


## Chapter 27

---

# Cash *Waqf* as a Viable Source of Financing Women's Healthcare Services in Ilorin-West, Kwara State, Nigeria: Imperative Legislation for Realising Sustainable Development Goal-1 (No Poverty)

Isa Olawale Solahudeen 

*Department of Islamic Law, Faculty of Law,  
Al-Hikmah University, Ilorin – Nigeria* 

iosolahudeen@alhikmah.edu.ng / solahudeen1978@gmail.com

### Abstract

Globally, one of the challenges facing people is the issue of poverty. To eradicate poverty in all its forms, the United Nations member states integrated Sustainable Development Goal (SDG)-1 (No Poverty) in another set of 17 goals to be pursued until 2030 after the expiration of the Millennium Development Goals. The concept of poverty, which is a condition of non-availability of basic human needs, encompasses insufficient access to healthcare services. In a bid to provide sufficient access to healthcare services to the low-income earners, Nigerian governments, federal and states, have introduced various schemes. For instance, Kwara State government introduced the 'KwaraCare' scheme. However, the scheme is yet to yield desirable results particularly for women, as some of them, out of poverty, are still unable to settle their hospital bills. Thus, this chapter seeks to explore cash waqf as a viable mechanism to empower women and provide them with sustainable access to healthcare services in Ilorin-West, Kwara State. Nonetheless, this may prove difficult if there is no effective legal framework sanctioning cash waqf institution in the State. Therefore, the chapter seeks to bring forth an effective legal framework for empowering women through cash waqf in Ilorin-West, Kwara State, Nigeria. The study adopts a legal research methodology of content analysis. Semi-structured interviews were conducted on selected persons in Ilorin-West. The study revealed that women in Ilorin-West, Kwara State, lacked sufficient access to healthcare

facilities. The study also found that cash waqf is a viable tool to empower and finance healthcare services of women in Ilorin–West, Kwara State. The study further discovered that there are no extant laws on waqf administration in Kwara State for possible exploration of cash waqf to empower women. Thus, this chapter concludes by recommending necessary provisions such as all the required elements and varieties of waqf, modalities of waqf investment, mismanagement sanctions, to be included in the proposed legislation on waqf

**Keywords:** Cash Waqf, Nigeria, Poverty, Sustainable Development Goals, Women’s Empowerment

## Introduction

Globally, poverty is one of the great challenges confronting a vast number of people (Aluko & Mbada, 2020; World Vision, 2023). According to available documents, poverty affects 9.2% of the world population, that is, about 719 million people around the globe are wallowing in abject poverty as they live on less than \$2.15 a day (World Vision, 2023). All these numbers are arrived at based on people’s income and their ability to meet necessity of life. But when the number of people facing lack of access to healthcare services, education, and so on is considered, World Vision (2023) note that 1.2 billion people around the world are in extreme poverty: they are multidimensionally poor. Recognising poverty’s adverse effects and in order to address it in all forms, leaders of different nations, including Nigeria, unanimously agreed on Sustainable Development Goal-1 (No Poverty) as the first goal of the 17 Sustainable Development Goals (SDGs) to be realised by 2030 (UN, 2015; Aluko & Mbada, 2020). Some nations have made remarkable progress in alleviating levels of poverty in their respective jurisdictions while the emergency of the coronavirus disease 2019 (COVID-19), natural disasters and a host of others have posed threats to the progress made by the United Nations (UN) in the realisation of SDG-1 by 2030 (World Vision, 2023). However, the unpleasant situation is more pronounced in sub-Saharan Africa, including Nigeria. In this way, Nigerian governments, in a bid to implement this goal, put in place various schemes to alleviate poverty of the most vulnerable individuals, including women in society. Despite these efforts, the target of the UN to reduce the number of people around the world living in abject poverty to less than 3% by 2030 appears to be a mirage (Aluko & Mbada, 2020) unless effective strategies and actions are taken.

World Vision (2023) maintain that the inability of a person to afford healthcare services constitutes living in poverty. Along this line, women in Nigeria are mostly faced with an ineffective healthcare system. The situation is exacerbated by poverty that deprives them of the required resources to visit

medical facilities (Akanni, 2021). Given the fact that women have significant roles to play in the development of the nation and there seems to be no viable mechanisms capable of addressing the root causes of challenges, this study seeks to demonstrate how cash *waqf* may be explored to realise SDG-1 by empowering women in Ilorin-West and thereby facilitating their access to healthcare services. The study will be of immense benefit to the Kwara State government to address the threat that poverty poses to the realisation of SDG-1 regarding women's access to healthcare services in Ilorin-West Local Government area of the State.

Thus, the chapter is structured into eight sections. Section two, which follows the introductory section, deals with methodology being adopted for the study. Section three takes a look at conceptualisation of cash *waqf*; Section four undertakes an overview of the implementation of SDG-1 in Nigeria. Section five examines access of Ilorin-West women to healthcare services in Kwara State; Section six seeks to demonstrate how cash *waqf* may be harnessed to help to alleviate Ilorin-West women's poverty by having more access to healthcare services in the Local Government Area. An analysis of the relevant existing Nigerian legal instruments on *waqf* will be conducted in Section seven. Finally, Section eight concludes the discussion of the chapter and recommends imperative provisions to be integrated in the proposed legislation for possible exploration of cash *waqf* to finance healthcare services of Ilorin-West Local Government women.

## Methodology

The study adopted a qualitative research design using both doctrinal and non-doctrinal methods. Regarding doctrinal, the study analysed the primary and secondary sources such as the 1999 Constitution (as amended) (Federal Republic of Nigeria, 1999), the Northern Endowments Laws (Ostien, 2018), articles in journals, electronic materials and so on. The non-doctrinal method involved field research of data garnered through face-to-face interviews. However, the study focused on the Ilorin West Local Government Area, Kwara State which is the study population. Thus, semi-structured interviews were conducted on selected participants in the area regarded as the subject matter of this study.

## Conceptualisation of cash *waqf*

Like what is obtainable under Chapter II of the 1999 Nigerian Constitution, Islamic law has certain objectives (referred to as *Maqāṣid As-Sharī'ah*) to realise. *Maqāṣid As-Sharī'ah* aimed at taking care of the total well-being of individuals in society [including poverty eradication and provision of

healthcare] and protecting them against harm (Kamali, 2008). One of the viable social finance mechanisms put in place by Islamic law to realise its objectives, besides *zakat* (compulsory giving alms to the poor) and *sadaqat* (voluntary charity), is *waqf* (Islamic endowment system).

The word *waqf* literally signifies 'confinement or detention'. Technically, the word '*waqf*' has been defined in various ways by the classical Islamic schools of law. However, *waqf* is simply described as the act of dedicating a property for the benefit of those in need of same, excluding the property so dedicated from ownership claim by any individuals; and no longer subject to inheritance, gift, sales, and mortgage. Moreover, once *waqf* has duly been created it then immediately attracts the following three legal consequences, namely: irrevocability, perpetuity and inalienability. As for the irrevocability, the donor who donates his property as *waqf* has forfeited his right to revoke such donation. So also, the *waqf* must be created in perpetuity and it is inalienable. Thus, *waqf* remains as such forever and that the donor or his *mutawalli* (*waqf* manager) neither has power to alienate or transfer the property, nor can his heirs inherit same or sell it or make it a gift (Budiman & Kusuma, 2011). It could, however, be substituted with other properties of the same market value and worth subject to very stringent rules of substitution known as *istibdāl*.

It is noteworthy that the institution of *waqf* has been explored to provide succour for the poor segment of society right from the prophetic period. For instance, it is on record that the first *waqf* by way of charitable purpose is that of the Prophet (SAW – 'sallallahu 'alayhi wa sallam'). A Jewish man called Mukhairiq, who not only loved the Prophet greatly, but was also killed in the battle of *Uhud* on his Jewish religion, dashed his seven gardens of date palm, by way of testamentary to the Prophet (SAW) to deal with them as the latter wishes (Khasaf, n.d.). The Prophet (SAW) donated them to the people as *waqf* (Khasaf, n.d.). Thereafter, Umar bin Khattab (RA – Radiya Allahu anhu) followed suit. Thus, on the authority of the son of Umar (RA) who said: 'Umar the son of Khattab (RA) once upon a time got a piece of land called *Thamgh* at *Khaibar* and went to the Prophet (SAW) in order to seek the latter's advice in respect of the land saying: 'O Messenger of Allah! I secured a land at *Khaibar* and I have never had a property more precious than it and as such how best can I utilise same? The Prophet (SAW) then said to Umar (RA): "If you like you hold back its corpus and make its usufruct a charity." Consequently, Umar (RA) donated the land as *waqf* (charity), with the condition that same should not be sold or given out as a gift, or be inherited, to the indigent, the relatives, the wayfarers, the slaves, the cause of Allah and the strangers and that there is no blame on its manager to benefit from it, but not in a way to enrich himself '(Khasaf, n.d.:5-6). It should be mentioned here

that both Muslims and non-Muslims are eligible to be the *waqf* beneficiaries as it is discernible from the foregoing.

Furthermore, what can be made as subject matters of *waqf* takes different forms. Thus, *waqf* objects may be movable, immovable, tangible and intangible. For the purpose of this study, however, cash as a movable form of *waqf* is considered. What is then cash *waqf*? Cash *waqf* is described as ‘a *waqf* of a liquid asset that yields returns that can be used to meet the intended objectives under the *waqf* charter (Ali & Markom, 2020:3).

### **An overview of sustainable development goal-1 (no poverty) implementation in Nigeria**

The attainment of ‘development’ is expected to be the preoccupation of leadership of any nation; for the simple reason that the ultimate aim of craving for ‘development’ is to ensure that living conditions of all people improve positively (Ogbodo et al, 2021). Thus, in the quest for development of their respective nations, 189 leaders of different nations endorsed the Millennium Declaration, which metamorphosed into the Millennium Development Goals (MDGs) in the year 2000 (UN, 2000). After the expiration of the MDGs in 2015, there emerged 17 Sustainable Development Goals (SDGs) (UN, 2015). The goals were conceived and adopted and aimed to be pursued for the next fifteen years (that is, 2016 to 2030).

In the 21<sup>st</sup> century, one of the major challenges confronting nations around the world is extreme poverty. For this reason, tackling poverty is the foremost goal of the SDGs. According to World Vision (2023), poverty is “a state of deprivation in which people or communities lack access to resources and basic necessities needed to live a healthy and dignified life”. Anyawu (2010) notes that poverty is noticeable when one lacks access to sufficient resources or capabilities to meet the basic needs, whether in the city or rural areas.

In an attempt to tackle the menace of poverty in society, Nigerian governments, federal, state and local, seem to have been making efforts to eradicate poverty in Nigeria. For example, the Nigerian government introduced the National Social Investment Programme whose objective is to provide social safety nets for the less privileged, make available palliative measures for unemployed youths and create three million jobs (Federal Republic of Nigeria, 2016). In essence, the ultimate purpose of the programme is to empower the poor and the vulnerable individuals and thereby taking them out of the poverty bracket (Nigeria Voluntary National Review, 2020). Along this line, the Nigerian government has implemented the plan by giving out cash transfers to the poor and vulnerable individuals with

the aim of eradication of their poverty. Other programmes embarked upon by the government to take Nigerian people out of poverty are the N-Power programme (Omoligho, 2022), the Government Enterprise and Empowerment Programme (GEEP) (Bank of Industry, 2024), which is aimed at empowering market women, women cooperatives and so on (Nigeria Voluntary National Review, 2020). Moreover, states are not left out in the eradication of poverty initiatives in their respective domains as various programmes such as Conditional Cash Transfer, Youth Empowerment, Livelihood, Community Development and so on have been created (Nigeria Voluntary National Review, 2020). Furthermore, many Civil Society Organisations (CSOs) have contributed immensely towards poverty eradication in Nigeria. To cite examples, the Angel Support Foundation (Angel Support Foundation, 2022) has extensively embarked on women and girls' empowerment in the various states of the federation. It is documented that Action Aid in FCT trained 6,000 women and youths how to be economically independent (Nigeria Voluntary National Review, 2020).

Notwithstanding the above, a question that may be asked is: do all these efforts made by the Nigerian governments have significant impacts on the Nigerian people, particularly women? A report released by the World Bank in 2022 answers the question raised in the negative when it established that Nigerians are still in bondage of poverty. According to the report, 4 in 10 Nigerian citizens wallow in abject poverty (World Bank, 2022). To substantiate this position, the World Bank Country Director for Nigeria remarked thus: "It is clear that much needs to be done to help lift millions of Nigerians out of poverty, including boosting health and education, bolstering productive jobs, and expanding social protection" (World Bank, 2022). This remark did not come as a surprise because the 2018/19 report of Nigeria Living Standard Survey (NLSS) and World Bank (World Bank, 2021) revealed that 82.9 million, which represents 40%, of Nigerians lived on less than the national poverty line of ₦376.50 per day (World Bank, 2022; NBS, 2022). Also, according to the National Bureau of Statistics' latest report of 2022, 63% of Nigerian people, that is, 133 million, live in multidimensional poverty (NBS, 2022). It is disheartening to state that the most affected individuals are the women and children (NBS, 2022). From all indications, Nigeria is yet to satisfactorily realise SDG-1. Hence, this unpleasant situation requires the urgent attention of all stakeholders.

That said, poverty is multifaceted in nature. It is not restricted only to lack of income and resources but insufficient access to healthcare and other essential needs are inclusive (UN, 2018). Out of poverty, Nigerian women experience great challenges in their access to healthcare services. In fact, the 2018 Nigeria Demographic and Health Survey showed that about

52% of Nigerian women are faced with certain challenges such as financial insecurity in the process of seeking healthcare services (Federal Republic of Nigeria, 2018). In view of this, as Ojo and Osundina (2021) note, women are an essential part of any society and to an extent have significant roles to play in the development and growth of a nation. Therefore, tackling their challenges should occupy a prominent place. A scholar is quoted to have rightly reasoned thus: “the growth of a nation is measured by how well it treats its women” (Ojo & Osundina, 2021:41).

It is discernible in the foregoing that there is poverty amongst the Nigerian people but the menace is more pronounced in women than men. Hence, as Anyawu (2010:40) rightly observes that it is necessary to place a high premium on women’s empowerment on the ground that: “in most countries, women constitute half of the population. Therefore, any development process that ignores the life-chances of half, the population cannot address the problem of poverty and the crisis of sustainability. This is why at this critical junction of global change, it is necessary for development process to fully incorporate an agenda for women’s empowerment by including women’s realities in the fullest sense”. To this end, the next section takes a look at the extent to which women in Ilorin–West Local Government Area Kwara State have access to healthcare facilities.

## **Women and access to healthcare facilities in Ilorin–West Kwara State**

Given the fact that contributions of women to the development of any nation are immeasurable, they have to be handled with utmost care and all possible efforts must be taken to ensure their well-being in any given society. Thus, this section is undertaken to gauge the extent to which women in Ilorin–West have access to healthcare facilities.

### **a. Context of Ilorin–West local government, Kwara State**

Ilorin–West, which is one of the sixteen Local Government Areas under Kwara State, was created in 1991 from the old Ilorin Local Government, formerly having its headquarters situated at Oja–Oba but now at Warrah Osin area. According to the 2006 census, the population of Ilorin–West Local Government Area stood at 364,666 (Kwara State, 2020), while by projection, as at 21 March 2022, it is estimated to be 548,300 (City Population, n.d.). Ilorin–West is the largest and most populous Local Government Area of the State with an area of 105 km<sup>2</sup> and 12 wards. The major languages of the Ilorin–West Local Government people are Yoruba, Hausa and Fulani while they mainly engage in trading, hunting, civil service jobs, artisans and so

on. According to Ojo and Osundina (2021), Ilorin-West is predominantly dominated by women, whose population exceeds half of its total population.

**b. Operation of Kwara State health insurance agency (KWHIA)**

As Anyawu (2010) notes, one of the potential policy instruments to eradicate poverty is to provide for access to health, amongst others. Along this line, the Kwara State government made some efforts to reduce poverty regarding insufficient access to healthcare facilities in the State. To this end, the government introduced various programmes such as the Kwara State Health Insurance Agency (KWHIA), which was created on 15 November 2017; with a view to scaling up access of Kwara State residents to healthcare insurance coverage (KWHIA, 2022). The scheme, which is managed by Kwara State Health Insurance Agency (KWHIA), not only allows all Kwara State residents, who are employees in the public, private and informal sectors, as well as unemployed individuals, to enrol. One of the objectives of the scheme is to allow for investment in the healthcare delivery system by exploring public-private financing mechanisms (KWHIA, 2022).

Furthermore, the scheme comprises three different packages, namely: Informal Health Plan (IHP); Formal Health Plan (FHP) and Equity Health Plan (EHP). Regarding the IHP, those who are in informal sectors such as self-employed individuals, farmers and artisans are accommodated in the plan. The token sum of ₦6,000.00 per annum is required for subscription under the plan. The FHP is meant for all local or state civil servants working in the State. Additionally, the plan includes employees who work in private organisations with more than five employees in the State. The amount required for enrolment under this plan is ₦9,000.00. The EHP is designed for the benefit of the indigent families and vulnerable people residing in the State. Under this plan, the poor people will be given healthcare services free of charge (KWHIA, 2022). However, the eligibility of a person to be enrolled under this plan is recommended by the Kwara Houses of Assembly Governing Board and approved by the State Executive Council (KWHIA, 2022). It is cheering to note that based on the available records, many indigent people totalling 51,750 have been enrolled under the EHP for 2022/2023 and have enjoyed free healthcare services (Kwara State Government, 2022).

The Ilorin-West Local Government Area people have shared their respective views about the EHP. One of the respondents, who is a widow and a hair stylist, when interviewed at her shop, commented that with the scheme, herself and her children have been able to receive healthcare services free of charge. Another respondent, a petty trader and is hypertensive, stated that unlike before the introduction of the scheme, it has assisted her immensely

to consult her doctor regularly and has helped her to obtain medications without being fearful of hospital bills whatsoever.

However, as laudable as the scheme is, there are many Ilorin-West Local Government Area women who are yet to be captured onto the scheme. For instance, a nursing mother respondent lamented that the lack of financial capability has denied her the opportunity of being captured onto the scheme. Consequently, out of poverty, those women are facing challenges of accessing healthcare services. On the strength of this, it is necessary that the laudable efforts of the government are to be complemented in this respect. Fortunately, Goal 17 of the SDGs specifically deals with means of implementation of goals including SDG-1. According to the UN: “We acknowledge the role of the diverse private sector, ranging from microenterprises to cooperatives to multinationals, and that of civil society organisations and philanthropic organisations in the implementation of new Agenda” (United Nations, 2015:14).

Thus, the next section of this chapter seeks to examine how cash *waqf* can be explored to help empower the women of Ilorin-West Local Government Area and thereby scale up their access to effective and affordable healthcare services.

### **Exploring cash *waqf* for financing women’s healthcare services in Ilorin-West, Kwara State**

Earlier it was established that the scheme put in place by the Kwara State government to provide healthcare services for all the residents of the state appears not to be sufficient enough to accommodate all women in Ilorin-West. On this strength, it is not out of place to complement the Kwara State government in this respect.

#### **a. Viability of cash *waqf* for the provision of healthcare services**

Arguably, cash *waqf* is a viable means to provide healthcare services for vulnerable people in society. Various practical examples of this can be seen in many jurisdictions. In this connection, some lessons may be drawn for provision of Ilorin-West women’s healthcare facilities from the experience of the Waqaf An-Nur Corporation Berhad (WANCorp), in Malaysia where cash *waqf* has been harnessed successfully to provide healthcare services. This is hinged on a lot of laudable achievements recorded by the corporation in this regard.

In the year 2000, the Johor Corporation (JCorp) established WANCorp and saddled it with the responsibility of managing its *waqf* fund, particularly

assets and shares (Saad et al., 2016; Sowtali, 2021). In 2006, JCorp made it known to the public that RM200 million of its shares had been transferred as *waqf* assets to WANCorp (Saad et al., 2016). As a required process, on 4 December 2009, a memorandum of understanding (MoU) was signed between JCorp and the Johor Islamic Religious Council where the latter approved the appointment of WANCorp as a special manager (*Mutawalli*) of shares and assets made as *waqf* assets by the former (Saad et al., 2016). The main objectives of establishing WANCorp are to oversee the operation and activities of Waqaf An-Nur Clinics, on one hand, and to ensure that the objective of providing affordable healthcare and dialysis to the less-privileged people in Malaysia is actualised (Saad et al., 2016).

Regarding the distribution of profits generated by WANCorp, the sharing formula is ratio 70:25:5. Thus, when JCorp receives 70% of the profits for reinvestment of same, WANCorp gets 25% for socio-economic purposes such as public works and provision of healthcare services to the poor. The remaining 5% of the dividend goes to the Johor Islamic Religious Council. The rationale behind giving JCorp the lion's share of the benefits is to sustain the company that is the major contributor of the *waqf* assets and to make it donate more of it in the future (Saad et al., 2016).

One of the landmark achievements recorded by WANCorp is the provision of healthcare services to the vulnerable and poor people via clinics referred to as the An-Nur Waqaf Clinic and Hospital Waqaf An-Nur, both of which began operations in 2007. As of 2019, 18 branches of An-Nur Waqaf Clinic, including 4 mobile clinics and 9 dialysis centres, are owned and operated by WANCorp (JCorp, 2019). It must be mentioned that as part of its social responsibility, in 2019, WANCorp, through An-Nur Waqaf Clinics, provided healthcare services and treatment valued at RM124,618 to less privileged patients from different tribal and religious affiliations across Malaysia (JCorp, 2019), at a discounted charge of RM5 (Sowtali, 2020). However, Saad et al. (2016) note that in 2011 more than 765,000 patients were given healthcare services for a token amount of RM5 per treatment. Also, dialysis machines are used by all An-Nur Waqaf Clinics for all patients who are in need of them, at subsidised rates of RM90. In some cases, healthcare services are rendered free of charge for deserving patients (Saad et al., 2016).

To further substantiate the potentiality of *waqf*, it is argued that there are many reputable hospitals worldwide that are financed through the concept of endowment. Such hospitals include Johns Hopkins Hospital in the US. Also, St John's Hospital Mary in London explored an endowment approach to fund the hospital (*Marina et al.*, 2020). As for the Johns Hopkins Hospital, which was considered as the largest medical centre in the United States of America, was unveiled on 7 May 1889. The hospital has 25 doctors,

200 workers, 17 structures and 330 bed spaces (Johns Hopkins Medicine, 2024a). Endowments and other sources of income played a significant role in many respects for the existence and sustainability of the hospital. Through endowments, the hospital is able to consistently meet its financial obligations; retain its paediatric doctors and specialists; and support its care, research and teaching (Johns Hopkins Medicine, 2024b).

The abovementioned substantiates the viability of cash *waqf* to provide healthcare services. Before concluding this section, it must be stated here that the establishment of cash *waqf* is also relevant to provide healthcare services to the poor segment of Ilorin–West Local Government Area women. How this can be attained is the focus of the next sub–section.

### **b. Modus operandi for financing women’s healthcare services through cash *waqf* in Ilorin–West, Kwara State**

It has been argued so far that some women in Ilorin–West Local Government Area, Kwara State are being deprived of access to healthcare services, whereas there are many contributions that they can make to the development of society. It was demonstrated earlier that cash *waqf* is a viable mechanism to alleviate poverty in terms of providing for healthcare services in some jurisdictions such as Malaysia. Thus, two ways, amongst others, in which cash *waqf* may be explored to finance women’s healthcare services in Ilorin–West Kwara State are depicted as follows:

- The individuals and the government should collaborate in the provision of healthcare services for women in Ilorin West Local Government Area.
- An *Al-ṣundūq Al-Waqfiyyah* (*waqf* fund) will be created for the purpose of providing healthcare services. A similar arrangement was adopted in the State of Kuwait (Kuwait Awqaf Public Foundation, 2023:19).
- Since the projected population of Ilorin West stood at 548,300, units of shares, say 500,000, will be issued at say ₦1,000 by the competent and qualified fund manager (*Mutawalli*), say an Islamic bank, for healthcare provision.
- Each prospective *wāqif* (donor) subscribes to the units of shares he or she wishes and a cash-*waqf* certificate will be issued to every subscriber. These units represent the number of *waqf* shares that each prospective *wāqif* acquires. This allows everybody even the less-privileged to participate in the creation of cash *waqf*.
- The fund manager invests *waqf* money totalling ₦500 million in Shari’ah-compliant businesses to yield a relatively high return at a lower risk.
- Incomes generated from the *waqf* fund will be utilised to cater for the purchase of hospitals’ equipment, provision of relevant drugs, medical

bill footing, payment of healthcare workers' emoluments, and a host of others in all the twelve wards of the Local Government Area. The lesson could be drawn from the experience of Waqaf An-Nur Corporation (WANCorp) in Malaysia, discussed in the foregoing.

- The state government plays its role by creating an enabling environment for the operation of cash *waqf* in this regard.

Alternatively, the second way is that the pooled money, ₦500 million, in a special account of an Islamic bank will be loaned to the less-privileged women in the Local Government Area by way of *Qard Hassan* (benevolent loan). *Qard Hassan* is an interest-free loan aimed at assisting a person who is in need of cash. It is a non-rewarding loan, therefore, the borrower only pays back the amount he borrowed with no interest and the lender does not expect any monetary return (Islamic Relief Worldwide, 2019). This is based on the principle that consumption of *riba* (interest) is totally forbidden in Islam (Qur'an 2 (Surah Al-Baqarah, verses 275-279). The ultimate purpose of this institution is to assist vulnerable women to stand on their feet to become part of economic activities. Thus, by so doing, Ilorin-West Local Government Area's women will be brought into the formal financial sector and as they come out of poverty by engaging in business ventures using their skills and expertise, they are empowered to finance their healthcare services.

It is the considered view of this researcher that if the foregoing strategies are explored, women in the Ilorin-West Local Government Area will be empowered and will thereby have access to healthcare facilities. Nonetheless, this may prove difficult if there is no effective legal framework sanctioning cash *waqf* institution in the State. Therefore, the next section focuses on the analysis of extant laws on *waqf* in Kwara State.

### **Analysis of extant laws on *waqf* in Kwara State**

The Constitution is one of the instruments providing legal backing for the operation of *waqf* in Nigeria. By its provisions, the Constitution expressly declares *waqf* as part of the Islamic Personal Law matters and empowers the *Shari'a*'h Court of Appeal to hear and determine disputes relating to *waqf* matters. The relevant provisions of Section 277 (2) (c) and 262 (2) (c) of the Constitution (Federal Republic of Nigeria, 1999) provide thus: "For the purposes of subsection (1) of this section, the Sharia Court of Appeal shall be competent to decide...(c) any question of Islamic personal law regarding a *wakf*, gift or succession where the endower, donor, testator or deceased person is a Muslim." It is instructive to note that the word '*waqf*' is spelt as '**wakf**' in the 1999 Nigerian Constitution, whereas the word '*wakf*' in Arabic philology means: to drip, trickle, leak. Notwithstanding this meaning in

Arabic language, which does not properly convey the real sense of '*waqf*', the intention of the Constitution drafters on *waqf* is 'Islamic Endowment System'. This is hinged on the fact that the Constitution provides that the *Shari'ah* Court of Appeal has jurisdictional power to determine any Islamic Personal Law concerning 'wakf' where the **endower person [author's emphasis]** is a Muslim.

Beyond the 1999 Constitution, no legislation currently at the federal level, that is an 'Act' of National Assembly, provides for the operation of *waqf* (Ishola, 2019). This is supported by the fact that being a residual matter, power to legislate on *waqf* is vested in the State House of Assembly. In this regard, many of the nineteen states, specifically nine of them, in the Northern part of Nigeria that are implementing Sharia have legislated laws on *waqf*. It is imperative to state here that according to the findings of Oseni (2012), the available laws in the *Shari'ah*-implementing States are not even sufficient for the operation of *waqf* in their respective states. However, Zamfara State has enacted the Zakat (Collection, Distribution and Endowment) Board Law, 2003, which is considered as specific *waqf* legislation, to govern administration and management of *Zakah* and *waqf* through its House of Assembly (Oseni, 2012). By its provisions, the law accommodates cash as a kind of *waqf*. For instance, Section 32 of the law validates shares in companies, part of salaries, special grants by Local and State Governments, foundations, social services like roads and hospitals, donations, and such other kinds of charity. Recently, Sokoto State followed suit as it enacted a comprehensive law on *waqf* in the state. All these expositions are nothing but to establish that some states have relevant provisions regarding cash *waqf* in their laws from which other states can borrow a leaf.

Coming to Kwara State, which is one of the states that fall under the North Central of Nigeria, no law has been enacted on the practice of *waqf* in the state, let alone integrating relevant provisions in respect of cash *waqf*. The need for *waqf* law in the state is hinged on the fact that there are various kinds of *waqf* assets, ranging from immovable to movable property such as shares, bonds and cash, which are regulated by some laws other than Islamic law. Again, there must be provisions for elements, establishment, registration of *waqf*, and over which the court has jurisdiction when dispute regarding cash *waqf* arises. Therefore, to be accepted as valid *waqf* there must be legislation to that effect and regulate their handling by a *waqf* manager. In essence, there has been a lack of *waqf* legislation in Kwara state.

Notwithstanding the above position, it is cheering to mention that at present, the Kwara state *Shari'ah* Court of Appeal's efforts to formulate a *waqf* law in the state to regulate management and administration of *waqf* are a commendable development; as this would help the effective exploration of

*waqf*, particularly cash *waqf*, to finance women's healthcare in Ilorin-West Local Government Area. One of the participants, a legal practitioner, when interviewed, stated that in the ongoing preparation of a bill on *waqf* to be sent to the Kwara state House of Assembly, that for *waqf* to be effectively practiced in the state, there must be legislation to that effect. He added that once the proposed bill passed into law the practice of *waqf* in all its kind, including cash *waqf*, would serve its purpose of providing succour to the people of the State.

## Conclusion and recommendations

From the discussions so far, it is seen that one of the great challenges ravaging the world over, particularly women, is the issue of poverty. It is on this strength that the United Nations member states, including Nigeria, have made eradication of poverty as Goal-1 in the realisation of the SDG agenda. Also, it is established that the concept of poverty encompasses the inability of a person to have sufficient access to healthcare services.

Moreover, it is discovered that despite all the efforts put in place by the Kwara State government to eradicate poverty in the area of making provision for healthcare services for the state residents, the government alone cannot provide all the basic needs of the citizenry. Rather, it requires private sector participation in this regard. In other words, the public sector needs the private sector in the provision of social services, and this can be achieved through cash *waqf*.

It is found that, notwithstanding the potentiality of cash *waqf* to finance healthcare services of women in Ilorin-West as strategised in the foregoing, there has been a challenge of the lack of *waqf* legislation that may face its successful exploration in Ilorin-West and by extension in the state. If the challenge is addressed, then cash *waqf* can be harnessed effectively to create a sustainable and continuous benefit for all women in the Local Government Area.

In view of the foregoing, the following are suggested to be included in the legislation:

1. The new law should provide for the integration of all the required elements and varieties of *waqf*, including cash as a valid subject matter of *waqf*.
2. The proposed Kwara state *waqf* law should make provision for modalities of *waqf* investment.
3. The intended legislation should include provisions capable of ensuring accountability, fairness and transparency. Such enactment should also make provision for sanctions to be meted out to the offender in case *waqf* resources are mismanaged.

4. The state government should contribute at least 1% of its total annual revenue to the *waqf* as it is done by Zamfara State government under Section 32 of the Zakat (Collection, Distribution and Endowment) Board Law of Zamfara State.

## References

- Akanni, I.A. 2021. *Why Nigeria's weak health system affects women and girls the most. The Conversation*, July 9. [online]. Available at: <https://theconversation.com/why-nigerias-weak-health-system-affects-women-and-girls-the-most-163904>. [Accessed on 20 April 2023].
- Ali, N.A., & Markom, R. 2020. The challenges in implementing cash *waqf* in Malaysia. *Journal of Contemporary Islamic Studies*. Available at <https://jcis.uitm.edu.my/journal/volume6/issue2/1.%20The%20Challenges%20In%20Implementing%20Cash%20Waqf%20In%20Malaysia.pdf>. [Accessed on 23 April 2023].
- Al-Khasaf, A.A.A. n.d. *Rulings of waqf*. (1st ed.). Egypt, Cairo: Library of religious culture. Available at: <https://core.ac.uk/download/pdf/231742438.pdf>
- Aluko O.A., & Mbada K. 2020. Rural poverty among women in Nigeria. *Journal of Sustainable Development in Africa*, 22(3):82-95. Available at: [https://jsd-africa.com/JSDA/2020%20V22%20No%203%20Fall/PDF/Rural%20Poverty%20Among%20Women%20in%20Nigeria%20\(2\).pdf](https://jsd-africa.com/JSDA/2020%20V22%20No%203%20Fall/PDF/Rural%20Poverty%20Among%20Women%20in%20Nigeria%20(2).pdf). [Accessed 27 April 2023].
- Angel Support Foundation. 2022. *About us*. [online]. Available at: <https://www.angelsupportfoundation.org.ng/about-us-angel-support-foundation/>.
- Anyawu, J.C. 2010. Poverty in Nigeria: A gendered analysis. *The African Statistical Journal*, 11(2010):38-61. Available at: <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Poverty%20in%20Nigeria%20A%20Gendered%20Analysis.pdf>. [Accessed 24 April 2023].
- Bank of Industry. 2024. *Government Enterprise and Empowerment Programme (GEEP)*. [online]. Available at: <https://www.boi.ng/products/government-enterprise-and-empowerment-programme-geep/>
- Budiman M.A., & Kusuma D.B.W. 2011. *The economic significance of waqf: A macro perspective*. (paper delivered at the 8<sup>th</sup> International Conference on Tawhidi Methodology Applied to Islamic Microenterprise Development, Jakarta, January 7-8. Available at: <http://ssrn.com/abstract=1844606>. [Accessed 27 April, 2019].
- City Population. n.d. *Ilorin West: Local government area in Nigeria*. [online]. Available at: [https://www.citypopulation.de/en/nigeria/admin/kwara/NGA024008\\_\\_\\_ilorin\\_west/](https://www.citypopulation.de/en/nigeria/admin/kwara/NGA024008___ilorin_west/). [Accessed 24 September 2023].

## Women Representation in Governance in Nigeria

- Federal Republic of Nigeria. 1999. *Constitution of the Federal Republic of Nigeria*. [online]. Available at: <https://dullahomarinstitute.org.za/acjr/resource-centre/Nigeria%20Constitution.pdf>.
- Federal Republic of Nigeria. 2016. *National Social Investment Programme*. [online]. Available at: <https://statehouse.gov.ng/policy/economy/national-social-investment-programme/>.
- Federal Republic of Nigeria. 2018. *Nigeria Demographic and Health Survey*. [online]. Available at: <https://dhsprogram.com/pubs/pdf/FR359/FR359.pdf>. [Accessed 21 May 2023].
- Ishola, A.S. 2019. Legal bases for Al-Waqf in Nigeria. *Journal of Shariah Law Research*, 4(1): 69–88. <https://doi.org/10.22452/JSLR.vol4no1.4>
- Islamic Relief Worldwide. 2019. *About us*. [online]. Available at: <https://islamic-relief.org/about-us/>. [Accessed 20 April 2023].
- Johns Hopkins Medicine. 2024a. *How the Johns Hopkins Hospital Was Built*. [online]. Available at: <https://www.hopkinsmedicine.org/about/history/history-of-jhh/how-jhh-was-built.html>. [Accessed 20 April 2023].
- Johns Hopkins Medicine. 2024b. *Endowments and Funds*. [online]. Available at: <https://www.hopkinsmedicine.org/johns-hopkins-childrens-center/ways-to-give/endowments-funds/>. [Accessed 20 April 2023].
- Johor Corporation (JCorp). 2019. *Integrated reports: JCorp annual report 2019*. [online]. Available at: <https://jcorp.com.my/wp-content/uploads/2023/08/AR2019-eng.pdf>. [Accessed 25 September 2021].
- Kamali, M.H, 2008. *Shari'ah law: An introduction*. London, UK: One World Publications.
- Kuwait Awqaf Public Foundation. 2023. *The Marsūm Al-Amīr (the Royal Decree) of the Establishment of Kuwait Awqaf Public Foundation (KAPF)*. [online]. Available at: <https://www.awqaf.org/kw/EN/Pages/default.aspx>. [Accessed 12 August 2022].
- Kwara State. 2020. *Local government areas*. [online]. Available at: <https://kwarastate.gov.ng/government/lgas/>.
- Kwara State Government. 2022. *Kwara enrolls fresh 21,750 indigents in free health insurance*. [online]. Available at: [https://kwarastate.gov.ng/press\\_releases/kwara-enrolls-fresh-21750-indigents-in-free-health-insurance/](https://kwarastate.gov.ng/press_releases/kwara-enrolls-fresh-21750-indigents-in-free-health-insurance/). [Accessed 23 April 2023].
- Kwara State Health Insurance Agency (KWHIA). 2022. *About KWHIA*. [online]. Available at: <https://kwaracare.com.ng/about-kwhia/>. [Accessed 7 May 2023].

- Marina, A., Shofian, A., Ahmad, D. S., & Mohd, F. M. S. 2020. *Waqf and sustainable development goals (SDGs): A critical review from Malaysia perspective*. The 2<sup>nd</sup> International Conference on Social Transformation and Regional Development. Available at: <https://conference.uthm.edu.my/index.php/skm/ICOSTRD/paper/view/4006>. [Accessed 19 May 2021].
- National Bureau of Statistics (NBS). 2022. *Nigeria multidimensional poverty index*. [online]. Available at: <https://www.nigerianstat.gov.ng/pdfuploads/NIGERIA%20MULTIDIMENSIONAL%20POVERTY%20INDEX%20SURVEY%20RESULTS%202022.pdf>. [Accessed 22 April 2023].
- Nigeria Voluntary National Review. 2020. *Nigeria integration of the SDGs into national development planning: A second voluntary national review 2020*. Available at: [https://sustainabledevelopment.un.org/content/documents/26309VNR\\_2020\\_Nigeria\\_Report.pdf](https://sustainabledevelopment.un.org/content/documents/26309VNR_2020_Nigeria_Report.pdf). [Accessed 24 August 2021].
- Ogbodo, J.A, Bichi, A.H., & Ogbodo, J.I. 2021. Analyzing the progress, pitfalls and prospects for attaining environmental-related sustainable development goals in Nigeria. *Animal Research International*, 18(1). 3990–4004. Available at: <https://www.ajol.info/index.php/ari/article/view/206768/194983>. [Accessed 25 August 2021].
- Ojo, M., & Osundina, O. 2021. Sustainable development goal 4 and women empowerment in Ilorin–West local government, Kwara State, Nigeria. *Kampala International University Journal of Humanities*, 6(2):41–47. Available at: <https://ijhumas.com/ojs/index.php/niuhums/article/view/1252>. [Accessed 25 May 2023].
- Omoligho, O.J. 2022. An Evaluation of Impact of N-Power Programme among Youth in Nigeria. *International Journal of Multidisciplinary and Current Educational Research (IJMCER)*, 4(2):172–175. Available at: [https://www.ijmcer.com/wp-content/uploads/2022/04/IJMCER\\_PO420172175.pdf](https://www.ijmcer.com/wp-content/uploads/2022/04/IJMCER_PO420172175.pdf).
- Oseni, U.A. 2012. Towards the effective legal regulation of *waqf* in Nigeria: Problems and prospects. In: S.K. Rashid & A. Hasan (eds.), *Waqf laws and management with special reference to Malaysia* (pp.339–354). New Delhi, India: Institute of Objective Studies. [Accessed 27 May 2021].
- Ostien, P. 2018. *Shari' a Implementation in Northern Nigeria :: Zakāt and Endowments*. Islamic Law Blog, May 10. [online]. Available at: <https://islamiclaw.blog/2018/05/10/sharia-implementation-in-northern-nigeria-further-documentary-materials-iii-zakat-and-endowment-boards-and-committees/>.
- Saad, N.M., Kassim, S., & Hamid, Z. 2016. Best practices of waqf: Experiences of Malaysia and Saudi Arabia. *Journal of Islamic Economics Lariba*, 2(2):57–74. <https://doi.org/10.20885/jjellariba.vol2.iss2.art5>

## Women Representation in Governance in Nigeria

- Sowtali, S.N. 2021. Waqf for healthcare: Social security of the future. *International Journal of Care Scholars*, 4(2):89–92. <https://doi.org/10.31436/ijcs.v4i2.177>
- United Nations (UN). 2000. *United Nations Millennium Declaration*. [online]. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-millennium-declaration>.
- United Nations (UN). 2015. *Transforming Our World: The 2030 Agenda for Sustainable Development*. [online]. Available at: <https://sdgs.un.org/publications/transforming-our-world-2030-agenda-sustainable-development-17981>. [Accessed 10 May 2021].
- United Nations (UN). 2018. *The 2030 Agenda and the Sustainable Development Goals: An Opportunity for Latin America and the Caribbean*. LC/G. 2681-P/Rev. 3, Santiago. Available at: [https://repositorio.cepal.org/bitstream/handle/11362/40156/25/S1801140\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/40156/25/S1801140_en.pdf). [Accessed 22 February 2021].
- World Bank. 2021. *Living Standards Survey 2018–2019*. [online]. Available at: <https://microdata.worldbank.org/index.php/catalog/3827/pdf-documentation>.
- World Bank. 2022. *Nigeria poverty assessment 2022: A better future for all Nigerians*. [online]. Available at: <https://documents1.worldbank.org/curated/en/099730003152232753/pdf/P17630107476630fa09c990da780535511c.pdf>. [Accessed 2 July 2023].
- World Vision. 2023. *Global poverty: Facts, FAQs, and how to help*. [online]. Available at: <https://www.worldvision.org/sponsorship-news-stories/global-poverty-facts>. [Accessed 26 September 2023].