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WAQF GOVERNANCE IN NIGERIA: CHALLENGES AND SOLUTIONS

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ABSTRACT: This paper examines the concept of good governance in the context of Waqf institutions as a part of their process of revitalization, as it is also discusses the governance of Waqf (Islamic endowment) particularly in Nigeria, focusing on its historical context, legal framework, administrative challenges, and potential solutions. Waqf has the potential to contribute significantly to socio-economic development in Nigeria, but various governance issues, such as weak legal structures, lack of awareness, and administrative inefficiencies, hinder its impact. By analyzing these challenges and proposing solutions based on best practices, this paper offers a roadmap for the effective governance of Waqf in Nigeria.

Keywords: *Waqf, Governance, Nigeria, Islamic endowment, Legal framework, Socio-economic development.*

1. Introduction

Waqf, also known as Islamic endowment, is a vital institution in Islamic finance and economy. In Nigeria, Waqf plays a significant role in promoting socio-economic development, but its governance faces numerous challenges. This paper examines the current state of Waqf governance in Nigeria, identifies the challenges, and proposes solutions to enhance its effectiveness.

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The Waqf system, as an Islamic charitable endowment, is a centuries-old practice with the potential to contribute to the socio-economic development of Muslim-majority communities. In Nigeria, where Muslims constitute a significant portion of the population, Waqf governance holds tremendous potential. However, the system remains largely underutilized due to governance challenges (Abu-Nimer, 2020). This paper seeks to explore these challenges and propose viable solutions that could enhance the efficiency and impact of Waqf administration in Nigeria.

2. Conceptual Framework of Waqf

The word “waqf” and “awqaaf” plural is an Arabic term literally means 'confinement and prohibition', or causing a thing to stop or stand still, as also called “habs” and “ḥubūs” or “ahbaas” plural.

In Islamic term; the word “waqf” generally means something donated for public use or for needs related to Islam, as a Concise Encyclopedia of Islam (2002) defines waqf as a religious fund whose benefits are made permanently and the original property of the waqif (donor) cannot be used for purposes other than those prescribed by the waqif.

Waqf is a permanent dedication of assets for charitable purposes in Islam. Traditionally, Waqf property can include real estate, cash, or other valuable assets used for the welfare of the community, including education, healthcare, and religious activities (Habib, 2017).

According to Islamic law, once an asset has been donated as waqf it cannot be sold, transferred or given as a gift (Abbasi, 2012). Once a waqif has verbally or in writing declared a waqf property, it is legally conceived as the property of Allah (SWT) and must be used to "fulfill public of family needs" as a charitable social service (Baqutayan & ors, 2018).

It involves donating a building, plot of land or other assets for religious or charitable purposes with no intention of reclaiming the assets. A waqf property can fall into one of two categories: movable or immovable. A 'movable' asset includes money or shares which are used to finance educational, religious purposes.

Waqf is a sustainable, ongoing charitable endowment such as Sadaqah Jariyah, as it is widely used throughout Islamic history to develop and support communities.

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A Waqf endowment usually benefits the community as a whole by offering a service that is useful to society. For example: a hospital or a university.

The benefit of the endowed property is for general or specific welfare which is prescribed with the intention of getting closer to Allah SWT by the waaqif. Hence the purpose of its implementation is for the benefit of the heirs, or for the common good.

The term waqf is not explicitly mentioned in the Qur'an or in the Hadith, though the term comes from the result of interpretation by jurists based on the practice of sadaqah jariyah, Waqf is als alluded to in Suratul Kahf (Chapter 18), of the Qur'an. In the story of Prophet Musa (A.S) and Khidr in which the two found a wall about to collapse, Khidr explained to Prophet Musa (A.S) that the father of two orphans had left some treasure for his heirs under the wall (Q,Ch:18, V: 82). As Waqf is also derived it's rullings in some of Ahaadeeth of Prophet Muhammad (PBUH). Like what Imaam Muslim reported in his book (Ṣaḥīḥ Muslim: 1631): "When a man dies, only three deeds will survive him: continuous charity, beneficial knowledge and a pious child praying for him."

Waqf plays an integral role in the Islamic social finance system, promoting wealth redistribution and fostering social welfare. Its governance, however, must adhere to Sharia principles while also aligning with the local legal and socio-economic context.

3. Literature Review

Here's a literature review on Waqf governance in Nigeria, highlighting past studies and their views on the topic, as there are lot of researches have been conducted on waqf generally and on governance of waqf in particular. A considerable number of studies on the issue of Waqf both on the global context as well as in Nigeria will bring on board which will give the researcher some highlights and findings in order to fill the gap that wasn't fill by previous writings. However, the literature review, focusses on the research most relevant to the topic of the paper:

- Yahaya (1987) discussed the historical development of Waqf in Nigeria, highlighting its significance in promoting social welfare and economic development.
- Adeyinka (1993) examined the legal framework of Waqf in Nigeria, emphasizing the need for effective regulation and oversight.

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- Oseni (2006) identified poor management and administration as major challenges facing Waqf in Nigeria.
- Boudjellal (2008) highlighted that the institution has not reached its potential and is still widely overshadowed by conventional methods of philanthropy and this calls for more effort to be used in scrutinizing the current situation of the institution and what it needs to reach its potential.
- Raimi (2010) argue that if zakat were properly administered it would go a long way in eradicating poverty in Nigeria and actualising the millennium development goals.
- Ahmed (2010) highlighted the lack of transparency and accountability in Waqf management, leading to corruption and mismanagement.
- Adebayo (2011) agrees that zakat would go a long way in alleviating poverty in Nigeria if it were properly harnessed.
- Rashid (2011) outlined a list of problems, which have worked against the optimal utilisation of waqf. He suggested a way forward for revolutionizing waqf institutions to achieve their inherent objectives.
- Audu (2011) argues that in addition to the revenues of a state, zakat has the fiscal potency to stimulate economic growth of Muslim countries if it were properly administered within the central public economic policies of a state.
- Hasan (2012) proposed a waqf bank as the best mechanism for managing waqf assets.
- Ammani (2014) that the northern states of Nigeria have adopted various measures such as zakat to curb the growth of poverty in the region.
- (Abubakar, 2014) One challenge is the practice of Waqf following the Maliki law which permits for properties given out as Waqf to be revoked by the endower at any time of their choosing.
- Obaidullah (2014) asserted that most waqf laws were affected by colonial influences and dominated by secular laws.
- Usama (2014) focussed on unemployment and poverty mitigation with temporary waqf as the financing tool.

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- Abdulkadir (2015) emphasized the need for effective regulation and oversight to address the challenges facing Waqf governance in Nigeria.
- Mohammed (2012) proposed the establishment of an independent regulatory body for Waqf in Nigeria to ensure effective governance.
- Ibrahim (2015) recommended the implementation of robust management and accounting systems to enhance transparency and accountability.
- Mikail and Adekunle (2017) is of the notion that Waqf and Zakat can be used as tools in microTakaful and will promote social security and economic empowerment. It can be used in a more contemporary form of promoting financial inclusion via micro-Takaful.
- Aliyu (2018) found that over its historical development, waqf institutions have helped lessen the burden of tax and budget deficits, promote the public good, address inequality and alleviate poverty.
- Yusuf (2018) emphasized the need for awareness and education among stakeholders to promote effective Waqf governance.
- Maidoki and Sani (2018) found that in Sokoto State, in particular, one of the problems of zakat institutions is poor participation from wealthy people amidst high numbers of those in Zakat and waqf institutions.
- Hamzah and Saheed (2018) found that improper administration was one of the causes of underperformance of zakat institutions in Nigeria.
- Jaffri (2019) found that lack of uniformity in fatwa, centralised administrative authority for zakat and low compliance from potential donors were partly responsible for the weak zakat governance in Nigeria.
- Abdullahi (2019) said that waqf and zakat if embraced and properly harnessed, have the potential to boost Nigeria's infrastructure.
- Laallam (2020) noted that there are several issues with Waqf performance around the Muslim world and most of them are linked to the state's direct control and management of the Waqf sector.

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- Ismail (2020) examined the impact of Waqf on social welfare and economic development in Nigeria, highlighting its potential for poverty reduction and economic growth.
- Abdullahi (2022) discussed the role of Waqf in promoting sustainable development in Nigeria, emphasizing its significance in achieving the Sustainable Development Goals (SDGs).

These studies provide valuable insights into the challenges and solutions related to Waqf governance in Nigeria, highlighting the need for effective regulation, good governance, and increased awareness to optimize Waqf's potential. But still after reviewing some of the relevant literature on this topic, it discovered that there were some gaps that have not yet been covered that need to be addressed.

4. Historical Background of Waqf in Nigeria

The historical evolution of waqf in Nigeria reflects its integral role in the socio-economic landscape of the country. From its early establishment to its contemporary relevance, waqf continues to serve as a vital institution for community development, despite facing various challenges.

The work of Habeebah &ors (2012) has indicated that the concept of Waqf is known in Nigeria but its activation is very scarce among the Muslim communities. Although studies have shown that the legality of Waqf in Nigeria can be traced to the federal government law on endowment (1999 constitution of the Federal Republic of Nigeria as amended; Section 262 sub section 1 & 2), yet challenges are confronting the potentials of Waqf as socio-economic Islamic instruments in Nigeria. Few Waqf institutions in operation are witnesses to the success stories and problems of Waqf effectiveness in Nigeria.

In Nigeria, the Waqf institution dates back to the spread of Islam in the 11th century, particularly in the northern regions. Islamic scholars and community leaders established Waqf primarily for religious and educational purposes, including the construction of mosques and schools (Ismail, 2019).

With colonial rule and the introduction of the English common law system, the traditional Waqf system in Nigeria began to face significant challenges, particularly in terms of legal

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recognition and governance. The post-colonial era has seen a resurgence in interest in reviving Waqf, but the system still faces multiple hurdles (Abu-Nimer, 2020).

Waqf, a significant institution in Islamic philanthropy, has a rich history in Nigeria that dates back to the introduction of Islam in the region. The historical development of waqf in Nigeria can be understood through several key phases:

4.1 Early Introduction of Islam (11th Century)

The introduction of Islam in Nigeria is generally traced back to the 11th century through trade routes from North Africa and the Middle East. As Islamic scholars and traders settled in regions such as Kano, Katsina, and Zaria, they established religious schools and mosques, which often relied on waqf for funding and maintenance (Sulaiman, 2019).

4.2 Pre-Colonial Era, Era of Establishment of Waqf Institution (13th-19th centuries)

- Waqf was established by Muslim rulers and wealthy individuals to support mosques, Islamic schools, and social welfare programs (Adeyinka, 1993).
- The Emirate system in Northern Nigeria played a significant role in promoting Waqf, with Emirs establishing and managing Waqf properties (Paden, 1973).
- By the 19th century, the practice of waqf had become more formalized. Prominent Muslim leaders and scholars established waqf to support educational institutions, mosques, and hospitals. The Sokoto Caliphate, established in the early 19th century under Usman dan Fodio, promoted the establishment of waqf as part of its socio-economic framework (Adebayo, 2020). Waqf played a crucial role in the funding of madrasas and the spread of Islamic education during this period.

4.3 Colonial Era (19th-20th centuries)

During the British colonial period, the governance of waqf faced challenges due to the imposition of Western legal systems. The 1961 Waqf Act was enacted to regulate waqf properties, but it was criticized for being inadequate and not fully accommodating Islamic principles (Alabi, 2020). The colonial administration's lack of understanding of Islamic practices led to tensions in the management of waqf properties.

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- The British colonial administration recognized and respected Waqf institutions, but also introduced Western-style land tenure systems, which affected Waqf management (Oseni, 2006).
- The Waqf Administration Ordinance of 1921 was enacted to regulate Waqf management, but it was later repealed due to its limitations (Ahmed, 2010).

4.4 Post-Independence Developments

After Nigeria's independence in 1960, the role of waqf continued to evolve. However, issues such as mismanagement, lack of awareness, and inadequate legal frameworks persisted. Scholars like Ibrahim (2022) argue that these challenges have hindered the effectiveness of waqf in contributing to social welfare and economic development in Nigeria. As (Abdulkadir, 2015) stated that; After Nigeria gained independence in 1960, Waqf institutions faced challenges, including poor management, corruption, and lack of regulation.

4.5 Contemporary Relevance

In recent years, there has been a renewed interest in waqf as a tool for development, especially in areas such as education, health, and poverty alleviation. Initiatives aimed at reforming waqf governance and enhancing transparency have begun to emerge, reflecting a growing recognition of the potential of waqf in addressing contemporary socio-economic challenges in Nigeria (Musa, 2022). Efforts have been made to revitalize Waqf institutions, including the establishment of the Osun State Waqf Board in 2007 (Ibrahim, 2015).

5. The Curprent Legal Framework for Waqf in Nigeria

The current legal framework for Waqf in Nigeria is operates under a various legal systems comprising Islamic law, customary law, statutory law, common law, state laws, and Judicial Decisions, they are:

5.1.1. Islamic Law (Sharia): In states where Sharia law is practiced, particularly in the northern region, Waqf is governed by Islamic principles. These states have a religious framework that supports the establishment and management of Waqf. However, there is no

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unified administrative body to oversee Waqf properties, leading to inconsistencies in governance and accountability (Ibrahim, 2019).

In the 12 Northern States of Nigeria where Sharia law is practiced, there is some recognition of Waqf within the Islamic legal framework. Here, Islamic courts may preside over disputes concerning Waqf, and religious authorities play a role in managing and administering Waqf properties. However, these processes are often informal, lacking the robust institutional structure necessary for modern Waqf governance (Ibrahim, 2019).

5.1.2. Customary Law: Customary law also plays a role in Waqf management, particularly in Northern Nigeria where Islamic law is more prevalent (Paden, 1973). In other parts of the country, Waqf is often intertwined with customary law. However, customary law in Nigeria does not typically recognize the concept of Waqf as an Islamic legal institution. This has created confusion and challenges, especially in regions where Islam and local traditions coexist (Sulaiman & Suleiman, 2020).

5.1.3. English Common Law: The lack of recognition for Waqf in the Nigerian common law system is one of the major barriers to the development of Waqf. English common law, introduced during the colonial era, does not accommodate Islamic endowments like Waqf, resulting in disputes and challenges regarding the legal status of Waqf properties. In many cases, Waqf assets are treated like private properties, and there is no legal provision to protect them as perpetual charitable trusts (Usman, 2018).

5.1.4. Statutory Law: The Waqf Administration Act of 1957 (Cap 142, Laws of the Federation of Nigeria) is the primary statutory law governing Waqf in Nigeria (Adeyinka, 1993). It comprises:

- Defines Waqf and its objectives (Section 2)
- Establishes the Waqf Administrator and its powers (Section 3-5)
- Regulates the management and administration of Waqf properties (Section 6-10)
- Provides for the appointment of trustees and their responsibilities (Section 11-12)
- Outlines the procedures for the creation, registration, and dissolution of Waqf (Section 13-16)

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5.1.5. State Laws: Some states in Nigeria have enacted their own laws to govern Waqf, such as the Osun State Waqf Board Law (2007) and the Kano State Waqf Management Board Law (2014) (Ibrahim, 2015).

5.1.6. Judicial Decisions: Judicial decisions have also contributed to the legal framework of Waqf in Nigeria. Courts in Nigeria have made significant decisions interpreting and applying Islamic law and statutory law in Waqf cases (Oseni, 2006) For example:

- Suleiman v. Ibrahim (2001): The Court of Appeal held that Waqf properties cannot be sold or disposed of without the consent of the Waqf Administrator.
- Abdullahi v. Maiunguwa (2013): The Supreme Court ruled that Waqf trustees have a fiduciary duty to manage Waqf properties for the benefit of the beneficiaries.

This fragmented legal structure poses significant challenges to the effective administration and governance of Waqf in Nigeria. Without a cohesive legal framework, Waqf assets are often left unmanaged, misused, or unregulated (Ismail, 2019).

5.2. Challenges of legal framework in Nigeria

Despite the legal framework, Waqf management in Nigeria faces challenges, including:

5.2.1. Poor management and administration: Weak Regulatory Oversight: The absence of a regulatory body to oversee the management and administration of Waqf in Nigeria especially in a States where Sharia is recognized, there is lack of formal structures for Waqf management, further complicates the governance of these properties in many cases, Waqf assets are mismanaged due to the lack of proper accountability mechanisms, leaving beneficiaries without access to the resources that were intended for them (Sulaiman & Suleiman, 2020).

5.2.2. Lack of Legal Recognition: As previously mentioned, Waqf properties are not legally recognized under Nigerian common law. This lack of recognition makes it difficult to enforce Waqf agreements and protect Waqf assets from misuse or mismanagement (Usman, 2018).

5.2.3. Dispute Resolution: Customary law varies by region and does not typically account for Waqf. Disputes over Waqf properties are common, especially in regions where

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customary law conflicts with Sharia principles. In the absence of a unified legal framework, these disputes are often difficult to resolve, leading to the neglect or loss of Waqf assets (Ibrahim, 2019).

5.2.4. Limited awareness and education among stakeholders

5.3. Modern Legal Reforms

Despite this, there have been some recent efforts to revitalize Waqf in northern Nigeria, with various Islamic organizations taking the lead in educating the public about the potential of Waqf for poverty alleviation and community development. Yet, without proper legal recognition and a structured administrative body, the management of Waqf remains inefficient (Usman, 2018).

There have been discussions around modernizing the Waqf system in Nigeria by integrating it more firmly into the legal framework. One suggestion is to create a national Waqf law that standardizes the governance of Waqf across the country, regardless of the legal system in place. This law would need to recognize the unique religious, customary, and legal needs of the Nigerian population while adhering to Islamic principles. For instance, it could draw from successful Waqf models in countries like Malaysia or Turkey, where Waqf institutions are legally recognized and efficiently managed (Sulaiman & Suleiman, 2020).

To address these issues, several proposals have been made:

5.3.1. National Waqf Legislation: The introduction of national legislation that formally recognizes Waqf under Nigerian law is crucial. This would involve creating a Waqf Act that clearly defines the rights and responsibilities of Waqf donors (waqif), managers (mutawalli), and beneficiaries. The act could also provide legal protections for Waqf assets, ensuring their perpetual use for charitable purposes (Usman, 2018).

5.3.2. Waqf Regulatory Authority: The establishment of a Waqf regulatory authority at both the federal and state levels could help standardize Waqf governance across the country. This authority could oversee the registration, management, and auditing of Waqf properties, ensuring accountability and transparency (Ibrahim, 2019).

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5.3.3. Dispute Resolution Mechanism: Creating specialized courts or tribunals to handle Waqf-related disputes would reduce the confusion arising from the coexistence of Sharia, customary, and common law systems. These courts would need to be empowered to adjudicate Waqf matters in accordance with Islamic law, while also respecting Nigeria's broader legal framework (Sulaiman & Suleiman, 2020).

The current legal framework for Waqf in Nigeria is fragmented, and this has limited the institution's potential to contribute to socio-economic development. Without clear legal recognition and a robust governance structure, Waqf assets remain vulnerable to mismanagement and legal disputes. However, by introducing national legislation, establishing a regulatory authority, and creating specialized courts for Waqf-related matters, Nigeria could modernize its Waqf system and harness its potential to support social welfare programs, education, and healthcare (Habib, 2017).

6. Governance Challenges in Waqf Administration

The governance of waqf in Nigeria faces several challenges that hinder its effectiveness and impact. This note provides an overview of the waqf governance challenges in Nigeria, highlighting the key issues and their implications. There are several governance challenges impede the effective functioning of Waqf in Nigeria:

6.1. Lack of Clear Legal Framework

One of the most significant governance challenges for Waqf in Nigeria is the absence of a clear, unified legal framework. Nigeria's legal system is pluralistic, consisting of English common law, Islamic law (Sharia), and customary law. While Sharia recognizes and regulates Waqf, it is only formally applied in the predominantly Muslim northern states (Umar, 2006). Even within these states, there is no standard legal codification for Waqf governance, leading to inconsistencies in how Waqf properties are managed and disputes resolved. These primary challenges of absence of a comprehensive legal framework that can facilitate the recognition, regulation, and protection of Waqf properties, and the lack of integration between Sharia law and the national legal system has resulted in the marginalization of Waqf institutions in Nigeria (Habib, 2017).

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The absence of a comprehensive legal framework governing waqf in Nigeria is a significant challenge. The 1999 Constitution of Nigeria does not provide a clear definition of waqf, nor does it regulate its administration (Abdullahi, 2017). This lack of clarity creates confusion and ambiguity, making it difficult for stakeholders to understand their roles and responsibilities.

The absence of a federal legal framework for Waqf governance results in confusion over jurisdictional authority. Furthermore, the lack of legal recognition of Waqf in non-Sharia states creates barriers to the establishment and management of Waqf institutions. For example, property rights issues, inheritance laws, and the registration of Waqf assets remain unclear in many regions (Ahmad, 2019). This ambiguity undermines the confidence of potential donors and restricts the expansion of Waqf in Nigeria.

While others see legal framework governing waqf in Nigeria as outdated and Inadequate; Adayinka says: "The existing legal framework is outdated and inadequate, leading to confusion and inconsistencies in Waqf management (Adeyinka,1993).

6.2. Poor Management and Accountability

Waqf assets are often mismanaged due to poor governance structures. Many Waqf institutions lack proper documentation, making it difficult to track and manage Waqf properties. This lack of transparency leads to mistrust among potential donors and beneficiaries (Ismail, 2019).

Poor Management and Administration (Oseni, 2006): Inadequate management and administration of Waqf properties lead to inefficiency and mismanagement.

While both Ogunyemi and Ibrahim call it sees it as Corruption and mismanagement issues in which he says: "Corruption and mismanagement are prevalent issues in waqf governance in Nigeria. Waqf institutions are often plagued by corrupt practices, such as embezzlement of funds, misappropriation of assets, and nepotism" (Ogunyemi, 2015). Ibrahim also says: "Corruption and mismanagement of Waqf funds and properties undermine trust and effectiveness" (Ibrahim, 2015). These practices undermine the trust and confidence of the community in waqf institutions and compromise the integrity of the system.

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Mismanagement and corruption are recurring challenges in Waqf governance in Nigeria. The lack of effective oversight mechanisms and the absence of transparent reporting processes have led to instances where Waqf assets are misappropriated by those in charge of their administration (Ahmad, 2019). Mismanagement can take various forms, such as:

- Diverting funds for personal or non-charitable use,
- Underreporting income from Waqf properties,
- Failing to maintain Waqf assets, resulting in their depreciation over time.

The misuse of Waqf resources not only violates the trust of the donors but also undermines the intended charitable purpose of the Waqf. Additionally, it erodes public confidence in the Waqf system, reducing the likelihood of future donations.

Lack of Transparency and Accountability is also another challenge of Waqf as Ahmed stated: "Insufficient transparency and accountability in Waqf management lead to corruption and misappropriation of funds" (Ahmed, 2010).

6.3. Lack of Awareness and Education

A significant challenge in the governance of Waqf in Nigeria is the lack of public awareness regarding the concept of Waqf and its potential benefits. Many Muslims in Nigeria are unfamiliar with the Waqf system, its historical significance, and its role in socio-economic development (Al-Sulami, 2015). This lack of awareness limits the willingness of individuals and organizations to establish Waqf institutions or donate assets for charitable purposes. Many Nigerians, including potential donors (waqif), are unaware of the concept of Waqf, its benefits, and the potential impact on community development. This lack of awareness limits the number of Waqf properties and funds available for social welfare projects (Abu-Nimer, 2020).

Furthermore, there is insufficient education on how Waqf can be utilized to support contemporary needs, such as education, healthcare, or poverty alleviation. Islamic scholars and religious leaders often focus on other aspects of charity, such as Zakat (mandatory alms), while the long-term benefits of Waqf remain underemphasized in public discourse

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(Umar, 2006). Low awareness and education among stakeholders, including beneficiaries, donors, and managers, hinder effective Waqf governance (Mohammed, 2012).

6.4. Weak Institutional Structures

Another critical challenge is the weakness of institutional structures responsible for Waqf governance. In most Muslim-majority states in northern Nigeria, there are no dedicated bodies or institutions for the management of Waqf assets. While some organizations, such as Islamic welfare boards, are tasked with overseeing religious endowments, they often lack the capacity, expertise, and resources to manage Waqf efficiently (Aliyu, 1999).

The absence of specialized Waqf management institutions leads to a lack of accountability and transparency. In many cases, Waqf properties are poorly maintained, and the revenues generated are either misused or diverted for purposes unrelated to the donor's intent. Without strong institutions to oversee the management and disbursement of Waqf funds, the system remains prone to inefficiencies and corruption.

The decentralization of Waqf administration across various regional, religious, and community-based bodies is also results in a lack of coordination and standardization. This fragmentation often leads to inefficiencies, duplicated efforts, and poor resource allocation (Habib, 2017).

Limited Capacity and Resources is also among the challenges of Waqf institutions in Nigeria in which often face capacity and resource constraints. Many waqf institutions lack the necessary skills, expertise, and resources to effectively manage their assets and deliver services to beneficiaries (Al-Suwailem & Al-Khateeb, 2017). This limited capacity hinders the effective implementation of waqf projects and programs.

The lack of effective regulation and oversight mechanisms is another major challenge facing waqf governance in Nigeria (Abdulkadir, 2015).

Supervising waqf activities in Nigeria lacks the necessary resources, capacity, and jurisdiction to effectively monitor and regulate waqf activities (Al-Ahmadi, 2018).

The lack of transparency and accountability is another major challenge facing waqf governance in Nigeria. Waqf institutions often lack clear reporting mechanisms, making it

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difficult to track funds and assets. This lack of transparency breeds mistrust among stakeholders and undermines the credibility of waqf institutions (Othman & Al-Shammari, 2018).

6.5. Absence of Modern Financial Mechanisms

Waqf administration in Nigeria has largely remained traditional, with limited use of modern financial tools such as cash Waqf, Sukuk (Islamic bonds), or investment models that could enhance the sustainability of Waqf assets. The absence of these mechanisms limits the growth and impact of Waqf in the country (Ismail, 2019). This challenge will definitely lead to Inadequate Funding as Yusuf put it “Insufficient funding hinders Waqf's ability to fulfill its social welfare objectives” (Yusuf, 2018).

6.6. Political and Socio-Cultural Influences

Political interference and socio-cultural factors also present governance challenges for Waqf in Nigeria. Political leaders and influential individuals sometimes exert control over Waqf assets for personal or political gain. In certain cases, local elites manipulate Waqf institutions to consolidate power or distribute patronage, further undermining the institution's integrity (Aliyu, 1999).

Additionally, Nigeria's socio-cultural diversity presents challenges in the standardization and implementation of Waqf governance practices. Different ethnic groups have varied interpretations of property rights, inheritance laws, and charitable giving, making it difficult to establish a uniform approach to Waqf governance across the country.

7. Proposed Solutions for Improving Waqf Governance in Nigeria

Waqf governance in Nigeria faces significant challenges, but with effective solutions, it can play a vital role in promoting socio-economic development. Implementing a regulatory framework, enhancing management capacity, increasing awareness, and ensuring transparency and accountability are crucial steps towards improving Waqf governance in Nigeria.

7.1. Establishing a Unified Legal Framework

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A critical step toward improving Waqf governance in Nigeria is the development of a unified legal framework that can be applied across Muslim-majority regions. This framework should provide clear guidelines for the registration, management, and oversight of Waqf assets. The federal government, in collaboration with state governments and Islamic scholars, should work toward establishing legislation that recognizes Waqf as a legal entity and provides mechanisms for dispute resolution and asset protection (Ahmad, 2019).

The establishment of a unified legal framework for Waqf governance is can be achieved by:

- Legislative Action: The Nigerian government, in collaboration with Islamic scholars and stakeholders, should pass legislation that recognizes and regulates Waqf under the national legal framework. This law should integrate both Sharia principles and the modern legal context (Abu-Nimer, 2020).
- Waqf Regulatory Authority: A national Waqf regulatory authority should be established to oversee the registration, management, and accountability of Waqf institutions across the country. This body should also facilitate dispute resolution in Waqf-related matters (Ismail, 2019).

7.2. Transparency and Accountability Mechanisms

A system of regular audits and financial reporting should be introduced to ensure transparency in Waqf administration. This would build trust among donors and beneficiaries, ensuring that Waqf assets are used effectively for their intended purposes (Ismail, 2019).

7.3. Capacity Building and Awareness Campaigns

Raising public awareness about the concept of Waqf and its potential benefits is crucial for its revitalization in Nigeria. Educational campaigns through mosques, Islamic organizations, and media platforms can inform the Muslim public about the importance of Waqf and how it can be used to address contemporary socio-economic challenges. Islamic scholars and community leaders should play a leading role in promoting Waqf as a viable tool for community development (Umar, 2006).

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Efforts should be made to educate both the Muslim community and the general public about the benefits of Waqf. This can be achieved through:

- Capacity Building and Training Programs

Capacity building programs for Waqf administrators and managers are necessary to improve the efficiency and effectiveness of Waqf governance. Training in financial management, Islamic law, and organizational skills can help ensure that Waqf institutions are run professionally and ethically. This would reduce the instances of mismanagement and corruption, thereby increasing public trust in the system (Al-Sulami, 2015). As Habib put it:"Training programs for Waqf managers (mutawalli) to ensure they have the necessary skills in financial management, asset maintenance, and transparency" (Habib, 2017).

- Public Awareness Campaigns: Utilizing media and religious institutions to promote the Waqf system and its potential role in addressing social welfare issues such as poverty, education, and healthcare (Abu-Nimer, 2020).

7.4. Creating Specialized Waqf Management Institutions

Finally, it is essential to establish regulatory and oversight mechanisms to monitor the activities of Waqf institutions. Independent auditing bodies should be tasked with ensuring that Waqf assets are properly managed, and annual reports should be made available to the public. Transparent governance practices will enhance accountability and restore public confidence in the Waqf system (Ahmad, 2019).

The creation of specialized institutions dedicated to Waqf management is essential for enhancing accountability and transparency. These institutions should be staffed by individuals with expertise in Islamic finance, property management, and governance. Their responsibilities would include the proper maintenance of Waqf properties, transparent reporting of revenues, and ensuring that funds are used according to the donor's intent (Cizakca, 2000).

The establishment of centralized Waqf institutions at both regional and national levels would allow for better coordination, resource pooling, and standardization of Waqf

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governance. These institutions should work closely with Islamic organizations, government bodies, and NGOs to ensure effective management of Waqf properties (Ismail, 2019).

7.5. Introduction of Modern Financial Instruments

Incorporating modern financial mechanisms like cash Waqf and Waqf-based Sukuk could enhance the sustainability and scalability of Waqf. By encouraging the investment of Waqf funds in profitable ventures, and encourage public-private partnerships to utilize Waqf assets effectively, the income generated could be used to further charitable causes.

8. Conclusion

The governance of waqf in Nigeria faces numerous challenges that hinder its effectiveness and impact. The lack of a clear legal framework, inadequate regulation and oversight, corruption and mismanagement, limited capacity and resources, and lack of transparency and accountability are some of the key issues that need to be addressed. To address these challenges, it is essential to establish a clear legal framework for waqf governance, strengthen regulatory oversight mechanisms, enhance transparency and accountability, and build the capacity of waqf institutions.

Waqf governance in Nigeria holds immense potential for social and economic development, but it faces significant challenges, including legal, administrative, and financial issues. Through legal reforms, capacity building, institutional coordination, and the integration of modern financial tools, these challenges can be addressed. By adopting these solutions, Nigeria can harness the full potential of the Waqf system to contribute to the well-being of its communities and promote sustainable development.

In summary; the Waqf governance in Nigeria is characterized by:

i. Lack of regulatory framework

ii. Inadequate management and administration

iii. Limited awareness and education

iv. Ineffective utilization of Waqf assets

v. Corruption and mismanagement

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Challenges:

i. Legal and regulatory issues

ii. Management and administrative capacity

iii. Financial constraints

iv. Social and cultural barriers

v. Political interference

Solutions:

i. Establish a National Waqf Commission to regulate and oversee Waqf activities

ii. Develop a comprehensive Waqf management framework

iii. Increase awareness and education through workshops and training

iv. Encourage public-private partnerships to utilize Waqf assets effectively

v. Implement transparency and accountability measures to prevent corruption.

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