

## **LEGAL ANALYSIS OF THE ROLE OF NIGERIA IN THE DEVELOPMENT OF INTERNATIONAL ORGANISATIONS IN AFRICA**

**By**

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### **Abstract**

*Every nation in the global arena pursues a foreign policy that is consistent with its existence as a nation and relates to other independent states in the international system. These policies are aimed at protecting the country's cultural values, ideological goals and national security. Nigeria became a part of the committee of independent nations in 1960 full of hope and vigor and ready to expend its political, economic and natural human resources for the growth, unity and development of Africa. Nigeria since independence thus pursues foreign policies that are in tune with the beliefs and aspirations of the founding fathers of the nation, a foreign policy that is concentric in nature and content and which has as one of its core values- 'the Africa Centre Piece'. This paper examined the various roles Nigeria has played in the development of some international organizations in Africa. This paper adopted doctrinal method where the relevant primary and secondary sources were utilized. It was found that since her independence in 1960, Nigeria has sustained the Pan-African engagement of her foreign policy without wavering. It concluded that despite Nigeria's contributions and sacrifices towards the continental unity project, her efforts have hardly been recognised, acknowledged and compensated and the future of these international organisations depends on the commitment of all the member states to make the continental unity project work. Finally, it was recommended that for Nigeria to however, continue to assert itself in Africa, emphasis should be on improving good governance, controlling corruption, increasing access to quality education, food and health security among its populace and of course infrastructural development which is consistent with the motive for rapid and sustainable socioeconomic development.*

**Keywords:** *Legal Analysis, International, Africa, Organizations, Development*

### **Introduction**

Prior to the establishment of international organizations in Africa, it can be argued that there was no cooperation amongst African nations. Most African nations were being controlled by their colonial masters. The colonial masters came with different policies such as indirect rule, policy of assimilation, policy of association and so on, to rule Africa. Most African territories were controlled by the British and the French who prevented them from associating and cooperating with another through the policy of divide and rule. It was after many African nations gained independence that the establishment of international organizations gained momentum in Africa.

Nigeria from time past has always been regarded as the giant of Africa, partly due to its high population (i.e. human resources), large land size, abundant mineral resources and economic potentialities.<sup>1</sup> Hence, many African countries and indeed the international communities looked up to Nigeria for a leadership role in Africa. Nigeria joined the committee of independent nations in 1960 full of hope and vigor and ready to expend its political, economic and natural human resources for the growth, unity and development of Africa. Nigeria since independence thus pursues foreign policies that are in tune with the beliefs and aspirations of the founding fathers of this great nation, a foreign policy that is concentric in nature, content and which has as one of its core values – “the Africa Center Piece”.<sup>2</sup> Nigeria has exhibited profound interest in the economic development of Africa states and contributed quothably for the consolidation of universal peace, mutual respect among all nations and elimination of discrimination in all its manifestations, especially among its closest neighbours of the West African sub region.

It is this core value of the Nigerian foreign policy that Nigeria participates in International Organizations in Africa. Nigeria over the years has been an active player in the development of the continent and this has made her to champion the establishment of various international organizations in Africa such as the Economic Community of West African States (ECOWAS); ECOMOG; the Organization of African Unity (OAU, now AU); the Non-Aligned Movement and other West African bodies. The country’s membership and commitment to several international organizations, such as the United Nations and many others, also affect foreign policy positions. Nigerian external relations have emphasized African issues, which have become the avowed cornerstone of foreign policy.<sup>3</sup>

The importance that Nigeria placed on international organizations grew out of a striving for peace and international cooperation. In the cases of the OAU and ECOWAS, these organizations also served to increase African unity, another important Nigerian goal. Nigeria played an initiating role in the creation of both organizations and was active in both thereafter. Although Nigeria's positions on various issues have changed over the years, its level of activity in international organizations has increased.<sup>4</sup> No doubt, since her independence in 1960, Nigeria has sustained the Pan-African engagement of her foreign policy without wavering. In both the 1979 and 1999 Constitutions of the Federal Republic of Nigeria, the promotion of African integration and support of African unity constitute a key foreign policy objective. Nigeria demonstrated her commitments by showing pragmatic realism in the pursuit of African

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<sup>1</sup> A S Gusau, ‘Littering the Landscape: An Analysis of the Role of Nigeria in the Transition of O.A.U to the African Union’ [2013] (9)(8) *European Scientific Journal*, 78.

<sup>2</sup> *Ibid.*

<sup>3</sup> A Pine, ‘Nigeria Foreign Policy, 1960-2011: Fifty-One Years of Conceptual Confusion // Modern Ghana’

<<https://www.modernghana.com/news/354264/nigeria-foreign-policy-1960-2011-fifty-one-years-of-concept.html>> accessed 21 May 2022.

<sup>4</sup> Nigeria Relations with International Organizations

<[https://photius.com/countries/nigeria/government/nigeria\\_government\\_relations\\_with\\_inter~10033.html](https://photius.com/countries/nigeria/government/nigeria_government_relations_with_inter~10033.html)> accessed 21 May 2022.

unity and integration which saw to the establishment of the Organization of African Unity (OAU) in 1963 and later the transformation of the organization to the African Union (AU) in 2002.<sup>5</sup> Nigeria's unwavering commitment in the struggle against apartheid and decolonization of the continent earned her recognition among the frontline states in Southern Africa and Nigeria kept faith with this until the last vestiges of apartheid was crushed and South Africa become independent in 1994. It helped South Africa and other African nations to gain independence. Nigeria has also been dedicated to the promotion of peace, development and unity of Africa and this has cost the country huge human and material resources since independence. While Nigeria has remained committed to the development of Africa, it is evident that her role in the continent is hardly understood, not only by Nigerians and Africans, but by the larger international community.<sup>6</sup>

Apart from the international organizations that exist in Africa, Nigeria also plays a pivotal role in different international organizations that exist in the world. At present, Dr. Ngozi Okonjo-Iweala, a Nigerian, is the Director-General of the World Trade Organization. Chief Emeka Anyaoku, who is also a Nigerian once headed the Commonwealth of Nations. In the same vein, Nigeria also plays a pivotal role in United Nations peace-keeping operations. Nigeria deployed her troops to Liberia and other African nations for purposes of peace-keeping. Nigeria also plays a key role in the Nigeria-New Partnership for Development (NEPAD) by working with other African nations to eradicate poverty, ensure sustainable development, accelerate the empowerment of women and so on.<sup>7</sup>

Nigeria has done so much in FESTAC. FESTAC 77, also known as the Second Black African Festival of Arts and Culture, was a major international festival held in Lagos, Nigeria, from 15 January 1977 to 12 February 1977.<sup>8</sup> The said event celebrated African culture and showcased to the world African music, fine art, literature, drama and religion. Nigeria was the brain behind the event because it hosted the event and contributed financially to the success of the event.

### **Conceptual Clarifications**

The key concepts which are considered to be of utmost importance to this paper are as follows:

### **International Organizations**

The term "international organizations" refers to a wide variety of formal structures with both common elements as well as specific peculiarities, which call for clarification. As noted by Brechin and Ness,<sup>9</sup> scholars of international organizations "seem to typically focus on inter-

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<sup>5</sup> S Wapmuk, 'Nigeria and the Establishment of the OAU and Its Transformation to the AU' (Research and Studies Department, Nigerian Institute of International Affairs) 78.

<sup>6</sup> *Ibid.*

<sup>7</sup> V Igwe, "NEPAD" <[www.socialprotection.org](http://www.socialprotection.org)> accessed 17 July 2022.

<sup>8</sup> R Jonathan and Others, *FESTAC: Unbeat Finale* (The Washington Post 2014) 10.

<sup>9</sup> S R Brechin and G D Ness, 'Looking Back at the Gap: International Organizations as Organizations Twenty-Five Years Later' [2013] (4)(1) *Journal of International Organizations Studies*, 14-39.

governmental organizations, and at times, seem to use the term inter-changeably. Notably the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations provides that:

For the purposes of the present Convention ‘international organization’ means an intergovernmental organization”. The intention of that older definition was first of all to exclude non-governmental organizations. The contemporary textbook definitions usually establish three cumulative criteria: founding document governed by public international law, inter-governmentality (state membership), and will of its own.<sup>10</sup>

Archer<sup>11</sup> defined an international organization as a ‘formal, continuous structure established by agreement between members (governmental and/or non- governmental) from two or more sovereign states with the aim of pursuing the common interest of the membership’. International organizations normally differ on the basis of membership, wherein they are either universal (i.e. World Bank) or regional (i.e. Arab League of Nations).

Archer<sup>12</sup> added that every international organization must have what is called irreducible characteristics, which are broadly grouped into three. First, it must have a membership, which must consist of two or more sovereign states. Secondly, every international organization pursues the common interest of the members” and every organization must have its aims and objectives spelt out in its Constitution or Charter. Lastly, an international organization should have its own formal structure of a continuous nature established by an agreement such as a treaty or constituent documents. It is important to note that these organizations are created by sovereign states and can only do what these states empower them to do. An international organization is said to be supranational organization if it has an authority to make regulations that are binding on its member state.

International organizations according to Goldstein and Pevehouse,<sup>13</sup> is concrete, tangible, structure, with specific functions and missions. International organization can be define them as transnational organization most usually setup by charter, with mission and vision transcending one state and geared towards performing specific functions. According to Plano and Olton<sup>14</sup> international organization is defined<sup>14</sup> as “a formal arrangement transcending

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<sup>10</sup> K Schmalenbach, ‘International Organizations or Institutions: General Aspects’, in R Wolfrum, *Max Planck Encyclopedia of Public International Law* (Oxford University Press, 2014), paras 3-11; J Klabbbers, *An Introduction to International Organizations Law* (3<sup>rd</sup> edn, Cambridge University Press, 2015), 9-14; H G Schermers and N Blokker, *International Institutional Law* (6<sup>th</sup> edn, Leiden: Martinus Nijhoff, 2018) 41.

<sup>11</sup> C Archer, *International Organizations* (3<sup>rd</sup> edn, Routledge, New York, 2001) 33.

<sup>12</sup> C Archer, *International Organisations* (1<sup>st</sup> edn, London: George Allen and Unwin 1999) 35.

<sup>13</sup> J S Goldstein and J C Pevehouse, *International Relations* (5<sup>th</sup> edn., Boston:Longman, 2011) 22.

<sup>14</sup> J Plano and R Olton, *International Relations Dictionary* (New York: Rinehart and Winston, 1975) 34.

national boundaries that provides for the establishment of institutional machinery to facilitate cooperation among members in the security, economic social and related field”.

## **Development**

The concept of development remains a major area of controversy among scholars in scientific community. The different problems underlying the concept have become clearer over the years based on conceptual discussions as well as from insights emerging from empirical work. Obono conceived development as the improvement and attainment of core value of sustenance (that is the perpetual ability to meet basic needs), self-esteem (what it means to be, and to have respect to the fact of one’s being, a person), and freedom from servitude (or the ability to choose and change a particular lawful existential aspirations).<sup>15</sup> Development is therefore conceptualized at the levels of the individual, social group and society.<sup>16</sup>

Todaro conceptualized development as a multidimensional process involving major changes in social structures, popular attitudes, and national institutions, as well as the acceleration of economic growth, the reduction of inequality and the eradication of absolute poverty.<sup>17</sup> Rodney sees development, whether economic, political or social, to imply both increases in output and changes in the technical and institutional arrangement by which it is produced.<sup>18</sup> In other words and more importantly, development is a multi-dimensional concept and in spite of the various conceptions, development is basically about the process of changes which lies around the spheres of societal life.

## **Role of International Organizations**

The role of any organization is dependent on the aim or purpose behind the formation of such a body. There is always an interesting area that attracts member states. The present-day realities show that international entities play various roles which range from intrastate, intra-regional to international roles. As arenas, international organizations perform the function of a forum or stage on which member states can discuss, cooperate, argue or disagree on numerous issues.<sup>19</sup>

Traditionally, international organizations have given their members an opportunity to articulate their viewpoints and suggestions in an open and public forum; hence a study of forty-one academic publications written between 1970 and 1977 found that 78 per cent presented the UN as an arena.<sup>20</sup> The use of the UN and its agencies in the 1970s by Third World countries as a platform to voice their views on a New International Economic Order (NIEO) serves as a

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<sup>15</sup> K Obono, ‘Socioeconomic Dynamics of Multiple Mobile Phone Usage and Communication in Ota, Nigeria’ [2012] (6) (3/4) *International Journal of Electronic Finance*, 256 – 267.

<sup>16</sup> G Iornumbe, ‘Political Instability and National Development in Nigeria’ [2005] (4)(1) *NAPSS Journal of Politics and International Relations*, 27-37.

<sup>17</sup> M P Todaro, *Economics for Developing Nations* (London: Longman Group Limited 1989) 15.

<sup>18</sup> W A Rodney, *How Europe Underdeveloped Africa* (Dar es Salaam: Tanzanian Publishing House 1972) 6.

<sup>19</sup> C Archer, *International Organisations* (2<sup>nd</sup> edn, London: Routledge, 1992) 141.

<sup>20</sup> *Ibid*, 74.

classical example.<sup>21</sup> Equally important, the defunct Organization of African Unity (OAU) has been very useful in granting an international stage/spot light to the pioneers of liberation in Africa who were meeting to condemn the inhumane and brutal system of apartheid, imperialism and all forms of colonialism.<sup>22</sup>

They are also involved in organizing states around their common interests and in pointing out the benefits of cooperation. Large regional bodies such as ECOWAS have worked extensively to promote economic cooperation. Others such as the Organization of African Unity (presently African Union), have controlled and managed conflict in their own regions.”<sup>23</sup> In addition to these, international organizations have also provided to the Member States training, capacity development and a variety of direct services to support victims of violence and to help develop national institutions to be better positioned to address this scourge.<sup>24</sup>

International organizations also help in providing member countries with flexible mechanisms to identify and adapt to new and emerging regulatory areas or issues; contributing to the development of a common regulatory language; and developing international legal and policy instruments.<sup>25</sup>

### **The Objectives of Nigeria’s Foreign Policy**

The foreign policy objective of Nigeria was enunciated as well as defined by the President Tafawa Balewa’s administration soon after Nigeria’s independence in 1960 and the policy makers just came out of colonialism and were not exposed to the intricacies of foreign affairs. The main anchors of foreign policy of Nigeria at independence on October 1, 1960 included:<sup>26</sup>

- i) **The Principle of Non-Alignment:** This means refusal to align with any of the power blocs namely Western bloc led by the United States of America and the Communist East spearheaded by the defunct Union of Soviet Socialist Republics (USSR) in the face of cold war that the world experienced. This was of special interest because Nigeria’s independence came at the peak of the cold war between the two super powers. Thus, the need for neutrality arose in the conduct of Nigeria’s foreign policy.

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<sup>21</sup> *Ibid.*

<sup>22</sup> M S Maleka and Others, ‘Probing the Phenomena of “African Unity as the Pillar of the African Union” [2016] (1)(1) *Journal of Public Administration and Development Alternatives*, 121–134; K B Shai and R R Molapo, ‘The “Decriminalisation” of the Fees Must Fall Movement in South Africa: An Asantean Perspective’ [2017] (15)(1) *Commonwealth Youth and Development*, 1–16.

<sup>23</sup> E Udalla, ‘International Organizations and State Sovereignty: Implications for Public Policy Making and Implementation in Nigeria’ [2012] (3) *Nnamdi Azikiwe Journal of Political Science*, 78.

<sup>24</sup> R Mayanja, The Role of the International Organisations and International Law presented at G8 International Conference on Violence against Women, Rome, 9 September 2009, Sala Delle Conference International Ministry of Foreign Affairs.

<sup>25</sup> A J Oye, ‘National Development Strategies: Challenges and Options International’ [2014] (3)(4) *Journal of Humanities and Social Science Invention*, 51-58.

<sup>26</sup> D A Briggs, The Africa Union: Between Nationalism and Supranationalism in A Briggs (eds), *Nigeria in World Politics Trends and Challenges* (Nigeria: National Institute for Policy & Studies, 2005); C N Ajaebili, ‘The Option of Economic Diplomacy in Nigeria’s Foreign Policy’ [2011] (1)(17) *International Journal of Humanities and Social Science*, 277-280; S A Umezurike and L E Asuelime, ‘Exploring Diplomatic Crisis of Nigeria and South Africa between 1994 and 2013’ [2015] (4)(1) *Academic Journal of Interdisciplinary Studies, MCSER*, 173-184.

- ii) Legal Equality of States: This is a foreign policy principle that Nigeria adopted in order to accord respect for the legal sovereignty of all nation-states in the international arena. This principle maintains that the sovereignty and territorial integrity of all states, big or small should be respected and all should have equal playing ground. This is a principle meant to protect both small and newly independent states from the over bearing influence of the developed countries.
- iii) Non Interference in the Domestic Affairs of Other States: Nigeria upheld the principle of non-interference in the internal affairs of other countries. This principle guarantees the ability of the world order to allow independent countries to determine the course to follow in its national and foreign policy objectives. Nigeria has promoted this principle to a very large extent in the global affairs.
- iv) The Principle of Multilateralism: This implies the freedom to seek membership of both continental and global multilateral organizations. It is on this basis that Nigeria became a member of several international organizations including the political, economic and social/religious organizations. For example, it was on this basis that Nigeria became a member of United Nations Organization (UNO) and on the same basis it followed up the formation and its membership of OAU/AU till date.
- v) Africa as the centre-piece of Nigeria's Foreign Policy: Africa has remained the cornerstone of Nigeria's foreign policy since independence in 1960 and as such Nigeria has laid much emphasis on Africa in its foreign policy. Its line of argument/action follows better Nigeria, better Africa, and better world. This explains Nigeria's roles in the formation of the continental organization, OAU/AU to stand as a platform for realizing African prosperity.

General Obasanjo identified the permanent fundamental foreign policy objectives of Nigeria as follows:<sup>27</sup>

- i) The defense of our sovereignty, independence, and territorial integrity;
- ii) The creation of necessary political and economic conditions in Africa and the rest of the world which would foster Nigerian National self-reliance and rapid economic development. This would facilitate the defense of the independence of all African countries;
- iii) The promotion of equality and self-reliance in Africa and the rest of the developing world;
- iv) The promotion and defense of social justice and respect for human dignity, especially the dignity of the black man, and
- v) The promotion and defense of world peace.

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<sup>27</sup> J Wayas, *Nigeria leadership role in Africa* (The Macmillian Press Ltd; London, 1979) 22.

Thus, Nigeria's location and the size gave her a central position in the West Africa and Africa politics. It becomes imperative for Nigeria as a state with its size, resources, and geographical location to regard itself as a great power in the continent and the world at large.

### **Role of Nigeria in the Development of International Organizations in Africa**

No doubt, since her independence in 1960, Nigeria has sustained the Pan-African engagement of her foreign policy without wavering. In both the 1979 Constitution and the Constitutions of the Federal Republic of Nigeria, 1999, the promotion of African integration and support of African unity constitute a key foreign policy objective. Nigeria demonstrated her commitments by showing pragmatic realism in the pursuit of African unity and integration which saw to the establishment of AU, ECOWAS and other international organizations in Africa.

### **Role of Nigeria in the Establishment of African Union**

An early sign of the emerging points of departure as to how African states should unite was observed when Guinea and Ghana proposed to form a nucleus of a Union of West African states. This nucleus called the Ghana-Guinea Union (GGU) was proclaimed on 1st May, 1959. Instead of this marriage being celebrated as sign of a good future for Africa, it came under severe criticism from several sides. The first criticism came from Chief Anthony Enahoro of Nigeria who stated that 'any idea of a union of West African States 'pre-determined by Ghana and Guinea was unacceptable'.<sup>28</sup> It was not only Nigeria that criticized the proposed union, Guinea's other French Africa too were opposed to the union because of the way and manner Guinea decided to be free. In an effort to find a way out of the crisis, President Tubman of Liberia organized a conference at Sanniquelle, a small village in Liberia. In attendance at the Conference which held in July, 1959, were the Heads of State of Ghana, Guinea and Liberia. These leaders differed in their views as to whether to wait or not for other African countries to achieve independence before proceeding with the discussions on African unity. At the end of deliberations at this conference, it was resolved that any decision on the form, method and timing of concrete measures towards African unity and cooperation be deferred until Nigeria and the other African countries achieved independence.<sup>29</sup>

Again, another conference was called in Lagos, Nigeria in January, 1962 and all independent African states were invited to attend. The Lagos conference considered the proposals submitted by Nigeria, Ethiopia and Liberia for a functional approach to African Unity. After much deliberations, the conference agreed to set up an inter-African and Malagasy organization for the purpose of 'promoting a better life for the peoples of Africa', by enlisting the efforts of member states and joint actions in order to accelerate economic and social development of the people.

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<sup>28</sup> A Adekunle, 'Background to the Establishment, Nature and Structure of the Organization of African Unity' [1988] (14)(1) *Nigerian Journal of International Affairs*, 44.

<sup>29</sup> Adekunle (n 28).



The proposed organization was expected to have certain organs such as Assembly of Heads of State, a Council of Ministers, a General Secretariat and Commissions. It was on the basis of the deliberations that the Lagos Charter emerged. In view of this development, three legal documents had emerged each suggesting different approach to African unity. These were the Protocol of the African Charter and the Charter for the Union of African States, from the Casablanca Group and the Lagos Charter from the Monrovia Group. While both groups agreed on the need for African unity, the point of departure was whether it should take the form of economic cooperation as proposed by the Monrovia group led by Nigeria or political union proposed by Casablanca group led by Ghana. Given the divergent views of the two groups, Emperor Haile Selassie of Ethiopia argued for an ‘African Group’ instead.<sup>30</sup> The significance of the Lagos conference was that it brought together for the first time all the groups, with exception of the Algerian provisional government. It was also at the Lagos conference that African states agreed to move forward with the continental project of African unity. And the country that provided the platform to host the conference with its resources was Nigeria.

Following this encouragement, negotiations were carried out through formal and informal diplomatic channels. State visits by African Heads of State became more frequent. For instance, the Nigerian Prime Minister, the Sir Abubakar Tafawa Balewa visited Guinea in December 1961 to discuss the issue of African unity. The various consultations yielded desired result as both the Casablanca group and Monrovia group supported the idea for another continental conference. The Lagos Charter was drafted and it embodied of Nigeria’s ideas about African Unity”.<sup>31</sup> Through the efforts of the Ethiopian government a conference of all independent African states was held in Addis Ababa in 1963.

Thus, the Charter establishing the OAU stipulates in its Article (1) thus:

1. The High contracting parties do by the present Charter establish an organization to be known as the Organization of African Unity;
2. The Organization shall include the continental African states, Madagascar and other island surrounding Africa. While the organization is guided by article II of the charter thus:
  - i. To promote the Unity and solidarity of the African states.
  - ii. Coordinate and intensify their cooperation and efforts to achieve a better life for the people of Africa.
  - iii. Defend their sovereignty, their territorial integrity and independence.

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<sup>30</sup> N Kwame, *Africa Must Unite* (London: 1963) 147.

<sup>31</sup> R A Dunmoye, *Nigeria and the transition from the OAU to the African Union* (Ibadan, Spectrum Publishers, 2011) 248-249.

- iv. Eradicate all forms of colonialism from Africa, and to promote international cooperation, having due regard to the charter of the United Nations and the Universal Declaration of Human Rights.<sup>32</sup>

To this end, the member states, shall coordinate and harmonize their general policies in the fields of:

- i. Political and diplomatic cooperation.
- ii. Economic cooperation, including transport and communications.
- iii. Educational and Cultural cooperation.
- iv. Health, Sanitation and Nutritional cooperation.
- v. Scientific and Technical cooperation.
- vi. Cooperation for Defense and Security.<sup>33</sup>

Subsequently is important to understand that Nigeria has been able to influence decision pertaining the African continent. This is because the principles guiding Nigerian's foreign policy were similar to article ii of the OAU charter, which indicates in essence the important position of Nigeria in African's affairs.

The leadership role played by Nigeria is very important in understanding the complexities in the politics of Africa. This is so because, after the independence of South Africa in 1994, it has emerged as contending force for the leadership role in Africa. Furthermore, as explained by Dunmoye,<sup>34</sup> Nigeria has been committed to the economic cooperation amongst Member States in promoting specific initiatives to foster economic development and integration in Africa. A Nigerian trust fund was established in 1976 within the African Development Bank. The fund was established to help poorer nations of the OAU and over 30 members' states have benefited.<sup>35</sup>

However, enormous security, governance and developmental challenges still confronted African states. The evidence for this was the sporadic conflict that spread across the entire continent from Liberia to Angola to Ethiopia, Cote d'Ivoire etc. The conflicts were the result of failure of governance in the critical areas of economic development, particularly social provisioning, poverty eradication and the political crisis of marginalisation, injustice, identity and others. In addition, the world has changed significantly; globalisation has impacted on world affairs in a manner which has further worsened the standing of many African states in the global economy. With these critical issues arising, African leaders appreciated the need to adjust to the dynamics of a new era and pursue the rapid socio-economic development. This was the reason why after several negotiations among African states and the endorsement of the

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<sup>32</sup> OAU, *Charter of the Organization of African Unity* (Addis Ababa: OAU, 1963) 89.

<sup>33</sup> OAU (n 32) 3-4.

<sup>34</sup> Dunmoye (n 31) 254.

<sup>35</sup> *Ibid.*

Sirte Declaration in 1999 and the adoption of the Constitutive Act in Lome on July 11 2002, the OAU was transformed to the African Union on July 9, 2002 in Durban, South Africa. Again, Nigeria and like-minded countries played significant roles in the processes that led to the transformation of the OAU to AU.<sup>36</sup>

The transformation of the OAU to the African Union, though, a gradual process which span many decades, is a product of political compromises made by the OAU leaders at their 4th Extra-ordinary summit in Sirte, Libya on September 1999 which was hosted by Libya's Mouammar Qaddafi, who presented at the 1999 summit a draft charter where he proposes "the United States of Africa with one government, one leader, a single army, one currency, one Central Bank and one parliament that makes laws for the whole continent which should be borderless". Thus, following the Sirte declaration which gave birth to the constitutive Act of the African Union, the actual transformation from the OAU to the AU began on the 26th, May 2001 a month after Nigeria deposited her instrument of ratification of the Act (April, 25, 2001) which enabled the Act to acquire the 2/3 ratifications needed for its entry into force.<sup>37</sup>

The objectives of the new A.U; spelt out in fourteen terms and which includes:

- i) To achieve greater unity and solidarity between the African countries and the peoples of Africa;
- ii) Defend the sovereign, territorial integrity and independence of its member states;
- iii) Accelerate the political and socioeconomic integration of the continent;
- iv) Promote and defend African common positions on issues of interest to the continent and its peoples;
- v) Encourage international cooperation, taking due account of the charter of the United Nations and the Universal Declaration of Human Rights;
- vi) Promote peace, security and stability on the continent;
- vii) Promote democratic principles and institutions, popular participation and good governance;
- viii) Promote and protect human rights in accordance with the African charter on Human and people's Rights and other relevant human rights instruments;
- ix) Establish the necessary conditions which enable the continent to play its rightful role in the global economy and international negotiations;
- x) Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- xi) Promote cooperation in all fields of human activity to raise the living standards of African peoples;

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<sup>36</sup> *Ibid*, 254.

<sup>37</sup> Dunmoye (n 31).

- xii) Coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- xiii) Advance the development of the continent by promoting research in all fields, particularly in science and technology; and
- xiv) Work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent".<sup>38</sup>

In the area of continental economic development, Nigeria's commitment to the AU has seen the government playing a prominent role in initiation of the New Partnership for African Development (NEPAD) and the African Peer Review Mechanism (APRM) operating under the AU. Nigeria's role was not limited to the construction of the NEPAD.<sup>39</sup> Nigeria's pivotal role is evident from the commitment she has demonstrated in implementing the NEPAD agenda in the form of sectoral reforms at the domestic level.

### **Role of Nigeria in the Establishment of the Economic Community of West African States (ECOWAS)**

Nigeria is the arrowhead of the Economic Community of West African State ECOWAS, which was emerged in Lagos on May 28, 1975 which is contributing enormously to the organization's development.<sup>40</sup> This new treaty was a result of the commitment and vision of then Nigerian Head of State General Yakubu Gowon and Gnassingbe Eyadema of Togo. From the onset, the main purpose of ECOWAS has been to foster interstate economic and political cooperation between member states. The foreign policy of Nigeria towards ECOWAS after its establishment was to consolidate on its developed Afrocentric doctrine of foreign policy that Nigeria was familiar with in the International ground since before the formation of ECOWAS, as it's the essence that subscribes the idea of Nigeria to take the lead in the newly inceptive organization in order to preserve its resourceful leadership status in the sub-region.

Egbo<sup>41</sup> claimed that oil revenue provides Nigeria with a new impulse to exercise neutrality and a non-aligned stance in international events. The oil revolutions enhanced the economic development of Nigeria, and it engages in a foreign policy comprising of economic expansion into her bordering African states, thereby reached to the formation of the organization in May 1975, the Economic Community of West African States (ECOWAS) consist of fifteen-member state of West Africa. The Nigerian foreign policy approach towards the regional activities of the ECOWAS under the military regime focused on security in the region rather than economic development. The policy was perceived by Danjuma as Nigeria's consensus of instability in West Africa was as a result of underdevelopment and poverty, and in resolving the apparent

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<sup>38</sup> Charter of the African Union, art. 3

<sup>39</sup> I Aluko-Olokun, The Role of Nigeria in the New Partnership for Africa's Development (NEPAD), in B A Akinterinwa, (ed), *Nigeria and the Development of the African Union* (Ibadan: Vantage Publishers Ltd, 2005) 162-173.

<sup>40</sup> Y K Ibrahim and A A Ahmad, 'The Role of Nigeria in the ECOWAS and its support towards the common proposed currency eco' [2020] (3)(2) *Asian People Journal*, 86-95.

<sup>41</sup> S Egbo, *Nigeria and the world: A treatise on foreign policy* (Lagos: John Jacob's Classic Publishers, 2003)67.

economic and political problems, the causal factors must also be addressed; therefore, when Nigeria carried-out military and political gestures to a specific state or member states in West Africa, is signifying on addressing the issues of the entire sub-region.<sup>42</sup> After the country transitions to a democratic era in 1999, Nigeria's foreign policy towards the regional agenda of ECOWAS is steered under its CFRN 1999, which shaped the objectives of Nigeria's foreign policy direction.

According to Boom, the main reason Nigeria and the rest of the francophone countries gave-in to the formation of ECOWAS is; firstly, Niger and Benin both get power via their new regimes, they both disposed positively to Nigeria, and they succeed to distance themselves from France through the positive commitment to Nigeria. Secondly, Senegal and Cote d'Ivoire induced so many reasons to cooperate with Nigeria than standing against it. Finally, Nigeria symbolized the African State's interest and viewpoint; it emerged influential in the European Union (EU) – Afrika Karibik und Pazifischer Raum (AKP) negotiations and highly respected by other countries.<sup>43</sup>

Among the vital essence for the establishment of ECOWAS is to ensure the implementation of a single currency in the region as a fundamental integrating element, simplifying people's free movement and equal trade. Unfortunately, the ECOWAS member states were unable to meet-up with the requirement and reached consensus for this objective due to lack of political-will and security threat, fear of power from the stronger nations over weaker country's as well as fear of the loss of revenue through the establishment of the common currency among the ECOWAS countries.<sup>44</sup>

Nigeria, in particular, is making a tremendous contribution of funds and other motivational support to the organization. In 12 years (2003-2015), it injected \$710,497,352, which is equal to 480,355,205 Unit account (AU) of West Africa, and more than the contribution of 13-member-state put-together. Also, in 2018, Nigeria was at the peak, followed by Ghana and Senegal, as the primary contributors for the sustainability of the organization.<sup>45</sup> The long decades of Nigerian Pro-Africanism foreign policy have included the West African region as part of its foreign policy to date, and it diligently regulates its role in the activities of the region.

Subsequently, it's important noting that the hierarchical Nigerian government's foreign policy has directly or indirectly contributed to the continual survival of ECOWAS as a regional international organization and in spheres of security formation, the economic scheme as well as ensuring political stability through good governance and democracy. Therefore, Nigerian

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<sup>42</sup> I Danjuma and others, 'An Assessment of the Effectiveness of Monetary Policy in Combating Inflation Pressure on the Nigerian Economy' [2012] (1)(1) *Erudite Journal of Business Administration and Management*, 7–16.

<sup>43</sup> D Boom Van Den, *Regionale Kooperation in Westafrika: Politik und Probleme der ECOWAS* (Germany: Hamburg: Institut für Afrikakunde, 1996) 57.

<sup>44</sup> N Fischechenko, *Nigeria as a member of ECOWAS – Does ECOWAS Have an Influence on Nigeria's Trading Policies?* (London, 2012) 22.

<sup>45</sup> Fischechenko (n 44).

arrangement in ECOWAS activities is inducted through bilateral and multilateral diplomacy to ascertain the Nigerian international system's expectations as a regional leader.<sup>46</sup>

### **Role of Nigeria in the Development of ECOMOG**

Nigeria has played a very vital role in the West African sub region as an active member. Prior to discussing the role of Nigeria in ECOMOG, it is important that we have a clear picture of the history of the group. ECOMOG stands for the Economic Community of West African States Monitoring Group. It is an off shoot of ECOWAS which is the Economic Community of West African States. ECOMOG is basically the military arm of ECOWAS. The first defence agreement in the ECOWAS region was formed on the 29<sup>th</sup> of May 1981 in Freetown, Sierra Leone. It was called the Allied Armed Force of the Community (AAFC).<sup>47</sup>

However, with the outbreak of the deadly civil war in Liberia, the English-Speaking members (Nigeria, Gambia, Ghana, Guinea and Sierra Leone) of ECOWAS came together to form ECOMOG on the 7<sup>th</sup> of August, 1990. Its major aim was to end the Liberian civil war and bring peace to the country. Since the formation of ECOMOG Nigeria has always played a very vital role in the various peacekeeping operations of the group. In the thick of the first Liberian civil war, Nigeria mobilized other Anglophone West African countries to form the ECOMOG which then came together to bring peace to Liberia. But for the intervention of ECOMOG, the civil war which lasted from 1990 – 1996 would have been more deadly and would have resulted in more extensive destruction and massacre of innocent civilians. Nigeria invested large sums of money and also sent in military men and women to quell the conflict. Ever since the first ECOMOG mission in Liberia and subsequently Sierra Leone, Nigeria has been a major contributor of arms, ammunition, and men to the success of peace keeping in the West African sub region.<sup>48</sup>

### **Role of Nigeria in Development of the Non-Aligned Movement**

Nigeria is a leading country in the West African Sub-region as well as a leading country in NAM. Contextually, Non-alignment was based on two important premises namely (a) that an independent states political, economic and social policies should be based on domestic interests rather than on the bases of interest of external powers. (b) that the weak emergent nations states were determined to avoid the destructive consequences of war between the great powers. Before the conference of NAM which took place in Belgrade in, 1961 under the leadership of president Marshal Tito, the leaders of the emergent states such as, Nehru of India, Tafawa Balewa of Nigeria, Sukarno of Indonesia, Nkrumah of Ghana, Abdul Nasir of Egypt, Sekou Toure of Guinea amongst others had for a while been involved in discussions on how best to

<sup>46</sup> D O Omo-ogbebor, 'Nigerian Foreign Policy Approach towards ECOWAS' [2017] (14)(4) *Journal of Human Sciences*, 4015.

<sup>47</sup> I Aikhionbare, 'The Role of Nigeria in ECOMOG Formation and Sustainability' <<https://infoguidenigeria.com/the-role-nigeria-ecomog/>> accessed 21 May 2022.

<sup>48</sup> Aikhionbare (n 46).

preserve their independence, promote the development of their independence, promote the development of their nations and be active in World Affairs.<sup>49</sup>

Non-alignment has been a consistent feature of Nigeria's foreign policy since the 1960's when Nigeria joined the forum and, enjoyed strong almost unquestionable support among the Nigerian elites both military and civilian. Nigeria also benefited immensely as a nonaligned nation during the 1967 to 1970 civil war. The immediate neighbouring countries of Nigeria that are French speaking could have supported Biafra but, were dissuaded from doing so because of Nigeria's brotherly relationship with them and their adherence to the five principles of non- alignment most especially, the respect for each other's territorial integrity and sovereignty and mutual non-interference in domestic affairs of other states.<sup>50</sup>

### **Some of the Treaties Setting Up International Organizations in Africa**

#### **Constitutive Act of the African Union 2000**

The Constitutive Act of the African Union (CAAU) was adopted in 2000 and ratified in 2001 member-states of the African Union. The CAAU solemnizes the declaration by African leaders to uphold the ideals of the founding fathers of the Organization of African Unity and the African Union and generations of Pan-Africanists on the continent and the diaspora to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States.<sup>51</sup> The CAAU and the Charter of the African Union established the African Union.

The objectives of the AU laid down in the CAAU are to: achieve greater unity, cohesion and solidarity between the African countries, defend the sovereignty, territorial integrity and independence of its member-states, accelerate the political and socio-economic integration of the continent, promote and defend African common positions on issues of interest to the to the continent and its peoples, encourage international cooperation, taking due account of the Charter of the United Nations, 1945 and the UDHR, among others.<sup>52</sup> The CAAU basically ensures the protection of the civil and political rights of Africans and calls on African leaders to uphold democratic principles which protect the civil and political rights of their citizens.<sup>53</sup>

#### **Revised Treaty of the Economic Community of West African (ECOWAS) 1993**

The Revised Treaty of the Economic Community of West African (ECOWAS) 1993 established the ECOWAS. The aim of the Revised Treaty of the Economic Community of West African (ECOWAS) is to promote cooperation and integration, and trade liberalization among member-states by abolishing non-tariff barriers in order to establish a free trade area. The Revised Treaty of the ECOWAS provides for the adoption of a common external tariff and a

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<sup>49</sup> I O Fineface, 'Non Alignment and Nigerian Foreign Policy with Her Neighbours' [2017] (12)(4) *International Journal of Scholarly and Educational Research in Africa*, 18 – 26.

<sup>50</sup> Fineface (n 48).

<sup>51</sup> African Union, 'The Constitutive Act of the African Union', <<https://au.int/en/constitutive-act>> accessed 2 December 2021.

<sup>52</sup> *Ibid.*

<sup>53</sup> Constitutive Act of the African Union, 2000, art 26.

common trade policy and the removal between member-states of obstacles to the free movement of persons, goods, service and capital.<sup>54</sup> The Revised Treaty of the Economic Community of West African (ECOWAS) 1993 enable member-states of the ECOWAS to trade with one another without any conditionality or barrier.

### **African Charter on Human and Peoples' Rights, 1983**

By the provisions of Article 30 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 2004, an African Commission on Human and Peoples' Rights (African Commission) is established to promote and protect the human and peoples' rights as contained in the Charter. This includes the promotion and protection of the civil and political right of everyone. In other words, the ACHPR established the African Commission on Human and Peoples' Rights.

The African Commission has recorded considerable progress since its inception despite some obstacles which hampered its work. The commission has rendered numerous decisions on complaints filed before it mostly, by Non-Governmental Organizations. The member states mostly affected by the decisions of the commission include Algeria, Botswana, Cameroon, Egypt, Malawi, Nigeria and Sudan. The jurisprudence of the Commission has tremendously improved given its recent decisions being well-reasoned. At any rate, the commission is expected to improve its decision considerably for the newly established African Court on Human and Peoples Rights to uphold such decision.

Implied in the mandate of the commission is the formulation of rules which could serve as legal framework for human rights legislation in African countries. Accordingly, the commission has made considerable contribution by adopting a range of principles and guidelines.<sup>55</sup> These pronouncements (the principles and guidelines) embody articulated standards designed to address the prevailing situation in African countries particularly civil and political rights violation. Members states are expected to adopt these principles as a legislative framework to their domestic laws.

### **Conclusion**

Nigeria till date can be seen playing important role in the mediation and peaceful resolution of crisis in Africa. This is because it possesses all the attributes of a regional leader (population, national endowment, financial resources and sometimes their military capabilities), which put it ahead of other nations in the sub-region. Furthermore, it has provided leadership inside the formation of some regional organizations such as AU, ECOWAS and others in critical situations. Admittedly, Nigeria's role is not based on a clearly defined national security policy,

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<sup>54</sup> Revised Treaty of the Economic Community of West African (ECOWAS) 1993, art 2.

<sup>55</sup> Declaration of Principles on Freedom of Expression in Africa; Guidelines and Measures for the Prohibition of Degrading Treatment or Punishment in Africa and Principles and Guidelines on Fair and Legal Assistance in Africa.



and derived largely from a poorly conceptualized notion of manifest destiny and the ambition of many of its leaders over the years.

The general direction of Nigerian involvement in the establishment of international organizations in Africa is informed by a broadly defined foreign policy objective, built on a specific perception of its national role. However, despite Nigeria's contributions and sacrifices towards the continental unity project, her efforts have hardly been recognised, acknowledged and compensated. Even so, it is in Nigeria's interest to continue to build a more united, free, stronger and secured Africa. It is important to note that the future of these international organisations in Africa depends on the commitment of all the member states in order to make the continental unity project work. There is a clear disconnect between Nigeria's role under AU and the socio-economic development of Nigeria. For example, Nigeria's political system remains fragile while its role under AU, ECOWAS among others presents the state of Nigeria as one with strength and might. Essentially, Nigeria has not been able to transform its role under these organisations to its national benefit.

### **Recommendations**

On the strength of the above, this paper recommends as follows:

- i) For Nigeria to however, continue to assert itself in Africa, emphasis should be on improving good governance, controlling corruption, increasing access to quality education, food and health security among its populace and of course infrastructural development which is consistent with the motive for rapid and sustainable socioeconomic development.
- ii) Member states of the ECOWAS should continue to work closely to overcome the challenges that hamstrung these organisations such as AU, ECOWAS and others from being the dynamic and vibrant continental organisations that fulfils the aspirations of Africans.
- iii) ECOWAS should encourage member states to strengthen their institutions to promote rule of law and democracy