliament rather than the people. It created room for more lobbying, bribery and corruption since the President was elected by few members of the Parliament. And in some African States, governments remained either criminally blind to, or unable to redress, the harsh realities of life for most of their citizens (Willie, Mboho and Udom, 2023). Hence, the constitution created a situation where the Parliament seemed to be more supreme than the constitution itself. Also, the constitution permitted carpet-crossing which made personal interest more paramount than collective interest.

### **The 1979 Constitution**

The 1979 Constitution had been drawn up in draft form by a special committee known as the Constitution Drafting Committee, set up by General Murtala Mohammed before his death, under the chairmanship of Chief F.R.A. Williams (SAN). The document produced by this committee was a workable document for the Constituent Assembly under the chairmanship of Honorable Sir Udo Udoma. The members of the Constituent Assembly consisted of 190 indirectly elected members, 40 members appointed by the Federal Military Government. The Constituent Assembly deliberated on the draft constitution and came up with the 1979 constitution which came into effect on October 1<sup>st</sup>, 1979. Some of the features of 1979 constitution included:

- (1) The constitution introduced Presidential System of Government

- (2) The Ministers appointed from the Executive Arm of the Government after their screening and approval by the Senate
- (3) The President appoints his Special Advisers
- (4) The President was directly elected through general election
- (5) It provided for the appointment of at least one Minister from each state
- (6) It provided for a clear separation of powers amongst the different arms
- (7) The Ministers were individually responsible
- (8) The constitution was supreme under the 1979 constitution
- (9) It provided for the office of the Vice President
- (10) The President and Vice President could be removed from office by impeachment
- (11) The President and Vice President were to hold office for 4 years or not more than two terms if re-elected
- (12) It provided for a bicameral legislature at the Federal level and unicameral legislature at the State level
- (13) At the state level, the governor was Chief Executive
- (14) It entrenched comprehensive provision for fundamental human rights of citizens
- (15) It provided for democratically elected Local Government Council.

### **The 1999 Constitution**

The 1999 Constitution having been approved by the Provisional Ruling Council came to effect on May 29th, 1999. The constitution seems to be like the 1979 constitution amendment because of several similarities with the 1979 constitution. Some of the main features of 1999 constitution include:

1. Operation of Presidential System of Government and the President is the Head of State and Government
2. Tenure of the President and Vice President is four years except re-elected, and if re-elected, not more than two terms.
3. Nigeria operates a Federal System of Government
4. The Executive Governors and their Deputies are to stay in office for four years except re-elected. If re-elected, not more than two terms in office.
5. The States in the Federation are 36 states and the Federal Capital Territory.
6. It provides for a clear separation of powers amongst the various organs of government.
7. Members of the Executive Council are appointed by the President from outside the Parliament in their merit with the approval of the Senate and they are responsible to the President.
8. The National Assembly is bicameral with 109 Senators and 360 House of Representative members
9. The State operates a unicameral legislature known as House of Assembly.
10. The Supreme Court is the Highest Court in Nigeria
11. It provides for the freedom of religion. However, prohibits State religion

12. It gives the States, powers to legislate on Local Government issues except for the Area Councils that is the responsibility of the National Assembly

### **Rights and Citizenship in Nigeria**

Rights are moral entitlements to act or be treated in a particular way. Rights can take the form of natural or human rights, supposedly invested in human rights are inalienable of race, age, sex, nationality, ethnicity, language or any other status which are usually stated in the constitution of the country. It is the obligation of the state to ensure that its citizens enjoy the rights. These obligations are recognized by international human rights law. In Nigerian constitution, fundamental human rights are contained in chapter four of the 1999 Constitution. These rights remain privileges only as long as the state recognizes them and prepare to protect them no matter the circumstances. The fundamental human rights as granted in the 1999 Constitution of the Federal Republic of Nigeria (As Amended) are stipulated in Chapter iv (Section 33-45) of the Constitution as follows (Udoh, 2023):

1. **Right to Life:** Every person has a 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 a criminal offence of which he has been found guilty in Nigeria (Sec. 33).
2. **Right to Dignity of Human Person:** Every individual is entitled to respect for the dignity of his person, and accordingly-
  - (a) No person shall be subjected to torture or to inhuman or degrading treatment;
  - (b) No person shall be held in slavery or servitude; and
  - (c) No person shall be required to perform forced or compulsory labour (Sec. 34)
3. **Right to Personal Liberty:** Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law-
  - (a) In execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty;
  - (b) By reason of his failure to comply with the order of a court in order to secure the fulfillment of any obligation imposed upon him by law;
  - (c) For the purpose of bringing him before a court in execution of the order of a court upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence;
  - (d) In the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare;
  - (e) In the case of person suffering from infections or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or

- (f) For the purpose of preventing the unlawful entry of any person into Nigeria or of affecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceeding relating thereto;  
Provides that a person who is charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence (Sec. 35).

4. **Right to Fair and Equal Hearing:** In determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality (Sec. 36).
5. **Right to Private and Family Life:** The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected (Sec. 37).
6. **Right to Freedom of Thought, Conscience and Religion:** Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in a community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance (Sec. 38).
7. **Right to Freedom of Expression at the Press:** Every person shall be entitled to freedom of expression, including freedom to hold opinion and to receive and impart ideas and information without interference (Sec. 39).
8. **Right to Peaceful Assembly and Association:** Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests (Sec. 40).
9. **Right to Freedom of Movement:** Every citizen of Nigeria is entitled to move freely throughout Nigeria, shall not be expelled from Nigeria or refused entry thereto or exit there from (Sec. 41).
10. **Right to Freedom from Discrimination:** A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person-
  - (a) Be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any execution or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other



- communities, ethnic groups, places or origin, sex, religion or political opinions are not made subjects; or
- (b) Be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinion (Sec. 42).

**11. Right to acquire and own movable and immovable property anywhere in Nigeria:** Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria (Sec. 43).

### **Citizenship**

The status of a citizen of a particular place is mostly determined by law. According to Aristotle cited in Chaturvedi (2006), a citizen is one who has a share in the deliberative functions of the State and in the election of its official. Willie, Mboho and Udom (2023) argue that democratic countries respect the rights of their citizens and observe the rule of law. Therefore, a citizen is a legal member of a country who is responsible to the state. A citizen enjoys full political and civil rights and owing specific duties in the state. Citizenship therefore consists not merely in enjoying certain rights and guarantees, but also in discharging one's obligations conscientiously (Chaturvedi, 2006). Just as the State had responsibility to citizen, the citizens also have responsibility to the state. It is mandatory for citizens to obey the laws of the land irrespective of positions. A citizen pays tax as at when due to the state. Another obligation of a citizen is that he must defend the country when called upon to do so. In a situation where there is an external aggression, citizens must be prepared to contribute in the defence of the country in order to maintain and protect the territorial integrity of the country. It is not associated to a political system; it enables citizens to express their voices to preferences through an open competition.

Moreso, a citizen must have respect for the national flag and other symbol of authority and has civic responsibilities during exercises such as voting. A citizen must not cover up criminals; such criminals should be reported to the law enforcement agencies. Citizen must assist government in the formulation and implementation of public policy and care for public properties.

### **How One Becomes a Citizen of Nigeria**

1. **By Birth:** Every person born in Nigeria before independence, either of whose parents or any of whose grand-parents belongs or belonged to a community indigenous to Nigeria. Also, every person born in Nigeria after the date of independence either of whose parents or any of whose grand-parents is a citizen of Nigeria and every person born outside Nigeria either of whose parents is a citizen of Nigeria (1999 Constitution).

2. **By Registration/Marriage:** A foreign woman who marries a Nigerian citizen can obtain Nigerian citizenship by registration.
3. **By Naturalization:** A person who wants to naturalize having stayed for sometimes must apply to the President for the granting of the certificate of naturalization. If the application is accepted, such applicant is expected to take oath of allegiance.
4. **Honorary Citizen:** Nigerian citizenship can also be acquired by conferment as an honorary citizen.

#### **Duties and Obligations of a Citizen**

Every citizen of a country has duties and obligations to perform for effective, efficient and chaos free society (Okoro *et al.* 2023). Education plays a crucial role in enlightening a citizen on the duties and obligations (Mboho, 2020; Mboho, 2022; Willie and Mboho, 2022). It is expected that every citizen will perform his/her duties for the continuous co-existence in that country. Duties of a citizen have constitutional backing while obligation has to do with the morals of the citizen. Duties and obligations are carried out by a good citizen without force. Some of these duties and obligations include:

- (1) Obedience to law
- (2) Payment of taxes
- (3) Loyalty
- (4) Voting at elections
- (5) Assist the law enforcement agents in detection and prevention of crime
- (6) Non interference with the rights of another citizens
- (7) Respect for national symbols
- (8) Protection and care for public properties
- (9) Defence of the country

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