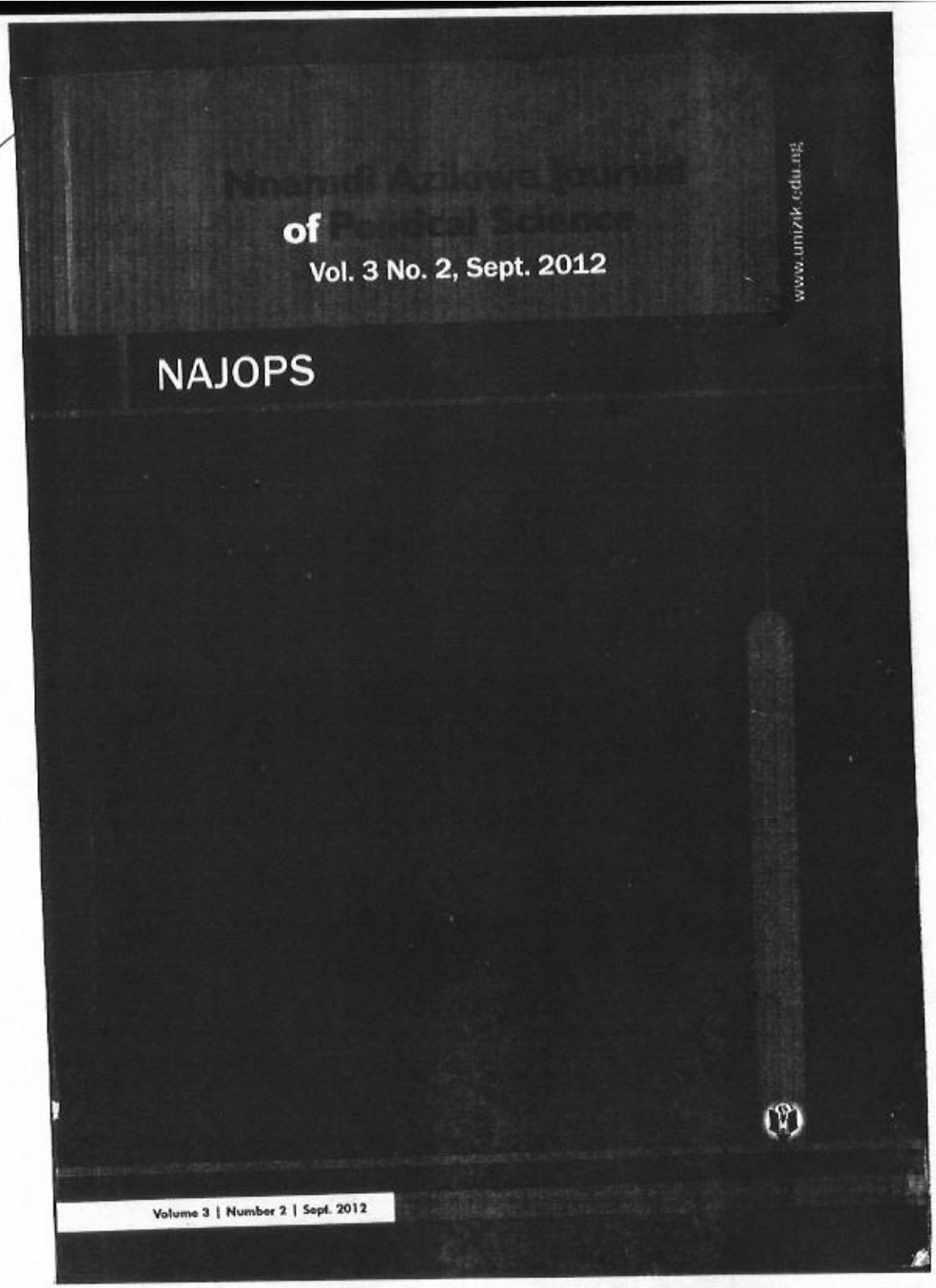
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Nnamdi Azikiwe Journal of Political Science is referred and published annually by the Department of Political Science, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria.

As a matter of policy, the journal is not narrowed to any branch of Political Science. Its focus is open and articles are welcome so far as they fall within the realm of Political Science and are found to be of acceptable academic standard and make meaningful contribution to the discipline.

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a. To promote excellence and research in the discipline.
b. Bring together opinions of scholars around the world and development of the discipline as well as issues of our time.

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Frank-Collins Okafor, Ph.D
Editor

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INTERNATIONAL RELATIONS UNDER ISLAMIC LAW: A CRITIQUE OF ITS IMPLICATIONS FOR NIGERIAN CONSTITUTIONAL DEMOCRACY

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Abstract
Sharia and Islam have been an important factor in the evolution of Nigerian democracy. Sharia, no doubt, is at the root of the impetus for Islamic international relations and diplomacy. As a strong integrating index, sharia powers and regulates the interrelations among Islamic enclaves that claim themselves to constitute a one-world religious order (ummah). United and concerted role playing in fostering the interests of Islam, Islamic organizations and institutions, sometimes in utter defiance to the ideals of multiculturalism and pluralism, has proved a clawback to the survival of genuine democracy in developing nations. The multi-religious Nigeria represents a veritable but unfortunate instance in which a supposedly secular nation is smuggled into pure Islamic aggregations resulting, as it were, to mosaic of socio-political crises and dysfunctions. It is suggested in this paper that a reform of Islamic ethos and laws in addition to embracing the features of democracy would make up the panacea,

Introduction

One element of Islamic resurgence in Nigeria today that requires to be considered, even if briefly, in relation to its effect on Nigerian constitutional democracy is the nation's relationship with Islamic international organizations and institutions. These organizations and institutions include those claimed to be of socio-political (like Organization of Islamic Conference--OIC), economic (like Islamic Development Bank – IDB) and legal (like Cairo Declaration on Human Rights in Islam – CDHRI, and Universal Islamic Declaration on Human Rights – UIDHR) agenda and objectives. The issue to be determined consists in whether Nigeria as a nation given its multi-religious nature can assume membership of or relate to these structures as if she is an Islamic state. For the purpose of this investigation, this paper concentrates, one after the other, on the aforementioned instances of Islamic organizations and institutions. Allusions may however be made to other structures if the need arises. But before going into the discussions, it is apt to define the key terms.

Definition of Key Terms

Islam

Shorter Encyclopedia of Islam (1953:13) describes 'Islam' as a technical term used to denote "the system of beliefs and rituals based on the Koran". Wikipedia, The Free Encyclopedia (2009) refers to Islam as a belief system extending beyond that based on the Koran to other sources. Hence, Islam is described as "a religion articulated by the Quran ...and by the Islamic Prophet Muhammad's demonstrations and real life

examples..." (Wikipedia, The Free Encyclopedia, 2009: http://en-wikipedia.org/wiki/women_and_Islam). As an Arabic term, "Islam" derives from the recurrent use of the verb *"aslama"* meaning 'to submit oneself' (Shorter Encyclopedia of Islam, 1953:13). The term is equally seen as a "homograph having multiple meanings, and a triliteral of the word *"salaam"* which directly translates 'peace' (Wikipedia, The Free Encyclopedia, 2009:n.p.). When the two root words are put together, the word Islam gives the meaning peace acquired by submission to the will of God.

In this paper however, Islam is seen as one of the three main religions in Nigeria which adherents are predominant in the North. Its teachings are founded on the Koran, life of Muhammad and some other sources. An adherent of Islam is called a 'Muslim', which is the active participle of the same verb of which 'Islam' is the infinitive.

Sharia

Ubaka (2000:11) notes that "sharia is Arabic word that literally means a drinking place or a path leading to a watering hole". It is interchangeably used with the phrase "Islamic law". For Nzomiwu (1989:117) 'sharia' or 'shariah' connotes "the clear path to be followed and which is technically referred to as the canon law of Islam". Farlex (2009:n.p) describes sharia as a "code of law derived from the Koran and from the teachings and examples of Mohammed". Johnson (2009:n.p) expands the meaning of sharia to a rule "inspired not only by Islam and Koran but also by Arabic traditions and early Islamic scholars". No wonder sharia is often regarded as the "totality of Allah's commandments as revealed in the Quran and elaborated in the Hadith and Sunna and interpreted by Ijma" (Nzomiwu 1989:117). For Aliyu (2007:142), "sharia jurisprudentially means a clear and straight path designed by Allah the creator of man to walk on". Several studies show that Muslims claim that Sharia governs the entirety of a man's life from cradle to the grave (Nzomiwu, 1989:117; Aliyu, 2001:3-4; Ozigbo, 1988:48).

Be that as it may, in this paper, Sharia is understood as constituting those rules of conduct derived from different sources of Islamic religion and codified into a body of law by relevant legislatures with the intention of getting them enforced through state machinery. It is equally understood as that body of Islamic law as interpreted by the *Maliki* School of Islamic jurisprudence which is the only acceptable version in Nigerian Islam.

Islam and International Relations

There is no gainsaying that uppermost in the mind of every Nigerian scholar in this regard is the import of the Organization of Islamic Conference (O.I.C). Although Nigeria's registration into the membership took place in 1986, well before and outside the time scope of this thesis, yet its effects on the nation's democracy today remain untold. Whatever agenda is pursued by Nigerian Islam today seems to be acting the script written in the Charter of O.I.C. The news that Nigeria has renounced its membership in 1991 is hardly convincing as O.I.C has not recognized this decision (MEDEA, 2002) and as Nigeria's commitment to Islamic cause continues to strengthen. According to Arabic German Consulting (A.G.C) (1999: n. p), Organization of Islamic Conference is the body representing the world's 1. 2 billion Muslims". Perusing the official website of the organization, it is observed that the O.I.C was established in Rabat, Morocco, on 12 Rajab 1389'H (25 September 1969) when the

first meeting of the leaders of the Islamic world was held in the city in the wake of the criminal arson perpetrated on 21 August 1969 by Zionist elements against Al-Aqsa Mosque in occupied Jerusalem". (http://www.oic-oci.org/english/main/specialized%20 organzations. htm) It was thus in order to defend the honour, dignity and faith of the Muslims and to face this bitter challenge launched in the holy city of Al-Quds so dear to them and against the Mosque of Al-Aqsa (the first Qibla and third holiest shrine of Islam) that the leaders of the Muslim world, at their summit in Rabat, seized that event to found O.I.C. The summit constituted an impetus for Islamic nations to think together of their common cause and muster the force required to overcome their differences and lay the foundation of the large grouping of Islamic states which they entrusted in absolute priority with liberating Jerusalem and Al-Aqsa from Zionist occupation (Ezeanokwasa, 2007; A. G. C, 1999; Adigwe 1986).

It goes without saying that the charter of the organization translates the above resolutions into active goals to be pursued. No wonder, the Preamble thereof states that the "members convinced that their common belief constitutes a strong factor for rapprochement and solidarity among Islamic people, resolved to preserve Islamic spiritual, ethical, social and economic values which will remain one of the important factors of achieving progress for mankind". Again, the members are "resolved to consolidate the bonds of the prevailing brotherly and spiritual friendship among their people". The aims and objectives of O.I.C are encapsulated in the Charter and summarized under three headings:

1. **Strengthen**
   - (a) Islamic solidarity among member states;
   - (b) Co-operation in the political, economic, social, cultural and scientific fields;
   - (c) The struggle of all Muslim people to safeguard their dignity, independence and national rights.
2. **Co-ordinate action to**
   - (a) Safeguard the Holy Places;
   - (b) Support the struggle of the Palestinian people and assist them in recovering their rights and liberating their occupied territories.
3. **Work to**
   - (a) Eliminate racial discrimination and all forms of colonialism;
   - (b) Create a favourable atmosphere for the promotion of co-operation and understanding between member states and other countries.

Article III of the Charter gives the composition of the Conference to include the Conference of Kings and Heads of States and Government, the Conference of Foreign Ministers, and the General Secretariat and Subsidiary Organs. While Article IV states that the Conference of Kings and Heads of State and Government which is the supreme authority of the organization holds its meetings whenever the interest of Muslim nations warrants it to consider issues of vital concern to the Muslin world, Article VI No. 1 provides that "the expenses on the administration and activities of the Secretariat shall be borne by member states, according to their national income". It is equally clear

from Article VIII that eligibility to join the Islamic conference is restricted to "Muslim States". Any willing Islamic state would be required to submit an application expressing its desire and preparedness to adopt the Charter. Adigwe (1986:8-9) adumbrates some of the organs and agencies of the O.I.C. They include International Islamic News Agency; International Commission for Islamic Heritage; International Islamic Law Commission; Islamic Centre for the Development of Trade; Islamic Commission for International Crescent; Islamic Centre for Vocational Training and Research; Islamic Development Bank; Islamic Solidarity Fund; Research Centre for Islamic History, Art and Culture; Islamic Civil Aviation Council; Islamic States Broadcasting Organization; Islamic Jurisprudence Academy; and Islamic Foundation for Science, Technology and Development. Others are Statistical, Economic and Social Research and Training Centre for Islamic Countries; Islamic Capitals Organization; Islamic Chamber of Commerce, Industry and Commodity Exchange; and Islamic Education, Science and Cultural Organization. It is distinctly shown that in none of the above organs and agencies does the word "Islamic" not feature and attached as the limiting adjective. This is a clear indication that O. I. C. in its conception, foundation, nature and operation is undoubtedly and abundantly Islamic. Ezeanokwasa (2007: n. p) agrees with this view when he maintains that all the above facts "undeniably and unmistakably show that O.I.C is an Islamic religious body, whose aims and goals are fundamentally Islamic". The protestation of MEDEA (2002: n. p) that "in spite of its name the O.I.C does not pursue religious aims" can hardly hold water. The word "spiritual" in the Preamble of the Charter as stated above connotes the "religious". Besides, assuming, though without conceding, that there is no compartmentalization of life in Islam, the "religious" is still implicated even if the aims are categorized as merely political, cultural, ethical, economic or social.

Nigeria and International Islamic Organizations and Institutions: Implications

There is no gainsaying that it was the military Head of State, Ibrahim Babangida, who in finishing the work started by Buhari-Idiagbon junta unilaterally enrolled Nigeria into the O.I.C in 1986 without the approval of the Supreme Military Council, which was at the time, the highest legislative and executive body. The O.I.C is a body the membership of which is determined by Islamic faith, and which goals, objectives and activities are geared to pursuing and defending Islamic interests. The fact that Nigeria's application to join the O.I.C was brought by all-Muslim delegation and the secretive and the hurried way in which the enrolment was done are a full portrayal of the hidden agenda of Muslims in Nigeria (Adigwe, 1986). There is no doubt that in relation to Nigeria's membership in OIC, a lot of conclusions peter out. Nigeria is treated as an Islamic state. Nigerians irrespective of religions, with their common funds and resources, are dragged into the business of preserving the Islamic spiritual ethical, social and economic values, which constitutes the implication of being a member of OIC. A Nigerian Head of State must be a Muslim at each time in order to attend and meaningfully contribute in the proceedings of the OIC summit. In other words, a Nigerian Christian Head of State, for instance, must support Islamic, sometimes anti-Christian resolutions. Further, there is no conceivable way by which Nigeria's full membership of OIC can be effective without using it to promote, canvas, or impose Islam on Nigeria. The corporate enrolment of Nigeria and consequently Nigerians

amounts to denying especially non-Muslims their constitutional fundamental rights to free association, freedom from discrimination, and freedom of religion, thought and conscience. Above all, the sharia law which is the legal regime governing the activities of the OIC will be regarded as overriding the provisions of the constitution in spite of the supremacy clause in the later. Surely, these inferences lead this researcher to the consideration of the socio-political, religious, legal and financial implications of Nigeria's full membership in OIC.

Certainly, the socio-political implications abound as the membership would add an odious element in political appointments and elections into public offices in Nigeria. In strict Sharia, promotion of which is one of the underlying aims of O.I.C., non-Muslims are not allowed to head any society or nation wherein Muslims are some of the members. The effect is that religion rather than quality would continue to play a major role in selection of persons to leadership positions. Such may not augur well in a multi-religious, multi-cultural and pluralistic state like Nigeria. This religious underpinning may not be divorced from the conflicts in those northern states like Jos where non-Muslims are the state governors. Same may be part of the discontent entertained by Muslims of the Muslim north over the Jonathan-led Presidency. In concrete terms, Nigeria's membership would mean that the posts of the President and Minister of Foreign Affairs will be reserved to Muslims if they have to attend and effectively contribute in O.I.C. meetings. Obviously too, the membership can ignite conflicts in the nation's foreign policy and initiatives, as some of the decisions and resolution of the O.I.C are in no way in accord with Nigeria's traditional foreign policies. For instance, it can be reminisced that in 1978 when Nigeria was not yet enrolled into the conference, the O.I.C declared support for Somalia against Ethiopia. Nigeria with other members of Organization of African Unity (O.A.U) [Now African Union (A.U)] took a different view. But now that there is a conflict between Muslims and Christians in Sudan, and when Nigeria has become a member of the Conference what would Nigerian Christians be expected to do should O.I.C declare support for the Muslims? Should the Christians support the Muslims there and perhaps send soldiers to fight the Christians if the O.I.C should decide on that? (Adigwe, 1986). Certainly, the national crisis that will be engendered by the situation would heat up the political landscape.

Moreover, it is often argued that an 'Islamic state' within the intents of the O.I.C. is that of a country with a significant Islamic presence. It is appalling to hinge a support for Nigeria's O.I.C. membership on the argument that Muslims are in the majority vis-à-vis the population of adherents of other religions. While its is not true given the figures of all the censuses organized in Nigeria, more still, the above interpretation of an 'Islamic state' is not a justification of Nigeria's membership of O.I.C. There is no doubt that Muslims just as non-Muslims have a fundamental and inalienable right to associate among themselves for their common interests and to belong to any international organization of Muslims. But it is completely a different thing translating and graduating this right to religious association to the necessity for Nigeria as a country to be a member of the association. Surely, the promotion of the religious interests of Muslims or those of any other religion to the status of the interests of the whole nation would be violating the secularity of the country and nay unconstitutional. Nigeria is a home to adherents of many creeds, and so no single religion is equal or identical to

Nigeria. Yet, as Ezeanokwasa (2007: n. p) observes, "what Nigeria has witnessed all the years she has been enrolled in the O.I.C. is the propagation, sponsorship and defence of strictly Islamic agenda not only within the country but also internationally with the common resources of all Nigerians contrary to the secularity provision of the constitution. This is really likened to a governor running the affairs of his family with state funds and facilities.

It may be apt at this juncture to distinguish O.I.C. from other international associations and bodies of which Nigeria is a member. These include the United Nations Organization (U.N.O), the African Union (AU), the World Bank, Economic Community of West African States (ECOWAS), Organization of Petroleum Exporting Countries (OPEC), and so on. It is noteworthy that unlike the O.I.C., these are not religious bodies. They are secular associations devoid of the objectives of propagating, sponsoring or defending any religious belief. Because no religious confession determines the workings of these associations, job opportunities therein are open to citizens of the member states irrespective of religious affiliation. That is how, for instances Ngozi Okonjo-Iweala and Ibrahim Gambari without religious considerations were appointed as the Managing Director of the World Bank and United Nations Envoy, respectively. More so, the religious neutrality of these international bodies extends to their specialized agencies. The matter would no doubt be different in the case of O.I.C and its institutions and organs which job opportunities are primarily open solely to Muslims.

Furthermore, a caesura has to be drawn between the O.I.C and countries with which Nigeria has diplomatic relations. The OIC is neither a country nor a state actor in international law. It is an association of Muslims and Islamic countries, and governed by sharia. Diplomatic ties between nations are regulated by the Vienna Convention on Diplomatic Relations 1961 which is a multi-lateral treaty entered by nations on the basis of equality, sovereignty and independence (Shaw, 1997: 524 – 525) and not on the ground of religious faith. Diplomatic relations do not imply a rapprochement for a joint action in propagating the religion of any one group of people. Ezeanokwasa (2007: n. p) agrees with this by arguing that "no one can reasonably raise an issue on the fact that Nigeria has diplomatic relations with a country of people with a religion not practised in Nigeria". It has often been canvassed in Nigeria that the country's membership in O.I.C is comparable to the diplomatic ties Nigeria has with the Holy See, the headquarters of the Catholic Church. This research discovers that there is no point of comparison as the two subjects are quite distinct. The Holy See temporalized as the Vatican City is an independent sovereign nation with proper delineated geographical confines. It is a subject (though atypical) of international law like other independent sovereign nations of the world. The Pope is the Head of the State of the Vatican City with all the rights and privileges attached and appurtenant to that status under international law (Shaw, 1997: 172, Udaigwe, 2006: 45 – 57, Martens, 2006: 729 – 760; Bathon, 2001; 1 – 42). The power to run diplomatic relations *(ius legatus)* is one of these rights and privileges. Hence, the Pope like any other head of state has the right and privilege to send out legates called *nuncios* or *pro-nuncios* (Oraegbunam, 2008: 19-21) to countries that have diplomatic ties with the Holy See. Diplomatic relations are not run on the basis of religious belief as is the case with the O.I.C where sharia and Islamic faith constitute the grundnorm. Consequently, the diplomatic relations with the Holy See does not amount

to an invitation to Nigeria or any other nation for that matter to garner resources and funds for the running of the goals and objectives of the Vatican as the membership of the OIC implies on Nigeria. This is the reason why over 176 countries including Muslim countries maintain diplomatic ties with the Holy See (Vatican City) as a sovereign independent nation. On the other hand, Nigeria has diplomatic relations with Islamic Kingdom of Saudi Arabia, for instance, and nobody raises any issue about that as both are sovereign independent states. The O.I.C is neither a country nor a sovereign independent nation but rather an Islamic religious association like those of people of other religions. For instance, there is the Lambeth Conference of the World Anglican Communion, and there is also the Symposium of the Episcopal Conference of Africa and Madagascar (SECAM) which unites the Catholics of Africa and Madagascar. Adherents of these religious denominations, obviously aware of the secularity of the nation, have not asked that the Nigerian government enrolls the country in them. Yet, these Nigerians relate with their fellow believers and support their associations in their personal capacities and not with the resources and offices of the government of the nation.

More so, the financial and economic implications of Nigeria's membership of O.I.C are no less enormous than the political. What immediately demands an attention in this connection is the country's relationship with the Islamic Development Bank (IDB) which is a specialized organ of the O.I.C and located in Jedda, Saudi Arabia. The purpose of the IDB consists in "fostering the economic and social progress of member states and Muslim communities individually as well as collectively in accordance with the principles of Sharia (http://www.OIC.OCI.org/ enghlish/specialized%20 organization.htm). Nigeria was enrolled in this bank surprisingly by Obasanjo-led government in 2005 with the subscription of 0.03 percent of the overall capital of the bank. Obasanjo is supposedly a Christian. One could very easily gloss over and not bother about Nigeria's membership of IDB in the thinking that after all a non-Muslim can enter into business or financial transaction with a Muslim or with a company owned by a Muslim. That is true but the issue is deeper than that. The basic condition for membership of the bank is that the prospective shareholder country should be a member of the O.I.C., pay its contribution to the capital of the bank, and be willing to accept such terms and conditions as may be decided upon by the IDB Board of Governors (http://www.OIC.OCI.org/enghlish/ specialized% 20organization.htm). These preconditions take the membership of the IDB away from the ordinary and common-place sphere of business or financial transactions. They distinguish the IDB from other international financial institutions like the International Monetary Fund (IMF) and the World Bank which do not demand, as a prerequisite, that a prospective member should enroll in a given religious association. These institutions are quite secular. Thus, the stated preconditions define the IDB as a unique Muslim outfit with exclusive Muslim agenda, an institution that is not open to non-Muslims. In the case of Nigeria, it does appear that Obasanjo was fulfilling one of the requirements made of members of O.I.C in order for it to achieve its objectives. Such a step also vitiates the argument that holds that Nigeria had withdrawn from O.I.C. Hence, membership of IDB is a travesty of the secularity of the nation and a further step to Islamize Nigeria. The effect is that public money belonging to all Nigerians irrespective of religions is an object of banking transactions that are government by Islamic law. This is in contradistinction with the

operations of the IMF and the World Bank that are regulated by secular banking legal regime. Sillah's argument that IDB "has nothing to do with religion and politics but is concerned with rural development and poverty reduction" (Guardian Newspaper Online, Friday, 4 August 2006) does not square with reality. Besides, it is unlikely that job opportunities arising from the IDB are open to non-Muslims. To consolidate ties with IDB, the former Nigerian Minister of Finance, Shamsudeen Usman, called on Nigeria to borrow money from IDB. Apart from perhaps plunging the nation back into a debt crisis, a situation from which she recently and joyously extricated herself, the call is an attempt to further compromise the secularity of the nation. The banner of zero-interest-for-40-years as bandied by the said Minister should not deceive anyone. It is a popular maxim in financial matter that when the offer is too good to be real, you better beware! Certainly, there are undeclared conditions to be decided by the Board of Governors of the bank. One wonders why Nigeria which does not bank according to sharia at home goes abroad to bank according to sharia. This researcher is convinced that borrowing from the IDB is a recipe for loss of secularity in Nigeria in spite of any other possible advantage. Subjecting any Nigerian economic objective and submitting the Central Bank of Nigeria (CBN) to a banking model that is determined by sharia is tantamount to Islamizing the country and her economic institutions.

Furthermore, the Nigeria's membership in O.I.C has equally left unpalatable footprints on the nation's legal system. While some aspects of the system have experienced an outright review, others have been violated. Yet in some others, the O.I.C and its objectives have constituted an obstacle on the way to enforcement. Because the affairs of the O.I.C are governed by sharia, there is every attempt to impose the sharia on Nigeria legal system. The domino effect is that the structure of Nigerian legal system does not conjure up the idea of equality between Christians, for instance, and Muslims. The nation runs a tripartite judicial system, namely statutory, Islamic, and customary. But while Christians have canon law with a well developed judicial system around it and yet not recognized by the constitution, the sharia law and judicial system belong to Muslims and are well knit into the constitution. The sharia system is so recognized that a certain number of judges learned in Islamic law must be appointed to the Court of Appeal for it to be duly constituted [CFRN, 1999: S. 237 (a) (b)]. This is in addition to the provisions for the establishment of the Sharia Court of Appeal of the Federal Capital Territory (FCT), Abuja, and the Sharia Court of Appeal of States especially northern states (CFRN, 1999; ss. 244, 260 & 275). Islamic Jurisprudence is also practised in the Area and Sharia Courts in the northern states. Hence, Islamic judicial institutions are run not just by the federal government but also with federal resources, offices and funds. In this manner, labour is also created for Muslims at the expense of non-Muslims. It may be argued that if Islamic law, which came to the territory that is Nigeria in time is given a constitutional recognition, fairness dictates that a similar status should be accorded to canon law which also came to Nigeria in time, and is just as a religious law as is Islamic law. Such recognition should also be granted to the religious law of any other religion.

The religio-legal superiority complex of Islam over and against Christianity in Nigeria is further bolstered in the marriage institution. The constitution itself is privy to this. Item 61 of the Exclusive Legislative List in the Part I of the Second Schedule to the Constitution empowers Muslims to marry and handle their matrimonial causes

according to their religious law, whereas Christians are constrained to marry and resolve theirs under the marriage statutes made by the National Assembly. This means that Muslims who do not marry according to the marriage statutes will sit in the National Assembly and regulate the marriage of Christians. This arrangement places Muslims in the Olympian but arrogant position of making and reviewing marriage laws that do not bind them. A humiliating situation is thus created wherein a Christian would even have a Muslim officiate at his marriage at the marriage registry whereas no Christian may ever exercise such an office over a Muslim. Going by the fact that Nigerian marriage statutes do not bind Muslims today, Christians are in for attendant restrictions and disadvantages as a result of the fact that their marriages are regulated under the statutes. For instance, Christians pay fees to the government for specified matrimonial causes (Marriage Act, 2004: S. 36). Christians must have their places of marriage lisenced and registered with the government for their marriages to be valid under the Act (Marriage Act, 2004: S. 21). They should also celebrate their marriages within the time (8.00 am to 6.00 pm) specified by the government outside of which such marriages are not recognized by the law (Marriage Act, 2004: S. 21). On the other hand, Muslim marriages which are completely regulated by sharia detract from these stipulations.

The grand artifice under which the above constitutional and judicial discriminations operate is the legal fiction or supposition that Islamic law is part of Nigerian customary law. This is the crux of the religious conflicts and polarization in the country today. By this legal device, Muslim's is a customary law that is personal unlike other customary law systems that are territorial. The former would therefore be mobile and follows the Muslim wherever he goes. Unfortunately, the designers of this theory were probably short-sighted with regard to how conflictual the artifice would be for Nigeria. Surely, the co-existence of the mobile customary law (sharia) and the native customary law would be like putting a square peg on a round hole. The dynamics of this conflict perhaps are playing out in Jos at the time of this research. It is a supremacy struggle between Islamic law that came with Hausa/Fulani Muslim settlers, and Jos native customary law. The implications abound if the Hausa/Fulani Muslims who fight to be accorded indigene status succeed. Either Islamic law automatically becomes the customary law of Jos or there would be two customary laws in one territory. Again, either the current Gwom Gwom of Jos who is a Christian is deposed for a Muslim to take over, or there will be two traditional rulers at a time, namely, a Muslim Emir to run Jos side by side with the Gwon Gwom of Jos. There will be two captains manning one ship. Presently, the Hausa/Fulani are desirous of having and indeed gunning for an Emir of Jos. Such a culture Jihad is perhaps one of the fruits of the research emanating from Research Centre for Islamic History, Art and Culture, which is an important subsidiary of the O.I.C. It is certainly an affront to section 21 of the constitution which provides for directives on protection, preservation and promotion of Nigerian cultures.

Further still, it is a cardinal principle of Islamic international relations that its legal foundation is based on sharia (Abo-Kazleh, 2006: 41; Al-Zuhili 2005: 269-283). Hence, article 25 of the Cairo Declaration on Human Rights in Islam states that "Islamic Shariah is the only source of reference for the explanation or clarification to any of the articles of this Declaration", which was adopted and issued at the in nineteenth Islamic Conference of Foreign Ministers in Cairo in 1990. Similarly, the Foreword to the Universal Islamic Declaration on Human Rights (UIDHR) 1981 states

that the Declaration is "based on the Quran and the Sunnah". The consequence is that not only ideas of human rights but also the entire lives of Muslims are governed by the dictates of sharia. No wonder, it is extremely difficult in Nigeria to domesticate or at least ratify many an international treaty, covenant, convention that promote respect for human rights. Instances of those instruments include Convention on the Elimination of all forms of Discrimination against Women (CEDAW), Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, and African Charter on the Rights and Welfare of the Child. Although, the National Assembly has enacted Child Rights Act, most of the federating states especially northern states have not domesticated the Act. That is why Ahmed Sani Yerima could marry a girl of thirteen years and went scud free even when the Child Rights Act stipulates that a child under eighteen years should not enter into marriage (Child Right Act, S. 277).

Nigeria has the objective of seeking national integration through the elimination of all forms of discrimination on the grounds of, among other things, religion [CFRN, 1999: S. 15(2),]. The primary duty of the executive arm of the government is to defend this goal. The O.I.C aim is manifestly contrary to this objective. Its aim of seeking Islamic solidarity can in no way lead to national integration. Its goal of fighting for the independence of the Muslim people in itself sounds subversive to the integrity of the country. The paradox of it all is that through the O.I.C Nigeria suicidally has become the agent of her own disintegration. Nigeria is a member of an association whose aim is the independence of a section of her citizens. Truly, the O.I.C labyrinth with its dynamics has notionally divided the country from head to toe. It has created the consciousness of "we Muslims and the rest". This consciousness gets practical with the passage of time through Nigeria's membership of its subsidiaries like Islamic Development Bank (IDB) and with the on-going introduction of Islamic banking. On the international sphere, the O.I.C means the islamization of the country and the automatic reduction of non-Muslims to second-class citizens since her international relations and affairs are now conducted through the prism of defending and promoting the interest of Muslims. This in no small measure impairs her ability to be unbiased in representing her citizens in the international community. As the world has become a village, a lot of the welfare and progress of a people depend on what happens in international affairs. How far can Nigerian non-Muslims enjoy the goodwill and protection of their country in the international sphere when the country through the O.I.C has banded with other Muslims countries to place uppermost the interests of Muslims? The surreptitious manner in which Ibrahim Babangida enrolled Nigeria into this body says much both of the organization itself and the insensitivity of Babangida to the rights of non-Muslims in Nigeria. The summary dismissal of Ebitu Ukiwe, his second in command and a Christian, for daring to say that the body that should discuss such an issue did not do so, is a testimonial on the polarizing nature of O.I.C in Nigeria. He became the first Christian victim of O.I.C.

Finally, it goes without saying that the socio-political, financial and legal effects on Nigeria's membership of O.I.C. combine to breach the religious rights of non-Muslims. Hence, section 38 of the Constitution on right to freedom of religion, thought and conscience is violated. Similarly, the practical effects of the relationship with the discussed Islamic agencies and bodies constitute an attack on the rights of non-Muslims to freedom from discrimination on the basis of religion (CFRN, 1999: S. 42). The

secularity of the nation as enshrined in section 10 of the constitution is equally breached. Actions that detract from the secularity of the country are like fodders to the embers of religions crises. These lead to disintegration, disharmony and discontent. Real withdrawal of the nation from religious associations and institutions like O.I.C, IDB and so on is one step towards stopping religious crises and promoting national cohesion and development.

Suggestions and Recommendations: Towards a Genuine Democratic Spirit

In the light of the above problems associated with the forced enrolment of Nigeria into Islamic organizations and relations, this paper makes the following suggestions and recommendations:

Islamo-Legal Reform

Sharia and Islam should be reformed. Socio-historical change and evolutionary spirit make it inevitable for Sharia Islam to read the 'signs of the time'. Accordingly, Islam needs to reform its laws in line with the modern needs (Adigwe, 2000).

Socio-Religious Renaissance

In the same line with need for legal reform, Nigerian Islam must undergo a socio-religious rebirth. Giddens (1993:387) observes that "religion is a social institution". As such, it enhances the social life of the society that practises it. Therefore Islamic religion in Nigeria must learn to co-exist with other religions. Christians and adherents of other religions must be allowed to practise their faith without hindrance.

De-politicization of Islamic Religion

In a multi-religious state like Nigeria, common sense demands that separation of religion and politics seems to be the reasonable safe ground (Kukah, 1993).

Need for Cultural Rebirth

It is really regrettable that Islam had been propagated along with the Arab culture (Arabization)(Stamer, 1995:13) of violence and private vengeance. It may therefore be necessary to *inculturate* Islam, like in the days of the Ummayads, (Nzomiwu, 1989:50) in such a way that by shedding the Arab garb, one can be authentically Nigerian and authentically Muslim.

Avoidance of Fanaticism

Islamic religion in Nigeria needs to employ a little bit of rationality into its manner of operation to curb fanaticism (Chidili, 1998). It is by that that the Nigerian democratic ideals will still be in tact irrespective of Islam and Sharia.

Avoidance of Fundamentalism and Literalism

For democracy to survive in Nigeria, adherents of Islam need to read beyond the letters of the Sharia and know that followers of other religions also have their laws.

Adherence to State Secularity

For the sustenance of democracy in Nigeria, there is an urgent need for government to maintain a neutral posture (Ryu, 2009; Li-ann, 2009; Omotola, 2009) with regard to all religions in Nigeria.

Awareness of Religious Pluralism and Respect for Religious Freedom

For the growth of democracy in Nigeria, Islam and its Sharia should be aware of the multi-religious and religious pluralistic nature of Nigeria (Odey, 2000:45) and consequently respect the fundamental right to religious freedom of other believers.

Necessity for National Dialogue

There is an urgent need for a national dialogue in which religion-oriented problems will, among other things, be in the agenda. This type of dialogue, according to Chiegboka (2004:139) "will give the Nigerian citizens in a secular state, a future of peace, unity and progress".

Need for Inter-Religious Dialogue

Apart from national dialogue, it may well be appropriate to often organize inter-religious dialogues in view of mutual understanding and peaceful co-existence.

Obedience to the Rule of Law

One of the cardinal principles of any democracy is that of the rule of law (Dicey, 1959). Therefore, it is necessary that Nigerian Islam adhere to the constitutional restriction of Sharia enforcement to its personal aspect.

Cultivation of Patriotic Attitude

It is necessary that every Nigerian, be he governed by Sharia or by any other law, should develop some sort of patriotic sense (Nze, 1998) in pursuance of the success of Nigerian democratic projects.

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