

Nigeria's Foreign Policy and OIC Membership: The Constitutional Legality for Membership

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Abstract: - Nigeria's membership into the Organization of Islamic Conference has remained controversial over several years. Many have expressed doubts regarding the legality of Nigeria's since the country is not an Islamic Republic and its constitution is secular in nature. Many have gone to the extent of declaring Nigeria's membership to the organization unconstitutional, citing Section 10 of the Nigerian 1999 Constitution which states that 'the Government of the Federation or the State shall not adopt any Religion as State Religion', to justify their claims. It is not clear if the Supreme Court of Nigeria or any other Court had given interpretation to that section of the 1999 Constitution. However, a closer observation to what is contained in the section will show that it only prohibits the adoption by the Government of Nigeria of any religion as the religion of the State or government, or official religion of choice that will be recognized by government. And if that is what it means, then Nigeria's membership to the OIC is entirely a different issue that needs to be looked at from another angle, not seen before. This paper argues that Nigeria's membership must be looked at from IR perspective and specifically from the perspective of Nigeria's foreign policy objectives and the question of the national interest.

Keywords: Foreign Policy, OIC, Nigeria, Membership, Legality, Constitution.

I. INTRODUCTION

The organization of Islamic Conference [OIC], like all other Inter-governmental International organizations has their roots and foundations in Europe and appeared only in the 19th Century. International Organizations were created by Nations States who are dominant political units of world politics. Prior to the creation of these organizations, nation states already had diplomatic, economic, legal and political relationship with one another, but were again linked by these organizations that came to be founded. It is estimated that there are about Three hundred [300] inter-governmental organizations and about Five thousand [5,000] or more Non-governmental organizations operating in the international system. Most of these organizations were seen to have been established after World War II [Bennett A. LeRoy, James K. Oliver, 2002].

Many studies indicate that international organizations perform useful functions in the international system that include among others; the provision of the means of cooperation in areas in which cooperation provides advantages for all or to some states; the provision of multiple channels of

communication between states so that areas of accommodation may be utilized; they create easy access in times of conflict; they provide multiple and continued points of contact. Many tend to justify the creation of international organizations in the face of the growing complexity of relations that exists between states, especially in consideration of the various purposes for which the various organizations were created. This position seems justified by the trend of events in the world; increased contacts and diversity of problems, which are indications that international organizations will become diverse in both number and purpose rather than lose relevance or recognition.

It was therefore not surprising to find many countries in one organization or the other as members. This is despite the fact that nation states still did not yield their powers to these supranational institutions. Nevertheless, these states viewed their membership to the different organizations with importance as it served one or many of their interests or promotes such interest. The OIC like other organizations proved important to many countries, including those whose constitution were secular and were non Islamic states but with a large Muslim population. Nations with large Muslim population found their membership to the organization inevitable, owing mainly to the interest of its citizens as Muslims, especially since the OIC presides over several matters that concern Muslims all over the world, including pilgrim's matters in Saudi Arabia. It is probably in consideration of some of these issues that Nigeria like many other populous Muslim nations became a member of the OIC.

II. CONCEPTUALIZATION/DEFINITION

It is difficult to define foreign policy; the term has been subjected to various use and explanations by different scholars across the globe. This is simply because the term encompasses a very wide range of complex activities that involves the government and its citizens across the boundaries of a country. Foreign policy covers all the external objectives of a state that include; security, economic, political, cultural and ideological objectives. It is wide in its scope and is quite complex, and that the complex nature of foreign policy and international relations makes it difficult to give any precise definition. It is sometimes explained as a policy that originates from a particular state and is directed towards the activity of another state or an international organization. Again it shows

a difference between domestic policy and events and activities outside a particular country [Obioma Philip, 1986, pp 112-114].

III. THE OIC, BACKGROUND AND FORMATION

Conferences on issues related to Islam and Muslims began around 1926 to 1966, and were convened by Muslim dominated states for the purpose of pooling ideas, comparisons and contrasting views among participants. The first World Islamic Conference was opened by King Abdul-Aziz Bin Al-Saud at Mecca in 1926. Political issues such as territorial claims, safe guarding the holy places and improved conditions for pilgrims and religious liberty for all Muslims Sects dominated the conference. The conference continued to hold throughout the 1930's and began to decline in the 1940's after the creation of the Arab League. In 1962 a split appeared after when four different congresses were held. It was following such split that the Organization of Islamic Conference was set up on 22 September, 1969 at Rabat, Morocco, with about Fifty two [52] countries in attendance and now Fifty seven [57]. The OIC became the largest intergovernmental organization after the United Nations. www.fimforum.org.

Structure of the OIC

Islamic Summit: It is the highest policy making organ, attended by Kings and Heads of states and governments of member states, convened every three years.

The Conference of Foreign Ministers: In the interval between the summits, OIC foreign Ministers meet to oversee the implementation of decisions taken by the Heads of states.

The Permanent / General Secretariat

It is the executive organ of the organization and is entrusted with the day to day running of the OIC, and the implementation of decisions of the two preceding bodies, located in Jeddah, Saudi Arabia. The general secretariat is headed by a Secretary General, who is appointed by the foreign Ministers Conference for a period of four years, renewable once only. The General Secretariat has subsidiary organs, and is responsible to the conference for their work and submits reports to the conference on execution of its duties.

Standing Committees

In order to coordinate and boost its action, align its new points and stand and be credited with concrete results in the various fields of cooperation, political, economic, cultural, social, spiritual and scientific among member states, the organization created different committees, nearly at Ministerial level, a number of which are chaired by Heads of states.

Subsidiary Organs

- a. The Statistical, Economic, Social Research and Training Centre for Islamic Countries, Ankara, Turkey.

- b. The Research Centre for Islamic History, Art and Culture (IRCICA), Istanbul, Turkey.
- c. The Islamic University of Technology, Dhaka, Bangladesh.
- d. The Islamic Fiqh Academy, Jeddah, Saudi Arabia.
- e. The Executive Bureau of Islamic Solidarity Fund, Jeddah, Saudi Arabia.
- f. The Islamic Centre for Development of Trade, Morocco.
- g. The Islamic University of Niger, Niamey, Niger.
- h. The Islamic University of Uganda, Mbale, Uganda.

Specialized Institutions

- a. The Islamic Development Bank, Jeddah Saudi Arabia.
- b. The Islamic Education, Scientific and Cultural Organization, Rabat, Morocco.
- c. The Islamic states Broadcasting Organization and International Islamic News Agency, Jeddah, Saudi Arabia. www.fimforum.org

IV. NIGERIA, THE OIC AND LEGALITY OF MEMBERSHIP

The attraction to international organizations such as the Common Wealth and the United Nations were among factors that inspired Nigerian leaders in forging the foreign policy of the country [Proposal on Nigeria's Foreign Policy, May, 1960]. Economic factors play a significant role in the formulation of foreign policy and such can be seen in the effort made by nation states to link trade policies with foreign policy and political goals. The strength of nation states is most at times measured by their economic and military strength. Political systems are seen to shape the economic systems and as such it is economic factors that shape political outcomes [S.E. Joan, 1977]. According to Obioma, 'the urgent need to build a healthy society upon a self-reliant national economy was one of the major driving forces in the formation of Nigeria's foreign policy. Having been for several decades under a capitalist colonial system and having gained independence as a sovereign nation-state at a time when national economic capacity was a major determinant of political power, Nigerian leaders decided to adopt such external policies that would facilitate and not hamper the chances for economic co-operation and collaboration with the wealthier' nations of the world. Nigeria's Prime Minister Tafawa Balewa was quoted saying:

"The reason why I personally want to see Nigeria taken into the Commonwealth is this: I know very well the immense opportunities and the great need for development in our country and I want to ensure, so far as is possible, that the development is on sound lines. At present we are an underdeveloped country. In order to expand our economy we must seek investments from the richer and more developed countries, investments both of money and technical skill. It is going to be very difficult sometimes to sift the genuine from

the self-interested, and that is one reason why I should warn that Nigeria must be careful in recognizing her real genuine friends"[Obioma Philip, 1986].

Nigeria joined the OIC thirty two years [32] ago and specifically in January, 1986 [Femi Abbas, 13.07.18]. Throughout the years that Nigeria has been in the organization, criticisms have continued to follow Nigeria's decision to join the body from citizens, mostly Christians, from different parts of the country. Most of the critics appear to rely heavily on the Section 10 of the 1999 constitution that was quoted earlier in their various claims [Idowu Bankole, 02.06.19]. However, as noted, the said section of the constitution did not clearly prohibit Nigeria's membership to an Islamic or any religious organization as claimed by the critics. What the section clearly prohibits is the adoption of a state religion. Islam has never been pronounced the official religion of Nigeria at anytime and there is freedom of religious worship in Nigeria for all religions. And clearly membership to an international organization is clearly a foreign policy issue and is therefore an issue that should be looked at from the perspective of foreign policy and international politics. Section 19 of the 1999 constitution outlines Nigeria foreign policy objectives to include; promotion and protection of national interest; promotion of African integration and support for African unity; promotion of international cooperation for the consolidation of peace and mutual respect among all nations; eliminating discrimination in all its manifestations; respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication as well as the promotion of just world economic order [1999 Constitution]. These objectives need a very deeper interpretation and understanding to clear comprehend what they include and what and what is excluded.

It must be understood that the goal of a policy is the ultimate aim or objective to be realized. It can never be in doubt that one of the goals of Nigeria's foreign policy is the survival of the nation and the well being of its citizens. The principle of national protection under Nigeria's foreign, economic and defense policy is first and foremost concerned about the security and well being of the state, its citizens and its resources. By protection, it means the responsibility and obligations of every citizen and to make sure that the country's valued possessions, needs and desires are guarded. It means a deliberate effort to defend and protect the territory, the resources, the government, the citizens, their property, wherever they may be and under any circumstance. The principle if looked at broadly simply means defending Nigeria and everything Nigerian. The principle of national protection is a fundamental one that must be considered in making any decision that concerns Nigeria's foreign relations [Obioma Philip, 1986].

The promotion of national interest also means the support and encouragement that is given towards the achievement of the

needs, desires and expectations of the government and the people of Nigeria. This effort and encouragement will include actions taken or activities conducted to attain or realize objectives that are beneficial to the country and its people. It could be through a membership to an organization or a bilateral trade agreement etc. The promotion of national interest is not restricted to government projects; it can be the promotion of private businessmen abroad, student's welfare abroad and pilgrim's welfare at Saudi Arabia or Israel. National interest means the valuable possessions, needs, desires and expectations of Nigeria and Nigerians. The needs of a diverse country with huge population are varied and many and so are the expectations of its diverse citizens. And it is the responsibility of the government and citizens to promote the national interest and protect all valued possessions explained and create the right environment and atmosphere for the continued existence of these possessions and their growth, through all means necessary [Obioma Philip, 1986].

The research carried out by the Pew Research Center that is contained in a report on Religion and Public Life on 18 December, 2012 showed that Muslims constitute about 50.9% of the population of Nigeria, Christians 48.1% and that about 2.8% of the population believe in indigenous religion [Jeff Diamant, 01.04.19]. This data is sufficient enough to explain Nigeria's involvement in the OIC. If more than half the population of Nigeria is Muslim and there is an international organization that coordinates the activities of Muslims across the globe, including activities that concern pilgrim's regulations in Saudi Arabia, it is only logical that Nigeria should seek membership so it can represent and be part of whatever consultations or opinions or decisions that will be taken. Any activity that concerns Nigerians should concern Nigeria if the promotion of national interest and principle of national protection as enshrined in the foreign policy objectives is to be followed and is understood. This is to ensure the protection of its citizens and promote the national interest.

V. CONCLUSION

It may be very difficult and futile to convince critics that Nigeria's OIC membership is not a constitutional breach since it is provided for in Section 19, in matters related to foreign policy and its objectives that were outlined in the constitution and itemized a-e. It is one that concerns foreign policy and what happens to Nigeria's Muslim citizens outside Nigeria, and policies shaping activities of Muslims around the world and in different countries and more than half the population of Nigeria is Muslim. Nigeria's foreign policy is not concerned with tribe or religion, it is however concerned with citizens and what they do and what will or affects them outside Nigeria in whatever way. It is in a similar way that the Nigerian government created the National Hajj Commission to handle the yearly pilgrimage to Mecca by citizens of Nigeria. The creation of the commission was necessitated by the growing number or population of Nigerian citizens that go on Hajj year after year and the problems they encounter and

the need to reduce such problems and make the process easier and efficient that the commission was created. It is not important that we talk about the economic benefits from the OIC membership, as obvious as they seem or appear, such as that from either the Islamic Development Bank based in Jeddah, Saudi Arabia or the Islamic Education, Scientific and Cultural Organization and the Lake Chad Basin projects that President Muhammadu Buhari discussed with the organization in his recent trip to Saudi Arabia for the OIC Summit [Adekunle, 02.06.19]. The republic of Turkey is a member of the OIC and a candidate for consideration into the European Union, yet its EU ambitions have never been hampered by its membership of the OIC, and Turkey did affirm that its secular constitution did not prevent it from becoming a member [Mahmut Bali Aykan, 1993]. Nigerians and critics of the OIC membership need to educate themselves about and become familiar with international politics, states and international organizations to make sense of why Nigeria is a member of the Organization of Islamic Conference.

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