CHAPTER ONE

INTRODUCTION

Background to the Study

OIC stands for Organisation of Islamic Cooperation. At its inception, on September 25, 1969, the body was known as the Organisation of Islamic Conference having its headquarters in Jeddah, Saudi Arabia. The OIC is an inter-governmental Islamic organisation made up of 57 member-states from the Middle East, Africa, Central Asia, Caucasus, Balkans, Southeast Asia, South Asia and South America. It is the second largest international organisation after the United Nations[1]. According to Turan Kayaoglu, "most, not all, are Muslim-majority states and deal with a range of issues: peace and conflict resolution"[2] among member-states. Kayaoglu goes further to point out other areas of OIC interest to include Muslim minority communities, women's and children's rights, humanitarian assistance, combating islamophobia, the promotion of intra-OIC trade and investment, cultural exchange and education.[3]

Nigeria is a country located in the West African sub-region. It is made up of thirty six states including Abuja which is its federal capital territory. These states are divided among six geo-political zones, viz, North West, North Central, North East, South West, South East and South South. These states are in turn divided among three major ethnic groups, viz, Hausa, Igbo and Yoruba. Within these different ethnic groups, are adherents to African Traditional Religion, Christianity and Islam. By its composition, Nigeria could be said to be a secular state as the Nigerian constitution provides for the prohibition of state religion. A secular state therefore, does not mean a state where religions are not recognised but where the choice to believe in a religion or not to believe is entirely an

individual's prerogative

Over the years, Nigeria's membership of the OIC has generated heated debate among the country's populace. In the past, the debate has tended to degenerate into a state of polarisation of the country into religious lines of Muslim and Christian. But then, what is this debate about a country's membership of an international organisation? Is the OIC different from other international organisations to which Nigeria belongs? These questions, among other issues, informed the fulcrum of the present study.

Some people argue that Nigeria is a secular state and point out that there are efforts aimed at islamising the country. Emmanuel Bosun writes thus:

> *The soul of Nigeria is at war, an unseen hand is ruling Nigeria from the Arab nation. Federal Republic of Nigeria is a federal constitutional Republic comprising 36 states and by words regarded as a secular nation but the…OIC in a clandestine manner is ravaging the entire nation with a mission to Islamize Nigeria just the way Turkey was totally swept out.[4]*

The implication of Bosun's statement is that Nigeria's connection with the OIC is responsible for the current activities associated with insurgents in Nigeria.

A second version of the argument is based on the constitution of Nigeria and concludes that Nigeria is indeed an Islamic country and a member of the OIC. This is due to the fact that in the Nigerian constitution of 1999 (as amended), Sharia is mentioned 73 times, Grand Khadi 54 times, Islam 28 times and Muslims 10 times. There is no single mention of Christ, Christian, Christianity and Church[5]. While some Nigerians frown at Nigeria's membership of the OIC, some other Nigerians vehemently disagree with the fact that Nigeria is a registered member of the OIC and argue that Nigeria is a secular state and as such cannot be a member of such an international Islamic organisation, the

OIC.[6]

It is a truism that Nigeria is a member of the OIC. Efforts at making Nigeria a member of this Islam-based international organisation is said to have started in 1975 under General Murtala Mohammad (Late). General Murtala Mohammad was not able to register Nigeria as a full-fledged member of the OIC following his untimely death in February, 1976. But from 1975, Nigeria's status in the OIC remained that of an observer until 1986, when General Ibrahim Badamosi Babangida decided to end the nebulous concept, 'observer status' by converting Nigeria's involvement in the organisation to full membership.[7] Babangida did not stop there. According to Bosun, Babangida pulled the sum of twenty one billion dollar from the Nigerian treasury and donated same to the OIC for the purpose of total islamisation of Nigeria in particular and Africa in general.[8] Nigeria is not just a member of the OIC, she is also a registered member of the D8 formed in 1997. D8 is a special grouping within the Organisationof Islamic Cooperation comprising eight developing countries.[9] D8 member-countries include Malaysia, Iran, Turkey, Indonesia, Egypt, Bangladesh, Pakistan and Nigeria.[10]

There are different dimensions to Nigeria's membership of the OIC. These include political, economic and religious dimensions. Politically, the OIC is known to have an agenda for its member-countries aimed at determining the religious affiliation or interest of the leader. This, of course, may not be dissociated from the current insurgent activities going on in the North-eastern parts of Nigeria which to a large extent have undermined democracy and human rights.[11] Greg Abdul points out that the OIC has as part of its objectives, to eradicate in all their forms and ramifications all non-Muslim religions in member nations and to ensure that only Muslims are elected to all political

positions in member-nations including the appointments of only Muslims into strategic

national and international positions of member nations.[12]According to M. H. Kukah,

> *Nigerians are almost by nature…ecumenical. This is pronounced in Northern Nigeria…as well as other parts of the country where both Islam and Christianity have been accommodated by traditional religions as can be seen by the presence of adherents of these religions in very many households today.*
> *Today, both Islam and Christianity are straddled across the Nigerian polity…[13]*

The implication of Kukah's statement is that Nigeria is a secular state. This, no

doubt, heralded the controversy associated with her membership of the OIC, an Islamic

inter-governmental organisation, and by virtue of her secularism was not supposed to be

registered as a member. Nigeria's membership of the OIC also has economic implications

on Nigeria. Nigeria has made financial commitments towards sustaining her membership

of the OIC. The scope of trade between Nigeria and other OIC member countries, such as

United Arab Emirates, Saudi Arabia, Indonesia, Iran as a member of D8, among others

has for instance widened. The point here is not undermine the crucial role international

trade has always played in the growth and development of the different countries of the

world.[14] According to M. O. Amin and Z. Hamid;

> *The second half of the twentieth century witnesses the tremendous economic and political power shifts in the world where the apparent orientation is towards globalisation and regionalisation. Countries are coming together all over the world… with the idea of defending themselves economically and politically, against the incursion of other blocs into their areas, and attempts to increase their influence within as well as outside their own areas. [15]*

Amin and Hamid also point out that "Economic cooperation through trade has been one of the important agenda of the Organisation of Islamic Conference (OIC) since its establishment in September 1969" [16].

Statement of Problem

Nigeria is known to be among the 57 countries that constitute membership of the Organisation of Islamic Cooperation. Existing literature appears not to take serious note of this fact, particularly, Nigeria's registration into the Islamic inter-governmental organisation. This neglect has left a yawning gap in the history of Nigeria's membership of international organisations.

Besides, up till now, there has been very little written account on the different dimensions of Nigeria's membership of the OIC and its implications on both her internal and external relations. The need to provide more information on Nigeria's membership of the OIC, its different dimensions and implications on her internal and external relations, and to provide answers to the perturbing question as to whether Nigeria is a secular state or not and whether Nigeria should be a member of an international organisation tilted towards a particular religion or not, call for serious investigation and constitutes the problem which this research is intended to address.

Purpose of the Study

Nigeria, since independence in 1960, has joined myriad of international organisations. The need for regional integration and relations with the outside world seems to have given the need for Nigeria's membership of different international

organisations. Aja Akpuru–Aja on his own part opines that:

> *Regionalism is in vogue. It is modern currency in lateral partnership in a globalised economy. Regionalism is not new to the global agenda. In principle and function, regionalism reflects the expansion of frontiers of relations among states that share common values, interests and aspirations in political, economic and technological spheres of influence. Primarily, regionalism promotes integration schemes which derive from articles of association of member states. In modern times, regionalism accommodates lateral partnership across continents in a complex interdependent world system.[17]*

In the course of this integration effort, Nigeria joined the OIC which, up till the time of this research, is still generating controversy among the Nigerian people. However, in all the available literature on Nigeria, particularly her membership of the OIC, the dimensions of Nigeria's membership of the organisation and its implications have not been adequately examined. And without a proper treatment of that subject, the history of the OIC may never be complete.

Against this backdrop, it becomes imperative to undertake an in-depth study of Nigeria's membership of the OIC up to 2011 to establish the driving force behind Nigeria's registration into the OIC and the different dimensions of her membership. This research therefore is inspired by the desire to provide this much needed information on Nigeria's membership of the Organisation of Islamic Cooperation. In addition, this research is inspired by the desire to investigate the factors that have generated the controversy trailing Nigeria's engagement with the OIC. This research effort is also set to provide the much needed information on the Islamic banking and to finding out why, despite the interest free principle of the Islamic banking, the attitudes of Nigerians

towards the institution differ.

Significance of the Study

What is unique about this research is that it tends to provide more in-depth analysis of Nigeria's membership of the Organisation of Islamic Cooperation up to 2011. Available literature exists on the OIC, but Nigeria's membership is neglected. Where mentions are made of Nigeria in the analysis, such mentioning is made in passing and with particular attention to efforts at islamising Nigeria. Not much has been written on the dimensions of Nigeria's membership of the OIC from the beginning up to today. This research effort, therefore, becomes relevant and significant because it sets to fill this gap.

This study is also relevant because it will provide a compendium for policy makers on national efforts at regionalisation.

Scope of the Study

This study is primarily focused on Nigeria's membership of the OIC. As mentioned earlier, Nigeria is a country located in the West African sub-region. It is made up of thirty six states including Abuja which is its Federal Capital Territory. These states are divided among six geo-political zones, viz, North West, North Central, North East, South West, South East and South South.

This research spans a period of twenty five years, 1986 – 2011. The year 1986 marked the registration of Nigeria as a full member of the OIC which as earlier stated has political, religious and economic implications on the country. The year 2011 marked the change of name of the organisation from Organisation of Islamic Conference to

Organisation of Islamic Cooperation as part of an attempt to forge a foundation for greater common purpose and activity for member-countries. The change of name tends to signify the OIC's transformation into a more consolidated and effective international grouping. The change of the OIC name was also followed by the adoption of a recommendation to hold the OIC Summit once every two years instead of once every three years which was the case prios to 2011.

Organisation of the Study

For clarity, this study is arranged in six chapters. Chapter One deals with a general introduction of the research which includes the background information, statement of problem, purpose, significance, scope of the study, organisation of the study, methodology, sources of data, theoretical framework, conceptual clarifications, as well as a review of related literature. Chapter Two undertakes a historical review of the OIC, with focus on the origin, growth (including membership), objectives and organisaional structure of the organisation. It also examines sovereignty and human rights, regional human rights regimes and transfer of sovereign authority and OIC intentions and actions on human rights.

Chapter Three discusses Nigeria's membership of the OIC with focus on Nigeria's gains and role in the OIC. The chapter also provides information on the political, economic and religious dimensions. This Chapter Further reviews the Abuja declaration of 1989. In chapter four, Islamic banking a subsidiary of the OIC in Nigeria, is examined. Chapter five looks at Nigeria in relation to other international organisations and makes a comparative analysis of Nigeria's membership of the OIC and some

international organisations. Finally, chapter six summarises and concludes the study with some recommendations.

Methodology and Sources of Data

There appears to be paucity of written material on the Organisation of Islamic Cooperation with particular reference to the present area of study. The few available works on the subjectmatter have scarcely examined the issue of Nigeria's membership. As a result of this factor, the information for this study comes from primary sources, notably material from the Ministry of Foreign Affairs and information from oral interviews, which cut across the former leaders of Nigeria, the clergy, scholars and the general public. The predominant view emerging from the interviews have revealed that different religious adherents have different perceptions over Nigeria's membership of the OIC. The Muslims have no problem with Nigeria/OIC engagement while the non-Muslims view show that there was discontent among Nigerians over Nigeria's membership of the OIC. One example of such discontent has been expressed by Commodor Ebitu Ukiwe while narrating his exit from the military administration. Besides oral sources, bits and pieces of information have been accessed from unpublished sources as well as from relevant publications.

Finally, the method adopted in this work is a combination of analytical and descriptive approach and the presentation is chronologically made.

Theoretical Framework

The psycho-cultural theory has been adopted for this study to explain the controversy trailing Nigeria's membership of the Organisation of Islamic Cooperation. Psycho-cultural theory explains the intransigence of group conflicts and provides socially rooted processes which bring about shared dispositions, motives for individual and group behaviours. These dispositions do threaten identity and invoke high sense of insecurity. According to the psycho-cultural theory, psychological, religious and other cultural contradictions are the basis of conflict.[18] Kelechi J. Ani opines that, "in psycho-cultural conflicts, passion for the protection of one's identity, religion and culture overwhelms reason and inflames conflict behaviours"[19].

The foregoing is the situation in Nigeria as regards her membership of the organisation. The registration of Nigeria into the Organisation of Islamic Cooperation is viewed by Muslims as a normal arrangement that is aimed at regional integration since regionalism is of modern currency in either bi-lateral or multy-lateral partnership in a globalised economy. But non-Muslims view it as a clandestine arrangement by the Muslims aimed to lodging the Islamic religion over them and making the whole country Islamic. This, according to the non-Muslims, does not only make nonsense of secularism but also threatens their religion and identity. Ani has observed that "identity is an unshakeable sense of self-worth that makes life meaningful"[20] and according to Faleti, "includes the feeling that one is physically, socially, psychologically and spiritually safe"[21]. Nigeria's membership of the Organisation of Islamic Cooperation, non-Muslims maintain is a threat as it tends to remove their feeling of safety based on their identity, religion and culture and also, undermines secularism in Nigeria, hence, the heated debate

trailing Nigeria's membership of the organisation.

Conceptual Clarifications

For a proper understanding of this study, it is important to clarify some concepts that are used therein. These concepts include Ummah and Council of Ulama of Nigeria.

Ummah

The word Ummah literally means community or people. On the literary, when it comes to Islam, it means the whole community of Muslims bound together by ties of religion. Ummah is a common Arabic word meaning people, group, or nation. The term takes on a religious connotation in the Qur'an where God is said to have sent to each ummah its own messenger. The messengers given special prominence as recipients of the Scripture and founders of an ummah are Moses, Jesus, and Muhammad. The Jews are an ummah based on the Torah which God gave to Moses, the Christians are an ummah based on the Injil (Gospel) which God gave to Jesus, and the Muslims are an ummah based on the Qur'an, which God "sent down" to Muhammad. Apart from its strict religious connotation, the word "ummah" is used in Arabic in the general sense of "community", as in (community of peoples). The Arabic term for the United Nations in Arabic is the United Ummahs. In its Islamic sense of the community of Muslims, the word is usually preceded in Arabic by the definite article, i.e. (The Ummah).[22]

The concept of ummah might seem to correspond to our understanding of a nation, but there are important differences. The nation is a strictly political concept; it may be defined as a community of peoples possessing a given territory with their own government. Citizenship involves giving allegiance to the state, independently of a person's religious

commitment. By contrast, citizenship in the ummah very much involves commitment to a particular religion. To the Muslim way of thinking, the only ummah that counts is the Ummah Islamiyyah[23] the Islamic community, an entity that theoretically comprises all Muslims throughout the world, irrespective of their national origin. In Islamic thought, "The Ummah" represents a universal world order, ruled by an Islamic government (the Caliph) in accordance with the "Law of God" (the Shariah, Islamic religious law), and patterned after the community founded by Muhammad at Medina in 622 AD; it even includes the Jews and Christians living within its territory as separate (and inferior) communities.[24]

Here, one may begin to see the conflict that exists between these two concepts. This is especially true in the Muslim world which finds itself divided into a number of independent nation-states, each with its own constitution, usually patterned after the Western political models as much as after the values and principles of Islamic law. Today, a growing number of Muslims reject this situation, which they view as favouring the "big powers", and are pushing for a return to a single ummah. One might argue this is the Muslims hope. One Arab political party, the Hizb ut-Tahrir or Liberation Party, is actively seeking to bring the Muslim world under one umbrella, opposing democracy (rule by the people); its utopian rallying cry is that "the rule is for none but Allah." But, since achieving its goals involves political struggle, it has been outlawed in the Arab world.

For the Christians, however, the conflict between the ummah and the Church of Christ is more important than that between the ummah and the nation. The church also is a universal community; it comprehends all the redeemed, past, present and future, who have given their allegiance to Jesus Christ as Saviour and Lord, regardless of sex, race, culture, or nationality as one. It does not, however, like Islam, pretend to be a divine political order yet.

That will not hapen the Christians reason until Christ returns at the end of time and sets up God's kingdom; only then will there be a truly just society. This is the Christians hope. There is an important message for the Muslims: only a society in which the executive, legislative and judicial functions are in the direct control of God can be considered a divine order. Anything less, i.e. where these functions are in human hands, such as those of Caliph and Qadi, is still a human order even though it may be based on religious law, and is no better than any other society. [25]

The phrase Ummah Wāhidah in the Quran,"One Community", refers to the entire Islamic world as it existed at the time. Citing the Quran, Reuven Firestone writes thus: "you [Muslims] are the best nation brought out for Mankind, commanding what is righteous and recognised as good and forbidding what is wrong."[26] The usage is further clarified by the Constitution of Medina, an early document said to have been negotiated by Muhammad in AD 622 with the leading clans of Medina, explicitly, referred to as Jewish, Christian and pagan citizens of Medina as members of the Ummah.[27]

At the time of Muhammad, before the conception of the ummah, Arab communities were typically governed by kinship. In other words, the political ideology of the Arabs centred on tribal affiliations and blood-relational ties. In the midst of a tribal society, the religion of Islam emerged, along with it the concept of the ummah.[28] The ummah emerged based on the idea that a messenger or prophet had been sent to a community. But unlike earlier messengers who had been sent to various communities in the past (as can be found among the Prophets in the Old Testament), Muhammad was given the task to develop a universal ummah and not only for the Arabs[29]. Muhammad's purpose as a messenger to them was to transmit a divine message, and lead the Islamic community to salvation.[30] Since

Muhammad was the messenger for the ummah, it indicates that there is a divine message, which further implies that God is directing the affairs of the ummah accordingly. The purpose of the ummah was to be based on religion, following the commands of God, rather than kinship.

Council of Ulama of Nigeria

First of all, a council is an official body of people constituted by a higher body, to see to the regulation of an organisation. For example, the Nigerian Medical Council was established by an Act of the Nigerian parliament. There are also councils within private organisations such as the governing council of an educational institution, for instance, which derive their powers from legally constituted board of trustees.

The encyclopaedia of religion as quoted by O.O. Oluniyi defines ulama as "learned scholars in Muslim tradition and canon law- a college or body composed of Imams, muftis, and cadis (priests, expounders and judges)".[31] Ulama refers to those who are recognised as scholars or authorities of the religious sciences, such as the Imams of Mosques, judges, teachers in the religious faculties of universities, and in general, the body of learned persons competent to decide on Islam."[32] Ulama has been generally recognised in Sunni Islam as custodians and interpreters of corpus sacred knowledge. Based on this, suffice to posit that the Ulama is a body of men who are learned in Islamic affairs. By virtue of their learning, one is constrained to ruling out ignorance as a character of the group. Again, the Ulama is a body within the Sunni branch of Islam and as such, may be considered sectional in composition.

The inclusion of Nigeria gives an erroneous impression that the Council of Ulama of

Nigeria is an official organ of the Nigerian government. But, of course, it is not. It was formed by a group of individuals in 1986 and got registered with the Corporate Affairs Commission on June 27 1989 with RC Number M/11634.[33] The cardinal interest of this council, according O.O. Oluniyi, was and still is the furtherance of a particular northern hegemony.[34]

Secularism

The term secularism was first used by the British writer George Jacob Holyoake in 1851. Although the term was new, the general notions of freethought on which it was based had existed throughout history. Holyoake invented the term secularism to describe his views of promoting a social order separate from religion, without actively dismissing or criticizing religious belief.[35] The definition and application of secularism, especially the place of religion in society, varies in different countries.

According to Asad Talil, "secularism is often used to describe the separation of public life and civil/government matters from religious teachings and commandments, or simply the separation of religion and politics."[36] W.L. Craig and J.P. Moreland define secularism as a system of doctrines and practices that disregards or rejects any form of religious faith and worship. Its primary objective is the total elimination of all religious elements from society.[37] Secularism can also be said to mean the non- adoption of any particular religion by any country as a state religion. Secularism is a principle that involves two basic propositions. The first is the strict separation of the state from religious institutions. The second is that people of different religions and beliefs are equal before the law.[38] Charles Taylor adds thus:

> *Indeed, the point of state neutrality [or secularism] is precisely to avoid favouring or disfavouring not just religious positions, but any basic position, religious or non-religious. We can't favour Christianity over Islam, but also, we can't favour religion over against non-belief in religion, or vice versa.*[39]

That is to say that secularism seeks to ensure and protect freedom of religious belief and practice for all citizens. Secularism is not about curtailing religious freedoms; it is about ensuring that the freedoms of thought and conscience apply equally to all believers and non-believers alike. In a secular democracy all citizens are equal before the law and parliament. No religious or political affiliation gives advantages or disadvantages and religious believers are citizens with the same rights and obligations as anyone else. Secularism provides the best chance to create a society in which people of all religions or none can live together fairly and peacefully.

Literature Review

As noted earlier, not much work exists on the present topic of research. Of the few available works on international organisations, none appears to have treated the OIC and its Nigeria's membership elaborately. Therefore, works on the OIC and its membership of other countries shall be, in the main, reviewed. Efforts shall be made to establish linkages or relevance of the reviewed works to the area of study.

Boualem Bendjilali in his *An Intra-Trade Conometric Model for OIC Member Countries: A Cross Country Analysis*, examines trade among OIC member-countries as a basis for cooperation and economic integration. According to him, bilateral intra-trade relations among OIC member-countries have been weak despite efforts engaged by the

concerned countries and the Islamic Development Bank to promote same. This low intra-trade ratio among OIC member-countries indicate clearly that there is a low level of integration and unity among the OIC member-countries.[40] Bendjilali, however, points out that Allah ordered Muslims to be united. Quoting the Sourate al Imran, verse 103, he maintains that Allah ordered the Muslims thus:

> *...And hold fast all together, by the rope which Allah [stretches out for you], and be not divided among yourselves; and remember with gratitude Allah's favours on you: for ye were enemies and joined your hearts in love, so that by His Grace, ye become brethren, and ye were on the brink of the pit of fire and he saved you from it. Thus doth Allah make his signs clear to you; that ye be guided.[41]*

He goes on to state that Muslim countries would be stronger if they hold fast to the rope of Allah together and as it is their duty to build an evolutionary process be it economic, political and social or a combination of them that help converge to unity[42].

Bendjilali, in his study, departs from the general practice and studies the intra-regional trade using the gravity model[43]. The gravity model is an examination of the level of trade relations between different groups or countries. Bendjilali in his work also studies the relationship between exports of goods and services among OIC member-countries. In his findings, Bendjilali states that inter-OIC member-countries trade is positively affected by the size of their economies, the extent of Islamic Development Bank financing, their joint participation in regional integration scheme; and negatively affected by transportation and communication costs as proxy for the distance factor which constitutes a significant barrier to trade between the OIC member-countries. According to him,

> *…40 percent of the total variation in export variable can be attributed to a linear relationship between the explanatory variables such as the GDPs, the distance between the capitals of the different countries, the per capital GDP, the IDB year 94 trade financing variable and the dummy variables. Asian and GCC…statistics gives an indication that was significance statistical regression.*[44]

Bendjilali concludes that the volume of intra-trade between members of the OIC is low and that the size of economic cooperation among Muslim countries is limited at the present time.

In "Trade Linkages between Malaysia and the OIC Member Countries: Empirical Evidence Based on Gravity Model" Irwan S. Z. Abidin, Mahd Dan Jantan, Nurulhuda Mohd Satar and Muhammad Haseeb examine trade relations among 55 of the Organisation of Islamic Cooperation (OIC) member-countries for a period of seventeen years, that is 1995 to 2012 using Trade Gravity Model. They point out that:

> *International trade has always been playing a crucial role in the process of growth and development in Malaysia, especially in transforming the economy from a low income to upper middle income category.*[45]

They further point out that before the 2008 and 2009 global economic and financial crises, Malaysia's major trading partners included the United States of America, the European Union and Japan. This shifted primarily due to the global economic and financial crises. This shift made Malaysia's major trade nations tilt towards other new markets and non-traditional countries such as China.[46] Responding to this economic and financial crises situation they write thus:

> *Malaysian Government embarked on a new strategy to shift its trade dependence on the*

> *traditional markets and exploring new markets for exports and imports…one of the markets being targeted is the Middle Eastern countries.[47]*

Irwan S. Z. Abidin, Mahd Dan Jantan, Nurulhuda Mohd Satar and Muhammad Haseeb maintain that Malaysia's trade with other OIC member-countries is relatively small when compared to Malaysia's trade with the rest of the world, as the prospects and opportunities in forging a closer and deeper regional economic cooperation under the OIC, especially with the rich Arab countries are yet to be fully tapped through the means of trade. According to them, "the percentage of trade between Malaysia and its OIC counterparts grows sluggishly over the observed decades".[48] They go further to state interlia:

> *In 1994 OIC members accounted for merely 3.7% of Malaysia total trade and share increase to 7.9% in 2012. Considering that the OIC countries have more than 60% of vital resources and with 1.3 billion or one-sixth of the world's population, this general picture of the state of OIC trade performance can be deemed as weak.[49]*

The estimation of the Malaysia gravity model of trade as conducted in the study reveals that per capita GDP of Malaysia, per capita GDP of the OIC countries, corruption in OIC countries, foreign direct investment of Malaysia-OIC trade while trade per capita GDP, corruption and real exchange rate of Malaysia show significant negative effect on Malaysia and other OIC-member countries. The significance of Abidin and colleagues' study is that it is important for policy-makers in crafting policies to improve Malaysia – OIC trade relations in the future as it advises the Malaysian government to focus on accelerating efforts to establish the Islamic common market, liberalising the economy and improving her strategic sectors such as the Islamic banking and finance while efforts are

intensified in curbing corrupt practices.

Irwan Z. Abidin, Nor' A. A. Bakar and Muhammad Haseeb in their "Exploring Trade Relationship between Malaysia and the OIC Member-Countries: A Panel Cointegration Approach (1995 – 2012)" explored the long-run and short-run relationship between trade and other macroeconomic variables of Malaysia and the OIC member-countries for a period of seven years and asserted that international trade has always played a crucial role in the process of growth and development in Malaysia, "especially in transforming the economy from a low income to upper-middle income category".[50]

Abidin, Bakar and Haseeb point out that Malaysia's major trading partners were the United States of America, European Union (EU) and Japan. This, according to them, shifted primarily due to the global economic and financial crises of 2008/2009, thereby making Malaysia's major exporting and importing nations to tilt towards new markets traditional countries such as China.[51] They opine that:

> *In response to the crises, the Malaysian government embarked on a new strategy to shift its trade dependency on the traditional markets and exploring new markets for exports and imports…one of the markets being targeted is the Middle Eastern countries.[52]*

They identify Malaysia's major trading partners in the OIC to include Indonesia, Saudi Arabia, United Arab Emirates, Pakistan, Turkey and Brune, and added that trade performance in terms of value between Malaysia and the OIC countries has shown an increasing trend. They also point out that Malaysia's trade with Indonesia, for example, has increased substantially from 2,688,96 million US dollars in 1997 to 11,478.91 US dollars in 2009. This sharp increase in trade volume between these two OIC member-countries, Abidin, Bakar and Haseeb attribute to factors such as common language,

cultural affinity, historical backgrounds and similar borders.[53]

Abidin, Bakar and Haseeb opine further that the "prospects and opportunities in forging a closer and deeper regional economic cooperation under OIC…are yet to be fully tapped…"[54] This, they blame on factors such as communication, transportation cost as proxy for the distance, tariff, the global economic and financial crises among others. These impediments to trade among OIC member-countries, according to Abidin, Bakar and Haseeb, would decrease as economic integration among member countries of the OIC increasesd. They conclude that bilateral trade among OIC member countries has been weak despite efforts being made by concerned countries. [55]

M.S.Tash, I.B. Jajri and M.N. Shahiki-Tash in a study investigate intra-trade relations and welfare effects for Iran and D-8 countries preferential trade agreement by reviewing the possibility of comprehensive trade liberalisation through expanding coverage of preferential tariff reduction. According to them, "D-8 is an alliance of developing Muslim countries who are members of the organisation of Islamic Conference (OIC), which is established as an economic association."[56] They identify eight developing countries as Bangladesh, Egypt, Indonesia, Iran, Malaysia, Nigeria, Pakistan and Turkey. The D-8 was set up on June 15, 1997 after a declaration in Istanbul, Turkey, that included a plan to diminish tariffs on particular goods between member-states, with supervision of the process by a supervising committee.[57] Tash, Jajri and Shahiki-Tash, investigating trade among member-countries of D8, reviewed trade relations and calculated indices such as trade intensity index, trade complementarity index, trade bias index, trade creation and division index and used these indices to give insights into the effects of trading arrangements among member-countries. They opine that "the composition of

trade determines the degree of bilateral matching of commodities of an exporter with demands of an importer".[58]

Tash, Jajri and Shahiki-Tash further report that there was trade diversion by member-countries from 1998 – 2007 as a result of increasing common external tariff from 10 per cent to 40 per cent. They point out further that though trade creation occurred while a reduction of common external tariffs led to a decline of negative trade diversion,[59] Iran's export to other D-8 countries viz, Indonesia, Malaysia, Egypt, Nigeria and Bangladesh, is less than a proportion of Iran's share of trade with the outside world. They conclude that Iran's export to other D-8 countries is low.[60] They observe that, though, not all countries of D-8 will experience a welfare gain, D-8 member-countries' intra-trade should be increased. They recommend that policy making should be tilted towards improving bilateral trade flows amongst D-8 countries and signify the importance of trading partners.[61]

Irwman S. Z. Abidin, M. D. Jantan and N. M Satar, in their "Leveraging Malaysia's Imports with the OIC Countries: A Gravity Model Analysis under Panel Data," examine Malaysia's imports with the OIC member-countries between 1997 and 2009 and maintain that Malaysia's imports from the OIC countries are heavily influenced by the role of institutions of one's country. The implication of the above is that size effect and distance have no impact on Malaysia's imports.[62] In their study, Abidin, Jantan and Satar note that Malaysia's import patterns from other OIC member-countries, using what they call panel data analysis of gravity model and identified Gross Domestic Product (GDP) as a proxy of size that diminishes with distance, as a factor determining the flow of trade between countries. They, however, maintain that trade relations between

Malaysia and other OIC member-countries are relatively small when compared to her trade with the outside world. Citing the year 2007 as an example, Abidin, Jantan and Satar write: "Malaysia's total trade with the OIC member-countries accounted for only 8.37 percent of its global trade".[63]

Among the factors identified by them to be responsible for this low level of trade flow between Malaysia and other OIC member-countries is the fact that "leaders and people of the OIC countries believe that there are many fields and opportunities for growth of mutual trade relations".[64] They thus further underscore that:

> *The crucial finding with regard to the analysis of the pattern of imports between Malaysia and the OIC member countries is the lack of engagements with the OIC member countries in the African region where the majority of the OIC countries are located. Therefore, it is crucial for Malaysia's(Sic) to promote trade relations with the OIC countries in the African region vigorously.[65]*

There is need, therefore, to build a strategic partnership with the African region in the area of economic cooperation, to give a start to countries in the African region to initiate trade activities among OIC countries, especially with Malaysia.

As a way of expanding trade relations among OIC countries, Abidin, Jantan and Satar suggest that efforts should be intensified at the establishment of Islamic Common Market (ICM), which, according to them, can be done by establishing secretariats in each of the OIC member-countries to conduct studies and research that will collaborate with the Centre of Advanced Studies and Research on Islamic Common Market (CARSICM).[66]

Abdollah Mahmoodi in his "Economy Wide Effects of D8 Trade Integration (A

GTAP Model Approach)", delves into the role of trade agreements in rising exports and imports welfare and uses what he calls Global Trade Analysis Project (GTAP) modelling approach to make real cut of trade barriers between D-8 member-countries. Mahmoodi identifies the D-8 member-countries and their objectives. The objectives of these eight developing countries according to Mahmoodi include, to improve member-countries position in global economy, create new opportunities in trade relations, enhance participation in decision making at international level, and to improve standards of living in member-countries.[67]

Based on the composition of the D8 countries, Mahmoodi adds that "D8 is a global arrangement rather than regional one…It has potential to change the economic and welfare situation of the members"[68] having trade among its objectives as the most important.Mahmoodi divides the D8 countries into three categories viz (a) Oil-exporting countries which include Indonesia, Iran and Nigeria (b) Middle–income countries which include Pakistan, Turkey, Malaysia and Egypt; and (c) Less developed countries which is Bangladesh,[69] and asserts that international trade among D8 countries is insignificant as the highest ratio for Iran for example, is 9.5%.[70] According to him,

> *…Iran, Pakistan, and Bangladesh ratio of intra-D8 international trade is 9.5, 8.9 and 8.4 percent, respectively. This ratio for Nigeria is only 2%. Therefore, there is an insignificant international trade inside the D8 group and the more important trade partners do their exports and imports with the rest of the world countries.* [71]

Although, intra- D8 trade is very small (US $129billion in 2011), and their share in world trade is very low (US $1725 billion, about 4/78% of total world international trade) yet they are capable of increasing their share. Quoting Jafari and others, Mahmoodi argues

that the trade partners GDP, exchange rate, population of exporter country, border and distance are the factors affecting the export flow among D8 member-countries.[72]

Having pointed out that trade among D8 countries is low, Mahmoodi recommends that to improve trade relation among D8 countries, there should be at least 20% reduction in power trade tariffs from D8 members to the same destination countries.[73] This, no doubt, would decrease import prices, and increase the quantity and value of imports.

Mahmoodi in his study, concentrates his efforts on economic dimension of the eight developing countries tilted towards improving the trade relations among members through trade liberalisation.

R. M. Amin and Zarinah Hamid in their "Towards An Islamic Common Market: Are OIC Countries Heading the Right Direction?", observe that economic cooperation through trade has been one of the important agenda of the OIC since its inception in 1969. In their study, Amin and Hamid analyse intra-trade potentials of five countries that signed framework agreement on trade preferential system among the member-states of the OIC. These countries are Jordan, Malaysia, Pakistan, Turkey and the United Arab Emirates (UAE).[74] The signing of framework agreement on trade preferential system, according to Amin and Hamid, is among the number of progressive measures that have since been undertaken over the years to enhance economic cooperation among Muslim countries"[75.] Amin and Hamid state further that,

> *The declaration of the establishment of the TPS represents a very important step towards increasing intra-OIC trade as a mechanism to create a free trade area that would eventually evolve into an Islamic Common Market.*[76]

In their work, they also look at economic integration and the potentials for an Islamic Common Market among OIC countries; and analyse their top imports and intra-

trade potentials. Quoting Knox and others, Amin and Hamid state that,

> *Several factors needed as prerequisites for successful economic integration that include similarity in the power of units joining the association, complementarity of the elite value system, the existence of pluralistic power structures in member countries positive perceptions concerning the expected equity distributions of benefits from integration and the magnitude of the costs of integration, the compatibility of states' decision-making styles and the adaptability, capacity and flexibility of the member states governments.*[77]

Amin and Hamid argue that although mutual economic benefits and interests are the driving forces behind most regional cooperation, Muslim countries have other compelling reasons for integration as they draw on Islam as their common source.

In their analysis of top imports and intra-trade potentials, Amin and Hamid cite Jordan, Malaysia, Pakistan, Turkey and the United Arab Emirates as countries under study and maintain that a closer examination of the top imports of individual countries and the corresponding Index of Revealed Comparative Advantage (IRCA) of each trading partner provides an additional insight into which OIC member-countries can meet the import needs of each country concerned.[78] In terms of share of total imports, Amin and Hamid maintain that

> *…petroleum oils…dominate Jordan's 5 imports accounting for a total of 23.37% of it from the world…. Other products include motor cars and motor vehicle….and transmission apparatus for rado-telegraphony…with 4.71% and 3.48 % share in total imports respectively. Thirty eight out of 50 major imports of Jordan account for less than 1% share of its total imports. Despite being the dominant import of Jordan, petroleum oils… form only about 8.5% of its import share from the five selected OIC*

countries.[79]

However, Amin and Hamid blame this on the fact that more of Jordan's imports come from OIC member-countries that are also oil- producing states. They identify in their work, Malaysia's top imports from the world as a range of intermediate inputs for the production of higher value –added goods in the manufacturing sector,with electronic integrated circuits constituting Malaysia's top imports, accounting for 21.33% share of her total imports followed by parts and accessories, petroleum oils, automatic data processing machines and diodes and transistors. Just as Jordan, 38 out of 50 major imports of Malaysia accounts for less than 1% share of its total imports.[80] Akin to Jordan, petroleum and oils are the top imports of Pakistan, constituting 24.65% share of Pakistan's total imports, followed by transmissions apparatus for radio-telephony, motor cars and motor vehicles, palm oils and cane and beet sugar with 6.37%,2.98%, 2.57% and 2.37% import shares respectively.[81]

Amin and Hamid find Turkey's imports to be more diversified compared to Jordan, Malaysia and Pakistan. This is due to the fact that Turkey has no concentration in any particular product, but also has petroleum oil and gas obtained from bituminous minerals as the most important imports of Turkey with a share of 3.02% of total imports; followed by gold, ferrous waste and scrap, motor cars and other motor vehicles with 2.84%, 2.39% and 1.62% share of total imports.[82] Amin and Hamid state further that the United Arab Emirates' top import is gold with a share of 7.31% of the UAE total imports, followed by articles of jewelry, diamond, transmission apparatus for radiotelephony among others. In their view, 41 out of 50 UAE's imports are found to have very low import shares of less than 1%.[83] Based on the forgoing, Amin and Hamid maintain that

products identified as potential sectors for high intra-trade activities form 20 - 50% of top imports of selected OIC countries.

The implication is that the Trade Preferential System (TPS) of the OIC is not that effective. To make the TPS more effective, Amin and Hamid recommend that "additional scheme should be introduced where tariffs that are currently between zero to 10% have to be reduced to 5% and ultimately eliminated".[84] They add that, although, the OIC is undertaking measures towards reducing tariffs barriers, collective strong political will need to be injected, else, all efforts towards an Islamic common market will prove futile.[85]

Anthony Tirado Chase in his *The Organisation of Islamic Cooperation: A Case Study of International Organisations' Impact on Human Rights* delves into the issues of the OIC promise and questions whether international organisations can independently impact on human rights. In the section of his work titled "Problematising the OIC Promise", Chase argues that though the OIC promise on human rights is tantalising, its position on international human rights is ambiguous.[86] Chase goes on to state that the OIC on the one hand,

> *has a consistent history of resisting human rights, both collectively and internationaly for and within its leading member-states, such as Iran and Saudi Arabia. On the other hand, all of its member-states have signed on to human rights treaties and many of its states have significantly engaged in building the human rights regime, including in the draft of its basic legal instruments, well beyond pro-forma signing of treaties.*[87]

Chase further argues that the future of human rights within the different member-states of the OIC depends on domestic, transnational and international factors distant from the OIC's

weak human rights initiatives, as the OIC has become known for its promotion of the so-called defamation of religion agenda, challenging the rights of freedom of expression. According to Chase,

> *The OIC is simply not in a position to have a determinative impact on advancing human rights given its minimal on the grounds presence within its member-states. If the OIC is to have any substantial impact, it will most likely only be at the international level working as a bloc at the U.N. in opposition to rights' expansions, not in terms of implementing rights at the domestic level within its own states.[88]*

In regard to human rights, the OIC's 2008 Charter references human rights, but does so in a way that entirely passes over what has been the instrument for which the OIC has likely gained the most attention and certainly the most controversy during the OIC first decade's of the 1990 Cairo Declaration on Human Rights in Islam[89] and concludes that contrary to OIC human rights stand, "human rights need to be understood not as a fixed entity, but rather as a legal-political language that can be invoked to advance any number of positions and interests."[90] Chase's study concentrates on the OIC human rights issues, thereby omitting economic and political issues of the OIC membership. Moreover, Nigeria, which forms case study of the present research, is also completely omitted in Chase's work.

El-Sayed El-Aswad's *Political Challenges Confronting the Islamic World*, a study which covers 39 of the 57 Muslim countries of the OIC, propses that there are numerious challenges facing the Muslim societies. These challenges, according to him, comprise political rights, freedom, democracy, social justice, equality, violence, war, human/civil rights, among others. [91] El-Aswad divides these problems into two, viz external and internal challenges. He opines that the political and socio-economic systems of most Muslim

countries have been influenced by global factors, events and trends that have occoured during the past four decades. These events and trends include the expansion of the global market economy, privatisation, labour migration, the use of multiple media and internet, worldwide religious extremism and global violence including wars and terrorist attacks.[92]

For the purpose of theorising the internal challenges, El-Aswad develops a distinction between ideology and worldview. According to him:

> While ideology implies certain economic and political orientations related particularly to power, mostly, as represented in the state or powerful Muslim/non-Muslim organisations, worldview indicates belief systems shared by a group of people or several nations.[93]

Worldview or belief system is an interpretative and integrative paradigim encompassing assumptions through which people view the world or community in which they live and with which they interact. He reveals that 20 out of the 39 selected OIC member-countries are guilty of violating or not maintaining political rights while only four countries which are Benin, Guyana, Indonesia and Senegal achieve a score of two indicating high levels in securing political and civil rights.[94] States such as Iraq and Yemen that exclude parts of society, tend to have civil wars. In Egypt, for instance, the leaders of the Muslim Brotherhood with its Freedom and Justice Party (FJP) promised to work toward a state based on Islamic principles.[95]

El-Aswad conludes that Muslim wellbeing in the domains of political development and social progress has been hindered by poorly informed people or those with negative intensions. This, as he opines, has brought about islamophobia and related stereotypes of Muslims in both Western schorlarship and media which are offensive and unacceptable affront to human values and democratic principles.[96]

E. Svoboda, S.A. Zyck, D. Osman and A. Hashi in their *Islamic Humanitarianism? The evolving role of the Orgainsation for Islamic Cooperation in Somalia and beyond*, dwell on the OIC humanitarian activities. They trace the OIC humanitarian activities to the war in Bosinia-Herzegovenia in the mid-1990s and contend that since then, the OIC humanitarian portfolio has grown considerably.[97] Though Somalia is the main focus of their study, Svoboda, Zyck, Osman and Hashi have also identified as part of the OIC humanitarian activities, the OIC's 2010-2011 humanitarian programme in Sierra Leone which include fish and shrimp farming, agriculture and youth projects and its work in Afghanistan which focused on women and agriculture, the strengthening of the health sector and economic development in Bosinia, the OIC's response to the 2004 Indian Ocean tsunami, the 2009 conflict in Gaza, the 2010 floods in Pakistan, the 2011 farmin in Somalia, among others. Svoboda, Zyck, Osman and Hashi add that:

> *The OIC has focused more on recovery and development-oriented activities related to basic services and livelihoods. In the case of Somalia, Assistant Secretary-General for Humanitarian Affairs, Atta El Manaan Bakhit [revealed that] in late 2011, Somalia [moved] from relief to relief...*[98]

This shows that the OIC's humanitarian activities is higher when compared to the OIC's humanitarian role in other member-countries. This, no doubt, is made manifest in the establishment of the OIC Humanitarian Coordination Office in Somalia in 2011.[99]

Svoboda, Zyck, Osman and Hashi reveal that some kind of discontent exist over the OIC's relief programmes; pointing out that the best humanitarian practice is to get people involved in crisis out of the crisi situation.[100] They added thus: "We have to encourage more development projects, instead of focusing on humanitarian assistance… 70 per cent of the

assistance should be about development."[101] This reveals a clear-cut distinction between relief and development. The clear-cut distinction raises questions regarding humanitarian independence and principles more broadly especially where support is provided to government that can be contested as it is the case in Somalia.[102] They concluded by blaming the problem confronting the OIC humanitarian activites on the fact that the fund for the OIC humanitarian activities come from OIC wealthy states and individuals who cease the opportunity to assert influence on the recipient countries.[103] Generally, what the present research intends to do is a filling of the yawning gaps that exist in the literature so far reviewed in this section of the sudy. And there are many of these gaps such as the period 1986- 2011 and Nigeria's membership, among others.

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CHAPTER TWO

HISTORY OF THE ORGANISATION OF ISLAMIC COOPERATION

Origin and Growth of the OIC

As mentioned in Chapter One, the Organisation of Islamic Cooperation is the second largest inter-governmental organisation after the United Nations. At its formation, the OIC was called Organisation of Islamic Conference.

The first effort to form international Islamic organisation can be traced to 1924. This was after the abolition of the Ottoman Empire. With this development, a series of conferences were held that year which included one in Cairo in Egypt, where Muslim scholars called for an Islamic conference to consider what entity would succeed the Ottoman Empire. In subseqeunt years, more conferences were held and initiatives undertaken aimed at forming an Islamic-based inter-governmental organisation. These included the Islamic bloc of 1952 in Pakistan, the Mecca conference of 1954, the King Faysal initiative of 1965, the first Moroccan conference of 1969 and the first Global Islamic Conference in Kuala Lumpur of 1969.[1] During this period, the call and support to form an international organisation comprising Muslim countries heightened. Among such callers was an Islamic thinker, Abdul Razzaq El Sanhouri of Egypt.[2]

According to Giacomo Cavalli, the Organisation of Islamic Cooperation was established by the decision of the historic summit of September 25, 1969, which took place in Rabat, Kingdom of Morocco, as a result of an arson of Al Aqsa Mosque in Jerusalem.[3]Azin Tadjini has written about the organisation in the following words:

> *The reason for the creation of the OIC is often explained by pointing to the Muslim solidarity following two events in recent*

history: the Arab loss of the Six Day war in 1967and the arson attack against the Al-Aqsa Mosque, a holy side in sunni Islam.[4]

The Six Day War was fought between June 5 and June 10, 1967, between Israel and the neighbouring states of Egypt (known then as the United Arab Republic [UAR]). The foundation of Israel linked to the Palestinian refugee problem and its participation in the invasion of Egypt during the Suez crisis of 1956 continued to be a significant grievance for the Arab world. Arab nationalists, led by the then Egyptian President, Gamal Abdel Nasser, continued to be hostile to the existence of Israel. By the mid- 1960s, relations between Israel and its Arab neighbours had deteriorated to the extent that a number of border clashes had taken place. In April, 1967, Israeli army and air force attacked Syria in response to Syrian shooting towards an Israeli tractor ploughing in the De-militarize zone (DMZ). In May 1967, Egypt expelled UN peace-keepers stationed in the Sinai Peninsula since the Suez conflict and announced a partial blockade of Israeli access to the Red Sea.[5] Israel had claimed this as a *casus belli*. This led to tension with both sides armies mobilising human and material resources. Less than a month later, Israel launched a surprise strike which began the Six Day War on June 5, 1967. The Six Day war ended on June 10, 1967, following a cease-fire on the Israeli front. The Arab states suffered immense defeat, losing half of their military equipment, about 18,000 men while the Jordanian air force was completely destroyed at the hands of Israeli forces.[6]

Meanwhile, Michael Dennis Rohan, an Australian Christian set the Al Aqsa Mosque on fire in August, 1969. Muslims around the world alleged that Israeli authorities paid Rohan to burn the Muslim holiest place. This allegation sparked riot in India leading to widespread loss of life. King Faysal of Saudi Arabia capitalised on these and convened 25

Muslim heads of state to a meeting in Rabat, Morocco. [7]

The history of social and political unrest in the Middle East and its neighbourhood has remained a long-standing story. But besides this, there appears to be an additional and more driving force to this. This is the Saudi Arabian policy of containment against the wave of secular nationalism combined with socialism emerging in a number of countries in the Middle East. In the period following the end of World War II up to the 1960s, the principal organisation of the region-the League of Arab States- was dominated by pan-Arab and secular-nationalist regimes, and had as an institution, proved insusceptible to the influence of Saudi Arabia[8]. In an effort to countermine this development, pan-Islamic conservation became the platform to fight pan-Arabism. The first attempt to institutionalise this agenda resulted in the Muslim World League, which supported the Muslim Brotherhood of Egypt as an anti-Nasser and anti-radical force. As a follow-up to this, according to Tadjdini, "the Organisation of Islamic Conference was established in 1969 as a less influence resistant framework for international cooperation"[9].

The first meeting of the Islamic Conference of Foreign Ministers (ICFM), made up of 25 countries, was held in Jedda, Saudi Arabia in 1969. This meeting decided to establish in Jedda, a permanent secretariat headed by the organisation's Secretary-General. At present, the Organisation of Islamic Cooperation is made up of 57 member-countries across four continents.[10] (See Appendix I for a list of the OIC member-countries and their years of registration).

The Organisation of Islamic Cooperation, which at inception, was known as the Organisation of Islamic Conference up to 2011, includes a diversity of cultural and socio-political systems with varying levels of economic and political development. The OIC,

according to Jamal Othman, Mustafa Acar and Yaghoob Jafari, "… collectively stands for 22 per cent of world population, 7 per cent of world GDP, 9 per cent of trade, and 12 per cent of intra trade…"[11] Within 40 years of establishment, the Organisation of Islamic Conference has grown to become the second largest inter-governmental organisation after the United Nations. It has extended its activities from merely holding conferences of Muslim leaders to convening business, trade and commerce, culture and civilisation, education, history and humanitarian activities in member-states.[12]

Objectives of the Organisation

The Organisation of Islamic Cooperation Charter has the organisation's objectives to include the following:

1   to enhance and consolidate the bond of fraternity and solidarity among the member-states.[13] This should be aimed at promoting inter-state relations based on justice, mutual respect and good neighbourliness as contribution to ensuring global peace and security.

2   to safeguard and protect the common interest and support the legitimate causes of the member-states and coordinate and unify the efforts of the member-states in view of the challenges faced by the Islamic world in particular and the international community in general.[14]

3   to respect the right of self-determination and non-interference in the domestic affairs and to respect sovereignty, independence and territorial integrity of each member-state. Ahmed Adam opines that this objective is informed by the agenda of OIC member-states to supporting and empowering the Palestinian people to exercise their right to self-determination and establish their sovereign state with Al-Qzuds Al-Sherif as its capital.[15]

4   to support the restoration of complete sovereignty and territorial integrity of any member-state under occupation, as a result of aggression, on the basis of international law and cooperation with the relevant international and regional organisations.

5   to ensure active participation of the member-state in the global political, economic and social decision-making process to secure their common interests.

6   to promote inter-state relations based on justice, mutual respect and good neighbourliness to ensure global peace, security and harmony.

7   to reaffirm its support for the rights of people as stipulated in the UN Charter and international law;

8   to support and empower the Palestinian people to exercise their right to self-determination and establish their sovereign state with Al-Qudz Al-Sherif as the Holy places therein;

9   to strengthen intra-Islamic economic and trade cooperation in order to achieve economic integration leading to the establishment of an Islamic Common Market. This is aimed at raising intra-OIC trade to the target level of 20 per cent by the end of the year 2015.[16]

10   to disseminate, promote and preserve the Islamic teachings and values based on moderation and tolerance, promote Islamic culture and safeguard Islamic heritage;

11   to protect and defend the true image of Islam; to combat defamation of Islam and encourage dialogue among civilisations and religions;

12   to enhance and develop science and technology and encourage research and cooperation among member states;

13   to promote and protect human rights and fundamental freedoms including the rights of women, children, youth, elderly and people with special needs as well as the preservation of Islamic family values;

14   to safeguard the rights, dignity and religious and cultural identity of Muslim communities and minorities in non-member states;

15   to promote and defend unified position on issues of common interest in the international fora;

16   to cooperate in combating terrorism in all its forms and manifestations, organise games, illicit drug trafficking, corruption, money laundering and human trafficking;

17   to cooperate and coordinate in humanitarian emergencies such as natural disaster and to promote cooperation in social, cultural and information fields among the member states.

The member-states, in order to achieve the above mentioned objectives, undertook to be guided and inspired by what they called noble Islamic teachings and values which form the organisation's principles. These principles include that:

- all member-States commit themselves to the purpose and principles of the United Nations Charter;

- member-states are sovereign, independent and equal in rights and obligations;

- all member-states shall settle their disputes through peaceful means and refrain from use or threat of use of force in their relations;

- all member-states undertake to respect national sovereignty, independence and territorial integrity of other member-states and shall refrain from interfering in each other's internal affairs as enshrined in the organisation's Charter, the Charter of the United Nations, international law and international humanitarian law;

- as mentioned in the UN Charter, nothing contained in the present Charter shall authorise the OIC and its organs to intervene in matters which are essentially within the domestic prediction of any state or related to it;

- member-states shall uphold and promote, at the national and international levels, good governance, democracy, human rights and fundamental freedoms, and the rule of law; and

- member-states shall endeavour to protect and preserve the environment.[17]

A pertinent question here is: To what extent has the Organsation of Islamic Cooperation been successful in achieving its objectives? Although an answer to this question has been reserved for subsequent sections of the present study, Azin Tadjdini has attempted the question. According to him:

> *The objective behind the creation of the OIC has to a large extent been successful, much by the aid of major financial contribution from Saudi Arabia to the OIC budget since the organisation's inception. In addition, between 1970 and 1991, $ 96 billion was awarded to the OIC countries in loans and grants by Saudi Arabia as a policy of cash for compliance. During this period, the country supported Iraq in the war with Iran, the Afghan Mujahidin and the Islamic Salvation Front in Algeria.[18]*

No doubt, the Organisation of Islamic Cooperation has been involved in varied efforts to resolve conflicts in countries with Muslim populations.[19] Besides, Sheikh Uthman Anaga and Nasir Mohammed have argued that the Organisation of Islamic Cooperation was formed to serve religion and humanity.[20]

The OIC has attempted to resolve conflicts among its member-states by peaceful means. During its early years, the organisation performed relatively well in this regard, notably when acting as an intermediary between the Palestine Liberation Organisation (PLO) and Jordan (with the heads of state of Saudi Arabia and Egypt playing a strong role) and between Bangladesh and Pakistan (with the OIC Secretary-General playing a leading role).[21] More recently, the organisations's attempts to facilitate peace-making efforts in the

southern Mindanao region between the government of the Republic of Philippines and the Moro National Liberation Front (MNLF) could not lead to the implementation of the 1996 peace agreement. The OIC's effort in this conflict was channelled to its Peace Committee for Southern Philippines (OIC-PCSP) and the organisation offered $16 million grant to the troubled region through the Islamic Development Bank. The organisation also supported Thailand with conflict resolution in the Southern province of Pattani and has been involved in addressing the disastrous humanitarian situation in Somalia.[22] The OIC's promise in the field of conflict mediation in the Muslim world stems largely from its religious character. This proved advantageous in Somalia, where assistance from an Islamic organisation was more acceptable than the assistance of other international donors.

However, in the early 1980s, the OIC failed to persuade Iran and Iraq to adhere to the proposal of the Islamic Peace Committee, which it had set up. Pekka Hakala and Andreas Kettis write thus "the OIC is a potentially valuable partner for the EU in conflict mediation, although it currently lacks sufficient resources and political will."[23] Despite this short-coming the OIC as an international organisation has to some extent realised its objectives, while in some areas it could be said to have failed to realise its goals.

Organisational Structure of the OIC

The organs of the Organisation of Islamic Cooperation consist of the following:
Islamic Summit, Council of Foreign Ministers, Standing Committees, Executive Committee, International Islamic Court of Justice, Independent Permanent Commission of Human Rights, General Secretariat, Subsidiary Organs, Specialised Institutions and Affiliated Institutions.

The Islamic Summit

The Islamic Summit consists of Kings and Heads of State and Government of OIC member-countries. It is the highest authority of the organisation and convenes its summit once every three years to deliberate, take policy decisions and provide guidance on all issues pertaining to the realisation of the objectives of the OIC as provided for in the charter and consider issues of concern to the member-states and Muslim community. Whenever the interest of the Muslim community warrants it, an extra-ordinary session may be held at the recommendation of the Council of Foreign Ministers.[24]

Council of Foreig Ministers

This consists of Ministers of Foreign Affairs of member countries. The Council of Foreign Ministers prepares agenda for the Islamic Summit. This Council convenes once a year in one of the member-states. An extra-ordinary session of the Council of Foreign Ministers may be convened at the instance of any state or of the Secretary-General, if such an initiative is approved by a simple majority of the member-states. The Council of Foreign Ministers may recommend convening other session of ministerial meetings to deal with the specific issues of concern to the Muslim community. Such meetings shall submit their reports to the Islamic summit and the Council of Foreign Ministers.[25]

The Council of Foreign Ministers normally considers the means for the implementation of the general policy of the organisation by adopting decisions and resolutions; reviewing progress of implementation of previous decisions and resolutions; considering and approving programme, budget and financial and administrative reports of the General-Secretariat and Subsidiary Organs; recommending to establish new organs or committee; electing Secretary-General and appointing Assistant Secretaries General; and

considering any other issue it deems fit.[26]

The General Secretariat

The Secretariat, which is located in Jeddah, is the executive organ of the organisation. It comprises a Secretary-General, who serves as the Chief Administrative Officer of the organisation and other members of staff as the organisation requires. Elected by the Council of Foreign Ministers, the Secretary-General has a tenure of five years which is renewable once only. The General Secretariat has the duty to prepare the meetings of the Islamic Summits and the Council of Foreign Ministers in close cooperation with the host country as far as administrative and organisational matters are concerned.[27]

The duties of the Secretary-General as provided in articles 17-19 of the OIC Charter include: to bring to the attention of the competent organs of the organisation matters, which, in his opinion, may serve or impair the objectives of the organisation, to follow up the implementation of decisions, resolutions and recommendations of the Islamic Summits, and Council of Foreign Ministers and other ministerial meetings; to provide member states with working papers and memoranda, in implementation of the decision and recommendations of the Islamic Summits and Council of Foreign Ministers; to coordinate and harmonise the work of the organs of the OIC.

Other duties of the Secretariat are to prepare the programme and budget of the General Secretariat; promote communication, facilitate consultation and exchange of information to member-states, and disseminating information to member-states; perform other functions as may be required of him by the Islamic Summit or Council of Foreign Ministers; Submit annual reports to the Council of Foreign Ministers on the work of the organisation.

Furthermore, the Secretary-General is expected to submit nominations to the Council of Foreign Ministers, for appointment as Assistant Secretaries General for the period of five years. Also, the Secretary-General may appoint special representatives to see to the implementation of the resolutions and decisions of the Islamic Summit and the Council of Foreign Ministers. Such appointments are subject to the approval of the Council of Foreign Ministers. The Secretary-General is also expected to appoint the staff of the general secretariat from among nationals of member-states.[28]

In the performance of their duties, the Secretary-General, Assistant Secretaries General and the staff of the General Secretariat shall not seek or accept instruction from any government or authority other than the organisation. They are also to refrain from taking any action that may be detrimental to their position as international officials responsible only to the organisation.[29]

Standing Committees

In order to enhance issues of critical importance to the organisation and its member-states, the organisation formed standing committees which include: Al Quds Committee, Standing Committee for Information and Cultural Affairs (COMIAC), Standing Committee for Economic and Commercial Cooperation (COMCEC) and Standing Committee for Scientific and Technological Cooperation (COMSTECH).These standing committees are chaired by Kings and Heads of State and Government and were established in accordance with decisions of the Islamic Summit, upon the recommendation of the Council of Foreign Ministers.[30]

Executive Committee

The Executive Committee is comprised of the chairman of the current, proceding,

and succeeding Islamic Summits and Council of Foreign Ministers, the host country of the headquarters of the General Secretariat as well as the Secretary General as an ex-officio member. The Executive Committee, created in 2005 to enhance the OIC ability to act more effectively on matters of international concern of its members, according to Pekka Hakala and Andreas Kettis "holds decision-making powers between the ministerial meetings."[31]

International Islamic Court of Justice

Fashioned after the International Court of Justice at The Hague, the International Islamic Court of Justice established in Kuwait in1987, upon entry into force of its statute, is the principal judicial organ of the OIC.[32]

Independent Permanent Commission on Human Rights

The Independent Permanent Commission on Human Rights shall promote the civil, political, social and economic rights enshrined in the organisation's covenants and declarations and in universally agreed human rights instruments, in conformity with Islamic values.[33]

Subsidiary Organs

Subsidiary organs established within the framework of the OIC in accordance with the decisions taken by the Islamic Summit or the Council of Foreign Ministers, and their budgets are subject to approval by the Council of Foreign Ministers. Subsidiary Organs of the OIC are six in number and they include:

Statistical, Economic, Social research and Training Centre for Islamic Countries.

International Research Centre for Islamic history, art and culture.

Islamic University Technology (IUT)

Islamic Centre for the Development of Trade (ICDT)

International Islamic Fiqh Academy (IIFA).

Islamic Solidarity Fund and its Waqf (ISF)

Specialised Institutions

Specialised institutions are established within the framework of the organisation in accordance with the decisions of the Islamic Summit or the Council of Foreign Ministers. Membership of the specialised institutions is optional and open to members of the organisation and their budgets are independent and subject to approval by their respective bodies.[34] Specialised institutions within the OIC framework are:

Islamic Development Bank (IDB)

Islamic Educational, Scientific and Cultural Organisation (IESCO)

Islamic Broadcasting Union (IBU)

International Islamic News Agency (IINA)

Islamic Committee of the International Crescent (ICIC)

The Science, Technology and Innovation Organization (STIO)

Sovereignty and Human Rights

The starting point for the OIC's view of international law is based on two contradictory perspectives. These views are sovereignty and the Islamic Ummah. To begin with sovereignty, this is a notion that is strongly emphasised in all OIC documents, often in connection with the obligations of the state to respect and ensure rights. For example, under the OIC Charter, member-states must promote human rights "in accordance with their constitutional and legal systems".[35] This interpretation of sovereignty is connected to the cultural relativist argument advanced by the OIC, among others, which in practice has

allowed for human rights violations in the name of legal tradition, culture or preservation of religion. This is also reflected in resolution 41/21 on coordination among membe-states in the field of human rights, (article 5), which states that "while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, taking into account the various historical, cultural and religious backgrounds.[36] An illustration of the interpretation of this by one of the member-states of the OIC is the statement made by the permanent representative of Iran to the UN in 1984 in response to the criticism of the Iranian regime's human rights violations. The Iranian representative had revealed, among other things, that:

> *Iran recognised no authority [...] apart from Islamic Law. [...] Conventions, declarations and resolutions or decisions of international organisations which were contradictory to Islam, had no validity in the Islamic Republic of Iran. [...] The Universal Declaration of Human Rights which represented secular understanding of the Judaeo-Christain tradition, could not be implemented by Muslims and did not accord with the system of values recognised by the Islamic Republic of Iran, this country would therefore not hesitate to violate its provisions.[37]*

Sovereignty, on the other hand, as it contextually appears in the OIC documents and is applied by the OIC states, is thus a notion that is used to reject and undermine the general applicability of international law, and in particular the universality of human rights. The understanding of sovereignty is, however, contradicted by the OIC's second perspective on international law, the Islamic Ummah. This central notion of Islamic law and history refers to the community of Muslims as a supranational entity. The Islamic Ummah constitutes not only a form of identification based on religion, creating a Muslim versus non-Muslim

divide, but also integrates faith and policy. Today, this form of identification comes in conflict with the concept of sovereign territorial states. A universal divide based on religion is clearly alien in a world of territorial states, because the politics of territorial states only takes into account the interest of the state, not the interest of a cross –border religious community. In the OIC context, the interests of the Islamic Ummah become the glue of international Islam. The interests of the Islamic Ummah know no borders. The rights and duties of the Ummah, therefore, apply to all Muslims, regardless of their country of residence or citizenship.

The notion of Islamic Ummah applies extra –territorially to every Muslim all over the world. In a number of provisions, the OIC instrument emphasises the duty to safeguard the rights of Muslim communities and minorities in non-member states. This opens up for the OIC and its member states to interfere in the sovereignty of other states, the same sovereignty that the OIC members themselves claim to be protected by. One illustration of how the concept of the Islamic Ummah is used to interfere with state sovereignty is found in the OIC Charter, Article 1(9). In this provision, the OIC gives weight to the duty to establish a sovereign state for the Palestinians, while safeguarding its 'Islamic character'. The interest that the Muslim community (the Islamic Ummah) has in the 'Islamic character' of a Palestinian state is thus more important than whether the Palestinian people find it in their interest to have an Islamic state.

Today there are fourteen international treaties on the combat of terrorism as well as a number of regional treaties. The challenge of terrorism has been the subject for a number of actions by the UN in its development of international law. The International Law Commission dealt with terrorism in the 1954 Draft Code of Offences against the Peace and

Security of Mankind. Likewise, a number of UN General Assembly resolutions addressed the issue, especially from the 1970s onwards. [38]

In addition to the work at the UN level, international law in the area of terrorism has developed on the regional levels such as the Inter-American Convention Against Terrorism by the Organisation of American States (2002); the Convention on the Suppression of Terrorism by the South Asian Association for Regional Cooperation (1987); the Council of Europe Convention on the Prevention of Terrorism (2006); the Treaty on Cooperation among the member-states of the Commonwealth of Independent States in Combating Terrorism (1999); the Organisation of African Unity Convention on the Preventing and Combating of Terrorism (1998); and the Arab Convention for the suppression of Terrorism (1998).

In 1999, the OIC adopted "the Convention of the Organisation of the Islamic Conference on Combating International Terrorism" (hereafter "the OIC Convention"). The convention entered into force in 2002 after the deposit of the seventh instrument of ratification in accordance with Article 40 of the convention. The convention contains two particular points of friction with general international law on terrorism. One is the broad definition of terrorism and the second is the exemption of certain causes of terrorism which the OIC endorses.

The principal obligation in international treaties against terrorism is to incorporate the crimes defined in the treaty into the domestic criminal law and further to make them punishable with sentences that reflect the gravity of the offence. State parties also agree to participate in the construction of 'universal jurisdiction' over these offences. Partly, because of the lack of political will among a number of states to support the international

cooperation against terrorism, and partly because of the belief that terrorism is a notion

dependent on an individual's political belief, it has so far been impossible to achieve a

universal consensus on a comprehensive anti-terrorism convention and on a universal

definition of terrorism. However, some regional treaties contain a definition. The OIC

convention gives a definition of terrorism in Article 1(2). This article states that

> *Any act of violence or threat thereof notwithstanding its motives or intention perpetrated to carry out an individual or collective criminal plan with the aim of terrorising people or threatening to harm them or imperiling their lives, honours, freedoms, security or rights or exposing the environment or any facility or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States.[39]*

In Article 2, the convention exempts acts that are committed in "people's struggle including

armed struggle against foreign occupation, aggression, colonialism, and hegemony, aimed at

liberation and self determination: from terrorism". The OIC has pushed for this exemption

to be included in the international conventions against terrorism.

On the prosecution side, the OIC convention provides for a general obligation on the

member-states to prosecute or extradite, however, without requiring the states to establish

the terrorist act as a crime under national law of subject to criminal jurisdiction. This has

legal implications for cooperation and extradition processes, especially when viewed in the

light of the definition of terrorism in Article 1, which may be subject to states' different

interpretations. For example, under Article 6, the only situation where a state is legally

compelled to extradite is when the crime has been committed in requesting state's territory

by a person who is not a national of the requested state. The lack of effective law enforcement instruments can allow perpetrators of terrorist acts to escape punishment and prevent a state from exercising national jurisdiction on a terrorist crime it may consider within its competence.

In 2008, the OIC adopted a new charter. This new charter was the culmination of the organisational and institutional reform programme that OIC embarked on in 2005. Although legitimacy of human rights is recognised in the first OIC charter adopted in 1972, the new charter, according to A. Adam, "gives a greater normative and institutional role for human rights"[40] This charter expresses the determination to

> *promote human rights and fundamental freedoms, good governance, rule of law, democracy and accountability, and safeguard and promote the rights of women and their participation in all spheres of life [in member states] in accordance with their legislation.[It includes]clear commitments by OIC to uphold human rights and creates explicit obligations on member-states to protect and promote human rights domestically and internationally…, to protect human rights and fundamental freedoms including the rights of women, children, youth, elderly and people with special needs as well as the preservation of Islamic family values.[41]*

The main charter of the OIC includes an article stipulating the importance of promoting member-states' support of good governance, democracy, human rights, fundamental freedoms and the rule of law, both nationally and internationally. Over the years, the OIC has been an active participant in international debate concerning human rights. In 2008, the OIC charter was revised to include the promotion and protection of

human rights and fundamental freedoms among an independent permanent commission on human rights (IPHRC) to promote the civil, social and economic rights as enshrined in the organisation's human rights documents.[42]

The debate over human rights in the OIC is, in the main, focused on their compatibility with Islamic laws. According to A.E. Mayer, "One of the most striking and constituent features in all Islamic human rights schemes is the use of Islamic criteria to restrict human rights schemes".[43] These Sharia-based restrictions wet the grounds for not just playing down on these rights but completely denying them. On the other hand, many have argued against any incompatibility between Sharia and human rights. A. A. Mawdudi asserts that "Islam has laid down some universal fundamental rights for humanity as a whole."[44] Attempting to strike a balance, Mashood Baderine argues for a paradigm shift from traditional headline interpretations of Sharia and also from exclusionist interpretations of international law, envisioning an alignment of Sharia and international human rights.[45]

An equally significant human rights issue in the OIC is sovereignty. The OIC has failed where other regional organisations have succeeded in establishing mechanisms to advance human rights. Although, the OIC has several human rights instruments such as customary documents, legal binding instruments and policy documents which include the Cairo Declaration of Human Rights in Islam and the covenant of the rights of the child in Islam, a closer analysis of these mechanisms shows that they reinforce a traditional view of sovereignty that empowers individual states and their often authoritarian decision makers.[46]

The OIC's foundational documents are filled with the sanctity of state sovereignty. The preamble to the organisation's charter, for instance, coincides with the promotion of human rights to the constitutional and legal system of member-states. This state-centred

focus is also reflected in the OIC's attitude towards the universal declaration of human rights.

For human rights advocates, sovereignty is a double-edged sword. The state is the primary organ for the promotion of human rights, yet it is also the primary threat to those rights. On the one hand, the internationally recognised rights to self-determination is vital for the realisation of universal human rights. On the other hand, the difference in territorial jurisdiction and the norm of non-intervention in the domestic affairs of other states often create space for the violation of rights within or even by states themselves. The OIC and its members-states lack the national level mechanism to prevent such violation; even where they do exist, they are often ineffective. To address these weaknesses and make themselves mutually accountable for the respect of human rights, European countries, for example, have increasingly turned to supranational instruments. Since World War II, this has increasingly become the path of choice, with states departing from traditional, Westphalian views of sovereignty and empowering international organisations with jurisdiction over human rights issues. Often, these steps are taken through the establishment of a regional human rights regime[47]

Following the Universal Declaration of Human Rights (UDHR), the OIC criticised it as being merely a secularised version of traditional views of Judeo-Christian justice and adopted the Cairo Declaration of Human Rights (CDHR) in order to address that concern. Proponents of the CDHR claim that it complements, rather than represent, a different view of Universal Declaration of Human Rights. However, many differences exist between the two declarations. The Cairo Declaration derives all its rights and authority completely from the Quran and Sharia which are an embodiment of Islamic law. Article 25 of the Cairo

Declaration of Human Rights states that all resources for clarification and methods for interpretation of the Cairo Declaration must stem from the two sources. The Islamic doctrine prohibits religious discrimination and yet, it does not guarantee freedom of religion.[48] The Cairo Declaration also restricts many of the rights listed in the Universal Declaration by using Sharia law to limit a rather limitless right. Article 22 of the Cairo Declaration, for instance, states thus: "Everyone shall have the right to express his opinion freely in such manner as would not be contradictory to the principles of Sharia."[49]

At one time or the other, religious crises occour in one part of the country or the other and it is believed that, Nigeria's membership of international organisations such as the OIC, which derives all its principles and practice from the Islamic law, and places a lot of restrictions on religion, is in the long run, exacerbating rather than ameliorating the religious situation in Nigeria. A. Suleiman contends that religious freedom is crucial because the attitudinal infrastructure for tolerance in Nigeria deteriorated in the past twenty years. Since then, many Nigerians have lived in a situation of constant intimidation, or have been targets of inflammatory utterances and other threatening behaviours, including violent physical attacks. In the light of this, the pursuit of religious freedom has become one from which Nigeria cannot escape.[50] Therefore, limiting rights to comply with sharia by an organisation to which Nigeria also belongs does not only endanger the rights of choice of religion of non-Muslims, but also undermines the goal of achieving universal human rights standard.

Human Rights Regimes and the Transfer of Sovereign Authority

An international human rights regime is defined as a set of standards and decision-making procedures that a group of states accept as authoritative.[51] The United Nations

human rights system can be seen as an international human rights regime; it is complemented by a variety of regional regimes. A charter elaborates on these principles in a binding treaty; with commission monitoring the implementation of these rights; and a court adjudicating disputes over these rights. The evolution of regional human rights regimes has been uneven across regions, and not all regimes have all four of the above instruments.

The strength of a regional human rights system depends on the level of authority it has over member-states in terms of standard setting, monitoring and enforcement. Based on the 2012 assessment of regional human rights system, Europe can be classified as having a strong international enforcement regime with authoritative regional norms and binding decision-making. The inter-American system can be considered as internationally promotional, where a set of authoritative regional norms exists, yet regional monitoring especially with the OIC remains weak. The OIC system of international declaration is replete with exceptions and little promotion. Though there are signs of changes, the Arab world lacks effective human rights regime.

The development of regional human rights regime is subject to a range of complicating factors which include state commitments to human rights, the level of democratisation with membe-states and the influence of external actors. This is illustrated by the case of the Council of Europe which gradually extended its authority over member-states. The European Union membership, according to D.P. Forsythe,

> *conditions and demands and overall democratisation in Europe have been the main reasons for the Council of Europe success in building vigorous human rights regime. But the gradualist approach taken by institutions such as the Council of Europe, the European Commission and*

European Court of Human Rights was also
extremely Important.[52]

J. Donnelly supporting Forsythe's view asserts that:

> *An increamental(sic) approach allowed the*
> *European system to evolve from its initial*
> *phase of the promotion of human rights [in the*
> *1950s] to the monitoring of human rights [in*
> *the 1960s], and from there to the enforcement*
> *of human rights [in the 1970s]*[53]

In the Muslim world, few of the components of an international human rights regimes are in place. The Cairo Declaration, the Covenant on the Rights of the Child in Islam, and the Independent Permanent Human Rights Commission in principle provide the OIC with an important base from which to demand members to improve their human rights practices.

The OIC has an ambiguous position in terms of international human rights. On the one hand, it has a consistent history of resisting human rights, both collectively in international fora and within its leading member-states, such as Iran and Saudi Arabia. On the other hand, all of its member-states have signed on to the human rights treaties and many of its states have significantly engaged in building the human rights regime, including the drafting of its basic legal instruments, well beyond proforma signing of the treaties. This may help explain why the OIC's position on human rights has seemingly evolved in significant ways in recent years. Specifically, the OIC, according to J. Donnelly, has moved from opposing human rights to proactive engagements with human rights, including using human rights languages to defend its positions in international fora and more importantly the establishment of an Independent Permanent Human Rights Commission (IPHRC) in 2011.[54] This holds out the tantalising promise of giving the international human rights regime purchase within an important bloc of states that despite those states different human

rights positions and records, at times have presented themselves as collectively opposed to important expansions of human rights norms.

This tantalising promise as earlier stated, however, is problematic. According to M. J. Peterson and A.T. Chase, it raises a number of difficult questions. The first set of the questions regards whether the OIC's engagement can substantively advance human rights in the Muslim world, or if it is even meant to do so, perhaps, is more a strategy to co-opt or block human rights than expanding them. The second set of questions raised by the OIC human rights engagements is especially relevant to human rights and international relations. This second question queries the ways in which OIC human rights norms do or do not spread around the globe and how, in those continuous processes, they may be re-defined for the better or for worse.[55]

Looking at the first set of questions raised, as tantalising as the OIC's engagement with human rights may be, this engagement has more potential to be irrelevant or more problematic than helpful in advancing human rights. Three reasons account for this: first is the future of human rights within the vastly divers member-states of the OIC depends on domestic, trans-national and international factors distant from the OIC's weak human rights initiatives. The OIC is simply not in a position to have a determinative impact on advancing human rights given its minimal on ground presence within its member states. According to Daniel Danladi, "If the OIC is to have any substantial impact, it will most likely only be at the international level working as a bloc at the United Nations"[56] in opposition to rights expansions, not in terms of implementing rights at the domestic level within its own states.

The second point is that there is reason to doubt that the OIC human rights initiatives are even meant to advance human rights at the domestic level. It is certainly the case that the

OIC's leading states increasingly see human rights as a threat both internally and regionally and are proactive rather than passive in addressing this threat. Supporting this view, Yara Bayoumy writes thus:

> *Saudi Arabia [the OIC leading founder] has been particularly proactive in the wake of the Arab uprising…in undermining movements for greater democracy and popular empowerment within the Arab World and has had considerable succession in the counter revolutionary process.*[57]

That states are using the OIC as a tool in this strategy is a far more realistic explanation for why and how the OIC is engaging in human rights. According to A.T. Chase, "it may even be that OIC initiatives will result in changes in how human rights are defined in favour of state–centric interest"[58.] That the OIC's human rights concerns remain particularistic, identified with the interests and identities of elites that dominate OIC states rather than those group disempowered by the States. This as Chase writes, "Indicates that its initiatives remains contrary to a consistent idea in human rights instruments, that they should aim to bring more groups into states' political communities, not reinforce existing power hierarchies."[59]

The logic behind this is that it will boost states' stability internally, in their own interest as well as that of regional and international interest in such stability. This is not, however, a major logic that makes sense from the perspective of authoritarian governments with only narrow bases of support, as with many leading OIC states.

The third point, no matter what the OIC's on the ground position or geopolitical intentions, structurally it is unclear that the OIC is an international organisation with the ability to be an independent actor, at least in respect to advancing human rights.

International organisations are unlikely to be leaders in advancing human rights unless they are constituted in significant ways by states and non-states' social movements that either push them to do so or at least, give the international organisation substantial preview to act independently. While this is sometimes the case for some international organisations, there is no evidence that this is the case for the OIC, as it remains dominated by non-democratic states that are threatened by the sort of popular empowerment envisioned in a human rights framework. Indeed, if any international organisation like the OIC that is dominated by authoritarian states is to have any impact at all, it is more likely to be negative. Such a negative impact, however, helps us to understand how increasingly contested human rights are, a backhanded statement to their importance. These continuing contestations as Chase opines, "take place in often clashing intersections among multiple actors at multiple levels"[60], and the OIC has joined a battle which shows how vulnerable human rights are to being co-opted and used against, ironically, the purposes most commonly associated with human rights, protections of minorities and vulnerable populations from majority of OIC states.

These three arguments lead to the conclusion that the real focus in terms of what will lead to a shift towards greater human rights implementation, should be on political opportunity structures created among various actors, not an organisation like the OIC that is more properly seen as a human rights opponents. First, among these factors are social movements potentially acting both as an instigator of changing norms and a mobiliser of political pressures regarding the advancement of human rights in domestic and international spaces.

The second among these actors are vigorously democratic states that give a context

in which human rights related social movements can flourish and have an impact in pushing states to support human rights as, in some sense, in their own interest. [61] And, thirdly, when an international organisation is in active dialogue with such a state and social movements it has the potential to develop as an independent actor and can act to advance human rights. It is that context that an international organisation can be an independent actor interacting with states and social movements in ways that create political opportunity structures that can be seized upon to advance human rights until there is both such independence and a vigorous dialectic between it and democratic states and domestic and transnational social movements. However, the OIC will not by itself present a significant opportunity to advance human rights protections. On the other hand, however, it is worth noting that, by the same token, even if the OIC's initiatives are meant more to change human rights toward protecting state elites rather than peoples, this too, is unlikely to succeed given the level of resistance to such a project which exists within civil societies both of OIC states and globally.

In the long run, there may be no reason to assume that the OIC's invocation of human rights will necessarily lead to human rights being advanced. Until now, there is little evidence that the OIC is anything but a tool of most powerful states, a tool that has consistently been used to limit human rights' use by social movements within those states, transnationally and internationally. Hence, the provisional assertion that the OIC's engagement with human rights is unlikely to have a positive impact until the OIC is more fully constituted by democratic states and independent domestic and transnational civil society movements. The area for a more optimistic assertion may be if the OIC's human rights initiatives turn toward empowering the disadvantaged and marginalised in their member-states. This has so far been lacking.

This is not to assert, however, that the OIC's engagements with human rights are academically uninteresting. The way in which the OIC may be having a negative impact on human rights spread is important to take into account when thinking about the impact of international organisations. Reflection on the OIC in this regard yields two important insights. The first of these insights is that, as already indicated, it can help us to understand what actually advances human rights and what is a mirage in that regard. A second insight is how have the OIC's human rights initiatives impacted on what human rights are and what they will become.

A critical look at the OIC helps to understand how human rights are constantly being contested and rolled back just as often as move forward. It is very important to conceptualise human rights as objects of such contestations that take place in intersections among actors, as is made clear by the case of the OIC. In that sense, the OIC can help us to grasp that human rights spread are about core principles being progressively implemented through the efforts of elites that dominate international organisations. On the opposite, human rights are continuously being expanded, continuously being blocked, and in those processes continuously being re-conceptualised at different levels. Those re-conceptualisations can be about furthering human rights potentials for empowering marginalised population. Just as easily, however, they can be about furthering a contradictory conception, one that uses human rights language to advance the power of states and their elites. It would seem that the OIC's aims in invoking human rights are in line with the latter.

Intentions and Actions of the OIC on Human Rights

What is the OIC's history with human rights with reference to the Cairo Declaration on Human Rights in Islam? What does that history say about what human rights are more generally accepted to be? What have been the OIC's human rights initiatives? These background questions are fundamental as they focus on whether or not the OIC's recent human rights initiatives will advance human rights or even meant to advance human rights? Addressing these questions will lay the groundwork for addressing the broader set of questions regarding the role of international organisations in how human rights norms are spread, blocked, and re-defined.

The OIC, as mentioned earlier, consists of 57 member states, more than double its 25 founding members in 1969 as the Organisation of Islamic Conference. Despite agreeing on a charter in 1972 and growing into a membership that makes it the second largest international organisation, the OIC according to M. J. Petersen remains "a peripheral, and in many ways irrelevant figure on the international sene".[62] It is not just that the OIC pales in comparison to the United Nations and its family of agencies as a focal point of global politics, but also that it does not even have anything close to the profile of regional organisation like the African Union, European Union, among others. This, no doubt, is due to general political, economic and social differences among the OIC member-states as well as the particular intense splits among its most powerful members, especially Saudi Arabia, Iran and Turkey. This is vividly on display, for instance, in Syria's brutal civil war in which these states are each backing distinct groups.[63] Apart from not having particular unifying impetus beyond vague invocations of Islam that ignore both Islam's diversity and conflict among states and movements claiming to act on Islamic mantle, the OIC's most powerful states have had

specific geopolitical rivalries that keep the organisation from having a focused agenda, commonality of purpose, or any substantial ground programming. According to T. Johnson, "indeed, the tiny budget ($17.6 million in 2006)"[64], the lack of a permanent building, and the shoddy status of its interim offices have contributed to the OIC's peripheral status as referred above.

A.T. Chase further points out that:

> *The 2000s(sic) found attempts by the OIC to forge at least the foundation for greater commonpurpose and activity. This included a new charter in 2008, renaming itself the Organisation of Islamic Cooperation in 2011, and the funding and awarding of an 'ambitious design for a permanent headquarters in Jedda that is currently under construction.[65]*

Most notably, in regard to human rights, the OIC's 2008 charter references human rights, but does so in a way that entirely passes over what had been the instrument for which the OIC had likely gained the most attention and certainly the most controversy during its first decades, its 1990 Cairo Declaration on Human Rights in Islam.[66]

Ignoring the Cairo Declaration, the 2008 charter makes three notable pronouncements as regards human rights. First, in its beginning, it calls on the OIC to promote human rights and fundamental freedoms, good governance, rule of law, democracy and accountability in member states in accordance with their constitutional and legal systems. Secondly, the 2008 charter re-affirms, in its opening objectives and principles section, the OIC's support for the rights of peoples as stipulated in the United Nations charter. What is important here is that, unlike the Cairo Declaration, human rights are sourced from the United Nations and international law, not Islam. Nor are specific human rights provisions assumed to be over-

taken by Sharia law, as it is in the Cairo Declaration. Thirdly, it called for the Independent Permanent Commission of Human Rights which was established in 2011.

The Cairo Declaration has been criticised by human rights activists based on its shortcomings. The Cairo Declaration is less an affirmation of human rights than a declaration of an intention to subsume human rights under Islamic law. The 2008 OIC charter failure to reference the Cairo Declaration is indicative of an acceptance by the OIC of the above assertion. According to Turan Kayaoghu:

> [Its] shortcomings render the Cairo Declaration ineffective as a mechanism for the promotion and protection of human rights. In fact, Muslim advocacy groups, Muslim scholars of human rights, and even [now former] OIC Secretary–General Ekmeleddin Ihsanoglu largely ignore the Declaration in their Discussions of Islam and human rights[67]

Citing Abdullahi Ahmed An–Naim, Kayaoglu states further that "more traditional interpretations of Sharia accept the legitimacy of slavery, grant only subordinate status to religious minorities, circumscribe women's rights and prohibit conversion from Islam"[68] Mashood Baderim puts it in perspective:

> the lack of an interpretive or enforcement organ has rendered the OIC Cairo Declaration on Human Rights in Islam a dormant document which neither the Muslim states nor the OIC as a body formally refers to in the face of the sometimes obvious violations of basic fundamental human rights in some Muslim States.[69]

The criticisms of the Cairo Declaration make more important, what human rights are or more easily what they are not. The Cairo Declaration's Sharia based restrictions on human

rights contradict international law on human rights. The ambiguity of those restrictions, due to vague definitions of what constitutes Sharia, is contrary to attempts in international human rights to develop increasingly specific definitions, instruments and modes of implementation. The use of ambiguity to empower, rather than limit governments' ability to define what are or are not human rights as a tool that can either restrain or direct state power in ways not entirely at the discretion of governments and that empowers those on the margins of power.

Lastly, the direct contradiction between the Cairo Declaration and international human rights law, as argues Kayaoglu, is that the Cairo Declaration is the product of OIC member-states that have centralised and conservative interpretations of Islamic law. These include Iran and Saudi Arabia.[70] This represents a significant diversion from the complementarities with international human rights law that have been sought in other regional organisations. In other words, the European Union, inter-American and African human rights regimes, each has tried to supplement rather than contradict international human rights. To put it simply, the OIC Cairo Declaration of human rights seeks to replace and overtake international law.

These criticisms of how the Cairo Declaration deploys a centralised and conservative interpretation of Islam and human rights are what make it a failure from human rights perspective. These criticisms also speak at least, to predominant conceptions of what human rights have come to be understood. While human rights have continued to evolve and be contested, there has emerged, through international treaties, a tentative global consensus that anchors human rights to certain core communities. Most generally, as noted earlier, human rights are meant to limit the power of the state as well as clarify the state's obligations to those under the jurisdictions, rather than reinforce the power of the state and elite groups

that dominate in their states. More specifically, internationally agreed upon human rights standards are conceptualised as a framework to advance pluralist political communities, rather than ground political communities in norms identified with only one community. Human rights attempts to advance pluralism through norms such as non-discrimination, rather than legitimised discrimination based on religion.[71] And the rights regime, according to Chase, "has aimed to develop specific legal and political avenues to give those subject to discrimination or other rights violations by states tangible tool to resist such violations, rather than further empower the state".[72] In fact, human rights as internationally defined, aim to make states take into account their pluralism rather than deny it and limit the power of the state to discriminate in favour of its dominant and against minorities and the marginalised.

Human rights have been discussed in a lot of legal instruments on which states have reached consensus. Its non-discrimination principle remains as concise a definition of human rights core commitment as possible. That commitment underlies the varied legal and political pathways through which human rights have grown into an avenue to limit and regulate the otherwise increasingly powerful modern states. Most importantly, the degree that commitment has taken hold means that human rights have moved from being invoked on behalf of ethnic or religious solidarity of European colonial method of insisting on the right to protect their fellow Christians or the Cairo Declaration's focus on the rights of fellow Muslims, and into inter-ethnic solidarity.

In the situation of review of what is OIC, controversies over its Cairo Declaration and what criticisms of its Cairo Declaration indicate about what human rights have become and how they remain contested; one last piece of important background is how the OIC has

engaged with human rights in the recent years. Moreover, with what conceptualisation of human rights do these engagements link? On its face, the OIC move from the Cairo Declaration to the Independent Permanent Human Rights Commission is part of a progressive embrace of human rights as contained in international treaties that have emerged out of global consensus around certain issues. Instead of creating a parallel structure in which human rights are subsumed within an Islamic framework, the OIC has been seen to adopt the language of both international law and implied universality of human rights. This as Chase opines, "…indicates that the OIC has either the incentive or the ability to advance human rights."[73] That means that the OIC pay serious attention to the rights of minorities of ethnic, religious, gender societies, among others.

Evidence through which one can test the OIC's commitment to minority rights abound. First, at the United Nations General Assembly, at the beginning of the Danish Cartoon crises, the OIC led a high profile response seeking to sanction repression of speech seen as an attack on Islam or, more generally, religion. Though the OIC did not frame this response as a desire to limit free expression as such, the OIC did so to limit free speech under the aegis of human rights, both in terms of human rights treaties references to legitimate restrictions on hate speech and, importantly, as an extension of rights to freedom of religion by extending that into a protection of religion through a ban of 'defamation of religion'.[74] This though, was unsuccessful.

As Peter Henne has observed, support for those resolutions continued to widen each year until their annual introduction was eventually abandoned.[75] Henne demonstrates that support for "the annually introduced defamation of religion resolution was centred among states with the lowest level of democracy and highest level of repression of religion".[76] This

means that the driver of these actions was a desire for non-democratic regimes such as those that have leadership role in the OIC to gain support from their domestic religious elites in order to justify their policies.[77] In other words, human rights as a way to be inclusive toward minorities were not among the reasons for these actions. Human rights language, on the contrary, was deployed to help elites to further consolidate their domination over such minorities. In that context, the OIC attempting to use human rights to protect majority religious orthodoxies from mocking and blasphemous satire should be seen for what it is, a clear departure from the normative impulses that have led to human rights being invoked by disenfranchised groups in many parts of the world. Chase puts it this way: "they are about justifying the empirical fact that defamation and blasphemy laws, as a rule, have been harshly implemented by state authorities to attack religious minorities within OIC states, from Pakistan to Saudi Arabia"[78]

Next among these human rights related initiatives at the United Nations Human Rights Council is that the OIC took the lead in opposing an emerging movement to conceptualise human rights as applicable to sexual orientation and gender identity. This shows that the OIC has done so in language that rhetorically, positions it as a defender of human rights and their true essence rather than an opponent.

The position of Muslim minorities in Europe, for instance, is a valid human rights concern, and it is vital to European states. Pressure in making this a primary aim of the OIC's human rights initiatives is, however, more problematic. It is a reminder of the colonial era concern of Europe with protecting the rights of Christian brethren oversea. This conceptualisation is contrary to what human rights have become and what have lent them increasing normative power; an attempt to acknowledge and give a frame of the necessity of

coming to terms with pluralisms of different sort especially ethnic pluralism, rather than remaining moored to ethnic nationalist solidarities.

Political homophobia has become a way for authoritarian states to instrumentally mobilise domestic support. The OIC does not only reflect this homophobia politicisation, it is also using it to give itself reason to be in existence as an international organisation. In regard to these initiatives, there seems to be some problems. Among such problems is the use of human rights to justify repression of already disenfranchised religious and sexual minorities at the domestic level. Also, an attempt to move those justifications into internationally recognised human language, with the implication of playing down the possibilities of rights protection and expansion. Lastly, that these initiatives regarding human rights have nothing to do with the implementation of human rights with OIC member-states in a way that would protect those states' minorities viz ethnic, gender, ideological among others.

It is for this reason that the Independent Permanent Human Rights Commission (IPHRC) of the OIC is the only true test of whether or not these initiatives represent a substantial commitment to human rights, or if the move towards using international and universal language is merely a lip-service. In this regard, the Independent Permanent Human Rights Commission (IPHRC) stands out for its failure to initiate any programme on tackling internal human rights policies of the OIC member-states. It is obviously too early to draw a conclusion in this regard, but there is no reason to think that the OIC will make a shift from its previous policies. This is due to the fact that the OICs Independent Permanent Human Rights Commission is not different from the OIC's Cairo Declaration. The only difference is the name as there is no human rights programme from the OIC to show its intention to use

the commission to push human rights forward.

It is of importance to note that as part of her counter-measures, in the wake of the Arab uprising, Saudi Arabia, believed to be among the OIC major states, bankrolled and supported anti-democratic forces around the Arab world. Saudi Arabia has also moved to assert control over the OIC.[79] This began before the Arab uprisings with the insistence that the OIC headquarters be sited in Jedda, overriding proposals that the OIC's diversity be highlighted by having its headquarters into a country like Indonesia. Saudi Arabia's dominance was pushed further after the Arab uprising when, against previous precedent that only non-Saudi's would lead the OIC, it insisted that the Secretary-General be a Saudi. This led to the emergence of Iyad Madani as Secretary-General of the OIC. On assuming office, Iyad Madani singled out for thanks Abdullah Ibn Abdulaziz, the Saudi King, for his nomination.[80] This gives a clear signal of the OIC's hierarchy. According to Chase:

> *This represents a geopolitical shift toward Saudi power, informed as it is by anti-pluralist, anti democratic, and anti human rights politics. With Madani taking over from Ekmeleddin Ihsanoglu, this shift was reinforced on the individual level. It had been the relatively liberal Ihsanoglu who initiated the move away from the Cairo Declaration and towards the IPHRC[81]*

So, the test whether or not the OIC's involvement with human rights stands for the organisation's commitment to advancing human rights within the OIC states is apt. There is no evidence in the OIC's human rights initiative, that the organisation is using human rights to empower minorities of different persuasions. Also, there is no evidence of principled engagement with human rights that would allow for the confrontation of dominant power groups with the OIC. On the contrary, the OIC human rights initiatives seem to be

reinforcing dominant majoritarian constructs of power internally and externalising those problematic hierarchies into becoming legal norms at the regional and international levels.

A pertinent question to ask here is: How much does this long argument about the OIC and its human rights agenda relate to Nigeria? According to O.O. Oluniyi,

> *the Council of Ulama began its march into limelight in 1986 when Ibrahim Babangida's dictatorship plunged the nation into controversy. His administration registered, as it were, Nigeria as full member of the Organisation of Islamic Conference (OIC); whether as a result of a desperate effort to shore up Nigerian economy or whether to demonstrate to the northern Muslims establishment that he was not a religious liberal that he was thought to be.[82]*

As stated earlier, this registration generated outcry from the people, especially the Christians and the Council of Ulama found it a very good opportunity to champion the Muslim cause. First of all, the Council of Ulama saw in the public condemnation of the surreptitious move persecution of the Muslim cause and hence an occasion to spearhead a common Muslim front.[83] Roman Loimeier writes that:

> *The necessity of developing a common position towards the Christians finally led to a meeting of the representatives of the different political and religious groups in Zaria and at Lake Tiger (Kano State) in November 1986. In the course of this meeting, the participating Muslim scholars…not merely outlined their political intentions but were also to revive the obsolete Council of Ulama… After the meeting at Lake Tiger, a second conference of the Council of Ulama took place in Kano on January 25, 1987. During this meeting, the scholars agreed upon a common political platform and set up a list of demands, such as acknowledgement of Friday as holiday, which were addressed to the federal government.[84]*

Two months after the Council of Ulama's meeting, protests broke out in the College of Education, Kafanchan, Kaduna State, over a Muslim that converted to Christian. This crisis spread to the towns of Kafanchan, Kaduna, Zaria, Funtua, Katsina, Kankia and Ikara on March 10, 1987.[85] These were as a result of Nigeria's registration into a religious international organisation, the OIC, which made a lot of Northern Muslims to have an erroneous conclusion that Nigeria was an Islamic state.

The Council of Ulama became so powerful as a result, too, that even up to 2001, it (Council of Ulama) was still issuing notice of quit to NGOs in Kano[86] and, of course, what made the Council of Ulama so strong as to have the impetus to prescribe for other NGOs, is no doubt, Nigeria's engagement with the OIC. These prescriptions by the Northern Muslims for non-Muslims represent nothing but their lack of cognizance of the rights of residence and the choice of religion of non-Muslims. This was informed by their attempts at subsuming universal rights into the Islamic law by the OIC. This constrained many Nigerians to issuing a signed statement in January 1986, warning over the Nigeria's dealing with the OIC.[87]

However, the OIC has little or none on ground of human rights programme. The OIC does not also have the normative presence in the Muslim world to give it the legitimate ground to function well in the area of advancing human rights. The OIC is not just in a position to act effectively in this regard, and does not have incentive to doing so. During the early period of the Arab uprisings and movements in other Muslim countries such as the Iranian Green Movement, the OIC placed itself in a position, looking to counter democratic voices emerging from the streets seeking to represent pluralism. The OIC failed to have any human rights programme, and made itself an instrument of Saudi Arabia. The OIC's

initiatives as regards human rights are much than realities. It is not that the OIC is unlikely to advance human rights within the OIC member states. The OIC's global impact on human rights has been more, helping to block expansion of human rights.The lack of a hierarchical structure in the international legal system gives space for various actors to leave their mark on international law. Given its broad membership, the OIC can potentially play an influential role. However, there are aspects of OIC's law which are discriminatory to the progress of international law.

The use of religious discourse and references to religious sources have led to a religionisation of the political landscape, and this has broad impact considering the large number of states that are part of the organisation. In its rejection of international law, by pointing to the supremacy of one religion, the OIC disregards the actual pluralism that exists both within and between its members-states. This gives the OIC law institutions a sectarian character which in themselves are in disaccord with general international law. To this, one can add the problem of defining Islam unambiguously. In practice, we see that instead of states to serve the ultimate ideals of Islam, Islam has come to serve the immediate objectives of the state.

In addition to the differences that stem from the use of religious discourse, the law of the OIC contains important substantial differences. These substantive differences have led the OIC law to constitute a radical departure from the current process of legal formation within the international community. The orientation of this departure undermines certainty and stability, and leaves the way open for the progressive degradation of the standards under general international law. Particularly, in the fields of human rights and terrorism combat, this departure from general international law represents a serious threat to both individual

and international security. The poor democratic state of affairs of the OIC countries gives reason to ask whether the OIC framework instead facilitates policies that help deteriorate democratic development. Two of the most pressing challenges posed by the OIC regime are that the organisation has become an obstruction for the OIC member-states to meet their obligations under general international law, as well as an obstruction for the OIC member-states to fully implement general international law.

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<center>**CHAPTER THREE**</center>

NIGERIA'S MEMBERSHIP OF ORGANISATION OF ISLAMIC COOPERATION

Nigeria's Registration

Nigeria belongs to different international organisations including the Organisation of

Islamic Cooperation (OIC). Nigeria's engagement with the OIC could be traced to 1969

when, according to Cornelius Omonokhua, a delegation led by Late Sheik Abubakar Gumi

was sent to Morocco to attend the first meeting of the organisation.[1] Giving credence to

Omonokhua's assertion, General Yakubu Gowon (former Nigeria's military leader) said that

"it was at the instance of an invitation by other world Muslim leaders that Gumi, who was

the Grand Khadi and others were sent to represent only the Nigerian Muslim community at

the OIC meeting held in Morocco in 1969."[2] This may have marked Nigeria's observer

status in the OIC, but Gowon opines that no effort was made in that regard.[3] It is on record

that efforts at making Nigeria a member of the OIC started in 1975 when General Murtala

Mohammed, as Nigeria's Military Head of State, started the registration process. General

Mohammed, due to his untimely death was not able to achieve Nigeria's full registration

process but he succeeded in placing Nigeria on the observer status.[4]

Omo Omoruyi writes thus on this:

> *It is part of the history of Nigeria that General*
> *Olusegun Obasanjo, as a successor of General*
> *Murtala had problems with pushing through,*
> *the Islamisation plan of Murtala. The believers*
> *in Murtala's Islmisation plan in the Supreme*
> *Military Council, shehu Yar' Adua, Babangida*
> *and Buhari were not powerful enough to push*
> *the plan through.[5]*

The possible factors that hampered Obasanjo's continuation with the registration process of

Murtala could be attributed to the fact that he is a Christian and attempting to push the

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registration further would have tantamount to undermining at his Christian faith.

However, 1986 marked a change of Nigeria's status from that of an observer to full membership. This was through the instrumentality of General Babangida who unilaterally, without any consultations with top government officials upgraded Nigeria's role in the OIC to full-fledged membership. Commenting on a study on Nigeria funded by the US Defence Department in the early 1990s, Mathew Uzukwu notes that:

> *Although Babangida took the rap for Nigeria's sneaking upgrade to full membership of the Organisation of Islamic Conference (OIC)… it was actually Buhari who without any regard whatsoever for the sensibilities of Nierians to upprade Nigeria's membership from the observer status it had enjoyed since [1975] to full membership. The OIC review of the application was concluded after Babngida's palace coup.[6]*

Commodore Ebitu Okoh Ukiwe's version of the Nigeria\OIC story differs from that of Uzukwu. Ukiwe asserts that the letter for the upgrade of Nigeria's status to full membership of the OIC was unilaterally forwarded and processed by General Babanggida in 1986 which caused disagreement between them because such a decision was never discussed by government officials.[7] According to Ukiwe (who at the time was Babangida's second in command):

> *There were major policy disagreements between us. One of them was over the OIC-the Organisation of Islamic Countries. I thought it was wrong as the number two man in the administration for me not to be told about such a major decision. I still maintain that Nigeria, as a country should not be a member of a religious organisation. Individual organisation can take up membership of religious organisations, but not the country.[8]*

Ukiwe added that this major policy disagreement made him to leave the Babangide administration. Efforts at getting Babangida's version of the Nigeria/OIC registration did not yield results as he neither granted face-to-face interviews nor responded to any of the questions sent to him via e-mail. J.O. Aduma fin tunes Ukiwe's assertion when he remarks thus,

> *Throughout the 70s till 1985, Nigeria avoided the OIC like a plague until trouble-courting Ibrahim Badamosi Babangida secretly smuggled Nigeria into joining the Islamic organisation in 1986 without consulting anyone, not even his then second in Command, Commodore Ebitu Ukiwe. The quarrel that erupted between coward Babangida after the cat was let out of the bag by a French News agency led Ukiwe out of service.[9]*

The upgrade of Nigeria's status in the OIC to full memebership brought about public outcry and, of course, it had different dimensions and implications on Nigeria both internally and externally. This is how John Paden has described what the situation was like few years after Nigeria joined the organisation. According to him,

> *In 1987, in the aftermath of the Organisation of Islamic Conference (OIC) controversy in Nigeria over whether to be a member of the OIC, the federal government established the National Council for Religious Affairs (NCRA). In modified form, this council had 12 Christian and 12 Muslim leaders' who where intended to discuss matters of mutual concern and report directly to the Ministry of Interior. In Practice, the NSCIA [Nigerian Supreme Council for Islamic Affairs] represented the Muslims and the Christain Association of Nigeria (CAN) represented the Christians. After a period of deadlock in the council, the Christian leaders stopped attending and the NCRA became moribund.[10]*

The moribund nature of the NCRA did not put an end to the controversy that greeted

Nigeria's full registration. Rather it led to the setting up of a panel led by John Nanzip Shagaya in the same 1987 to ascertain the veracity or otherwise of Nigeria's membership of the OIC. According to J.O Aduma, the John Shagaya panel later recommended that Nigeria be de-registered from the OIC. This recommendation, however, was never implemented[11] and Nigeria has remained a full-fledged member of the Islamic organisation.

Nigeria's Role in the OIC

Nigeria has, to an extent, been an active member of the OIC. The country supported the OIC's mediation role in the crises in Somalia, Sudan (Darfur), Guinea Bissau and Mali, among others. Nigeria participated in the Annual Coordinating Meeting of Ministers of Foreign Affairs of member-countries in New York on 23rd September, 2011 at which issues of international peace and security, disarmament and combating international terrorism, the role of OIC in mediation and conflict resolutions as well as humanitarian matters were discussed. In addition, Nigerian also participated in the 27th Ministerial Session of the Standing Committee of the Economic and Commercial Cooperation (COMCEC) of the organisation, which took place in Istanbul, Turkey from 17 - 20th October 2011.[12]

At the extra-African level, Nigeria has sought to re-focus the OIC towards conflict resolution and prevention in countries such as Afghanistan, Arab/Israel, Armenia/ Azerbaijan, Northern Cyprus, Pakistani India crises, among others. This re-focusing has also manifested itself in the economic institutions of the OIC such as the Islamic Development Bank (IDB). Nigeria's subscribed share in the Bank as at the end of 2011, stood at 7.7%, thereby making Nigeria the largest African shareholder of the institution. This has provided needed leadership for African members, while energizing Nigeria's diplomacy among non-

African member-countries of the Organisation. These have however, made the OIC to designate Nigeria as one of its centres of excellence under its Cotonou Action Plan for such activities as farm inputs, micro-finance and agro-food processing through the Islamic Development Bank.[13]

Nigeria's Gains from the OIC

However, realising the political importance of the OIC, former President Goodluck Jonathan while addressing the 12th session of the Islamic Summit held in Cairo, observed that the OIC provides a unique platform for the forging of cooperation, solidarity and joint actions, based on common values and ideals, which would help to promote the virtues of tolerance and moderation for the achievement of international peace and harmony. He also used the opportunity to campaign for support of other OIC countries for Nigeria's re-election for 2014-2015 rotational Non-Permanent seat of the United Nations Security Council which was to be vacated by Togo.(See Appendix II)

Also, Nigeria's membership of the OIC is that it tends to strengthen bilateral ties between Nigeria and other OIC member-states.

Economically, a shift upward was noticed in the trade between Nigeria and other OIC member-countries. For instance, new economic activities have since arisen between Nigeria and the United Arab Emirates (UAE) as a result of air connectivity occasioned by Emirates Airline. This has increased the bilateral trade volumes between both countries from $106 million in 2004 to $857 million in 2009. The UAE adopted a balanced foreign policy based on dialogue, respect for international conventions, commitment to the United Nations charter and non-interference in other country's internal affairs, and the settlement of

all disputes by peaceful means.[14] Although, it is known that one of the anchors of the UAE's foreign policy has been building cooperation-based relations with all countries of the world, increase in the UAE substantial development assistance has been to the OIC countries.

In a similar way, the volume of trade between Nigeria and Indonesia has risen to $448.6 million. This, explains Pontas Tobing, shows that commerce between Nigeria and Indonesia has improved significantly compared to what it was prior to the adoption of the framework agreement on trade preferential system among the member-states of the OIC (TPS-OIC) in October 1990 and its coming into force in 2002.[15] Tobing holds that "year in year out, [Indonesia] improves [her] activities in Nigeria".[16] In October 2013, the Indonesia Trade Promotion Centre (ITPC) organised trade expo in Indonesia. Visitors to the Trade Expo had the golden opportunity to meet with leading Indonesian manufacturers, wholesalers and operators of related businesses in nearly all industrial sectors in Indonesia. Crusoe Osagie has revealed that there were more than 600 companies in 2000 booths. Tobing, as quoted by Osagie, stresses that Indonesia is committed to continue to boost the development of Nigerian non-oil and gas sectors through market penetration, expanding and strengthening business relations between the two countries. He reveals further that over 12 Indonesian companies have invested in Nigeria and they all have their success stories to tell.[17]

In the same vein, commercial and economic relations between Turkey and Nigeria have also been improving rapidly in the recent years. B.S. Yazdir writes thus:

> *The bilateral trade volume has increased more than threefold since 2004, reaching 865 million USD in 2010. Nigeria is the second largest trade partner of Turkey in sub-Saharan Africa as of 2010. There are approximately 30 Turkish Companies in Nigeria, operating*

mainly in construction, manufacturing and energy sectors [On the area of education,] Turkey has provided 55 undergraduate/graduate scholarships to Nigeria within the Turkish Government scholarship Programme between 2008 and 2011.[18]

There is no doubt that Nigeria's relation with Turkey is traced back to 1960 (Nigeria's Independence year), when Turkey opened an embassy in Lagos, the then capital of Nigeria, both countries' membership of the OIC and D8 has given their relations an added impetus

Political Implications of Nigeria's Membership

As mentioned in the background of the study, the OIC has political agenda for its member-countries for determining the religious affiliation of who becomes the leader.[19] Supporting this view, Greg Abdu writes that "the OIC has as part of its objectives… to ensure that only Muslims are elected to all political positions of member-nations including the appointment of only Muslims into strategic national and international positions."[20] Some of the researcher's respondents associate the insurgent activities ravaging the North Eastern parts of Nigeria to Nigeria's involvement in the OIC. They maintain that insurgence in the Northern part of Nigeria is a political war cloaked in a religious gab. In the view of Stephen Ape,

For the past 16 years [that is, since 1999] Nigeria joined civil rule, only one Muslim, Late Musa Yar' Adua who did not even complete his tenure has headed the Nigerian government. Olusegun Obasanjo who handed over to Yar'Adua and Goodluck Jonathan who succeeded him are Christians. Muslims consider it a taboo to be ruled by a non-Muslim and the insurgent activities constitute

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one of the ways the Muslims protest that.[21]

As a follow-up to the foregoing, the pertinent question is: Do the insurgents target only non-Muslim population? The answer is in the negative because each time the insurgents strike, both Muslims and non-Muslims suffer casualties. Ape's opinion as summarised above, may have been upheld by Emmanuel Bosun. According to him,

> *The country is daily experiencing death tolls from the northern region; an Islamic terror group known as Boko Haram is conquering even in an unimaginable speed. Even the legal forces of state are overwhelmed and escaping for their lives, Christians are murdered in broad day light and many die without help.[22]*

On the contrary, Uthman Anaga dissociates Nigeria's involvement in the OIC from the insurgents' activities. He opines that "the argument against OIC is that people do not know the meaning of Islam, which is based on unity"[23] He further states that being a member of the OIC has never caused and will never cause any harm to Nigeria because Islam to which the OIC is tied preaches against killing, cheating and other vices. Citing the OIC humanitarian activities in Somalia, Anaga concludes that Nigeria stands to gain by attracting the OIC to do same in the troubled parts of the country"[24]. Unfortunately, Anaga leaves his view hanging due to his inability to come to terms with the believed OIC's humanitarian activities in Somalia.

Why the OIC has not made attempts at carrying out humanitarian activities in Nigeria, particularly in the North east that is ravaged by insurgent activities goes to confirm Ape's assertion that the communities that are consistently under insurgents attack have larger number of Christians. So, to advise that Nigeria should attract the OIC to carry out humanitarian activities in the country is completely obscured. It is advising, therefore, that

Nigerians should forego their right to religion and take to Islam. Some of the factors that attracted the OIC to Somalia are also prevalent in Nigeria. Few years ago, the Bakassi people got displaced from their home communities which were ceded to the Republic of Cameroun. As at present, insurgents are killing and displacing thousands of the Nigerian population in the northern parts of Nigeria due to its Islamic agenda. While going to Somalia, Ihsanglu who was the OIC Secretary-General at that time, in a message to the Islamic Ummar states thus: "it is time to express our Islamic brotherhood with actions, feeling each other's pains and reaching out to help. This is what Islam demands of us…"[25]

The OIC's political agenda may be very clear and the military leaders who got Nigeria into the organisation had one thing in mind as to the qualification of the leadership of Nigeria. Omo Omoruyi adds thus: "They had in mind that Muslims would permanently rule Nigeria as elected Presidents or Military Heads of State".[26]

The implication of the political dimension of Nigeria's membership of the OIC, no doubt, may have strengthened bilateral ties between Nigeria and other OIC member-states. But at the same time, it deepens Nigeria's image crisis and sabotages the nation's foreign policy[27]. Supporting this, Fayemi, Chidozie and Ajayi write that "… the circumstances that surrounded Nigeria's membership of the Organisation of Islamic Conference (OIC) in 1986… contributed immensely to undermine Nigeria's international image"[28]. According to Farouk Agha-Uche, Nigeria's involvement in the OIC is partly a way of checking western influences on Nigeria's politics by the Arab nations.[29] Internally, the issue of Nigeria's membership of the OIC has been used to heat up the Nigerian polity as Nigerians make political gains out of it. This, of course, has landed Nigeria in a state of polarisation along religious lines.

Economic Dimension

The Organisation of Islamic Cooperation (OIC) as established in 1969, realising the need to strengthen the solidarity and cooperation among Muslim countries right from the outset, clearly stated in its charter which was approved in February, 1972, the necessity for cooperation for community wide economic progress and the need to help individual member-countries to develop their productive capacities at an accelerated pace.[30]

A number of progressive measures have, since, been introduced over the years to enhance economic cooperation among the OIC member-countries. In the late 1990s, the OIC member-countries took a significant step to set up a trade preferential system (TPS) which was implemented in January, 2009. This trade preferential system aims at further promoting trade among OIC member-states through the exchange of trade preferences to ensure equal and non-discriminatory treatment among participating countries. The declaration of the establishment of the TPS represents a very important step toward increasing intra-OIC trade as a mechanism to create a free trade area. The framework agreement on trade preferencial system among the member-states of the OIC was signed in 2007. (See Appendix III).

In 2005, the OIC adopted what it calls the OIC Ten-Year Action Plan. This was done in efforts to meet the challenges facing the Islamic Ummah in the 21st century by enhancing overall intra-OIC trade to 20 per cent by the year 2015, thereby explaining the possibility of establishing an OIC free trade area. (See Appendix IV).

Amin and Hamid observe thus;

> *The second half of the twentieth century witnessed the tremendous economic and political power shifts in the world where the apparent orientation is towards globalisation*

and regionalisation. Countries are coming together all over the world in Europe, America, Asia and Africa with the idea of defending themselves economically and…against the incursions of other blocs. Spurred by the greater economic and political gains, a number of integrated organisations have been initiated in the twentieth century.[31]

Among these integrated organisations, the European Union (EU), the North American Free Trade Agreement (NAFTA), the Asia-Pacific Economic Cooperation (APEC) and the Association of Southeast Asian Nations (ASEAN) appear to be the most successful arrangements that are currently playing significant roles in world economy and market as well as in international trade and economic development. Although, it is not in doubt that mutual gains and interests constitute driving forces for regional cooperation, Ahmed and Ugurel posit that OIC member-countries have further compelling reasons to integrate and cooperate as they draw from Islam.[32] Raimi and Mobolaji highlight the verses in the Qur'an 23:52 and 21:92 as an indication that economic cooperation and integration among OIC member-countries are highly necessary.[33] The OIC's initiation of the framework agreement on trade preferential system among the member-states, the OIC's Ten-year action plan and even the OIC's attempts at forming an Islamic free trade area are geared towards preparing the OIC member-countries to cope with the changes of global order in order not to be marginalised in the global economy and world markets.

To form better integration, the OIC has also formed what is known as 'D8'. D8 stands for developing 8 countries of the OIC. It is a special grouping within the OIC of eight Developing countries which include Bangladesh, Egypt, Indonesia, Iran, Malaysia, Nigeria, Pakistan and Turkey. It was officially established on June 15, 1997, in Istanbul, Turky,

during the Declaration of Islamic Summit of Heads of State and Government.[34]

The idea of corporation among major developing OIC countries was initiated by the Prime Minister of Turkey, Dr. Decmettin Erbakan, during a seminar on "Cooperation in Development" held in Istanbul in October, 1996. This group envisioned cooperation among countries stretching from South East Asia to West Africa. The objectives of D8 are to improve member countries' position in the global economy, create new opportunities in trade relations, enhance participation in decision-making and improve standard of living.[35] N. Pir-Mohamadi, M. Basirat and A. Esfandiary observe that trade, among the objectives of D8, has the upmost importance.[36]

Based on the foregoing, there may be no gainsaying the fact that the OIC has recorded remarkable progress, especially in the implementation of the OIC ten-year action plan adopted in 2005. Among these achievements are the establishment of fund for poverty alleviation and the harmonisation of tariffs and trade policies. According to the OIC statistics, trade among the 57 member-countries increased from 14.5 per cent in 2005 to 17.71 per cent in 2011. In the area of trade financing, a cumulative increase by 63 per cent from $24.4 billion in 2005 to $39.9 billion in 2011 (See Appendix II Para. 5).

Despite the increase in commercial and trade volumes, trade between Nigeria and other OIC member-countries in particular and among other OIC member-countries in general is still low when compared to the target set in the OIC Ten Years Plan of Action as agreed upon at the third extra-ordinary Islamic summit. The current level of trade among the OIC member-countries stands at 16.7 per cent of total trade of the 57 member-countries as against the 20 per cent target by 2015. Amin and Hamid contend that:

> *trade among the OIC countries is still minimal*
> *and far from meeting the expectations after*

taking into consideration of the huge potentials that the member-states could offer… the high trade potentials appear on the categories of goods and services… 21 and 13 countries show untapped trade potentials in the goods and services sectors, respectively.[37]

In line with Amin and Hamid, Rabi-Ul Saani has argued that "the current level of trade among the member-countries of the OIC is disappointing given the close geographical proximity of many Muslim countries to each other, religious and cultural ties and similarities and huge potential for trade".[38]

With particular reference to Nigeria, among the factors responsible for her low level of trade with other OIC member-countries is the fact that Nigeria, apart from being a former colony of Britain which has made her economic relations with Britain and other countries of the West strong, Nigeria also belongs to other international organisations that are more important to her than the OIC. On a general note, other factors impeding economic and trade relations among OIC member-countries include lack of political will, cross-border disputes and mistrust. Ahmed and Ugurel maintain that since the majority of the OIC nations were former colonies of the West, it was natural that their trade relations were dominated by this legacy.[39]

Also, poverty is rampant in the rural areas in almost all developing countries where the OIC member-countries formed a substantial sub-group. The OIC produces just five per cent of global income and they face large external and internal income gaps characterised by massive economic inequality along three dimensions, namely, between the OIC and the rest of the world, across the 57 countries of the OIC and within the OIC member-countries themselves.[40] Lastly, some of the OIC member-states are known to have signed, but not

ratified the OIC preferential and free trade agreements, which are aimed at facilitating trade within the group. One of such countries that have not ratified the trade preferential agreements is Nigeria. That shows that Nigeria is inconsistent with the OIC (See Appendix V)

Perhaps, one way of developing closer business, economic and trade relations within the OIC is to encourage private sectors to interact more closely and regularly. In addition, member-states should ratify and make operational the preferential trade agreements. By so doing, trade can be facilitated.

Economically, Nigeria's involvement in the OIC has some implications on Nigeria. On the one hand, commercial and trading activities between Nigeria and other OIC member-countries may mean an increase in Nigeria's foreign exchange and job opportunities for Nigerian citizens. On the other hand, after Nigeria's registration, General Ibrahim Badamosi Babangida pulled a whooping sum of $21 billion from the Nigerian treasury and donated to the OIC.[41] Removing such an amount of money from the Nigerian treasury no doubt, had its adverse effect on the entire nation. By the time Babangida assumed power, the economy of the country was in a shamble and standard of living in Nigeria had deteriorated, subjecting the common man to intolerable suffering. It has been argued that instead of reviving the economy, Babangida swindled the Nigerian state of the said amount to sponsor the OIC, thereby deepening the suffering of Nigerians by cutting down the workers' salary and launching the structural adjustment measures.[42] Cornelius C.Agbodike argues that "the Structural Adjustment Programme of the Babangida administration was put in place as an alternative package to revamp the ailing economy"[43] There is no doubt that in theory the Structural Adjustment Programme launched Nigeria into economic self-reliance. But it is a

paradox that a government that claimed to have adopted policies aimed at economic revival caused the disappearance of such huge sums from the national treasury[44] to sponsor OIC, an organisation which her membership still remains a subject of controversy among the citizens.

Religious Dimension

Since 1986 when the Nigerian government, without the consent of Nigerians took the country to the OIC and till date when the membership has tended to polarise the country along the lines of religions thereby making the membership a matter of controversy among the Nigerian citizens, the controversy has continued to dig the country. Ibrahim Ahmed observes that Nigeria joined the OIC in 1986 to the consternation of the Christian elites, who thought that Nigeria's admission into the OIC was going to turn the country into an Islamic republic, making the Christian Association of Nigeria (CAN) to protest what the Christians called the Islamisation of Nigeria. Omoruyi has the following to offer about the development:

> *...the period of General Babangida (1985-1993) represented the beginning of unmitigated Islamisation of Nigeria. General Babangida was one of the loyal followers of General Murtala. This was why General Babangida took the fateful decision in 1986 to face the Nigerian Christians in particular and Nigerians in general with the plan of Muslims. He without the approval of the governing organs of the Federal Military Government organised a mission led by a non-member of the government, the Sultan of Sokoto to formally admit Nigeria into the Organisation of Islamic Conference (OIC) when the chief of General Staff, Commodore Ebitu Ukiwe complained that he knew nothing about it and*

> *definitely said that he could not remember the*
> *matter coming to the Armed Forces Ruling*
> *Council (AFRC), he was shown the way out.*[45]

An online post made at 11:49am on April 17, 2010 by Nairaland contended that former military President of Nigeria, Ibrahim Babmgida, during his eight year rule did exceed his constitutional powers as the head of a secular nation, by secretly signing Nigeria on as a member of the OIC. That illegal act was still is a clear indication of Babangida's pro-Islamic political ideology.[46] This, Christians have blamed on incessant religious conflicts experienced especially in the Northern part of Nigeria-including the on-going Boko-Haram activities in the country. (See Chapter One of this study).

According to Joseph Obemeata, "scarcely any week passes without reports from one part of the North or another of violent attacks on Christians occasioning destruction of lives and property of Christians".[47] Bosun adds thus:

> *Apart from the monster known as corruption*
> *which is ravaging Nigeria, unknown to many,*
> *the OIC is stopping at nothing to ruin the*
> *country through the clandestine plan of*
> *Islamising the entire nation.*[48]

Nigeria's involvement with the OIC, no doubt, induced into the minds of Nigerian Christians, the fear of forceful conversion to Islam. But Nigerian Muslims on the other hand denied such religious agenda by the OIC and argued that the OIC was a political, rather than religious organisation.[49]

The religious agenda of the OIC has continued to be a matter of controversy in Nigeria to the point that it even surfaced during the last National conference held in Nigeria, when a delicate subplot re-opened the wounds in Nigeria's religious balance. The cold war between Christians and Muslims deepened following the submission of memos to the

conference by the Christian Association of Nigeria (CAN) and the Nigeria Supreme Council for Islamic Affairs (NSCIA). The issues raised by the two organisations bordered on Nigeria's membership of the OIC, Islam in Africa Organisation (IAO), the D8 nations, among others. CAN on its part sought the withdrawal of Nigeria from membership of foreign religious organisations like the OIC and D8 as membership tended to portray Nigeria as an Islamic country. CAN posited further that the theocratic ideology behind the current bloodshed in Nigeria was traceable to these external influences.[50]

Anaga and Rabiatu Isa confirm the religious background of the OIC when they pointed out that every religion has different organisations it uses to expand and that the OIC is for the advancement of Islam.[51] Anaga further pointed out that "the argument against the OIC is that people do not know the meaning of Islam which is based on unity [and advices that] those blackmailing the OIC by accusing it of the agenda to make the whole of Nigeria Islamic to stop as there is no harm in Nigeria's membership of the organisation".[52] Farouk Agha–Uche on his own part, maintained that there was nothing wrong with Nigeria's membership of the OIC adding that since Nigeria was also a member of the World Council of Churches and the Organisation of African Instituted Churches (OAIC), her involvement with the OIC was aimed at balancing issue such as religion.[53] This line of reasoning has in no doubt led to asking the question as to what are the World Council of Churches and the Organisation of African Instituted Churches all about? Do these two Christian organisations have anything in common with the OIC? To answer these questions may lead to enquiring about these two organisations.

The World Council of Churches is an international inter-denominational fellowship of Christian churches comprising mainly protestants such as the Lutherian, Menninite,

Methodist, Moravian, Anglican and Eastern Orthodox Churches. The WCC is internationally ecumenical. It was founded in Amsterdam the Netherlands in 1948 with its headquarters in Geneva, Switzerland. The WCC has churches in more than 110 countries of the world. Notably, the Roman Catholic is not a member, although it sends accredited observers to the WCC meetings.[54]

From the beginning of the twentieth century, the ecumenical patriachate has shown a special concern for Christian reconciliation. At his accession in 1902, Patriarch Joachim III sent an encyclical letter to all the autocephalous orthodox churches, asking in particular for their opinion on relations with other Christian bodies. In January 1920, the Ecumenical Patriarchate followed this up with a bold and prophetic letter addressed 'To all the Churches of Christ, wherever they may be', urging closer cooperation among Christians, and suggesting a 'league of churches' parallel to the League of Nations.[55] According to Ware Kallistos, "Many of the ideas in this letter anticipated subsequent developments in the WCC."[56]

Constantinople, along with several of the other orthodox churches, was represented at what was called the Faith and Order Conferences at Lausanne in 1927 and Edinburgh in 1937. In 1938, a conference of Church leaders met in Utrecht, Netherland to prepare a constitution, but World War II intervened, and the first Assembly could not hold until 1948 when the WCC held its first Assembly.[57] The main objective of the WCC is to orientate missionaries and staff belonging to various mission organisations and different denominations to a better understanding of the contemporary context concerning the witness to Christ as participants in the Missio Dei, meaning the Mission of God i.e to pursue the goal of the visible unity of the Church. This involves a process of renewal and change in

which member-churches pray, worship, discuss and work together.

The Organisation of African Instituted Churches (OIAC) on the other hand is an organisation of African-founded Churches. It was established in 1978 at a meeting of African instituted Churches (AIC) leaders held in Cairo, Egypt. The host was Pope Shenouda III of the Coptic Orthodox Church who went to Egypt to learn more about the Coptic Church, and to visit the historic site associated both with Jesus flight to Egypt as an infant, and with the early Christian Church. The leaders agreed on the need to establish a body which would act as a forum for the sharing of common ideas and concerns among the AICs. This led to the formation of the organisation of African Independent Churches. In 1982, leaders of the different African Churches from 22 countries gathered in Nairobi Kenya for the second general assembly where the constitution was adopted. The name was also changed to the Organisation of African Instituted Churches and the headquarters shifted from Egypt to Nairobi in Kenya.[58]

The OAIC was inaugurated on June 3, 1986, in Ibadan, Oyo State at an impressive meeting of 30 heads of indigenous Churches hosted by Pastor J.B. Orogun, the then President of the Christ Apostolic Church. The inauguration was at the instance of the international headquarters which created various chapters and regions.[59] Membership of the OAIC spreads all over the 36 states of Nigeria and the FCT, Abuja. In its mission, OAIC seeks to bring African Instituted Churches together in fellowship, to equip and enable them to preach the Good News of Christ in word and in deed.[60]

The WCC and the OAIC are not the only Christian religious organisations that have their presence in Nigeria. The All African Conference of Churches (AACC), World Conference of Religion for Peace (WCRP), among others is also there. But limit is made to

the WCC and the OAIC as mentioned by Agha-Uche. A good look at the OIC and these two Christian organisations presents three major differences between them. In the first place, the WCC and the OAIC present themselves as purely religious organisations of the Christian extraction with the sole aim of spreading the Christian religion, no more, no less. On the other hand, OIC combines both Islam and politics. One of their differences is that while the OIC seeks to rally round different countries of the world that have either Muslim majority or Muslim minority, the WCC and the OAIC seek to rally round different Churches of the world and Churches that were founded in Africa by Africans. Another difference between these organisations is that while the OIC activities are conducted by state actors such as presidents and Foreign Ministers of member-countries, the WCC and OAIC activities are conducted by non state actors, but in the main, by clergy men who are leaders and/or representatives of their member churches.

The third difference between them is that the WCC and the OAIC are registered by Nigeria through the Corporate Affairs Commission whereas the OIC registered Nigeria and other member-countries based on application by leaders of governments of the member-countries. Even though the time the OAIC, for instance, got registered in Nigeria coincided with the year Nigeria was registered in the OIC, i.e 1986, the argument by Agha-Uche was that Nigeria's involvement with the OIC was aimed at balancing the issue of religion in Nigeria.[61] If the OIC was, in the main, aimed at balancing the issues of the WCC and OAIC, then the OIC mission would have been to rally the different sects in Islam together, and not countries that have Islamic presence just the way the WCC and the OAIC do. (Details of Nigeria's membership of the WCC and OAIC among other international organisations are given in chapter five of this study).

Anaga points out, as part of the implications of Nigeria's membership of the OIC, that the membership makes both the Nigerian Christians and Muslims see themselves as one people despite their religious dichotomy.[62] Anaga maintains further that the religious pluralism of Nigeria holds a lot of prospects that should be harnessed in the OIC.[63] On the other hand, Nigeria's membership of the OIC tend to relegate religious pluralism to the background, thereby popularising Islam against other religions. The effect of such Islamic popularisation against other religions in a volatile country like Nigeria, however, may likely have an adverse effect on the society.[64]

The fore-going show that discontent among the Nigerian populace really exists. This discontent over the OIC membership is not restricted to Nigeria alone. Albania, though a Muslim majority country, joined the OIC in 1992. Discontent over Albanian membership has also been expressed by Abanians. Aydın Babuna writes thus on the Albanian OIC question:

> *During DP [Democratic Party] rule, Albania became a member of the OIC (Organization of Islamic Countries [in 1992]. Albanian membership of the OIC and the participation of Sali Berisha and the former foreign minister Alfred Serreqi in the summit conference of the OIC in Jeddah (Saudi Arabia) led to a political rift between the government and the opposition. The socialists argued that Albanian membership of the OIC was a violation of the constitution [which prohibits the adoption of any religion as a state religion] and an attempt to divert Albania from its Euro-Atlantic orientation.[65]*

After DP rule in Albania from 1992 to 1997, the socialists came to power in Albania following the elections of June 1997.[66] The new government severed relations with the Islamic world and Albania did not attend the summit conference of the OIC in Teheran in

December 1997. The then prime minister of Albania, Fatos Nano declared that Albania would consider only bilateral relations with the Islamic countries,[67] though some politicians from the south, as well as some clans from the north, such as the Tropoja and Diber, who had representatives in the DP, favoured the strengthening of relations with the Islamic countries.[68] However, Fatos Nano, who came from an Orthodox background, along with some other leading socialist politicians, favored close relations with Greece and Yugoslavia.[69] On the other hand, the socialists launched a campaign against Islamic fundamentalism implicitly or explicitly associated with DP rule. The socialist government tried to dismantle the pro-DP political and religious networks in Albania, and elements within the Islamic community close to the DP were replaced by young Albanian officials.[70]

In Burkina Faso, non-Muslims have also expressed discontent over the registration of the country into the OIC. This, the non-Muslims argue gives Islam advantage over other religions.[71] According to the International Crisis Group Report, "Burkina has never suffered civil war or religious conflict."[72] But On 15 January 2016, gunmen armed with heavy weapons attacked the Cappuccino restaurant and the Splendid Hotel in the heart of Ouagadougou, the capital of Burkina Faso. A number of facilities were destroyed while at least 56 were wounded; a total of 176 hostages were released after a government counter-attack into the next morning as the siege ended. Responsibility for the attack was claimed by Al-Qaeda in the Islamic Maghreb and Al-Mourabitoun.[73] Considering religious tension in other parts of the world and the January 2016 attacks in Ouagadougou, Burkina non-Muslims fear that Burkina Faso OIC engagement may, in the near future, constitute religious tention, thereby religating to the background, the freedom of religion which is provided in the constitution as Muslims have started pressing some demands of religious

dimention to the Burkina government.[74]

The Abuja Declaration of 1989

What is commonly known as the Abuja Declaration is officially known as "Islam in Africa Conference: Communiqué". This was a communiqué issued at the end of the Islam in Africa Conference held in Abuja, Nigeria, between 24 and 28 November, 1989. Abuja Declaration is the outcome of a conference of the African countries of the OIC in 1989 and launched by a communiqué of the Islam in Africa Organisation (IAO) founded during this conference.

The Islam in Africa Organisation (IAO) is a Nigerian instituted Islamic organisation, an initiative of the Organisation of the Islamic Conference (OIC). Dr. Usman Muhamad Bugaje was the Secretary-General of the IAO as at the time this research was being carried out. The organisation was founded on 28 November 1989 in Abuja, Nigeria, with the goal to win the whole of Africa for Islam. The statutes and goals were ratified in 1991 which marked its formal definitive founding. The starting point for the conference centred on the fact that Africa was seen by the proponents as the only continent with an Islamic majority and therefore should become completely Islamic.[75] According to J. M. Buaben , "the Islam in Africa Conference held in Nigeria in November 1989 covered diverse themes: education, economy, information, the sharia, 'dawa' and Muslim minorities."[76] The plan contains a lot of points that are also common for Christian missionary organisations as relief and economic progression. F. J. S. Wijsen writes thus:

> *The declaration was to the effect that Muslims should unite throughout Africa, the curricula at various educational establishments should conform to Muslim ideas, the education of women should be attended to, the teaching of Arabic should be encouraged, and Muslims*

> *should support economic relations with Islamic areas worldwide. [He noted that] Muslims in Africa had been deprived of rights to be governed under sharia law and they should strengthen their struggle to reinstate it.*[77]

Against the backdrop of the foregoing, Bugaje outlins the following as the objectives of the Islam in Africa Organisation as contained in the communiqué of the Abuja Declaration:[78]

1 To promote the unity and solidarity of the Muslim <u>ummah</u> throughout Africa and the rest of the world and to support, encourage and enhance Islamic propagation and resurgence generally.

2 To promote peace, harmony and human development and strive to remove all forms of discrimination, human exploitation and oppression especially in Africa and the world in general.

3 To support, enhance and coordinate <u>Da'wah</u> work in all parts of Africa and propagate the knowledge of Islam throughout the continent.

4 To promote the dissemination of the knowledge of sharia and support its application to Muslim communities in Africa.

5 To strive for the evolution of the economies of the <u>ummah</u> in conformity with the sharia and the attainment of economic self-sufficiency and self-reliance in Africa by promoting industrialisation, trade and overall economic development.

6 To encourage and support human resource development programme in Africa, particularly the education and development of the Muslim youth and to ensure that women are accorded their rightful place in society as enshrined in the sharia.

7 To serve as a mouthpiece for the articulation of issues of common concern to Muslim communities in Africa and the rest of the world.

8   To undertake research and publications on all aspects of Islamic history and Islamic intellectual heritage in Africa.

9   To undertake the translation of Islamic works into various African languages and their dissemination.

10 To promote the learning of Arabic language throughout Africa.

11 To promote respect and undertake measures for relief and comfort of those in distress in Africa and other parts of the world.

12 To promote respect for human rights and dignity and to support, with appropriate means, all causes of general justice and freedom throughout the world.

13 To cooperate with other national and international bodies to uplift human dignity and enhance human welfare in Africa and in the world.

Reza F. Safa explains that the goal of Islam is to produce a theocracy with Allah as the ruler of society; a society with no separation between religion and the state. This society would have no democracy, no free will and no freedom of expression...Islam to a Muslim is more than a religion, more than daily rituals. Islam is a way of living, thinking and reasoning.[79]

Quoting Ayatollah Khomeini, David Liambila confirms the above objectives of the IAO as according to him: "Islam makes it incumbent on all adult males, provided they are not disabled and incapacitated, to prepare themselves for the conquest of other [countries] so that the writ of Islam is obeyed in every country in the world"[80]. He writes further that those who study Islamic Holy War will understand why Islam wants to conquer the whole world while those who know nothing of Islam pretend that Islam counsels against war.[81]

Usman Muhammad Bugaje, Secretary-General of Islam in Africa Organisation,

leaves no one in doubt about the motive of the islamisation programme by presenting the Caliphate of Sokoto as a model to be applied to Africa. Bugaje argued that in the last few years there has been incessant and virulent attacks on the Caliphate in the Nigerian press and even published academic works.[82] He further stated that of late there had been a growing feeling that the Nigerian state, like many of the artificial creations of European imperialism, was not working and they have spent many decades since independence in 1960 groping for a way out, with very little success. Many felt, he continued was probably largely due to their failure to imbibe the ethos and political culture of our pre-colonial societies from whence came our values, culture and aspirations. In this respect, Bugaje further asserted that "the experiences of the Caliphate are essential to the evolution of a workable political arrangement."[83]

While it may be easy to see the value of showing the relevance of the Caliphal experience to our efforts in fashioning out a workable political arrangement, the benefits seem to be contingent on our dwindling political will.[84]

Bugajie writes further thus:

> *...I would rather opt for looking at the phenomenal aspect of the Caliphate. This has several advantages. First and for once we return to the past not to glorify it but to understand the present and anticipate the future. Second, in these days of visions we should have no difficulty in appreciating the future. Vision 2010, however, appears to be contingent on the continuity of the Nigerian state. There is nothing wrong in hoping for the best, but what harm is done in preparing for the worst? If the optimists fail to win, what do we fall back on? Third, some of us believe that we are first Muslims before being anything else and to this extent we owe our lord and creator, to whom is our ultimate return, an obligation*

*to live the lives of Muslims not only in our
private lives but also in the public arena.*[85]

Bugaje's proposal, no doubt, would generate some problems in Nigeria if applied. Realising

this, Bugaje adds as follows:

> *In choosing this option, I am not unaware of its
> problems, particularly the controversy it is
> likely to generate in Modern Nigeria. I am only
> too aware that this is neither a typical nor a
> comfortable way of facing the sad and
> tormenting facts of modern Nigeria. But I am
> encouraged by the fact that in my private
> discussions with people of my generation and
> older generations many seem extremely
> worried about the future of modern Nigeria
> and are prepared to contemplate the
> impossible. In these days of swift and
> extraordinary political changes, it is no longer
> sensible to close options. But many are
> terrified to contemplate much less mention
> them, for fear of ridicule, abuse or even
> something worse. This fear of even as much as
> thinking aloud seems to me to be a classic
> indication of our loss of courage, that we
> cannot simply be ourselves, that we almost feel
> the need to apologise to modern Nigeria on
> behalf of the two Caliphates, that we must seek
> to present ourselves only as modern Nigeria
> will have us.*[86]

It is obvious that sub-Saharan Africa or any part of the developing world, cannot rely

on the so called developed world to develop. That will be the height of folly. Sub-Saharan

Africa will have to explore an alternative vision of trade and development, one that does not

rely on Western financial institutions. For while Muslims may well be a majority in sub-

Saharan Africa, colonial rule and contemporary social engineering appears to have elbowed

them out of power and influence. Countries in the region are essentially secular states, often

with a legacy of aversion to Islam, which has been sustained and reinforced by current

Western propaganda. So Islam may not as yet provide a basis for co-operation between states in the region. But Muslims within these states could create a variety of networks which can in turn transform not only the economic but also the social and political milieu for good.

In their quest to convert the entire continent to Islam, Muslims have devolved a blueprint to push this initiative forward. This initiative has two main agenda; awakening and proselytisation or what can be called revivalism and expansion. The former concentrates on revitalising the Muslim community, while the latter tries to increase the number of the Muslim communities by extending the message of Islam beyond the communities themselves.[87] In the category of dual agenda, Islamic movements pursue revivalism and proselytisation simultaneously. Where revivalism is the focus, the movements tend to address socio-economic and political issues. The higher the percentage of the non-Muslim population the more proselytising that takes place.

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CHAPTER FOUR

ISLAMIC BANKING IN NIGERIA

There appears to be no satisfactory definition of the term bank, and to that extent, it may apply to an organisation, a financial institution operated by an individual as a sole proprietor, partnership, a corporation or other types of association. In modern usage, it is an establishment for the custody of money. According to Sanusi Lamido Sanusi, "Islamic banking is an alternative form of financial intermediation that is based on the profit motive. It is market-driven but with a moral dimension based on Islamic value system"[1] Islamic bank is also a bank that, by its own choice, opts to comply with the Islamic Law (Shariah). The structure of financial intermediation globally witnessed a radical shift over the few decades. The monopoly status enjoyed by the conventional system of banking and finance changed with the emergence of the Islamic system, which most essentially, is based on the principles of the Islamic laws (shariah). The conventional system survives on interest. S. U. R. Aliyu contends that the conventional system hatched uncertainty and multiple speculations, all for profit.[2] The system was blamed for incessant economic and financial crisis.

Following the 1804 Sheik Usman Dan Fodio's Jihad in Northern Nigeria and the consequent establishment of the Sokoto Caliphate, the Hausa states were brought under an Islamic way of life and the system of government. This system referred to as Sokoto Caliphate lasted for a century, 1804 – 1903. However, the coming of the British colonialists and their rule, which lasted between 1862 and 1960, foisted the western socio-political, legal and economic (including banking) systems on the people of the country.[3] Between 1903 and 1960, virtually all the elements of Islam, according to A. H. Yadudu, had been uprooted or

transformed. Fortunately, what they were able to transform were official legal and, by necessary extension, political and economic systems. The unofficial ones that the Muslims learn, imbibe and apply to themselves on a daily basis at home and in the market place remained in the books, committed to their hearts and continued to prick their conscience.[4] This could be, most probably, the explanation for Nigeria's registration into the OIC and also, the agitation of Nigerian Muslims for the application of full Islamic law in their affairs.

Origin of Islamic Banking

The literature of Islamic banking is said to have begun with evaluation and ends with an attempt at finding ways and means of correcting and overcoming the problems encountered by the existing banks. History of non-interest banking dwells on idea and reality i.e. when non-interest banking was still an idea (plan and suggestion) and when non-interest banking becomes a reality (true situation) by individual initiative in some countries and by law in other countries. According to T. S. Ajagbe and A. N. Brimah, "the origin of modern Islamic banking can be traced back to the very birth of Islam when the prophet himself acted as an agent for his wife's trading operations".[5] Ajagbe and Brimah cited Anwar Qureshi, Naiem Siddiqi, Mahmud Ahmad, Muhammad Hamidulla, among others, as Islamic scholars who recognised the need to establish Islamic banking and pointed out the evil of interest in the conventional commercial banking system and proposed a banking system based on the concept of Mudarabh i.e. profit and loss sharing basis. They emphasised that to accept interest charged by the commercial banks was evil and to develop an alternative system in banking.[6]

In an attempt to trace the origin of Islamic banking, S.Y. Labib writes that an early

market economy developed between the 8th and 12th centuries, which was referred to as Islamic capitalism.[7] According to E.M. Egboro:

> *The economy of the period was based on the widely circulated currency, known as the dinar, which welded regions that were previously economically independent. Early Muslims recognised the need for commercial banks in what they perceived as and described as necessary evil. Hence for the purpose of satisfying the precepts of the shariah, they proposed the banking system that is based on the concept of Mudarabha…[8]*

M.N. Saddiqi and A. Ahmad argue that the earliest writings on the subject of Islamic banking and finance date back to the 1840s, while the earliest practice can be traced to the early 1960s[9]. The literature shows some ambivalence between the model of an intermediary designed after conventional commercial banks and the one like an investment company serving individuals seeking profits as well as the community needing development. Siddiqi writes again that "Models of commercial banking came from economists aspiring to build an alternative to a system of banking and finance hinged on interest".[10] Some scholars place the issue in the context of the struggle between capitalism and socialism with Muslims presenting Islam as having a different dimension that results in a different economic system with its own financial institutions. Siddiqi adds that "community initiatives looked forward to something workable while avoiding interest".[11]

M.Y. Ibrahim and D.Mustafa note that modern Islamic finance began with the emergence of Islamic banking, and Islamic capital market which are often regarded as some of the by-products of Islamic revival in relation to the desire of Muslims to live aspects of their life in accordance with the Shariah.[12] Ibrahim and Mustapha back up their view by

quoting Suratul –Baqarah (2): 208 in the Quran which states thus:

> *O you who believed! Enter perfectly in Islam[by obeying all the rules and regulations of the Islamic religion] and follow not the footsteps of shaitan [Satan].Verily, He is to you a plain enemy.*[13]

Historically, the practical move to establish Islamic banking and finance started in the 1960s with the establishment of Mit Ghamir Savings Association in Egypt and the Tabung Haji in Malaysia in 1963.[14] But, unfortunately, these efforts were short-lived. Following the founding of the OIC in 1969, intensified efforts at establishing the Islamic banking were thereafter recorded. The OIC, at a very early period of its establishment, took the initiative at the setting up of the first Islamic bank at a meeting it held in Cairo in 1972. This initiative was adopted in 1973 at the first conference of finance ministers of the OIC countries held in Jedda. Thus, Islamic bank came into being in 1974 but started operation in 1975. Subsequently, the Dubai Islamic bank was established in 1975, Faisal Islamic bank of Sudan in 1977, Faisal Islamic bank of Egypt in 1978, Islamic bank of Bahrain in 1979, among others.[15] Other supporting international Islamic Financial institutions like Islamic Financial Services Board (IFSB), International Islamic Financial Market (IIFM), International Islamic Rating Agency (IIRA), General Council for Islamic Banks and Financial Institutions (GCIBFI), among others, were later established to facilitate the effective and efficient operation of the industry.[16]

The Islamic banking was designed to serve Muslim countries and communities by arranging finances for trade and development on non-interest basis. By the late 1970s, there were a handful of more Islamic banks in Kuwait, Jordan, the Gulf and Egypt.[17] There was also an agreement among different sources that the following decade recorded a reasonable

expansion of the Islamic banks. As the industry grew, many financial products in the Islamic banks were initiated and adopted to incorporate shariah-compliant aspects. In view of this development, product innovation became inevitable in Islamic financial industry over the years, resulting in a wide range of Islamic instruments being introduced into the market. According to M.Y. Ibrahim and D. Mustapha, "there is no doubt, therefore, that with a muslim population of about 1.6 billion people world-wide and a growth rate of about 15-20 per cent annually, the market potential of the industry is indeed very promising and substantial."[18]

S. Ahmed submits that the Islamisation of the banking system is a part of the overall Islamic values and is not merely refraining from interest-based transactions.[19] Therefore, the practice of Islamic economics, banking and finance has continued to witness unprecedented growth in the last decades due to commitment and moral contributions by the Muslim economists, scholars, bankers and the Islamic community at large. According to M.Ayuba, "the institution has eventually survived the integrity and credibility crisis"[20], hence the extension to Nigeria. The emergence of Islamic banks in several OIC member countries with none in Nigeria ignited the desire and agitation for its establishment in Nigeria.

The evolution of Islamic banking in Nigeria dates back to 1991 with the enactment of the Banks and other Financial Institutions Decrees which recognise banks based on profit and loss sharing. The decrees also recognise specialised banks and includes in the definition such other banks as may be designated from time to time.[21] S.L. Sanusi writes that "the designation of non-interest banks as specialised banks in 2010 was based on this provision."[22] Between 1993 and 1995, investors started applying for a banking licence to operate Islamic banks in Nigeria. But this initiative did not work out due to non-compliance

with the CBN requirements by investors.[23] Sanusi writes the following lines in this respect:

> *In 1996, Habib Bank Plc [former Bank PH.B*
> *and the present day Keystone Bank] opened a*
> *non-interest banking window offering a limited*
> *number of shariah-compliant products.*
> *However, since there was no framework for*
> *non-interest banking in the country, the attempt*
> *did not register a significant success or growth.*
> *In 2004 demand for the establishment of full-*
> *fledged non-interest banks continued from*
> *interested investors. An approval-in-Principle*
> *(AIP) was granted to Ja'iz international Plc to*
> *establish Ja'iz Bank upon meeting mandatory*
> *capital requirement.[24]*

What gave impetus to the continuous demand for the establishment of non-interest

banking in Nigeria, as Sanusi points out, no doubt, was the OIC ten year programme of

action, for support for the Islamic Development Bank. The programme contained, among

other things, the establishment of a special fund as a mechanism for financing to address and

alleviate poverty and to strengthen the Islamic cooperation for trade and finance (see section

II of Appendix IV).

As a follow-up, in 2005, the Financial System Strategy (FSS) 2020 was launched.

This was aimed at pushing Nigeria into Africa's major International Finance Centre(IFC)

and to transform Nigeria into one of the 20 largest economies in the world by the year

2020.The IFC initiatives include the creation of institutions to attract the huge un-banked

informal sector and to create non-interest banking instruments to capture huge un-banked

segment of the society.[25] In 2008, the Islamic Finance Working Group established with the

support of Enhancing Financial Innovation and Access, brought together the main

stakeholders, which included the Nigerian Deposit Insurance Corporation (NDIC), National

Pension Commission (PENCOM), Debt Management Office (DMO), market operators

interested in offering Islamic finance products and observer.

In 2009, the Central Bank of Nigeria (CBN) joined the Islamic Financial Service Board (IFSB) as a full council member, and issued a draft framework for the regulation and supervision of non-interest bank in Nigeria. The first full- fledged Islamic microfinance bank known as Al-Barakah commenced operation in April, 2010, in Lagos. In January, 2012, the Ja'iz Bank Plc commenced operations, as a first full-fledged regional Islamic bank in Abuja, Kano, and Kaduna in Nigeria.[26]

Meanwhile, in August 2010, the CBN released the new banking model which designated non-interst banks among the specialised banks. The interest-free banks are categorised into two, namely: national interest free bank, which shall have a capital base of #10 billion and will operate in all the 36 states of Nigeria including the Federal Capital Territory (FCT); regional interest-free bank, which shall have a capital base of #5 billion, and will operate in a minimum of six states and a maximum of 12 contiguous states of the federation, lying within not more than two geo-political zones as well as within the FCT.[27]

Besides, in the same 2010, the NDIC issued a draft framework for interest free (Islamic) Deposit Insurance Scheme. In October 2010, the Central Bank of Nigeria joined eleven other central banks and two multilateral organisations to form the international Islamic Liquidity Management Corporation (IILM), based in Malaysia,[28] aimed at providing treasury instruments that are shariah compliant to address the liquidity management issue of Islamic banks and serve as instruments for open market operations involving Islamic financial institutions.

At present, there are about 300 Islamic financial institutions in the OIC member-countries and even beyond with total assets of about $300 billion and $400 billion in

financial investment as at 2007. According to M.Y. Ibrahim and D. Mustafa:

> *the global Islamic finance industry has grown over the past decade from USD150 billion in the 1990s to an estimated USD 780 billion in2009…(and) USD 1.6 trillion by 2012 with Islamic banking expected to remain the leading contributor at more than 80 per cent share."*[29]

In view of this, in some OIC countries like Pakistan, Iran, Sudan, among others, the mainstream financial institutions are Islamic banks; while in others such as Nigeria, Malaysia, Egypt, among others, the Islamic bank exists alongside conventional banks which still remain the mainstream financial institutions. Unfortunately, the introduction of Islamic banking still generates controversy among the Nigerian populace. The major difference between Islamic banking and conventional banking is thus in the prohibition of interest and uncertainty.

Operations of Islamic Banking

Islamic banking and finance base their operations entirely on shariah law whose main traditional source is the Holy Quaran. The shariah law prohibits the collection and payment of interest and other forms of business practices that are considered unlawful. According to S.U.R. Aliyu, "The Quaran condems all forms of transaction which involves giving or taking of interest."[30] The Quaran, as quoted by Aliyu, states thus:

> *O ye who believe, fear Allah, and give up what remains of your demand for usury [interest], if ye are indeed believers. If ye do not, take notice of war from Allah and His messenger; But if ye turn back, ye shall have your capital sums; deal not unjustly, and ye shall be dealt with unjustly.*[31]

The position of interest under shariah is not different from the teachings of the Old

Testament of the Bible and the early position of the Christian Church as contained in the First Ecumenical Council of Nicea in 325 AD and the Second and Third Lateran Councils.[32] The First Ecumenical Council of Nicea provides that practice of lending money at profit was universally wrong. The Second Lateran Council provides that usurers should not be admitted to the communion of the altar or receive Christian burial if they die, while the Third Lateran Council provides that those who engage in usury be excommunicated from the Church.[33] These Council's provisions were aimed at cracking down on the practice of lending at profit which they condemned as dishonourable gain.

A unique type of banking system in the world is the Islamic banking. It is devoid of all forms of transaction that are prohibited in Islam. The following basic principles were adopted for Islamic banking operation:[34]

(a)Prohibition of Interest: Interest, which is known as 'Riba' in Arabic, means a predetermined amount in addition to the principal. It is prohibited in Islamic banking, it must not engage in any interest-related transactions, instead, profit and loss are shared between the lender and the borrower.

(b)Prohibition of Speculation referred to as Gharar in Arabic: What is referred to as speculation is hazard. Moreover, it means transactions that have too much risk and are therefore likened to gambling since Islam prohibits speculations with excessive risk.

(c)Profit, Loss and Risk Sharing: Since interest is prohibited in Islam, the providers of funds and the borrowers in Islamic banking settings share the business risks and profits based on mutual agreement. This, according to Audu Bello and Mikailu Abubakar, is aimed at equitable distribution of income, enhancement of social justice and alleviation of poverty.[35]

(d) Islamic banks do not engage in any transactions that are prohibited by the shariah. Such transactions include alcohol, gambling, excessive risk, among others. Islamic banks can only partake of transactions or activities that are approved by the shariah.

(e) Overseen by shariah advisors, every Islamic bank must be regulated by Islamic law experts who will audit the operations of Islamic banks and its products to ensure strict compliance with shariah guidelines.

The models of Islamic banking are numerous. Among the popular models are: Equity partnership known as Musharaqa in Islam. This is a business model where two or more people contribute capital, labour or credit-worthiness together, having similar rights and liabilities to share the profits or a yield in value and to share the loss, if any, according to their proportionate ownership. Partners may decide to be active or sleeping partners at their own will. A. Bello and M. Abubakar posit that:

> *In this kind of transaction in Islamic banking, profits are shared based on agreed ratio which need not be equal to their individual capital contribution, but loss is shared strictly based on individual capital contribution.*[36]

This implies that an Islamic bank acts as a partner in order to contribute in the capital formation as well as sharing profit and loss. Profit in Islamic law as Muzammilu Yunusa and Nadhira Bint Nordin opine can be made through purchase, sale, hire or wages.[37]

Forward Trade Contract: This is known as 'Salam in Islamic language. Salam is a contract whereby the Islamic bank agrees to supply some specific commodities to the buyer ie the client, at a specific future date, whereas the client makes full payment in advance to the bank. The client makes complete payment for both the goods and its delivery is done at a later specified period by the Islamic bank.

There is also another contract arrangement which appears somehow opposite to the forward trade contract. This is a transaction arrangement where the sale of commodity is transacted before the production of such a commodity. In this kind of transaction, the Islamic bank and the client agree on a term that the bank will provide the item while the price will be paid by the buyer upon delivery.[38]

Qard Hasan Loans: This is a benevolent loan given to indigent customers of the bank. The aim of this loan is to alleviate poverty. Under this arrangement, the customer is required by the shariah to pay back only the principal amount to the bank. Though, the client may pay an additional amount to show his appreciation to the bank, yet this intention should not be disclosed to the transaction.[39]

'Mudaraba': This is referred to as silent partnership. In this type of arrangement, there are two partners in the contract, the fund provider and the entrepreneur. The fund provider is the Islamic bank which entrusts money to the entrepreneur who is the trader on an agreed manner and then returns to the investor the capital and pre-agreed proportion of the profit. It is also known as partnership of capital and labour. Yunusa and Nordin write that this type of contract

> *is conducted between the investment account holders as owners of capital and the Islamic bank as a 'Mudarib', the sharing of profits being as agreed between the two parties, And the losses being borne by the owner of funds, unless they were due to misconduct, carelessness or violation of the condition(s) agreed upon by the Islamic bank. A Mudarabah contract may also be concluded between the Islamic bank, as a supplier of capital on behalf of itself or on behalf of investment account holders and business owners.*[40]

In this type of contract, the investment account holder, the Islamic bank and the entrepreneur are susceptible to the possibility of losing capital because by the nature of the business, their capital contribution is not guaranteed except in the case of negligence or misconduct. The Madarabah or silent partnership of capital and labour has the tendency of breeding conflict between the financier and the entrepreneur should any loss be recorded in the contract. This is because there is no yardstick to determining whether the loss if recorded was as a result of the entrepreneur's carelessness or violation of the provisions. The absence of such yardstick implies that there could be no monitoring of the entrepreneur by the donor, hence the need for regulatory arrangements to protect the depositor's interest.[41]

Murabahah: This is referred to as mark-up sale contract or cost plus sale contract. This is the type of contract used in the procurement of equipment. It is a sale contract between Islamic bank and its client will at a fixed profit called mark-up. In this contract, the client will provide all the specifications of the commodity and the Islamic bank will take the risk of purchasing it for the client at a cost plus mark-up which the client will pay later, either by instalment or the total sum at a time within a stated period.[42]

Ijarah or Lease Contract: This means contract to lease or rent or hire. It also refers to a contract or sale involving the usage of the property owned by a different party. This relates to the use of assets and properties. In this sense, it means the transfer of property usage by the owner of the property to the party that uses the leased property, while the ownership is retained by the lessor. In this type of arrangement, Islamic bank purchases an asset and leases it out to its client on the agreement that the client will be paying a fixed amount at regular intervals usually monthly for a period specified by the Islamic bank. It

may include the option of the client purchasing the asset from the bank at the end of the contract. This type of arrangement is also applicable to the conventional commercial banks.[43]

Islamic banks are required to maintain adequate capital to cushion the effect of loss. For this reason, the Islamic Financial Service Board (IFSB), which is a standard setting organ of the Islamic financial service industry developed for Islamic banking products addresses the specificities of Islamic banking. It set the capital that covers the seven principles of Islamic banking mentioned above, taking into account both credit and operational and market risks as well as the unique risk faced by Islamic banks. According to Sanusi, these include shariah-compliant risk and displaced commercial risk arising from non-recognition of income, when it becomes clear that such income was not shariah compliant thereby leading to resultant losses, and Islamic banks foregoing part or whole of their share of profit on investment accounts as a result of commercial pressure in order to increase the return accruable to the investment account holders.[44]

Islamic banks are required to put in place appropriate policies, processes, procedures and systems to identify, measure, monitor, report and control the various types of risks which they face and where applicable to hold adequate capital against these risks. Islamic banks are established to operate based on compliance with the shariah, from which Muslims draw their laws of commerce. Regulatory and supervisory authorities, therefore, have a role in monitoring or enforcing shariah compliance by Islamic banks, in order to maintain public confidence in these institutions.

Another reason for supervisory enforcement of shariah compliance by Islamic banks is that non-compliance could lead to massive withdrawal of deposits, which could have

adverse effect on the financial system. The third reason as Sanusi adds is

> *...to prevent arbitrage". When Islamic banks claim shariah compliance to pull customers away from conventional banks, while in truth they are offering the same non-shariah compliant products, they are performing a form of arbitrage. [Which the Islamic banks regulator should not allow]*[45]

Among the objectives of financial institutions regulation is the promotion of good market practice.

Sanusi and Dele Ayeni reveal that the structure of shariah compliant mechanism includes the creation of shariah supervisory boards in individual institutions to advise on shariah matters and sanction products and services offered by the Islamic banks to customers and also undertake regular internal audit [46]

There is also a central shariah council which seems to be the highest authority on shariah matters. The shariah council has the responsibility to scrutinise and endorse the rulings of individual Islamic banks shariah supervisory bodies.[47] This, no doubt, will enhance the harmonisation of shariah rulings.

The perception of Nigerians about Islamic banking portray the Islamic banks as inexistent. Similar opinions could also hold for other areas of Islamic banks like corporate social responsibility, Products Innovation and Development, Corporate Governance, Human Resources and a host of other critical areas on Islamic banking. However, Islamic banking is less than a decade old in Nigeria after years of struggle on the project. Customers, who patronise Islamic banks, perceive three important criteria in their choice of the Islamic bank. These criteria are provision of fast and efficient service, bank's image and reputation.[48] S. Haron, N. Ahmad and S. L. Planisek support this perception using the Malaysian example. They are of the opinion that the three important selection criteria perceived and used by

Muslim customers in Malaysia when selecting their banks were personnel friendliness, provision of fast and efficient service and the speed of transaction.[49] S. A. Metawa and M. Almossawi also found that the customers of Islamic banks in Bahrain perceive Islamic principle as the most important factor in their choice of the Islamic banks. Metawa and Almossawi identify further, the reward extended by the banks, influence by family and friends and convenient location as other factors that determined the Bahrians choice of Islamic banks.[50] According to Adewale and Mustafa:

> *It has been noted that in most developing countries of the world, like in the case of Nigeria, the latent talents and capabilities of the poor are not aroused due to blocked or inadequate access to financial services. No wonder therefore that the various economic transformation efforts by Nigerian government in the last three decades have apparently not yielded any positive result. For instance, the Nigerian government has instituted consistent but often inadequate poverty alleviation measures...* [51]

Adewale writes again that the government has come to realise the relative indispensability of microfinance as an engine of growth, economic transformation and poverty alleviation, especially in a poverty dominated country like Nigeria.[52] According to Sanusi, 70 per cent of Nigerians are below the poverty line, which was 50 per cent as at 2009. Sanusi argues that the incidence of poverty portends a serious threat to economic growth, security and stability of the nation, particularly that there are millions of youth who are educated and potentially productive and yet they remain unemployed.[53] Sanusi further notes that "46.3 per cent of Nigerians are financially excluded due to low level bank penetration in the country even though there are 815 microfinance banks, 24 "big banks" with 5,789 branches mostly concentrated in a few urban areas."[54] He lays emphasis on the

need to develop a financial sector that is inclusive and provides for the empowerment of potential investors, both big and small.

Furthermore, Ibrahim and Mustafa are of the opinion that

> *There is no doubt therefore that the IBs as growth centre,…facilitates easy access to loans for small and medium scale enterprises, which are very important for the socio-economic survival of the poor… Islamic finance provides affordable finanicing opportunities through the IBs and other Islamic financial institutions…IBs as growth center facilitates the availability of and accessibility to small and medium scale entrepreneurs, especially in the northern part of the country.[55]*

Adewale and Mustafa describe the area mentioned by Ibrahim and Mustafa as "the Northern agro-climatic zone of Nigeria which is predominantly Muslims, and whose poverty portends inter-generational transmission"[56] Umar as cited in Ibrahim and Mustafa has also argued that one of the potential effects of Islamic finance on Nigeria's population is financial inclusion,[57] which by extension will enable a large proportion of the Nigerian population, especially the Muslim population, to be more financially inclusive.

Khan as cited in Adewale and Mustafa, underscores importance of microfinance from the Islamic perspective in the following words-

> *now more than ever, with large capital Industry and the Islamic banking industry and the possibility of securitising microfinance contracts a proven reality, we stand at the beginning of a second microfinance revolution, in which Islamic micro-financiers alleviate poverty with sustainable, replicable, and inexpensive transactions, without the risk and costs associated with conventional microfinance.[58]*

The above submission shows that Islamic banking may present an alternative solution to chronic poverty in the OIC countries due to its interest-free nature when

compared with the conventional banking. It is to this extent that Adewale has posited that Islamic banking offers greater flexibility than conventional banks. This is probably because it is based on profit sharing principles and creates more employment opportunities.[59]

However, since Islamic banking is less than a decade old in Nigeria, it may be difficult to measure these potential successes. No doubt, its operational principles of no interest and profit and loss sharing, among others, may be very tantalising. However, Tahir and Abu Bakar, studying the perception of Islamic banking management on quality of service to customers, have revealed that customers are sometimes unsatisfied with the quality of Islamic banking service delivery. Also, from management perspective, service quality is believed to be below expectations.[60] Therefore, passing a verdict on the Islamic banking using the very short period of its existence in Nigeria, as most writers have done, would rather be an effort made in a hurry.

Implications of Islamic Banking to Nigeria

In response of the requests by bankers and investors to establish an Islamic bank in Nigeria, and in line with the CBN statutory responsibilities, the CBN issued a framework for the regulation and supervision of interest-free banks in January 2011.[61] The issuance of this framework was the culmination of a rigorous learning and consultative process. The document has drawn on relevant standards set by the international standard setting organisations like the Islamic Finance Services Board (IFSIS) and the Accounting and Auditing Organisation of Islamic Financial Institution (AAOIFI) and has leveraged copiously on the regulatory practices of jurisdictions such as Bahrain and Malaysia that operate dual banking systems of conventional and Islamic banks. The framework defines a

Non-Interest Financial Institution (NIFI) as a bank or other Financial Institutions (OFI) under the purview of the CBN, which transacts banking business, engages in trading, investment and commercial activities as well as the provision of financial products and services based on an established non-interest principles.[62]

Given the low level of knowledge, skills and regulation experience on Islamic banking, capacity development has been built by the CBN. According to Sanusi,

> *As part of the learning process towards the development of a robust regulatory framework that meets international standards, The CBN in 2008 undertook a study tour of Malaysia to understand it's regulatory and operating practices. The experience provided vital learning points that contributed immensely to the development of the framework issued in January 2011... CBN's capacity development efforts got a further boost following the January 2010 technical Assistance (TA) grant towards capacity development on Islamic banking by the Islamic Development Bank (IDB)[63]*

Under the technical assistance framework, a number of CBN staff visited Bahrain in May, 2011 to study the regulatory and operational practices in that country. The CBN subsequently organised several training programmes and other initiatives which were aimed at capacity building towards the effective regulation and supervision of Islamic banking in Nigeria. These efforts have been and would continue to be sustained in Nigeria.

The Nigerian apex bank also joined the Council of Islamic Financial Services Board (IFSB) as a full member in 2009.This made Nigeria part of the mainstream global Islamic financial services industry. Also, because of its membership of the standard-setting body, the apex bank participated actively in a number of Islamic financial service board activities at council, working group and technical committee levels. These have provided veritable

opportunities for learning, sharing of experience and capacity development.[64]

As a member of the Islamic banking system, Nigeria established and maintains linkages and bridges with other countries and regions across the world. In this regard, the apex bank, according to Sanusi, "signed a memorandum of understanding with Bank Negara in Malaysia [which covers] a broad spectrum of issues on regulatory cooperation and collaboration including Islamic banking"[65] Being one among the major hubs of Islamic finance, Nigeria's linkage with Malaysia energised and gave momentum to CBN's efforts which facilitated the growth and development of Islamic banking in Nigeria. As part of the reforms in Nigeria's banking industry, the apex bank undertook a comprehensive review of the universal model of banking practised in Nigeria. Under the new regim, Islamic banks are classified as specialised institutions and now operate microfinance and regional banks.

For avoidance of doubt, just like the conventional commercial banks, the Islamic banking has its pros and cons which affect both Muslims and non-Muslims. According to E.F. Nwaolisa and E.G. Kasie, the way Islamic banks operate could set a pace for reasonable understanding of its fault.[66] The lending principles of the Islamic banking which have Muslims and non-Muslims customers,[67] are based on the belief that providers of funds and the users of such funds should equally share the risk of the business ventures.

The introduction of Islamic banking in Nigeria is nothing but a creeping islamisation of the banking sector and the entire Nigeria. It exposes non-Muslims to a system of financial exclusion. This, of course, has been doubted at different quarters. Disagreeing with the Islamisation of the banking sector, Aliyu writes that:

> *Looking at the history, structure of the Nigerian economy and the confluence of the section; the regions, the tribes, culture and religion in the Nigerian state, one will*

appreciate the level of accommodation and sacrifice made in keeping the nation together. The conventional banking system which pre-dates the country's independence and the federal system of government comprising of the executive, legislature and Judiciary, are more strange-bed fellows to the Muslims and their religion…than it is to the Christians and their faith. The economic system in Nigeria remains buoyantly secular in nature and composition and enjoys patronage and tacit support from all the religions except Islam.[68]

Aliyu further argues that Nigerian Muslims have never launched any outcry against the said secular economic system of the country despite Muslims constituting more than 50 per cent of the Nigerian population, but instead pushed for their own cause through the powers granted to other institutions by the constitution of the Federal Republic of Nigeria, to which regards, he sees the CBN's effort at bringing the Islamic banking into Nigeria.[69]

Aliyu, however, appears to be ignorant of the Christian scriptural provisions which also forbid interest charges. According to the book of Deuteronomy 23:19,

Thou shall not lend upon usury [interest] to thy brother; usury of money, usury of victuals, usury of anything that is lent upon usury.[70]

It is also contained in the book of Leviticus 25:35-37 that:

And if thy brother be waxen poor, and fallen in decay with thee; then thou shall relieve him: yea, though he be a stranger or a soujourner, that he may live with thee. Take thou no usury of him, or increase: but fear thy God; that thy brother may live with thee. Thou shall not give him your money upon usury, nor lend him thy victuals for increase.[71]

From the foregoing, even the Christian religion prohibits the charging of interest of any kind and this may have informed the patronage of some Christians that patronise the Islamic

banks.

But the worry of non-Muslims about the interest-free banking is its brand name, Islamic banking and its operations that are mainly based on the shariah. These are indirect and unofficial means of excluding non-Muslims from this financial system. Emmanuel Mbey, recalling his experience in some federal ministries where he bidded printing contracts in the 1980s, has argued that the plan of financial exclusion against non-Muslims cannot be dissociated from the motives behind the introduction of the Islamic banking. Narrating his ordeal, Mbey reveals that at some point in the contract bidding process, top officials in the process who were mostly Muslims then started writing on documents and files that concerned such contracts in the Arabic knowing fully aware that some of the contractors were not Muslims, and to that extent, were not able to read nor write the Arabic. The development, however, was a tacit plan to exclude non-Muslims from the number of printers that might get the printing jobs in those ministries.[72] This singular act was enough to make a desperate contractor convert to the Islamic faith.

With the tantalising prospects of the Islamic financial system, and Mbey's experience as narrated above, it is guessed that by the time every attention is focused on the Islamic banking, other conditions which may include religious affiliation to qualify to access credit facility from the Islamic banks will surface and in that process non-Muslims will begin to convert to Islam in order to enjoy such a credit facility to finance their business or perpetually remain excluded from the system.

Challenges Facing Islamic Banking in Nigeria

The challenges confronting Islamic banking in Nigeria appear to be enormous and considerably serious as to proffering their solutions. Among the challenges is a religious one. This religious problem is categorised into two, external and internal. Most of the significant challenges stem from objections from some non-Muslim individuals and indeed their religious organisations that denounce and stay away from the system on many grounds. These sets of challenges are what have been described as external challenges due to their origin from non-Muslims' refusal to accept the system as an alternative or at least as an additional mode of banking in Nigeria. According to M. Yunusa and N.B. Nordin:

> *There have been a series of campaigns against free-interest banking that are planned and organised by non-Muslim authorities to blackmail the introduction and operations of the Islamic banking system in Nigeria. This overzealous move started since the first license to start non-interest banking was granted. The anti-Islamic banking was tainted with religious sentiment to publicise their view through several news media critically with purpose to call against its survival and patronage.*[73]

A look at the possible benefits of Islamic banking to the economic development on the one hand and its prohibition of interest on the other, Yunusa and Bint Nordin have advised that non-Muslims should participate in the Islamic banking services. But the Islamic financial system was initially established for financial inclusion of mostly Muslims who are obliged to abide by Islamic law in all aspects of their life. Though it is also prescribed in Christian religious Scriptures that usury/interest is never acceptable and should, therefore, be banned, researches have shown that the number of non-Muslims involved in Islamic bank services worldwide is increasing. According to a report, "In Malaysia, for instance, a study was

conducted and found out that the contribution of non-Muslims towards the development of Islamic banks have been remarkable as some banks reported that more than half of their Islamic financial product is by non-Muslims."[74]

In the case of a country predominated by non-Muslims, a study of Gerard and Cunningham in Singapore, cited by Yunusa and Nordin, shows that bank selection was not influenced by religious factors when compared between Muslims and non-Muslims. For both Muslims and non-Muslims, profitable returns on investment were the key motivator in choosing Islamic bank but not religion.[75] The case of Nigeria is unfortunately so different. Nigeria is a religiously emotional country. The people, particularly religious authorities, sentimentally embark on overheating the polity whenever an emerging national issue has to do with a religion other than theirs, even without carefully giving an objective look at it lest they arrive at a conclusion. Although, after the CBN issued the supervisory/regulatory framework for comments from the stakeholders some gaps were noticed which were the consecutive use of the phrase 'Shariah Advisory Council' leading to the continued criticism of the Islamic banking system in the country. The Christian Association of Nigeria (CAN) at all levels has described the new system as unacceptable and, for this reason, expressed its opinions against it based on two main reasons. These reasons are: it is a system of financial exclusion against non-Muslims and it relegates Nigeria's secularism by giving it an Islamic posture.[76]

Alleged variation in the non-Interest Banking Definition (Legal Framework), the antagonists of Islamic banking in Nigeria have argued that there is an apparent variation in the definition of 'Non-interest Banking' in the Bank and Other Financial Institutions Acts (BOFIA) of 1991 and the current CBN Non-Interest Financial Institutions framework

(NIFI). The former speaks only of 'Profit and Loss Sharing Bank, while the old, according to them, made it more concrete. The critics went further to announce the introduction and operation of Islamic banking in the country as illegal and unconstitutional. The CBN NIFI framework states categorically that non-interest banking products must be "in accordance with Shariah principle".[77] By so doing, it implies that the CBN had banned non-Muslims from participating in this particular banking transaction that is contrary to the provision of the constitution.

Also, the establishment and operation of NIB contravenes the secularity of Nigeria as enshrined in section 10 of the Constitution of Federal Republic of Nigeria, which states that "the Government of the Federation or a state shall not adopt any religion as state religion." The issuance of the framework is expected to have religious motives because the then CBN Governor, Sanusi Lamido Sanusi, is a Muslim. It also contravenes the Federal Character Principle which states in section 14 (3) that "the composition of the government of the Federation or any of its agencies and the conduct of its officers shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that Government or in any of its agencies." The then CBN governor, Sanusi Lamido Sanusi, was believed to be too sectional by bringing religion into Nigeria's economic activities by his introduction of Islamic banking.[78]

It is, therefore, suggested that the CBN should rather provide one single guideline that could cater for every non-interest banking institution including the Christian non-interest banking. The argument has been that large sums of money were spent by the CBN

under Sanusi to promote Islamic banking- an institution believed to be a sectional kind of banking. It has equally been argued that Islamic banking can be used to promote terrorist activities in Nigeria. To this extent, terrorist activities may escalate if bank owned by terrorists or their sympathisers is wittingly or unwittingly promoted.[79]

There have been common criticisms of the concepts and practices of Islamic banking and lots of confusion about Islamic theory of finance by the public and the intelligentsia. These groups include the ordinary Muslims and indeed the highly recognised economists and experts. The major challenge here is that of a misconception about the factual difference between the operations of Islamic and conventional banks: deposits, modes of financing and investments, leasing arrangements, and so forth, which show that an in-depth knowledge and widespread sensitisation and clarification are highly needed to attract the people's attention. Many studies have shown that lack of adequate awareness about the impact, benefits and influence of Islamic banking is part of the challenges of the system in Nigeria. It is often said that 'knowledge is light.' Technically, when people are ignorant of a thing they tend to perceive it differently. The same is the case with non-interest banking. This has been a factor that in most cases affects the acceptability and rapid expansion of the Islamic banking institution in the country. The reality is that people all over the country have been so much accustomed to the services of interest-based banking. It is what they seek to know, invest and patronise their transactional activities since the time of independence or earlier. Therefore, due to the long-service period of such conventional banks, their secular nature and their widespread branch network made them dominant in all other places and also acceptable to all.

Sectarian problems: Many people among Muslims are uninformed of Islamic

banking and for this reason understood Islamic banking to be a business or financial institution developed by a particular sect of Islamic ideology and it concerns only the adherents of that class of people specifically. The 'Sufis' or 'Path Seekers' are the followers of a particular path (Dariqah). This ideology was created by some prominent Sufis many centuries ago. For example, Sheikh Abdulkadir Al-jilany, whose path is named Dariqah Kadiriyya, and another one is Sheikh Ahmad Al-tijjany, who formed Darikah Al-tijjaniyya. These two predominant Sufi Muslim sects have their specific mode of worship in some activities, and they were the most widely practised sects in Nigeria. Based on the foregoing, suffice to say that even among Muslims, there are some, especially those that do not belong to sufi Islam who did not support Islamic banking.

There are a number of factors that can be seen as direct or indirect reasons for the religious challenges. These include strong religious affiliation, politicisation of religions and the past grudges between Islam and Christianity, the case of bank chiefs, the North versus the South politics and lack of awareness. Nigeria, a West African country, is often referred to as "the giant of Africa", due to its large population and economy. With virtually over 150 million inhabitants, Nigeria is the most populous country in Africa and the seventh most populous in the world. The country is inhabited by over 400 ethnic groups of which the three top are the Hausa, Yoruba, and Igbo. Before the advent of Christianity and Islam into the various indigenous communities that eventually became Nigeria, the different peoples had evolved what is referred to as African Traditional Religion (ATR). The two dominant religions in Nigeria are Islam and Christianity. Given the colonial 'civilisation' agenda and the resultant demonisation of the historical, traditional beliefs, the essence of that religion was gradually eliminated from the cultural life of most Nigerian peoples through their

contact with colonialism. The majority of the people are now identified with either Islam or Christianity.

Governments have further adopted and officially regarded these two religions as a necessary tool towards actualising national unity and mutual coexistence in the country. Nigeria is often observed to be deeply a religious society where most of the people profess religious beliefs. Nigeria is often described as a country where the religious demography is unchanging–everybody belongs to one faith or the other. Many pressures are always on individuals to remain faithful from the cradle to the grave. Nobody is critical or skeptical about religious dogmas. Non-religious and free-thinking Nigerians are probably seen to be too insignificant than the religious ones. In fact, Nigeria tends to be the most religious country in the world with over 90% of its inhabitants believing in God, regularly praying and would die for their belief. It is not in doubt that Nigerians are very religious.[80]

Religion is very sacred and central to the existence of most Nigerians irrespective of social class or status. Nigerians hold their religion very dear. The erection of mosques and churches that litter the streets bear testimonies to this fact. The blaring prayers, which emanate from mosques and churches along with the ecstatic religious gatherings we see everywhere, are a clear indication of the value Nigerians place on religion. Religious festivals are relevant features of religion in contemporary Nigeria. Many stipulated Muslim and Christian festive days like Eid el-Fitr, Eid el- Adha; Easter and Christmas are officially recognised as public holidays for the whole country with respect to Muslims and Christians. "Man of God" is an attainable position by any God fearing person; man or woman, big or small. Thus, the potential prophet and prophetess is still emerging and evolving in almost every nook and cranny of the Christian communities. As a result of these doctrines and

ideology, the Christians' minds have deeply trusted and entirely submitted to those religious authorities not only for spiritual guidance i.e. (relating to Godliness and piety for eternal salvation), but also the worldly protection against evil and unwanted destiny. This no doubt often results in the diversity of church activities, ministerial conferences, crusades, casting of demons, healings, and prayer nights, pilgrimages, night vigils, Holy Ghost nights and evangelical campaigns. Whatever it is, both Muslims and Christians in Nigeria are so submissive whenever an issue is related to their religious beliefs. This accounted for the Muslims' agitation for the establishment of Islamic banking while the non-Muslims, especially Christians have remained vehemently opposed to it. Nigerians do not argue with their religious leaders nor become disloyal to their commands. Perhaps, this is why these authorities are usually referred to during conflicts or disagreements to admonish their loyalists for peace and unity.

Lack of awareness as discovered in this study is one of the problems of Islamic banking in Nigeria. However, inadequate sensitisation of both Muslims and non-Muslims is one of the causes or factors that led to steep controversy on the Islamic banking in the country. For instance, it has been discovered that even the elite are not fully aware of what Islamic banking is up to.

Institutional challenges are those challenges that are unique to Islamic banking institutions. The institutional challenges that may likely hinder the successful operation of Islamic banking in Nigeria are as follows:

(a) Inappropriate institutional framework. The nascent Islamic banking in Nigeria may be hindered by the institutional framework that supports conventional banking. This is because the current institutional framework is structured in the line of conventional financial

system which is against Islamic banking. However, as a step forward, Central Bank of Nigeria has introduced special framework for Islamic banking in order to provide adequate support for the establishment and operation of Islamic banking in Nigeria. The Central Bank of Nigeria might have in the past introduced some measures to make the system succeed. But it is expected that more things should still be done. These, it is proposed, should include the following: capacity in terms of sound human resources and infrastructural facilities which are enormous and essential to Islamic banking operations.

(b) Inadequate Legal Framework. The existing legal framework is also among the setbacks to Islamic banking, as the Nigerian constitution is designed for the conventional/ secular settings. Islamic banking may not adequately operate if there is no special legal framework for its institutions. This can be understood from the fact that as Islamic banking operates on Shariah basis, the enforcement of such operations in the court of law may be another problem without implementing Islamic laws in the Nigerian legal system. The only way out, therefore, is for special laws to be introduced for the operation of Islamic banking in Nigeria.

(c) Lack of Equity Institution: It is generally accepted that the need for long term finance cannot be overestimated in any financial institution. This is another challenge that Islamic banking in Nigeria may need to address in order to enhance its operations. This is because the existing institutions that provide such facilities operate on interest basis which is against Islamic banking principle. For Nigerian Islamic banking to operate effectively, there should be institutions that will provide long term finance such as bonds and equity on Shariah principle.

(d) Poor Supervisory Framework: Islamic banking in Nigeria may face the challenge

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of ineffective supervisory framework from the Central Bank of Nigeria as well as the Shariah advisory board. This is as a result of the fact that the two bodies may end up contradicting issues instead of complementing each other, and the shortage of Shariah scholars as well as Central Bank of Nigeria's supervisors with the required knowledge. In order to overcome this, the role of the CBN and that of the Shariah board should be structured in such a way that it adequately regulate and supervise Islamic banking activities as well as protect public interest in Islamic banking in Nigeria with qualified personnel in such areas.[81]

(e) Disparity in Accounting Standard: Islamic banking in Nigeria may be challenged by the disparity in their accounting standards as experienced all over the world. However, the existing commercial banking system has similar accounting standards which enable easy supervision and regulation of their operations by the Central Bank of Nigeria. This issue has been reduced by the standard set aside by the Accounting and Auditing Organisation for Islamic Financial Institutions (AAOIFI). In that case, the Central Bank of Nigeria should prescribe and implement this standard to all potential Islamic banks in Nigeria to ease its supervision and regulation.

(f) Lack of Short-Term Financial Instruments and Institutions: The lack of inter-bank transactions among Islamic banking due to their fewness leads to inadequate short-term financial institutions and instruments. Islamic banking is, therefore, in high need of short term institutions and instrument for effective and efficient operations. For Nigerian Islamic banking to effectively flourish, there should be more participants in Islamic banking in Nigeria in order to enhance inter-bank transactions based on Shariah principles.

(g) Absence of Secondary Financial Market: Lack of secondary financial markets is

another challenge that Islamic banking in Nigeria may likely face. This is because the existing secondary financial markets operate on interest basis which is against Islamic ethics. For Islamic banking in Nigeria to operate adequately, there should be secondary financial markets that operate on Shariah basis. This can be addressed by Islamic banking establishing secondary financial markets in Nigeria. This will likely make Islamic banking assets more liquid and attractive. This is necessary for Islamic banking in order to be able to adequately mobilise funds in Nigeria.

Operational challenges are those challenges confronting the operations of Islamic banking. In the case of Nigeria, the operation of Islamic banking in Nigeria are confronted by the following challenges:

(a) Religious and Cultural Differences: One of the major challenges of Islamic banking in Nigeria has to do with the country's multiple cultural and religious beliefs. This issue is a serious one that needs to be effectively and efficiently resolved if Islamic banking in Nigeria must prosper. This is because of the fact that others with different cultural and religious belief will have a misperception of the institutions that may lead to not accepting the institution by the general public. This particular challenge of Islamic banking can be addressed only through the help of Central Bank of Nigeria, religious bodies, and Islamic banking institutions by creating adequate awareness about the needs, objectives and the advantages of the institutions. This is necessary if Islamic banking in Nigeria must survive and achieve its objectives as prescribe by Shariah.

(b) Inadequate Financial Innovations: As financial markets are changing with time, there is the need to design financial products that will meet the needs and tastes of the users with regards to risk involve in the maturity of the instruments and return from such instruments

in any financial institutions which Islamic banking is not an exception. However, there are inadequate financial innovations or delay in implementing innovated products in Islamic banking due to Shariah guidelines requirement. This makes Islamic banking to be relatively rigid to innovations. In order to exploit the fast changing market environment and face increasing competition squarely, financial innovations in Islamic Finance are vital and should be encouraged in advance.

(c) Lack of Profit Sharing Finance: Islamic banking in Nigeria may likely be hindered by lack of profit sharing financial instruments. Bello and Abubakar write that Islamic banking transactions are divided into fixed charge and profit sharing. The proponents of Islamic banking built up Islamic banking in the hope that it will operate on profit sharing basis. However in practice, profit sharing finance has remained relatively small in the operation of Islamic banking.[82] This is a serious challenge to Islamic banking in the sense that one of the major reason for Islamic banking is to operate on profit sharing basis. The Central Bank of Nigeria should encourage Islamic banking in Nigeria to provide more profit sharing finance.

(d) Shariah Related Issues: Due to the fact that Islamic banking has religious dimension, financial innovations in this institution need to meet Shariah requirements. That is, any new financial products in Islamic banking cannot be adopted until it is approved by the Shariah advisory board and also followed by post Shariah auditing. However, this act delays Islamic banking ability to take advantage of changing financial environment due to the fact that time has to be wasted before it is finally approved by the Shariah board. This act is very vital for Islamic banking in order to protect their clients' confidence in the institution. So Islamic banking should have varieties of financial instruments as well as products that have been approved in advance by the Shariah board in order to overcome any delay that changes

brought about in the financial environment may cause in its adopting new products and instruments in the future.

(e) Inadequate Human Resources: The survival of Islamic banking in Nigeria highly depends on adequately qualified human resources in teaching, training and research in Islamic Finance with knowledge in both Islamic and conventional finance as well as economics. In the case of teaching and research, only a handful of universities at present can be said to have been teaching as well as conducting research in both Islamic Finance and the conventional settings. The output of such research findings and human capital development in the both settings need to be improved if the institution must survive in Nigeria. This is because using indigenous labour will be cost effective compared to importing labour service from outside the country. However, in the case of training in Islamic banking, little or no effort has been made in this aspect. And this is very detrimental to the survival of Islamic banking in Nigeria. The step forward for Islamic banking in Nigeria with respect to human resources problems is to adequately fund institutions teaching and conducting research in both settings and establish more institutions in Nigeria.

(f) Inadequate awareness: Islamic banking in Nigeria will be challenged by lack of information about the objectives, principles, and advantages of Islamic banking in the country. There is a dearth of information about Islamic banking in Nigeria even among Muslims. Majority of Muslims only know that Islamic banking is based on non-interest basis, while the majority of the followers of other faiths have little or no knowledge about it at all. This is a serious setback to Islamic banking in Nigeria thereby leading to unnecessary oppositions and lack of public acceptance. The Central Bank of Nigeria is really doing great in this aspect but still needs to carry it to the grassroots level, and any potential Islamic

banking in Nigeria should also assist in creating awareness to enhance public acceptance of the institution.

(g) Competition: Islamic banking is an institution that took the world by surprise in development and growth. Islamic banking is now facing serious competition in the financial system as some conventional banks are now converting to full fledge Islamic banks or providing Islamic banking windows. These banks are more developed in all aspects of financial transactions that will increase competition facing Islamic banking. In this case, Islamic banking can survive in Nigeria by increasing its efficiency and performance.

Islamic banks are not in any way exonerated from keeping strict banking standards observed by the conventional banks. They are expected to meet shariah standards as they originated their banking principles from the sharia jurisprudence. This places a serious burden on the Islamic banking to keep up to these dual responsibilities.

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CHAPTER FIVE

NIGERIA IN OTHER INTERNATIONAL ORGANISATIONS

In a complex inter-dependent global arrangement, regionalism appears to be in vogue. It is not new to the global agenda. It portrays the image of frontier expansion in the relations between countries that share common values and interests in economic, political, technological and even religious spheres of influence. In the course of this integration effort, Nigeria, since independence, has joined myriad of international organisations.

The main focus of this chapter, therefore, is an examination of Nigeria's membership of other international organisations such as the United Nations (UN), the African Union (AU), the Economic Community of West African States (ECOWAS), the World Council of Churches (WCC) and the Organisation of African Instituted Churches (OAIC). The reason for the choice of the above named organisations is very clear. For instance, the UN is a global inter-governmental organisation to which all independent countries of the world belong. The AU is a continental organisation to which all independent countries on the African continent belong. ECOWAS is a sub-regional one which caters for countries of the West Africa, while the WCC and the OAIC are international organisations with religious affiliation just like the OIC.

Nigeria in the United Nations Organisation

The United Nations (UN) was formed in an effort to finding world peace and security. The UN came into being as an aftermath of World War II. N.D. Palmar and H.C. Perkins write that:

From the earliest stages of world War II people everywhere assumed that some kind of world organisation would be established after the final victory of the Allied powers. that the generation which had reaped the bitter fruits of two world wars, a world wide depression, mass extermination on a scale unprecedented in history, and threats to human freedom everywhere would be more earnestly committed than ever before to the building of a stronger and more equitable international order in which a new world organisation would play a central role. The organisation which emerged was the United Nation[1].

The charter of the United Nations was signed on 26th June, 1945, by representatives of fifty countries that met in the city of San Francisco, United States of America. This charter contains clearly the purposes and general nature of the organisation. Article one of the United Nations' charter, for instance, states in clear terms the purpose of the United Nation', which includes, to maintain world peace and security, to develop friendly relations among nations, to achieve international cooperation in solving international problems of economic, social, cultural or humanitarian character, among others.[2]

Nigeria, as at the time of independence joined this global organisation as the 99th member of the UN in 1960. Nigeria's membership of the UN, no doubt, has never generated any controversy among the Nigerian populace, due to its political, economic and social reaseons which has aided Nigeria in different ways.

Over the years, the Nigerian governments have executed certain key developmental projects (for the good of the masses) in line with the directives of the UN agencies. A good example could be gleaned from the country's National Rolling Plan of 1990-1992. Others were the economic programmes for the empowerment of women;

primary healthcare programme, whose purpose is to bring health care, particularly preventive health care to the grassroots of the Nigerian society; establishment of agricultural development programme (ADP), the National Economic Recovery Fund (NERFUND), among others. According to the government policy, the National Planning Commission (NPC) in collaboration with the United Nations Development Programme (UNDP) articulated a Community Action Programme for Poverty Alleviation (CAPPA). The targets of CAPPA, among other things, streamlined on-going activities by government and non-government organisation (NGOs).[3] The Nigerian Government, through the Federal Environment Protection Agency (FEPA) and other relevant agencies, has undertaken programmes to enlighten, educate, and raise awareness of the Nigerian populace through the media campaigns on environmental issues. Identification, education and training of officials that form the core of the environmental education network nationwide are being undertaken. In addition, the FEPA has encouraged the establishment of environmental conservation clubs in secondary schools.[4]

In 1993, the UNDP was known to have offered support to the national programme on environmental and natural resources management for Nigeria. The support focused essentially on capacity building in the programme areas identified. This was aimed at enabling the environmental agencies of the government of Nigeria at both federal and state levels, NGOs, and the communities to design, formulate, manage, implement and sustain their own environmental protection programmes.[5] This helped in strengthening national capacity for the formulation of environmental policies, legislation and enforcement, increased awareness and conservation of the environment, among other things

In the area of training, the government has cooperated with the international organisations such as the World Bank, the United Nations Environmental Programme (UNEP), the United Nations Development Programme (UNDP) on capacity building and institutional strengthening. This was aimed at ensuring manpower development for environmental protection and natural resources conservation. The United Nations Environmental Programme for Nigeria has also assisted the country in its efforts towards human development. Officers from some training programmes in environmental impact assessment, environmental management, environmental education and awareness and media education.[6]

The activities of the federal government of Nigeria through the Federal Ministry of Works and Housing are highlighted under relevant programme areas, namely, providing adequate shelter for all; improving human settlement management, promoting sustainable land use planning and management, promoting the integrated provision of environmental infrastructure such as water, sanitation, drainage and solid waste management, promoting human settlement planning and management in disaster prone areas; promoting sustainable construction industry activities, and promoting human resources development and capacity building for human settlement development. The Nigerian government's decision to implement these programmes was based on the resolution adopted at the first United Nations Conference on Human Settlement held in Vancouver, Canada in 1976[7].

In the area of urbanisation and management, Nigeria participated in the sustainable cities programme under the urban management programme of the United Nations Development Programme (UNDP). Under the programme, the sustainable

Ibadan project was implemented. Through the initiative, the local governments, NGOs community based organisations and private individuals were encouraged to participate and contribute to urban improvement and management. Due to Nigeria's engagement with the United Nations and their subsidiaries, the Nigerian government has adopted several policies aimed at improving urban management. For example, National Urban Development Policy was formulated in 1992 to provide guidelines for urban development and management. A classic example of such policies is the establishment and the enforcement of national building codes and standards. In addition, a national construction policy was promulgated in 1994 to, among other things adopt the standards and regulatory measures for increased use of energy efficient design.[8]

In the aspect of financing, as contained a UNDP report on Nigeria, the urban basic services programmes (UBS) were financed with a $3million grant from the UNICEF with matching grants from the federal government of Nigeria. Target communities to benefit from the programme were identified in the cities of Lagos and Ibadan. Under the various programmes for the promotion of human resources development, the government in collaboration with such UN agencies as the United Nations Development Programmes (UNDP), the United Nations Environment Programme (UNEP), the International Labour Organisation (ILO), United Nations Children's Fund (UNICEF), among others, have sponsored foreign and local training programmes to acquaint operators of this sector with contemporary ideas, strategies and tools for human resources.[9]

Nigeria in the African Union

The African Union (AU) had begun in May 1963 as Organisation of Africa Unity (OAU). It was born out of the desire on the part of the founding fathers to unite all the countries of Africa and free the continent from colonial and racist domination.[10] According to P.H. Kaijavivi, the burning desire at the time was that of unity and liberation. Africa's rallying cry in the 1950s and 1960s continued to be freedom and unity. The charter of the OAU was signed on the occasion of a meeting by 32 heads of state and government of African states.[11] The organisation was thus established, among other objectives, to promote the unity and solidarity of African countries; to defend the sovereignty of members; to eradicate all forms of colonialism, to promote international cooperation with due regard for the UN charter and the universal declaration of human rights and to coordinate and harmonize member states economic, diplomatic, educational health, welfare, scientific and defense policies. [12]

However, on September 9, 1999, the heads of state and government of the OAU issued a declaration calling for the establishment of an African Union with a view to accelerating the process of unity among countries of the African continent, to enable them participate better in the global economy and to better address social, economic and political problems. On May 26, 2001, the Organisation of African Unity (OAU) was legally transformed into the African Union (AU).[13]

In the recent times, the African Union has called for a regional five nation force of 7,500 troops to fight the Boko haram insurgents in Nigeria.[14] According to the AU Commission, Chief Dlamin Zuma, Boko Haram horrendous abuses, cruelty, disregard for human lives among others are unmatched.[15] The AU has declared the Boko Haram

insurgency a regional crisis with Cameroon, Chad, Niger and Nigeria at the forefront which boosted cooperation to contain the threat and formed a multinational Joint Task Force (MNJTF). Regional nations pledged earlier to commit a battalion of 3,000 troops each to the force.[16]

Nigeria in Ecowas

The Economic Community of West African States (ECOWAS) is a sub-regional group of fifteen West African countries, founded in 1975, with the signing of a treaty in Lagos. The fifteen countries that formed ECOWAS were Benin, Burkina Faso, Cote d' Ivoir, Gambia, Ghana, Guinea-Bissau, Liberia, Mali, Nigeria, Senegal, Sierra Leone, Togo, Guinea, Niger and Cape Verde. Their mission was to promote economic integration across the West African sub-region. ECOWAS was formed in order to bring about collective self-sufficiency for its member-states by creating a single large trading bloc through an economic and trading union[17] to enhance the effort to forge a common identity for societies within West Africa. According to Aderanti Adepoju,

> *Human mobility has been recognized as an inherent component for the development of societies around the world. Therefore, creating an enabling environment for the free movement of persons within ECOWAS would not only enhance cohesiveness but would also aid in the development of societies within the region* [18]

As part of efforts aimed at forming a united legal whole by countries within the sub-region, efforts, through legal instrumentation, were made to create an enabling environment which would facilitate the free movement of persons within the sub-region. Chuka Enuka has observed that ECOWAS was formed in 1975 by developing West

African states as part of their strategy to promote economic development and prosperity for their respective countries [19]

Prio to 1975, the leaders of the West African states in the early 1970s had realised that intra-regional integration could be an important step towards the sub-region's collective integration into the global economy. In the process of establishing African common market and African economic community, the Lagos Plan of Action and the final Act of Lagos set out very clearly, a framework for establishing sub-regional cooperation union to serve as building blocks towards a continent-wide economic integration. The possibility and indeed the necessity of creating sub-regional and regional economic cooperation and integration organisations in West Africa was reinforced by the experiences both in developed countries and in other developing countries.[20] Examples of such organisations included the European Economic Community, the Latin American Free Trade Association, the Central American Common Market, the Association of South East Asian Nations, among others.

The treaty signed in Lagos on May 28, 1975, which created ECOWAS provides for a programme of liberalisation of trade and realisation of customs union within the community over a period of 15 years. The first two years were devoted to organisational question and fact gathering. The next eight years were to see the gradual reduction or elimination of import duties, the free movement of people, services and capital.[21] This treaty covered almost all fields of economic activity. Article 27 of the treaty affirms a long term objective of establishing a community citizenship that would be automatically acquired by nationals of member-states.[22] The objective of forming ECOWAS is to achieve a comprehensive form of cooperative efforts which anticipates total economic

and social integration of West African countries[23]

.The rights of entry, residence and establishment of May 1979 were scheduled to be progressively established within fifteen years from the entry date into force of the protocol. The implementation of the first phase, over the first five years, abolished visa requirement and entry permits within the ECOWAS region. By so doing, citizens of member states who are in possession of valid travel documents and an International Health Certificate could enter member countries and stay for up to 90 days without visa. The second phase which is rights of residence of the protocol came into force in July, 1986 with the notification by all member-states [24] (see Appendix VI)

ECOWAS mandate in 1975, as mentioned earlier in the study, was to create a common market in West Africa. In 1993, the ECOWAS treaty was revised to expand the organisation's brief to reflect the important changes that were taking place in the West African sub-region and the rest of the world [25] Article 3 of the revised treaty identifies the objectives of ECOWAS to include promotion of cooperation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of people within the region.[26] The revised treaty was to promote the harmonisation and coordination of member states policies and promotion of integration programmes, projects and activities especially in food, agriculture, natural resources, taxation, transportation and communication.[37] Amadu Sesay and Moshood Omotosho have argued that "apart from these high goals, the 1993 treaty tried to accommodate the new global, continental and regional politico-security issues and state collapse…"[38] With time, following widespread conflict and instability in the West African sub-region, Heads of Government of ECOWAS member countries came to terms with the reality

that economic prosperity cannot be achieved in the absence of peace and security[29]. This, according to Chuka Enuka, began with the adoption of nascent security protocols in 1978, and at present ECOWAS has developed and institutionalised conflict resolution, peace keeping and security mechanism [30]

Nigeria is a regional power in ECOWAS with numerous natural resources. Nigeria and Republic of Benin are founding members of the organisation. Its aim was originally economic, targeted to harnessing the economic potentials of the region to the advantage of her citizens. The market potentials were anticipated to increase the volumn of Nigerian foreign trade. With the discovery that restriction placed on the movement of persons and goods could not enhance economic advancements, ECOWAS was aimed at removing trade barriers like taxes, custom duties and restrictions on movement of persons and goods. Road networks are also used to promote regional integration among the ECOWAS member countries. The Nigerian-Benin border at seme is one good example of such road networks.

As a result of the expected advantages to Nigeria, successive governments in Nigeria have been consistent in the promotion of ECOWAS trade relations to meet their individual and collective aspiration to the citizens of ECOWAS. In that regard, Nigeria contributes more than 2/3 of the ECOWAS budget in its efforts to see that ECOWAS stands on its feet. In the spirit of ECOWAS, Nigeria uses her resources to the advantages of ECOWAS members. The resources include oil supplied to the sub-region at prices different from what is supplied to the outside world.[31]

Nigeria and other member-countries of ECOWAS which include Benin, Burkina Faso, Cote d' Ivoir, Mali, Guinea and Niger formed the River Niger Basin Authority in

which the resources of the River Niger are harnessed to full economic advantages of the region. Such advantages include the uses of the Niger for aquatic products, irrigation of the basin for agricultural purposes and the expansion of the river basin where the river is frequently unavailable.[32] Also, Nigeria and Chad are founding members of the Lake Chad Basin Authority. The Lake Chad Basin is an economic union which includes countries like Nigeria, Republic of Benin, Niger, Chad, among others. The resources of the lake are harnessed and used to the advantages of the member countries of the Basin.[33]

Nigeria's "big brother role" in ECOWAS has also manifested in the ECOWAS military wing, ECOMOG. The ECOWAS Monitoring Group (ECOMOG) came into being in August 1990. The purpose was to maintain peace and political stability in the West African sub-region. According to Chuka Enuka

> *The two protocols by which ECOWAS flung into the field of security emanated out of…the realisation that for sub-regional economic cooperation not to remain a mirage, an atmosphere of peace and stability must therefore permeate the area.*[34]

In the many years of ECOMOG, troops have been deployed to restore peace in Liberia and Sierra Leone.

Criticisms against ECOMOG abound however. For instance, ECOMOG has been criticized for coming from the backdoor. Critics insist that it was not part of the original aim and objectives of ECOWAS. ECOMOG has also been criticised as an indirect way stronger powers in the sub-region such as Nigeria, assert hegemony by interfering in the internal affaires of member states. Chuka Enuka has pointed out that

"the non presence of MAD (Mutual Assistance in Defence) structure appropriate for the situation imposed on Nigeria the burden of hegemony translated into the domination of Nigerian troops in ECOMOG and therefore its veto power-type of rule in the direction of the operation, including the patrimony of the choice of the ECOMOG commander"[35] The critics maintain that out of all the ECOMOG commanders, only one General Arnold Quainoo from Ghana was not a Nigerian. Others such as Generals Joshua Dogonyaro, Rufus Kupolati and Ishaya Bakut are Nigerians.[36]

ECOWAS efforts in combating the insurgency in Nigeria, no doubt, is guided by the 1981 ECOWAS protocol relating to Mutual Assistance on Defence which was signed in Freetown, Sierra Leone. The provisions of the 1993 revised ECOWAS treaty in Cotonou and the protocol relating to the mechanism for conflict prevention management, resolution, peace keeping and security of 1999 in Lome, Togo. The 1981 protocol defined four conditions of permissible armed intervention by the community which comprise:

i.   Any case of armed threat or aggression directed against any member state

ii.   An armed conflict within a member state in respect of which the settlement procedure of the non-aggression protocol has proved ineffective.

iii.   An internal armed conflict within a member state which has been engineered and supported actively from outside likely to endanger the peace and security of the entire West African Community and

iv.   A purely internal conflict.[37]

The 1993 revised treaty included the provision for:

i.   The establishment and strengthening of appropriate mechanism for the prevention

and resolution of intra-state and inter-state conflicts;

ii.   the strengthening of the protocol of non aggression and the protocol on mutual assistance in defence; and

iii. recommendation for the establishment of the post of Deputy Executive Secretary for political affairs, together with that of military advisers [38]

The draft was approved in July 1993 by Heads of State and Government of member-states but it came into force after it was ratified by member-states of ECOWAS in 1995. This revised treaty has a new chapter that provides for cooperation on political, judicial and legal affairs, regional security and immigration.[39]

The 1999 protocol of Cotonou is based on the following:

i.   The concern about conflicts proliferation which forms a threat to peace and security in the continent of Africa, and which undermines the efforts to improve the living standard of the people of West Africa.

ii. Believe that the need to develop effective policies that will alleviate the sufferings of the civil population, especially women and children and restor life to normalcy after conflict or natural disaster, and desirous of making further effort in the humanitarian sphere.

iii. Conscious of the fact that good governance, the rule of law and sustainable development are essential for peace and conflict prevention and

iv. The conviction that cross broder crimes, the proliferation of small arms and all illicit trafficking contribute to the development of insecurity and instability and jeopardize the economic and social development of the sub-region.[40]

The protocol gives importance to the prevention, management and resolution of internal

and inter-state conflicts under the conditions provided in the framework of the mechanism.

Despite ECOWAS intervention in the Nigerian situation, impediments to free movement of persons and goods on the Nigerian borders and on the Nigerian major roads leading to the borders still exist.[41] Also, the security crisis in Nigeria, especially in the North-eastern part is still prevalent. ECOWAS effort may not have been good enough, but the truth is that the commission has displayed its sympathy and readiness to assist Nigeria in the fight against insurgency in the country through a synergized effort.

Nigeria in the World Council of Churches

The World Council of Churches (WCC) (as pointed out in Chapter 3 of this study) is an ecumenical organisation founded in 1948 in Amsterdam, the Netherland, as "a fellowship of Churches which accept Jesus Christ our Lord as God and Saviour."[42] The WCC is not a church, nor does it issue orders or directives to the churches. It works for the unity and renewal of the Christian denominations and offers them a forum in which they may work together in the spirit of tolerance and mutual understanding.[49]

The WCC originated out of the ecumenical movement, which, after World War I, resulted in two organsations: The Life and Work Movement concentrated on the practical activities of the churches and the Faith and Order Movement focused on the beliefs and organisation of the churches and the problems involved in their possible re-union. Before long, the two movements began to work toward establishing a single organisation. Previously, in 1937, two conferences, the Faith and Order Conference at Edinburgh and the Life and Work Conference at Oxford, were held. These conferences accepted the plan to

create one council. A conference of church leaders met in 1938 in Utrecht, Netherland, to prepare a constitution; but World War II intervened, and the first assembly of the WCC could not be held until 1948.[44]

The WCC's members include mostly Protestant and Eastern Orthodox bodies but not the Roman Catholic Church. The Southern Baptists of the United States are also among Protestant non-members. The controlling body of the WCC is the assembly, which meets at intervals of approximately six years at various locations throughout the world. The assembly appoints a large central committee that in turn chooses from its membership an executive committee of 26 members, which, along with specialised committees and six co-presidents, carries on the work between assemblies. The headquarters of the Council is in Geneva.[45] The work of the WCC is divided into three main divisions: church relations, ecumenical study and promotion, and inter-church aid and service to refugees. Under these divisions are a number of groups and commissions, such as faith and order, the commission on the life and work of the laity in the church and on the cooperation of men and women in church and society.[46]

The aim of the WCC is to allow dialogue and a sharing of diverse perspectives rather than to arrive at convergence texts. The WCC seeks to maximize the involvement of churches in its life and activities through their participation in governing bodies and programmatic work. It affirms the centrality of the ecumenical vision in the life of its member churches, and promotes reflection and concrete experiences on what it means to belong to the fellowship. In relating to its members, the Council as an institution takes particular care to facilitate the participation of smaller churches in the fellowship.

The WCC as a Christian organisation is dedicated to the search for Christian unity. It

is a voluntary fellowship (association) of churches which confess the Lord Jesus Christ as God and Saviour. The primary purpose of the WCC is to pursue the goal of the visible unity of the Church. This involves a process of renewal and change in which member churches pray, worship, discuss and work together.[47] Also, of importance to note is that the WCC got registered with the Corporate Affairs Commission in Nigeria.

In the 1960s, there was lack of national unity among the Christian Churches in Nigeria, although there was some interaction among them. In fact, the Churches remained sectionalised into three main blocs: the Christian Council of Nigeria (CCN) in the South, the Christian Movement in the North, and the more cohesive and united Roman Catholicism whose highest national authority, the Catholic Episcopal Conference, met at least once a year and spoke with one voice. There was, of course, the obviously serious attempt made by the CCN towards a nationally unified Christian presence during the colonial period. But this could not succeed for three reasons.[48] First, there was the absence of a commonly perceived national threat. Next, there was no sufficiently politicised religious leadership with a nationalist vision in any of the three Christian blocs. Furthermore, there were limitations imposed by the colonial administration on socio-cultural interaction among Nigerians from the South and in the North. At the international level, however, echoes of ecumenical relationship were already in the air. The emergence of the World Council of Churches (WCC) was a good example. It was founded in 1948, as 'an instrument whereby the churches may bear witness together to their common allegiance to Jesus Christ and cooperation in matters requiring united action.[49]

In Nigeria, some Churches function severally and collectively within the World Council of Churches, the opinion is that ecumenism is more than membership of WCC. The

historical condition precedent to the formation of each confession contributes to the choice of fellowship. The WCC member-chuches in Nigeia are the Church of Nigeria (Anglican Communion), the Church of the Brethren in Nigeria, the Church of the Lord (Aladura) Worldwide, the Methodist Church of Nigeria, the Nigerian Baptist Convention, Reformed Church of Christ in Nigeria and the African Church.[50]

The WCC activities in Nigeria as a religious organisation, apart from being a rallying point for its different member churches, include intervention in the Ogoni situation. Between 1993 and 1996, Ogoniland became an occupied military territory, when the people protested over the environmental degradation that resulted from oil exploration in the area. Military presence and activities brought life and activities in Ogoniland to a standstill. On its part, he WCC made investigations into the Ogoni crisis and found out that Ogoni people, suffered from intimidation, rape, arrest, torture, shooting and looting at the hands of Nigerian troops deployed to the area.[51] At the end of their investigation, the WCC called on the Federal Government to release the 19 Ogoni political detainees. It also called on the Federal Government to constitute a committee to see to the proper burial of the bodies of the Ogoni 9 executed in November 1995.[52] The most well-known of the latter group was Ken Sarowiwa. The WCC also established a fund for the defence and aid of all political detainees, and organised the collection of emergency medical supplies for political prisoners and clinics in Ogoniland.[53] Besides, in December, 1997, the WCC announced a grant of $13,000 to the Movement for the Survival of Ogoni People (MOSOP).[54]

Nigeria in the Organisation of African Intituted Churches

The Organisation of African Instituted Churches (OAIC) is a Christian ecumenical organisation founded in 1978. It is a member of the World Council of Churches. It describes itself as "the representative body that brings together African Independent and Instituted Churches (AICs), offers them a forum for sharing their concerns and hopes, and enables churches to minister effectively to the needs of their members and their communities.[55] AICs are homegrown African churches founded originally during the colonial period, that have developed indigenous forms of worship, theology and social organisation, all deeply inspired by a vision that is both Christian and African. Examples of churches in Nigeria that belong to the OAIC are the Cherubim and Seraphim, the Celestial Church of Christ, the Church of the Lord Aladura, the Christ Apostolic Church and the Zionist Church[56], all of which believe that they are called to respond with conviction to the challenges such as entrenched poverty, ill-health and the breakdown of African cultural and social systems that require groups to organise themselves in order to confront these obstacles.[57] There are about 60 million AIC members spread over tens of thousands of AIC denominations across sub-Saharan Africa and the African diaspora.

As noted in Chapter 3 of this research, the international headquarters of the OAIC is located in Nairobi, Kenya. The OAIC works to bring African instituted churches together in fellowship and to equip and enable them to preach the good news of Jesus Christ in word and deed. The OAIC is motivated by the AIC members and millions of Africans who look forward to a society in which all can enjoy well-being. These visions are rooted in an African philosophy of life in which care, reciprocity, acceptance, openness and equality are core values. AICs are a Christian outworking of these African values and they remain

important in the AICs ability to mobilise people to engage with the challenges facing contemporary African societies.[58]

In 1978, a group of leaders of AIC met and sought to provide a forum for AICs to fellowship, share concerns and learn together. Since that time, the OAIC has served as the representative body that brings together the AICs in order for them to work together towards fulfilling the founding visions. In 1978, too, a number of AIC leaders from across the continent were invited to Cairo by Pope Shenouda III of the Coptic Church for a meeting in Cairo. The organisation also sought ways to provide better theological and biblical education for its members, including the promotion of Sunday Schools. The OAIC is thus an institutional expression of the movement, visions and aspirations of the AICs.[59]

The OAIC's first formal meeting of the Nigerian region took place on June 3, 1986, in Ibadan, Oyo State, where Late Primate Dr. E.O.A. Adejobi of the Church of the Lord (Aladura) presided as the international chairman of the organisation with Late Pastor Sam Mala as the organisation's Secretary-General of the region. Later, formal election of officers of the region took place and Late Dr. G.I.M. Otumba was elected as regional president and Senior Apostle Joshua Owe-keye as Secretary-General.

Tiwatola A. Falaye and Olusegun A.P. Alokan have identified the establishment of schools as the contributions of the OAIC in Nigeria.[60] However, the truth is that the OAIC has not performed significantly in terms of developmental activities as majority of their leaders are known to have little formal education and, more often than not, came from the rank of the poorest and most vulnerable in society.[61]

Comparative Study of Nigeria's Membership of the OIC and   other   International Organisations

In this section of the study, a comparative is organised based on the activities and contributions of these international organisations to Nigeria. The first deducible fact from the analysis so far is that these organisations, the OIC, UN, AU, ECOWAS, WCC, and OAIC are agents of integration at one level or the other. This has been expressed in their different charters.

The OIC seeks to rally and enhance bond of fraternity and solidarity among countries of the world that have both the Muslim majority and minority and combat islamophobia and defamation of Islam. There are also other areas of OIC's interest such as political and economic cooperation, creation of an Islamic common market,[62] among others. Nigeria joined the OIC in 1986 and since then, the OIC has recorded some contributions to Nigeria ranging from trade liberalization, the building of Abuja Central Mosque[63] and condemination of the Boko Haram activities in Nigeria. As noted earlier, economic activities between Nigeria and other OIC countries have experienced a slight increase, though their trade volume is still very low when compared with the trade volume between Nigeria and other non-OIC member-countrie. (See Chapter 3 of this study).

Reacting to the speculations that the OIC might have been supporting Boko Haram activities in Nigeria, the Secretary-General of the OIC, Iyad Ameen Madani, explained in an interview he granted the *Peoples Daily* in the following words:

> *I can tell you as the Secretary-General of the OIC that we have no inclination that any Muslim country is supporting Boko Haram. Why will they support Boko Haram? What will any Muslim country benefit from religious strife in Nigeria? A strong Nigeria is a contribution to the Islamic world. It is a*

support for OIC and a contribution to Africa.[64]

The OIC described Boko Haram as a terrorist movement, conducted by out-laws that raise the banner of Islam. Madani added further that insurgency is "a crime not only against Islam or any particular religion, but against humanity."[65] But these condemnations are not enough. There is need to back up some of the claims and condemnation by action since Nigeria has more areas of need from the organisation.

A look at the other international organisations mentioned above, reveals that at one crisis situation or the other in Nigeria, they have intervened by carrying out humanitarian activities and/or by mobilising troops to combat the crisis situation without undermining Nigeria's national sovereignty. One may point out that the Nigerian civil war, 1967-1970, pre-dates the OIC which was formed in 1969. The OIC, no doubt, may be exonerated by this fact. But among the international organisations within the scope of this study, only the OIC and the OAIC are yet to back up their stand on security crisis in Nigeria with action, either through humanitarian assistance as has been done in Somalia by the OIC.[66]

However, the OIC pundits have come up with two views on the OIC's lack of action in Nigeria. First, they argue that the OIC views the Nigerian situation as purely an internal affair; while the second group contends that it is because Nigeria is inconsistent with the organisation. To this end, they maintain that at one time or the other when a non-Muslim was in power, Nigeria's involvement with the OIC suffered serious setbacks.[67] But the fact that Boko Haram carries the flag of Islam as its rallying point for the OIC goes a long way to support Isaac Malla's assertion to the effect that lack of OIC intervention is due probably to the fact that communities that bear the brunt of insurgents activities in the North-east are non-Muslim dominated communities.[68] Therefore, the OIC's reactions to

the Nigerian situation constitute nothing but lip-services and these make for part of the difference between the OIC and the other international organisations to which Nigeria belongs.

In terms of classification, it may be very difficult to group the OIC. The WCC and OAIC are purely religious international organisations that serve to rally different churches of the world and indigenous African churches respectively. Their activities are conducted by leaders of the different churches that constitute their membership and not government officials of the countries that have their presence. The AU and ECOWAS are continental and sub-regional organisations that serve as rallying points for countries of the African continent and the West African sub-region respectively. The areas of their activities cut across political, economic, educational and sustainable development as they relate to member-states, while the UN is a global international organisation founded on the premise of finding world peace and security.

The OIC is not a global international organisation because it does not involve all the countries of the world. It does not involve all the countries within one continent as to classify it as a continental organisation, neither is it a regional one. Its officials disagree that it is a religious organisation founded to project the image of Islam alone thereby making it very difficult to be grouped in any of the categories. It is a truism that by virtue of the OIC 56 membership structure, it is the second largest international organisation after the UN. A pertinent question here is, however; Could the Islamic world be looking for an international organisation to serve as an alternative to the United Nations? The OIC charter frequently refers to the OIC's commitment to the UN's principles and objectives and is openly self-subordinating to the UN.[69] According to Uthman Anaga and Hafiz Umar, the

OIC accepts the UN's authority designing to work with it and through it, as to against it, and legitimises the UN system, rather than present itself as an alternative.[70]

In 1975 the OIC joined the UN as an observer. This gave the OIC-UN ties a boost. Since then, both organistions have built good partnership on issues ranging from economic development and inter-faith dialogue to humanitarian conflict resolution. Under Ihsanoglu, the OIC's former Secretary-General, the OIC's influence within the UN system grew, leading to Ban Ki-moon's visit to the OIC headquarters in Jedda, Saudi Arabia, in 2002, and making him the first UN Secretary-General to do so.[71]

Despite the OIC's desire to cooporate with the UN, it does appear it does not work hand in hand with the UN on some issues, especially when it comes to the issue of conflict affecting Muslims. In 1990, the OIC drafted an alternative declaration of human rights, the Cairo Declaration of Human Rights, based on sharia, thereby throwing the gauntlet to the secular international order. The OIC criticised the UN's Universal Declaration of Human Rights of 1948 as being insensitive to religious concepts of the non-Western world. Citing the statement of Saudi Arabia's Ambassador to the UN, Abdalla al-Mouallimi, in October 2013, L.A. Frankline argued that the sudden and unprecedented rejection of a seat on the Security Council of the UN is its (Saudi Arabia's) historical responsibility towards its people, the Islamic nations. The Saudi explanation continues by counting a litany of UN failures to solve problems in the Middle East[72]. This, of course, underscores Saudi Arabia's role as the capital of a shadow-caliphate alternative to the current liberal democratic international order. Abdalla al-Mouallinis' sentiment was preceded by what Frankline calls last 'summer's rebuttal' which revealed the global scope of the Islamic Objectives by the Pakistani Taliban fugitive, Adnan Rashid to the UN address[73] by the

heroic Pakistani Malala Yousafzi (I5 years old then), that was shot by the Taliban for having asked for women's education. Rashid's letter denounced Malala's naivete for placing trust in the UN which he claimed was a tool of the West with which to punish Islamic nations. Based on the foregoing, suffice it to remark that Rashid and his fellow Islamists bear allegiance to an alternate netweork that exist parallel to the UN, visible for which is the OIC.

An examination of the flag and logo of the OIC may help any unbiased observer to realise its ambition- a crescent moon which covers the entire globe. The earth rests on a sea of green, the colour of Islam with the Kaa'ba in the centre of the globe. The flag resembles the national banner of the al-Saudi Kingdom, the only Kingdom among all the embassies in Washington D.C that did not lower its flag on September 11, 2001, on the World Trade Centre attack in the United States. However, the OIC and its subsidiary organs- the Islamic Bank- are a part of the organs that are parallel to the secular nature of the UN which the Muslim world uses in their creeping islamisation process.

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CHAPTER SIX

Conclusion

No nation-state has achieved any meaningful advancement or provided the needs of her people without cooperation with other countries of the world. These needs may be political, economic, social, religious, military or even diplomatic. The principle of inter-dependence, cooperation, mutual assistance and co-existence normally applies. But while integrating, caution should be applied in order to choose organisations that serve the best interest of the state. The international system is a joint cooperative effort of nation-states to collectively achieve what, if they are left individually, could not and cannot be achieved. It is on that basis that Nigeria seeks the cooperation of others, leading to her joining several international organisations. This study, therefore, achieved its purpose as it succeeded in addressing the OIC question in Nigeria as contained in the statement of problem.

From the foregoing analysis, there is no doubt that among all the international organisations to which Nigeria belongs, her membership of the OIC has been characterised by controversy, leading to the polarisation of the Nigerian people along religious lines. The possible reason for the polarisation could have stemmed from the constitutional secularity of the country while the OIC is an international organisation with Islamic connotation. Based on the time of formation of the international organisations to which Nigeria belongs, and the circumstances that surround Nigeria's membership, one discovers that Nigeria's registration into the OIC was done without any legislative approval, else it would not have earned Ebitu Ukiwe's resignation from the military government at the time. Ukiwe, it is to be recalled, was to stun the world later that the matter was never mentioned nor discussed at a meeting of the Armed Forces Ruling Council of Nigeria.[1] This is a clear breach of legislative

provision in Nigeria, which prohibits the adoption of any religion as a state religion. Nigeria's membership of the OIC, therefore, portrays Nigeria as an Islamic state.

As pointed out earlier, it is difficult to classify the OIC in terms of the literature of international organisations. In terms of geography, it is more of a global organisation than regional because it has member-states on four continents and a combined population of about 1.4 billion people.[2] Thematically, it deals with issues such as conflict resolution, state building process, humanitarian aid, developmental problems, economic cooperation, cultural and educational cooperation, safeguarding of human rights and combating Islamophobia. Geographically and thematically, the OIC is more of a smaller version of the UN or perhaps a standing organisation that is being groomed by the Arab world as alternative to the UN.

On the other hand, the OIC mission and its condition of membership are constantly debatable. The OIC's 1972 charter stipulates that every Muslim state can become a member of the OIC, but what constitutes Muslim state is unclear. Despite the clear case of becoming a member, the charter fails to provide further requirements for membership. The term 'Muslim State' is also debatable in the literature of modern international systems and human rights. This ambiguity raises questions as to whether Nigeria, as a member of the OIC, should apply Islamic law or deal with the political, economic and social issues of her citizens based on secularism. There is also a rift between member-states that grant Islam official status wanting to give official sanction to Islamic law in both the OIC and all over the world, and member states with secular regimes like Nigiera that demand acting in compliance with the framework for global humanitarian values.

Many states, including Nigeria, according to E. Svobada, S.A. Zyck and A. Hashi,

> *were motivated to join the OIC not only*
> *because of its values and activities but also*

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> *because membership was a precondition for loans and grants from the OIC's most prominent subsidiary organ, the Islamic Development Bank which currently has an authorised capital of $43.7 billion.[3]*

The Islamic banking, no doubt, operates in Nigeria with tantalising facilities, especially in the area of profit and loss sharing and it enjoys patronage of both Muslims and non-Muslims. But the OIC and its subsidiary organ, the Islamic Bank, are nothing but agents of Islamisation of not just Nigeria but the entire world. The Islamic bank is a proselytisation agent. Proselytisation is a way of evangelisation in Islam. For instance, a situation where all attention in Nigeria shifts to the Islamic bank because of its interest-free and profit and loss sharing principles may lead to the extinction of the conventional commercial banks. The situation however, spells doom for the non-Muslim community

It has been argued that Nigeria's involvement in the OIC may relegate to the background, her secularism status and popularise Islam against other religions. At present the religious situation in the country has already polarised the populace, and the fear is that the continued membership of the OIC will further endanger the fragile peace and stability. P.E. Nmah and J. Otuonwa add that, "Nigeria, with its large number of impoverished disenfranchised and devoutly Muslim young men, easy access to weapons…"[4] may seem to be a breeding ground for religious tension[5]. Nigeria's membership of the OIC and the operation of Islamic banking, however, threaten the identity and the religions of non-Muslims and invoke high sense of insecurity. These, no doubt, as the psycho-cultural theory contends, overwhelm reason and inflame conflict behaviours.This study, therefore, suggests that Nigeria, as a secular state natural and constitutional should de-register with any international organisation that tilts towards one religion against another.

Recommendations

Nigerians should discard personal gains and address the OIC question in Nigeria with objectivity.

Secondly, the Nigerian government should implement the John Nanzip Shagaya led committee's recommendation of 1987 by deregistering the country from the OIC and concentrate on other international organisations that are secular in nature and practice.

Thirdly, to solve the problem of financial exclusion and suspicion, it is hereby recommended that Nigeria should not embrace Islamic banking.

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2.	Daniel Danladi	49	Civil Servant	August 12, 2015	Direct	Abuja
3.	Farouk Agha-Uche	48	Civil Servant		Direct	Ebonyi state
4	Nasir Mohammed	51	Civil Servant	August 8, 2015	Direct	Abuja
5	Sheik Uthman Anaga	66	Islamic Scholar/Civil Servant	july 27, 2015	Direct	Afikpo
6	Rev. Fr. Jude Otuonwa	34	Catholic Priest	July 11, 2015	Direct	Afikpo
7	John Okpeno	41	Banker	November 10, 2015	Diect	Abakaliki
8	Hassan Osegba	43	Islamic Banker	December 3, 2015	Direct	Lagos

9	Awatuah Haruna	50	Shope Operator	December 3, 2015.	Direct	Lagos
10	Dele Ayeni		Islamic Banker		Third party	Kaduna
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16	Musa Ebuyo	55	Lawyer	August 12, 2016	Direct	Abuja
17	Hafiz Garuba	40	Banker	November, 8, 2015	Third party	Sokoto
18	Ngozi Janevine Ikeagwu	45	Teacher	April 9, 2016	Direct	Akama Oghe, Enugu State
19	I.A. Madani		OIC Secretary	June 4, 2014	Third party	Abuja
20	Yakubu Gowon,	82	Former Head of State	March 28, 2016	Third party	Pankshin

21	Ebitu Okoh Ukiwe	76	Retired Naval Officer	April 28, 2016	Interview via email	
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List of OIC member states

State	Date joined	State	Date joined
Afghanistan	1969	Syria	1972
Algeria	1969	United Arab Emirates	1972
Chad	1969	Bangladesh	1974
Egypt	1969	Burkina Faso	1974
Guinea	1969	(then Upper Volta)	
Indonesia	1969	Cameroon	1974
Iran	1969	Gabon	1974
Jordan	1969	The Gambia	1974
Kuwait	1969	Guinea-Bissau	1974
Lebanon	1969	Uganda	1974
Libya	1969	Iraq	1975
Malaysia	1969	The Comoros	1976
Mali	1969	The Maldives	1976
Mauritania	1969	Djibouti	1978
Morocco	1969	Benin	1983
Niger	1969	Brunei-Darussalam	1984
Pakistan	1969	Nigeria	1986
Palestine	1969	Albania	1992
Saudi Arabia	1969	Azerbaijan	1992
Senegal	1969	Kyrgyzstan	1992
Somalia	1969	Tajikistan	1992
Sudan	1969	Turkmenistan	1992
Tunisia	1969	Mozambique	1994
Turkey	1969	Kazakhstan	1995
Yemen	1969	Suriname	1996
Bahrain	1972	Uzbekistan	1996
Oman	1972	Togo	1997
Qatar	1972	Guyana	1998
Sierra Leone	1972	Côte d'Ivoire	2001

Source: Svoboda, Zyck, Usman and Hashi, 2015

SPEECH by PRESIDENT JONATHAN AT THE 12TH SESSION OF THE ISLAMIC SUMMIT CONFERENCE CAIRO, EGYPT

6 TH – 7 TH FEBRUARY 2013

Your Excellency, Mohammed Morsi
President of the Arab Republic of Egypt and
Chairman of the 12 th Islamic Summit Conference
Your Majesties
Your Excellencies, Presidents, Prime Ministers, and Heads of Delegation
Your Excellency, Professor Ekmeleddin Ihsanoglu
Secretary-General, Organisation of the Islamic Conference
Distinguished Delegates
Ladies and Gentlemen,

1. On behalf of myself and my Colleagues from the Africa Group, it is an honour for me to address the 12th Summit of the Organisation of Islamic Conference, holding here in Cairo, the capital city of Egypt which is widely acclaimed as the cradle of civilization.

2. I wish to convey my sincere appreciation to President Morsi, the Government and people of the Arab Republic of Egypt for the generous hospitality extended to me and my delegation since our arrival; and for the excellent arrangements made for this Summit. I wish also, to congratulate him on his election as the Chairman of this Summit. We are confident that his acknowledged leadership qualities will go a long way in supporting the active role, which the Organisation has been playing on the global scene.

3. I also wish to place on record my sincere gratitude to President Macky Sall of the Republic of Senegal for the eminent role played by his country in steering the affairs of the Organisation, since the last Summit Conference in Dakar, in 2008.

4. Mr Chairman, this Summit is taking place at a very crucial moment in the history of our Organisation; given our collective determination to consolidate our solidarity especially in the socio-economic domain. Our deliberations would afford us the opportunity to take stock of what we have accomplished since the adoption of the Ten Year Programme of Action, which provides a credible road-map for the transformation of our respective economies and for the promotion of peace, security and sustainable development in our Member States.

5. The successful implementation of the poverty alleviation programmes is highly commendable. Equally so is the progress made in the domain of expanding intra-OIC trade, which has risen from 14.5% in 2005 to 17.71% in 2011.

6. Nigeria, and indeed Africa, is proud of the achievements realized in the area of trade financing, which recorded a cumulative increase by 63% from US$24.4 billion in 2005 to US$39.9 billion in 2011. It is also noteworthy that the Special Programme for development of Africa (SPDA) has made enormous financial contributions, such that it has increased the human and technical capacity development in African countries. This initiative, in addition to the OIC activities under the Islamic Solidarity Fund for Development (ISFD), has assisted the various national efforts at economic recovery in our respective countries.

7. While commending the various OIC institutions for their active contributions to these achievements, I wish to announce Nigeria's support for the proposal to increase the authorized capital of the Islamic Development Bank (IDB) from its present US$30 Billion to about US$50. It is our sincere belief that this new increase will assist the Bank, as it seeks to actualize the objectives for which this specialized OIC institution was established.

8. The sharp decline in agricultural productivity in addition to the colossal drop in foreign direct investments and the steady increase in food bills have all created economic hardships, which pushed up the average poverty index in OIC Member States from 25% in 2005 to 38% in 2011.

9. It is due to the interventions deployed under the various OIC poverty alleviation programmes that this Organisation has been able to mobilize collective actions, in order to address the menace posed by these crises.

10. Mr. Chairman, since our last Summit, the global political and economic landscapes have presented additional challenges for which our Organisation has been called upon to address. The global financial and food crises reached their peaks during this period and left their impacts on the economies of our countries.

11. Your Excellencies, on the political plane, many of our Member States are facing grave challenges bordering on terrorism, threat to peace and insecurity. The crises in Syria and the Sahel region have assumed such serious dimensions, requiring concerted efforts to resolve. So far, the Economic Community of West African States (ECOWAS) and the African Union have taken the initiative to find solutions to the problems posed by the activities of armed terrorist groups operating in the region and threatening our collective stability.

12. The endeavours under the African-led Support Mission in Mali (AFISMA), to liberate areas occupied in the Northern part of this Member State of our Organisation by armed extremist groups, would require the full and unflinching support of this Summit. The bulk of the troop contributing nations are African members of the OIC. I therefore appeal to other Member States outside the continent, to actively extend all forms of support, financial and logistics, to ensure the successful implementation of all aspects of the UN Security Council Resolution 2085, which also authorised the deployment of AFISMA in Mali.

13. Mr Chairman and Excellencies, it is in this connection that I convey the utmost appreciation of Africa to this esteemed Organisation for her principled stand, solidarity and support for the

ECOWAS/African Union (AU) initiatives on the unfortunate developments in Mali, nearly one year ago. The Declaration on Mali, which will be adopted at this Summit to establish a Contact Group at a Ministerial level to monitor developments in Mali, is a further testimony of the commitment and resolve of the OIC, to remain a valued partner with Africa in search for sustainable stability, peace and development in that country as well as in the Sahel in general.

14. Your Excellencies, as the menace posed by the activities of terrorist groups to the security and stability of our Member States is closely linked to the proliferation of small arms and light weapons, we, in Nigeria, have been in the forefront of the campaign for the adoption of the United Nations Plan of Action on Small Arms and Light Weapons; due to the realisation that most wars were caused by the proliferation of small arms and light weapons. I wish, therefore, to request this Summit to align itself with the evolving global consensus on control of the movement of conventional weapons, in order to make our region a safer place for investment and development.

15. I would like to observe that the OIC, as the umbrella organisation of the Muslim World, provides a unique platform for the forging of cooperation, solidarity and joint actions, based on common values and ideals, which will help to promote the virtues of tolerance and moderation for the achievement of international peace and harmony.

16. Excellencies and dear colleagues, with regards to the reforms of the United Nations (UN), especially its Security Council (SC), Africa wishes to regretfully observe the slow pace and the seeming lack of progress, nearly one decade after the processes were initiated. We in Africa believe strongly, that the calls for democratization worldwide, should not be limited to member states alone but extended to International Organisations such as the UN, especially its Security Council. This is not only central to but imperative to the enthronement of justice, equity and fairness which are badly needed to create a sense of balance in our world. Africa and the OIC need to reinforce the support for each other, to attain this objective in the course of the 68 th Session of the UNGA.

17.Finally, Mr Chairman, I wish to take the opportunity to inform this august body that my country has decided to seek re-election for the 2014 -2015 rotational Non-Permanent seat of the UNSC which will be vacated by Togo in December 2013. In line with our tradition of forging consensus on matters of common interest, Nigeria will be counting on your usual support and solidarity.

18.I thank you for your kind attention.

Source: Ministry of Foreign Affairs

APPENDIX III

TPS-OIC RULES OF ORIGIN

		DATE	SIGNATURE
1.	People's Republic of Bangladesh		
2.	Republic of Cameroon		
3.	Arab Republic of Egypt		
4.	Republic of Guinea	12/09 07	
5.	Islamic Republic of Iran		
6.	Hashemite Kingdom	12-09-2007	
7.	Republic of Lebanon		
8.	The Great Socialist People's Libyan Arab Jamahiriya		
9.	Malaysia		
10.	Republic of Maldives		
11.	Kingdom of Morocco		
12.	Sultanate of Oman		
13.	Islamic Republic of Pakistan		
14.	State of Qatar		
15.	Republic of Senegal		
16.	Syrian Arab Republic	12-09-2007	
17.	Republic of Tunisia	12.09.2007	
18.	Republic of Turkey		
19.	Republic of Uganda	12-09-07	
20.	The State of United Arab Emirates		

OIC TEN YEAR PROGRAMME OF ACTION – ECONOMIC AFFAIRS

DEVELOPMENT, SOCIO-ECONOMIC AND SCIENTIFIC ISSUES

I.   Economic Cooperation

1. Call upon the Member States to sign and ratify all existing OIC trade and economic agreements, and to implement the
2. provisions of the relevant OIC Plan of Action to Strengthen Economic and Commercial Cooperation among
3. OIC Member States.

2.   Mandate COMCEC to promote measures to expand the scope of intra-OIC trade, and to consider
the possibility of
establishing a Free Trade Area between the Member States in order to achieve greater economic integration to raise it to a
percentage of 20% of the overall trade volume during the period covered by the plan, and call on the Member States to
support its activities and to participate in those activities at the highest possible level with delegations possessing the
necessary expertise.

4. Promote endeavors for institutionalized and enhanced cooperation between OIC and regional and international
5. institutions working in the economic and commercial fields.

4.   Support OIC Member States in their efforts to accede to the World Trade Organization (WTO), and promote concerted positions between the Member States within the WTO.

5.   Call upon the OIC Member States to facilitate the freedom of movement of businessmen and investors across their borders.

6. Support expanding electronic commerce among the OIC Member States and call on the Islamic Chamber of Commerce
7. and Industry to strengthen its activities in the field of data and expertise exchanges between chambers of commerce
8. of the Member States.

7.   Call upon the Member States to coordinate their environmental policies and positions in international environmental for a
so as to prevent any adverse effects of such policies on their economic development.

II.   Supporting the Islamic Development Bank (IDB)

1. Establish a special fund within the IDB in order to help address and alleviate poverty, and provide job opportunities;
2. and commission the IDB Board of Governors to establish this special fund, including mechanisms for its financing.

3. Mandate the Islamic Development Bank to coordinate with the OIC General Secretariat in order to make the necessary
4. contacts with the World Health Organization and other relevant institutions to draw up a programme for combating
5. diseases and epidemics, to be financed through the special fund that will be created within the IDB.

3.   Commission the IDB Board of Governors to take necessary measures for ensuring a substantial increase in the Bank's authorized, subscribed, and paid-up capital, so as to enable it to strengthen its role in providing financial support and technical assistance to OIC Member States, and strengthen the Islamic Corporation for Trade Finance recently established within the IDB.

4.   Urge the IDB to develop its mechanisms and programmes aimed at cooperation with the private sector and to consider streamlining and activating its decision-making process.

6. Urge the IDB and its institutions to promote investment opportunities and intra-OIC trade, and to conduct
7. other feasibility studies to provide the necessary information to develop and promote joint ventures.

III.   <u>Social solidarity in the face of natural disasters</u>

1. Islam advocates solidarity with, and assistance to, all the needy without discrimination, which requires the
2. Islamic States to develop and adopt a clear strategy on Islamic relief action and support the trend towards cooperation
3. and coordination between individual relief efforts of Islamic States and Islamic civil society institutions on
4. the one hand, and international civil society institutions and organizations on the other hand.

2.   <u>Help countries affected by these disasters to rebuild their buffer stocks.</u>

IV. Supporting development and poverty alleviation in Africa
1. Promote activities aimed at achieving economic and social development in African countries, including supporting
2. industrialization, energizing trade and investment, transferring technology, alleviating their debt burden and poverty,
3. and eradicating diseases; welcome the New Economic Partnership for African Development (NEPAD), adopt to
4. this end, a special programme for the development of Africa.

2.   Call upon the Member States to participate in international efforts to support programmes aimed at alleviating poverty

and **capacity-building** in the Least-Developed Member States of the OIC.

3.   Urge donor Member States to cancel bilateral and multilateral debts to   low-income Member States.

5. Urge international specialized institutions and organizations to exert greater efforts to alleviate poverty in the

6.   Least-Developed Member States and assist Muslim societies, the refugees and displaced in the OIC Member

7.   States, and Muslim Minorities and Communities in non-OIC Member States; urge States to contribute to the

8. World Fund for Solidarity and Combating Poverty.

APPENDIX VI

MEMBER STATES THAT SIGNED /RATIFIED THE TPS-OIC AGREEMENTS (As of 30 October 2014)

No.	Member States	Framework Agreement		PRETAS		TPS-OIC Rules of Origin		Submission of the Documents
		Signed	Ratified	Signed	Ratified	Signed	Ratified	
1	Bahrain	√	√	*	√	√	√	√
2	Bangladesh	√	√	√	√	√	√	√
3	Burkina Faso	√	---	√	---	√	---	
4	Benin	√	---	√	---	√	---	
5	Cameroon	√	√	√	---	√	---	
6	Chad	√	---	---	---	---	---	
7	Comoros	√	---	√	---	√	---	
8	Cot d'Ivoire	√	---	√	---	√	---	
9	Djibouti	√	√	√	---	√	---	
10	Egypt	√	√	√	---	---	---	
11	Gabon	*	√	---	---	---	---	
12	Gambia	√	√	*	√	*	√	
13	Guinea	√	√	√	---	√	---	
14	Guinea Bissau	√	---	√	---	√	---	
15	Indonesia	√	√	√	---	√	---	
16	Iran	√	√	√	√	*	√	
17	Iraq	√	√	---	---	---	---	
18	Jordan	√	√	√	√	√	√	√
19	Kuwait	√	√	√	---	√	---	√
20	Lebanon	√	√	---	---	---	---	
21	Libya	√	√	---	---	---	---	
22	Malaysia	√	√	√	√	√	√	√
23	Maldives	*	√	---	---	---	---	
24	Mauritania	√	---	√	---	√	---	
25	Morocco	√	√	√	√	√	√	√
26	Niger	√	---	√	---	√	---	
27	Nigeria	√	---	√	---	√	---	
28	Oman	√	√	√	√	√	√	√
29	Pakistan	√	√	√	√	√	√	√
30	Palestine	√	√	√	√	√	√	
31	Qatar	√	√	√	√	√	√	√
32	Saudi Arabia	√	√	√	√	√	√	√
33	Senegal	√	√	---	---	---	---	
34	Sierra Leone	√	---	√	---	√	---	
35	Somalia	√	√	√	√	√	√	
36	Sudan	√	---	√	---	√	---	
37	Syria	√	√	√	√	√	√	√
38	Tunisia	√	√	√	---	√	---	
39	Turkey	√	√	√	√	√	√	√
40	UAE	√	√	√	√	√	√	√
41	Uganda	√	√	---	---	---	---	
		39	30	31	16	30	16	13

Source: Ministry of Foreign Affairs

Annexe 1. Major features of the Protocol on Free Movement of Persons and four Supplementary Protocols

1979 Protocol A/P.1.5/79 relating to Free Movement of Persons, Residence and Establishment

- Sets out right of Community citizens to enter, reside and establish in territory of member states (Article 2(1))
- Establishes three-phased approach over 15 years to implementation of (I) right of entry and abolition of visas, (II) residence and (III) establishment (Article 2)
- Conditions entitlement to enter territory of member state on possession of valid travel document and international health certificate (Article 3(1))
- Reserves right of member states to refuse admission into territory of Community citizens deemed inadmissible under domestic law (Article 4)
- Establishes some requirements for expulsion (Article 11)
- Confirms that Protocol does not operate to detriment of more favourable provisions in other agreements concluded by member states (Article 12)

1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment

- Obliges member states to provide valid travel documents to their citizens (Article 2(1))
- Establishes additional (to Article 11 of Protocol) requirements for treatment of persons being expelled (Article 4)
- Enumerates protections for illegal immigrants (Articles 5 and 7)

1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence)

- Requires states to grant to Community citizens who are nationals of other member states 'the right of residence in its territory for the purpose of seeking and carrying out income earning employment' (Article 2)
- Conditions entitlement to residence (and thus seeking and carrying out of income earning employment) on possession of an ECOWAS Residence Card or Permit (Article 5) and harmonization by member states of rules pertaining to the issuance of such cards and permits (Article 9)
- Prohibits expulsion en masse (Article 13) and limits grounds for individual expulsion to national security, public order or morality, public health, non-fulfilment of essential conditions of residence (Article 14)
- Stipulates equal treatment with nationals for migrant workers complying with the rules and regulations governing their residence in areas such as security of employment.

participation in social and cultural activities, re-employment in certain cases of job loss and training (Article 23)

1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment

- Amends provisions of Article 7 of Protocol to confirm obligation on signatories to resolve amicably disputes regarding the interpretation and application of the Protocol (Article 2)

1990 Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment)

- Defines the right of establishment emphasising non-discriminatory treatment of nationals and companies of other member states except as justified by exigencies of public order, security or health (Articles 2—4)

- Forbids the confiscation or expropriation of assets or capital on a discriminatory basis and requires fair and equitable compensation where such confiscation or expropriation (Article 7)

SOURCE: Adepoju A, 2002