



AWQAF

Refereed Biannual Journal Specialized in Waqf and Charitable activities

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AWQAF is based on a conviction that waqf -as a concept and an experience- has a great developmental potential which entitles it to contribute effectively to the Muslim communities and cope with the challenges which confront the Umma. Waqf also reflects the history of Islamic world through its rich experience which embraces the various types of life and helps finding solutions for emerging problems. During the decline of the Umma, Waqf maintained a major part of the heritage of the Islamic civilization and caused it to continue and pass from one generation to another. Nowadays, the Islamic world is witnessing a governmental and popular orientation towards mobilizing its materialistic capacity and investing its genuine cultural components in a spirit of innovative thinking leading to comprehensive developmental models conducive to the values of justice and right.

Based on this conviction, AWQAF comes up with a keen interest to give waqf the actual prestige in terms of thinking at the Arab and Islamic levels. It centers on waqf as a specialty and attracts waqf interested people from all domains and adopts a scientific approach in dealing with waqf and relating it to comprehensive community development. Waqf is originally known to be a voluntary activity which requires AWQAF journal to approach the social domains directly related to community life, along with other relevant social and economic behaviors. This might bring about a controversy resulting from the society-state interaction and a balanced participation aiming to reach a decision touching the future of the community life and the role of NGO's.

Objectives of AWQAF:

- ❖ Reviving the culture of waqf through familiarizing the reader with its history, developmental role, jurisprudence, and achievements which Islamic civilization had witnessed up to date.
- ❖ Intensifying the discussions on the actual potential of waqf in modern societies through emphasis on its modern instruments.
- ❖ Investing the current waqf projects and transforming them into an intellectual product in order to be exposed to specialists. This is hopefully expected to induce dynamism among researches and establish a link between theory and practice.
- ❖ Promoting reliance on the repertoire of Islamic civilization in terms of civil potential resulting from a deep and inherent tendency towards charitable deeds at the individual's and nation's levels.
- ❖ Strengthening ties between the waqf on the one hand, and voluntary work and NGO's on the other.
- ❖ Linking waqf to the areas of other social activities within an integrated framework to create a well-balanced society.
- ❖ Enriching the Arab library with articles and books on this newly approached topic, i.e. waqf and charitable activities.

Publication Regulations

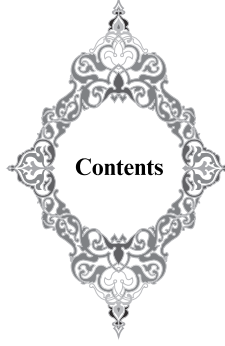
AWQAF journal publishes original Waqf-related researches in Arabic, English and French. It also accepts summaries of approved M.A's and Ph.D's reports on conferences, symposia, and seminars dealing with in the field of Waqf.

Contributions are accepted in Arabic, English or French, provided they abide by the following regulations:

- ❖ They should not be published before, or meant to be published anywhere else.
- ❖ They should abide by the scientific conventions related to the attestation of references, along with the academic processing.
- ❖ Articles should be written in good handwriting on A4 papers, preferably accompanied by a disk (Word software).
- ❖ Articles must be 4000-10000 words in length.
- ❖ All submissions must include an abstract of about 150 words.
- ❖ Material meant for publication should undergo a confidential refereeing.
- ❖ Coverage of seminars and conferences is acceptable.
- ❖ Material once sent for publication, whether published or not, is unreturnable.
- ❖ AWQAF is entitled to re-publish any material separately.
- ❖ All responsibility for the opinions expressed and the accuracy of facts rests solely with the author(s).
- ❖ All submissions should be sent to:

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Editorial

Pour la construction d'une infrastructure scientifique du waqf

Aujourd'hui, plusieurs spécialistes s'interrogent sur les réalisations de l'expérience contemporaine du waqf dans le monde musulman après trois décennies de relative intense activité. Dans cet exercice, la question principale reste centrée autour de la capacité du waqf à créer des retombées positives sur le développement des pays musulmans. En d'autres termes, qu'elles sont les apports du waqf dans des domaines comme ceux de la santé de l'éducation de la sécurité sociale, surtout au sein d'une atmosphère socio-économique dominée par un désengagement progressif de l'Etat, et des politiques d'ajustement structurel qui donnent une force inouïe aux loi du marché et au secteur privé. Ces questions sont d'une importance cruciale dans le cadre d'une analyse critique de la situation contemporaine des awqaf.

Nous estimons que d'autres interrogation devraient se poser quant à l'édification d'une «infrastructure» relative au waqf en tant que sujet de recherche. Où sommes nous - institutions et spécialistes du waqf - de cette infrastructure?

Précisons d'abord que par infrastructure scientifique nous mettons en relief l'existence des éléments suivants:

- 1 - Toutes les formes d'écritures qui prennent le waqf comme sujet principal d'analyse qu'elle soit historique, économique, ou sociale.
- 2 - Les centres de recherches qui incorporent le waqf (en tant que sujet principal ou secondaire) dans leurs plans de recherche.
- 3 - Des associations qui assurent l'interaction entre les chercheurs et spécialistes du waqf, à l'exemple de la MESA the *Middle East Studies Association*.

- 4 - Des bibliothèques spécialisées (classiques ou électroniques)
- 5 - L'enseignement dans les disciplines des sciences sociales d'une matière relative au waqf.
- 6 - La production de programmes audiovisuelles relatifs aux waqf.

Ainsi, l'interrogation sur la nature de l'infrastructure scientifique reliée au waqf, et son degré de réalisation, font aussi partie de l'analyse générale de l'expérience contemporaine du waqf. Nous estimons que cette action est nécessaire tant que la recherche est considérée comme la condition indispensable pour assister rationnellement le développement de toute expérience sociale.

Il est certain que plusieurs pays musulmans possèdent des capacités scientifiques non négligeables qu'elles soient représentées par des chercheurs de haut calibre, ou par l'existence de grandes bibliothèques, ou par une activité scientifique sous forme de colloques spécialisés. Néanmoins, ces capacités sont en règle générale dispersées et souffrent d'un manque chronique de stratégie commune qui les identifie à des but précis prenant en considération les besoins réels du secteur des awqaf.

Parmi tant d'exemples sur cette situation, l'absence de collaboration entre les institutions de waqf qui fini dans plusieurs cas par répéter ce qui a été déjà fait, et dédoubler les rôles. D'autre part, les chercheurs et les spécialistes du waqf n'arrivent pas jusqu'à présent à se doter d'un organe associatif qui les réunit et leur facilite une interactivité si importante pour le développement de leur recherche.

Il est aussi à déplorer le fait que le secteur des awqaf ne bénéficie pas de la révolution technologique. L'utilisateur d'internet trouvera une très grande difficulté pour trouver une bibliothèque électronique ou même un site scientifique entièrement consacrés au waqf.

Dans le cadre de cette problématique, la revue *Awqaf* avait envisagé une série de colloques qui ont pour but principal une connaissance précise et claire des possibilités et des manques du secteur des awqaf. Cette mission fait partie des objectifs du journal quant à sa mission intellectuelle mais aussi d'assurer la liaison entre les différentes institutions et les chercheurs.

Dans cette direction le premier symposium qui sera organisé par *Awqaf* au mois de Mars 2008, et intitulé "Waqf et mondialisation", attachera une importance particulière à l'analyse d'une des composantes de l'infrastructure scientifique à savoir la littérature produite au sujet du waqf. Plusieurs questions seront ainsi débattues

- A quel point on pourrait considérer cette littérature de «scientifique»? Existe-t-il des différences au niveau des méthodes d'analyse entre ce qui s'écrit au monde arabe, au reste du monde musulman et en Occident?
- Quelles sont les perspectives de cette littérature quant au développement de modèles à usage pratique.
- Le degré d'interaction entre ce que s'écrit au sujet du waqf et les institutions du waqf.

Il est important de considérer que l'interrogation autour de cette littérature fait partie de ce questionnement plus large touchant toutes les composantes de l'infrastructure scientifique relative au waqf. Nous croyons que pour réussir cette tâche plusieurs conditions objectives doivent être réunies. Nous croyons aussi qu'à ce stade deux d'entre-elles ont une priorité absolue :

- Un travail d'équipe à travers la collaboration des pays musulmans du mois ceux qui au niveaux officiel et public attestent d'un intérêt pour le waqf. La responsabilité des institutions waqf est à cet égard primordiale sans oublier les spécialistes et chercheur.
- Affirmer une rupture méthodologique qui institue un changement profond dans la stratégie du waqf afin de dépasser la dispersion des activités et pouvoir profiter des possibilités existantes.

Dans son onzième numéro, Awqaf s'est interrogé sur les potentialités du waqf d'être en lui-même un projet de réforme. Dans ce numéro trois contributions nous fournissent des exemples attestant de la validité de ce que nous avançons. L'auteur Hind Moustafa analyse une «*waqfiya*» du premier quart du vingtième siècle (1913) créée par la princesse Fatma fille du Pasha d'Egypte *El- Khidioui Ismail*. Ce qui est important pour Hind, c'est d'analyser cette *waqfiya* en fonction des projets de réforme qui ont marqué l'Egypte et au monde arabe à cette époque. L'auteur expose les traits essentiels du projet réformateur qui constitue le fondement théorique de cette *waqfiya*. Fatma met l'accent sur l'importance de la *Umma* tout entière et non de l'Etat, de la tribu, ou de l'ethnie. La *waqfiya* atteste aussi d'une vision de développement autocentré et durable qui fait face aux vrais problèmes de cette *Umma*, et touche ses points les plus faibles (éducation, situation de la femme, faiblesse de l'industrie, etc.).

Dans le même cadre, un autre exemple nous est offert par Mohammad Al-Arnaout qui expose une *waqfiya* de Sarajevo du 16^{em} siècle : celle de l'école *Al-Ghazi Khasru Bick*. L'importance de cette *waqfiya* -qui existe toujours- c'est qu'elle nous offre aussi une réponse sur la participation permanente du waqf dans l'édification de la société, et ainsi être un facteur de réforme continu. C'est cette même idée qui parcourt l'article de Widad El-Idouni sur le rôle joué par le waqf

en Andalousie musulmane pour protéger les mineurs. L'auteur examine les situations dans lesquelles cet apport a été le plus manifeste et analyse ses incidences sociales.

Dans son article «Investir autour de la Mosquée de la Mecque», Omar Abou Raziza expose une des problématiques dont font face les awqaf contemporaines. Il s'agit de la question de substitution du waqf en vue de son éventuelle remplacement. Cette pratique bien qu'elle fait partie de la jurisprudence du waqf pourrait être désastreuse si jamais elle sort du cadre légal et philosophique qui sous-tend sa création. L'auteur analyse exemple des awqaf qui entourent la Mosquée de la Mecque, qui, dans la foulée de la croissance rapide du secteur immobilier, ont été assujetti à des pratiques qui méritent d'être éclaircies. En effet l'auteur retrace les conditions qui garantissent une substitution légale du waqf. Exemples à l'appui, Abou Raziza montre que dans plusieurs cas des awqaf ont été vendu puis substitués et remplacés par d'autres sans égale contrepartie non seulement au niveau de la valeur financière mais surtout au niveau de leur valeur historique.

L'article de Riham Khafagy, se consacre à analyser le rôle joué par le waqf dans la lutte anticoloniale. Cette question se rapporte à l'étude de la stratégie des différents acteurs sociaux, au sein du monde musulman colonisé, pour consolider des structures socioéconomiques endogènes ouvertement attaquées par les politiques de l'administration coloniale. Le cas de l'Egypte est ainsi considérée pour cerner la faculté de l'institution waqf, durant l'occupation anglaise, à s'adapter à une situation de changement radicale aux niveaux juridiques, sociaux et économiques. Non seulement l'institution waqf résiste aux tentatives de sa dissolution, mais surtout elle joue le rôle d'obstacle et réussit à retarder la mise en œuvre des politiques coloniales visant l'assujettissement économique et sociale des peuples colonisés.

Pour sa part Khalid Al-Shuaib écrit «L'ordre singulier et multiple dans le waqf familial à générations classées». L'auteur expose les différents points de vues des juristes concernant la répartition de la rente du waqf entre les générations, et attire l'attention sur l'importance capitale des termes utilisés dans les actes de waqf une étude linguistique pourrait aider à éclaircir les significations des expressions et ainsi réussir à définir avec exactitude les parts des bénéficiaires.

La Rédaction



Towards Establishing an Academic Waqf Infrastructure

Nearly three decades have elapsed since the initiation of the modern waqf experience in the Islamic world and questions are still raised by those involved in waqf concerning the achievements of this developmental experience and to what extent it succeeded in developing its educational, health and social institutions. This comes at a time such institutions in most of the Islamic countries, as early as the turn of the 20th century, have witnessed a great recession which accompanied the state's agenda which threw its weight behind the private sector, pushing it to play a prominent role on the social and economic levels. Such inquiries are important and providing answers therefor comes as a part of pushing ahead the waqf awakening to the better.

We believe that that a part of the waqf sector achievements is supposed to be linked to the academic infrastructure which is directly connected with the waqf issue. By the academic infrastructure, we mean the availability of the following factors:

- 1 - Theoretical papers on waqf and its jurisprudential, social and economic questions published in books and researches taken up during seminars.
- 2 - Research centers which integrate waqf in their academic agendas as a key subject or as a subject related to other major issues.
- 3 - Networks or societies to connect researchers and waqf-interested people through academic networks, for example Middle East Studies Association (MESA).
- 4 - A specialized classical or electronic library.
- 5 - Integrating disciplines including waqf as a key issue.
- 6 - Producing audio-visual aids about historical and modern waqf experiences.

It is natural, while approaching the modern waqf experience, to encounter those inquiries about the success of such experience in creating an adequate academic repertoire believed to be helpful in intellectually dealing with waqf.

The process of exploring the minute details of this academic role is of paramount importance because it will allow for close observation of the intellectual side of waqf to pinpoint the points of weakness and thereby to draw up a strategy to develop it and realize its objectives.

It goes without saying that many of the Islamic countries have good academic potential, either through waqf-interested researchers who publish their books and researches or through relevant seminars. Nevertheless, the prevalent trend is that this potential is rather fuzzy and disconnected and does not respond to an integrated strategy which undertakes to connect all components with each other. This process should be carried out according to an integrated vision which tries to build an academic infrastructure which optimally utilizes the benefits acquired by specialists and interested people wherever they exist. Thereafter, an interrelation between those people should be established on the one hand, and then a relation should be established between them and the waqf sector institutions so that the latter may benefit by these attitudes in developing their experience.

As an example showing this weakness is the repetition of waqf projects which often start from the zero, without considering the previous experiences established here or there. At the same time, waqf researchers are still scattered due to the absence of an academic common ground. Unfortunately, this state of affairs applies to many other specializations inside and outside the Islamic world. This will, no doubt, affect negatively their work and cause their efforts in the area of waqf at the local and international levels to suffer.

Another point is the failure of the waqf sector to utilize the technological revolution and modern telecommunication facilities which started nearly two decades ago. So far, we do not have that library specialized in historical and modern waqf experiences on the Internet at a time the Internet abounds in books on similar subjects in the West, for example voluntary work.

In this context, The 1st International Symposium of Awqaf Journal scheduled to be organized near the end of March 2008, will handle the prospects of waqf in the 21st century. The Symposium is expected to shed light on a major part of this academic infrastructure, especially in connection with modern waqf literature inside and outside the Islamic world. Consequently, this will help us identify the status of the domain. In this part, we can indicate some of the important questions to be raised by the Symposium:

- 1 - The balance between the academic and practical perspectives of the waqf experience and to what extent contemporary literature responded to the social and economic issues at stake in the Islamic communities.

- 2 - Horizons of waqf writings and the prospects of developing waqf models which are in line with the spirit of the age.
- 3 - The academicism of what is written about waqf and if there are specific differences in what is written about waqf inside and outside the Islamic world.

The issue of submitting waqf writing for scientific discussion and the process of investigating and criticizing it form part of the task we mentioned earlier, i.e., it pivots round academic monitoring of the waqf components, analyzing them and identifying their weaknesses. This process embraces also connecting the remaining components of this construction so that they might be able to perform the role efficiently and push forward the waqf sector and strike a balance between the academic and practical dimensions.

The process of establishing an academic infrastructure for waqf is not an easy one and it requires providing the following conditions:

- 1 - Enrooting collective work through intensifying the efforts of the Islamic countries, mainly those countries which manifest a popular and official interest in waqf. Naturally, waqf institutions will take the lion's share in this responsibility, in addition to other specialists, whether these are academicians or waqf-interested people.
- 2 - Getting rid of the scattered and intermittent work and striving to adopt an integrated strategy by waqf cadres to utilize what is actually existing and work in concert to secure the basic requirements for an integrated academic atmosphere constituting part of the waqf experience.

In the editorial of the *Awqaf Journal*, issue # 11, we have approached the relation between waqf and progress and how this relation should be handled through all its dimensions. In Issue # 13, three researches are made about this issue through citing historical models, some of which are still existing, which identify the self- potential of waqf which ranks it as one of the reform projects.

Within this context, Mrs. Hind Mustafa, being a researcher, analyzes the waqf deed of Princess Fatima, the daughter of Khedive Ismael, which she prepared at the turn of the 20th century. She indicated the significance of that waqf deed, citing its social connotations amid the intellectual conflict which the Islamic world witnessed concerning reformation and other projects which were raised at that time. The researcher also identifies the ingredients of the reformatory vision of woman waqif (*waqifa*) who manifested a responsible concern for the concerns and worries of a nation, not a tribe, clan or connection. Here we have an advanced vision of development being presented with a long range investment in learning and knowledge envisaged to help people acquire the

means of power and self-generation thereof. It also sought to correct the defects which blurred the vision of the nation through the stress laid on the women issue.

Similarly, the writer Dr. Mohammad Al Arnaut presents the waqf deed of the Conqueror Khesro Bey's School in Sarajevo which dates back to the 16th century and is still existent. The importance of this waqf deed rests in the fact that it provides evidence of the role of waqf in establishing the Islamic civilization in various parts of the world. This is indicative of the waqf's ability to contribute to any civilizational project.

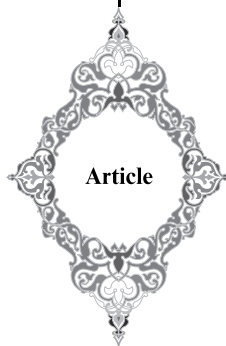
Mrs. Wedad Al Aidooni traces one of the roles performed by waqf related to the Islamic civilization through her research 'Protecting Minors in Maghreb Countries and Andalusia'. She referred to the types of protection awarded to minors and methods of attending to their affairs in the Islamic West, highlighting this role in establishing behavioral models which maintain the social balance and provides for major sectors of the society.

The issue includes also divisive issues confronting waqf when the researcher Omar Siraj Abu Rezaiza approaches the issue of the rules and regulations related to the substitution (*istibdal*) of waqf through a case study of the awqaf adjacent to the Holy Mosque in Mecca Al Mukarrama. The real estate leap surrounding the Holy Mosque in Mecca reflected some problems which deserve to receive consideration, particularly because awqaf and places of interest have fallen prey to the sell-and- buy operations for substitution purposes. This causes these places to lose the purposes to which they were dedicated and thereby the waqifs conditions are hampered. The researcher resorted to the viewpoints of scholars on the issue of substituting awqaf and came to the conclusion that such places should be maintained in view of the historical significance of waqf. On the other hand, technical solutions to develop the central area surrounding the Holy Mosque should be worked out without infracting the waqf regulations.

Dr. Khaled Abdullah Shuaib reviews waqf regulations related to the observance of priorities in inheritance in his article '*Singular and Multiple Order in the Familial Waqf with Classified Generations*' and the importance of tradition and language significance in realizing waqifs' conditions

The issue also includes a research carried out in English entitled '*Beyond Politics: Roles of Islamic Endowment in Resisting Colonization in Egypt (1882-1952)*'. The researcher sheds light on the strategy of the social and economic institutions (including waqf of course) and their role in maintaining the identity of the umma against the imperialistic attempts and the guileful means introduced by these powers to cut asunder the social and economic life

Editing Staff



Beyond Politics: Roles of Islamic Endowments in Resisting Colonialism in Egypt (1882-1952)

Riham Ahmed Khafagy^(*)

This paper analyzes in particular the roles of Islamic endowments in Egypt in resisting British colonialism from 1882 to 1952. It also sheds light on the role of Islamic endowments that assisted in preserving Islamic identity and laws, Arabic language and culture, the Egyptians' possessiveness of national lands, and developing Egypt's economic and social conditions.

Colonialism posed a great challenge for many Arab countries during the 19th and 20th centuries. It had devastating political, military, social and cultural impacts on the Arab societies. In an attempt to overcome the colonial impact, some Islamic institutions in the Arab countries revived, and their historical roles of preserving Islamic identity and fighting foreign invaders were revitalized. These institutions collectively adopted two complementary roles: first, defending the Islamic identity of Arab Muslim societies and neutralizing and reducing the impact of colonial policies. Consequently, Islamic institutions, such as al-Azhar Mosque-University, supported the functional continuity of many educational and Islamic missionary institutions. Second, counterattacking colonialism by mobilizing the umma to achieve two goals: independent development and political liberation.

This paper examines these roles of the Islamic institution of *al-waqf* or endowment that had significant impact on pre-colonial Muslim societies. The

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institution of philanthropic endowment (waqf) was meant to allocate amounts of private capital, stocks, and real estate to the survival and functional continuity of other Islamic institutions. It also analyzes in particular the roles of Islamic endowment in resisting British colonialism in Egypt from 1882 to 1952 and discusses the various roles of Islamic endowments in Egypt that contributed to Egypt's economic and social development, while preserving Islamic identity and laws, Arabic language and culture, and the Egyptians' possessiveness of their country's lands.

The paper argues that Egypt's Islamic endowments adjusted their traditional functions in order to adapt to the new political and social realities. They created for themselves new social and political roles and reactivated and modified others. Meanwhile, these endowments contributed effectively to establishing and supporting educational institutions that had ineffaceable impacts on the Egyptian society. Therefore, the paper is divided into three sections: the first section discusses, from an Islamic perspective, the theoretical and historical aspects of the interrelation between social institutions and political authority; the second section analyzes the contributions of Egypt's Islamic endowments to preserving Islamic identity and law and Arabic language and culture in Egypt; the third section focuses on their contributions to the development of an independent economy in Egypt and to enable Egyptians to possess their country's lands.

1. Endowments and the Defending of the Muslim *Umma*:

The roles of Islamic endowments could not be detached from the comprehensive relationship between the state and the society in Islam. From an Islamic perspective, the political and social institutions ideally have the same ultimate goals and are guided by the same Islamic principles and rules.⁽¹⁾ Both should aspire to achieve the five goals of Shari'a, i.e., preserving religion, humanity, intellectual faculty, wealth, and honor. Therefore, they are supposed to cooperate in order to achieve these goals.⁽²⁾ Historically speaking, the relationship between the Islamic political authority and the Islamic institution of waqf passed through two stages: firstly, for the most of the Muslim history, their inter-relationship was generally cooperative and synergistic. The political authority assisted the social institutions, including waqf, in fields of education and social

(1) Muhammad Mahfouz, *Fi al-Bid' Kanat Ummah: Jadaliyat al-Ummah wa al-Dawlah fi al-Fikr al-Islami al-Mu'asir* [In the Beginning, It was Ummah: Dilemma of the Ummah and the State in the Modern Islamic Thought], *Al-Kalimah* [The Word], no. 22, Winter 1999, pp.33-34

(2) *Ibid.*, p.39

services. Alternatively, the social institutions assisted the political authority in the fields of defense and judiciary. However, later in the Muslim history, with the decline of the Islamic Caliphate and the western colonization of most of the Arab countries, tension pervaded the inter-relations between the political authority and social institutions in general, and Islamic waqf in particular. To confront colonial powers and corrupt political authorities, social institutions cooperated with each other to preserve the Islamic identity of Muslim societies.

Legally speaking, endowments are neither obligatory nor required; rather they are voluntary contributions directed to social purposes to win the good pleasure of Allah in the Hereafter. Moreover, there are no specific channels through which the revenues of endowments must be spent, so they are rather fungible and adjustable according to the changing realities. In the Egyptian experience, Islamic endowment has been of three types: charitable (Khairy), familial (Thurri) and mixed (Mushtarak). Charitable endowment was meant to allocate amounts of private capital, stocks, and real estate to the survival and functional continuity of other Islamic institutions. Familial endowment was allocated to the members of the donor's family, whereas mixed endowment was donated for philanthropic as well as familial purposes.⁽³⁾

It was through the flexible nature of the Islamic charitable endowments that defending the Umma was made possible as it took two forms. On the one hand, they were used to defend the *Umm* against external threats. For example, Islamic endowments contributed to the building of citadels and providing Islamic armies with medical and food supplies.⁽⁴⁾ On the other hand, they supported financially and symbolically educational institutions such as al-Azhar Mosque-University,⁽⁵⁾ and contributed effectively to the development of economic and social conditions

(3) For more information about the definition of endowments, see: Abu-Zahra, Muhammad, *Muhadarat Fi al-Waqf* [Lectures about Endowment] (Cairo: Dar al-Fikr al-Arabi, N.D.); Ali Jum'ah, *al-Waqf wa Athruh al-Tanmawi* [Endowment and its Developmental Role] In *Nahwa Dowl Tanmawi li al-Awqaf* [Towards a Developmental Role for Endowments] (Kuwait: Center for Endowment and Economic Studies, 1993), pp.91-127

(4) Abdul-Malik al-Said, *al-Dowl al-Ijtim'ayy li al-Waqf* [The Social Role of Endowment] in Hasan Al-Amin, (editor), *Al-Halaqah al-Niqashiyyah liTathmir Mumtalahat al-Awqaf* [Seminar on Investing in the Properties of Endowments] (Jeddah: the Islamic Center for Research and Training, 1984), pp.230

(5) For more details about the historical supportive role of endowments to al-Azhar, see: Mustafa Ramadan, *Dowl al-Awqaf fi Da'am al-Azhar ka-Mu'asasa 'Alamiyyah Islamiyyah* [The Roles of Endowments in Supporting Al-Azhar as an Islamic Scholarly Institution] In *Mua'sasat al-Waqf fi al-Alam al-Islami* [The Institution of Endowment in the Islamic World] (Baghdad: Arab Culture, Science, and Education Organization, 1983), pp.125-148

in Muslim societies. Since the 19th century, this particular trend has become especially important due to the deplorable deterioration of the Islamic civilization and the tragic invasion of the Muslim world by western powers, cultures, and norms.⁽⁶⁾ Moreover, the colonial powers imposed legal and political restraints on these Islamic endowments, unsuccessfully attempting to make them ineffective and limit their social roles.

2. Endowments and Preserving the Egyptian National Identity

Historically speaking, Islamic endowments were the main financial supporter of educational institutions until the 19th century.⁽⁷⁾ With the establishment of the first Ministry of Education in 1837, a new phase of increasing government intervention in education came to existence.⁽⁸⁾ Later, the British colonial authority attempted to intervene in the educational process and therefore to change the Islamic identity of the Egyptian society. However, Islamic endowments in Egypt were mobilized to preserve Islamic faith and Arabic language through supporting and developing Islamic educational institutions on four levels.

First: Qur'anic Elementary Schools

Proceeds of many endowments were allocated to establish Qur'anic elementary schools in almost every Egyptian village.⁽⁹⁾ These schools provided free education, including Arabic and Islamic studies. The graduates of these schools were considered among the educated elite of the Egyptian society. These schools were among the first targets of the colonial educational policies, and their supportive endowments were subjugated to the direct control of the General Authority of Endowments. Given that almost one hundred and thirty

(6) For more details about the role of endowments in preserving Arabic in Morocco and Algeria during the French colonialism, see: Abdul-Malik al-Said, *op.cit.*, pp.296-298; Muhieddeen Saber, *al-Ab'ad al-Hdhariyyah li- al-Ta'arib* [The Civilizational Dimensions of Arabization] in *al-Ta'arib wa Dawruhu fi tad'aim al-Woojoud al-Arabi wa al-Wehdah al-Arabiyyah* [Arabization and its Role in Enhancing the Arab Presence and Unity] (Beirut: Center for Arab Unity Studies, 1986), pp.75-79; for more details about preserving Muslims from missionary attempts in India and Indonesia, see: Abdul-Malik al-Said, *op.cit.*, pp.294-295

(7) For more details about the educational role of endowments, see: Abdul-Malik al-Said, *op.cit.*, pp.238-242

(8) Ibrahim Ghanim, *Al-Awqaf wa al-Siyasah fi Misr* [the Endowments and Politics in Egypt] (Cairo: Dar al-Shrouq, 1998), pp.197

(9) For more details about the Egyptian donors for Qur'anic schools and their varied social and economic backgrounds, see: *Ibid.*, pp.206-208; one of these donors established almost thirty Qur'anic schools in different villages in which his properties were located, see Ahmed al-Minshawi's endowment in: *Idem*

endowments were devoted only to the Qur'anic elementary schools, this policy would have detrimental impact of Islamic education in Egypt. However, the British authority failed to convince Egyptians to stop donating to the Qur'anic schools on the pretext that the government would provide substantial funds for these schools. Egyptian donors refused this tricky offer in order to maintain the financial independence of the Qur'anic elementary schools.⁽¹⁰⁾

Second: Islamic Middle and High Schools

Egyptian endowments also significantly improved the Islamic middle and high schools. Before the 20th century, the middle and high schools were run by either Islamic endowment councils or the newly established Ministry of Education.⁽¹¹⁾ In order to ensure quality education and ethics, Islamic philanthropic associations, supported by Islamic endowments, had gradually assumed the administrative responsibilities for middle and high schools.⁽¹²⁾ Also, the generous fund provided by Islamic endowments enabled poor students, boys and girls as well, to get free education in the middle and high schools. This caused a big disappointment for the British authority which encouraged foreign, especially missionary, schools that introduced neither Arabic nor Islamic studies, and had deregulated free education in public schools administered by the Ministry of Education.⁽¹³⁾ Egyptian donors provided the students of the Islamic middle and high schools with daily meals, rewards for talents, and financial assistance for graduates. Moreover, these schools combined Islamic and modern education by introducing Islamic and Arabic studies, along with science, math and social studies similar to those taught in public schools.⁽¹⁴⁾ In a specific case, a

(10) *Ibid.*, p.211

(11) The table of Islamic private schools according to their administration, see: *Ibid.*, p.246

(12) Philanthropic association such as: the Association for Acknowledged Efforts established in 1892, the Islamic Philanthropic Association established in 1882, and the Association of Tied Bonds established in 1882. The Authority of Royal Endowments assigned the Islamic Philanthropic Association from 1915 to 1918 to manage seven schools were affiliated to the former, see: Abdeen Court documents of the Ministry of Endowments, the Egyptian House of Documents, File no.169, 1866-1946. Also, the Ministry of Endowments assigned some of these associations to manage some of its affiliated schools in return for an annual aid until 1921, see: Abdeen Court documents of the Ministry of Endowments, *op.cit.*, File no.174

(13) The number of missionary schools in Egypt were 93 schools in 1875 compared with only 36 public schools and increased to 307 schools in 1907 compared to 55 public schools, see: Ibrahim Ghanim, *op.cit.*, p.199

(14) Many examples of these donors, such as Ahmed Za'azou's endowment in 1899, Ibrahim Ahmed's endowment in 1900, and Princess Fatima Ismail's endowment in 1908 see: *Ibid.*, pp.248-252

provincial administration donated almost one thousand acres as an endowment, with its proceeds allocated to support the Islamic schools affiliated to the philanthropic Association of Acknowledged Efforts.⁽¹⁵⁾

Third: the Egyptian National University

Through Islamic endowments, Egyptians achieved a long-awaited goal, i.e., the establishment of a modern national university, now called Cairo University. While al-Azhar University had been awarding the highest degrees in Islamic studies, the new university became the only educational institution awarding European-styled doctorates. The national university provided modern education and preserved the important aspect of the Egyptian culture. All subjects, except medicine, were taught in Arabic.⁽¹⁶⁾ On the other hand, the university awarded high degrees in Islamic history and civilizations, Arabic and comparative literature, in addition to modern natural sciences.⁽¹⁷⁾

Islamic endowments not only patronized the establishment of the university and ensured its sustainability, but they also supported its students. Royal Princess Fatima donated the land on which the university was built, and established a huge endowment whose proceeds were earmarked for the university, including the covering of the construction expenses.⁽¹⁸⁾ The revenues of many other Islamic endowments were allocated to cover other expenses of the university, which became an independent academic institution thanks to its independent financial resources.⁽¹⁹⁾ Moreover, the Islamic endowments supported the university students in different ways. For instance, some endowments provided poor and brilliant high school students with scholarships to study at the national university.⁽²⁰⁾ Other endowments provided prominent undergraduate students with scholarships to continue their graduate studies abroad provided that these students would teach or work at the national university or serve the Egyptian government for at least five years after their graduation.⁽²¹⁾ This was

(15) For more details about this case, see: *Ibid.*, p.259

(16) A report about the discussions regarding the instructing language in the Egyptian University in 1938, see: Abdeen Court documents of the Egyptian University, the Egyptian House of Documents, File no.203

(17) The project of expected taught courses in the Egyptian University in 1912, see: *Ibid.*

(18) Ibrahim Ghanim, *op. cit.*, p.267

(19) The estimation of the revenues of the university in the annual report of the council of the Egyptian University in 1912, see: Abdeen Court documents of the Egyptian University, *op.cit.*, file no.203

(20) The Islamic Philanthropic documents of Princess Fatima Ismail's endowment, 1913, pp.15-16

(21) Idem; other examples of these donors, see: Ibrahim Ghanim, *op.cit.*, p.267

another big disappointment to the British authorities which decided to send only one Egyptian student to study abroad every year.⁽²²⁾

Fourth: Al-Azhar Mosque-University

On another front, the British authorities attempted to restrict the educational role of al-Azhar Mosque-University by establishing a rival Islamic educational institute, i.e., Dar al-Ulum (House of Arts), and encouraging students to join educational institutions other than al-Azhar so that they might get better jobs.⁽²³⁾ In response, the Islamic endowments supported al-Azhar Mosque-University in two ways: supporting the professors and students of al-Azhar on the one hand and financing the educational process on the other.

First, the proceeds of some endowments were donated to pay monthly salaries to the *Ulama* (scholars and professors) of al-Azhar and to cover the living expenses of its poor students.⁽²⁴⁾ For instance, some endowments provided poor students with all supplies and food, especially bread,⁽²⁵⁾ while others supported specific student groups, such as students of the *Hanafi* or *Shafii* schools of jurisprudence (*fiqh*),⁽²⁶⁾ or students coming from different regions inside or outside Egypt who usually lived in the same dormitory called *Ruwak*. For example, there were certain donations to Upper-Egyptian and Syrian students.⁽²⁷⁾

Islamic *awqaf* also covered the administrative expenses of the institution and established Islamic high schools in many Egyptian cities, giving the opportunity to prominent students to receive scholarships to study at al-Azhar University immediately after graduation.⁽²⁸⁾ These Islamic high schools spread the religious education all over the country and produced qualified teachers for

(22) Idem

(23) Majdah Saleh, *al-Dawr al-Siyasi li al-Azhar 1952-1981* [The Political Role of al-Azhar 1952-1981] (Cairo: Cairo University - Center for Political Research and Studies, 1992), p.50

(24) Many examples of this type, see: *Ibid.*, p.218

(25) For more details about the donated endowments for buying bread, see: the budget of princess Gamilah Ismail and her mothers' endowment in the Abdeen Court document of the 1940 Budget of the General Authority of the Royal Endowments, the Egyptian House of Documents, File no.174, 1900-1953

(26) For example about endowments for the benefits of students studying *Hanafi* school, see: Legal documents of Hanefah al-Selehdar's endowment (Cairo: the French Institute for Oriental Antiques, 1947)

(27) For some examples, see: Ibrahim Ghanim, *op.cit.*, p.218

(28) For more details about the endowments support for the Islamic high schools, see: *Ibid.*, pp.228-238

the Qur'anic elementary and Islamic middle schools. In the final analysis, the Islamic endowments preserved the integrity of the religious educational system and made al-Azhar Mosque-University a financially independent institution. Therefore, it is not surprising that al-Azhar administration preferred the fluctuating revenues of its supportive endowments over the fixed annual assistance promised by the British authority.⁽²⁹⁾

3. Endowments and Developing Egypt's Independent Economy and Islamic Legal System

The Islamic endowments played an effective role in many fields other than education. First, Egyptian donors prevented the mass acquisition of Egyptian lands by foreigners when the colonial authority decided to sell thousands of agrarian acres owned by the Royal family or the Egyptian government in order to serve Egypt's huge foreign debts.⁽³⁰⁾ Foreign banks, companies, and individuals rushed to buy these lands capitalizing on a cash crisis in Egypt. In response, many Islamic endowments allocated large amounts of their revenues to buy these lands, and even the official General Authority of Endowments contributed to these efforts by using the revenues of the endowments it was administering.⁽³¹⁾ Lands bought in this way were usually declared as endowments in order to prevent further trading of them.⁽³²⁾

Second, the Islamic endowments ensured the implementation of Islamic Shari'a. Donors of Islamic endowments refused to base and regulate their transactions according to any legal system other than the Islamic law, and many of them stipulated this condition in the legal documents of their endowments.⁽³³⁾ This is reasonable in the light of the ultimate goal of making these endowments, that is, to serve Allah according to His will. The donors not only resisted successfully the imposing of foreign legal systems in dealing with their endowments but also initially convinced foreign and non-Muslim donors to implement the Islamic laws and refer to the Islamic courts regarding their endowments.⁽³⁴⁾ However, as a result of the capitulation imposed on Egypt,

(29) The official financial intervention in al-Azhar started with irregular assistance for its scholars, then the first regulation for scholars' salaries in al-Azhar was issued in 1896, see: Majdah Saleh, *op.cit.*, pp.48-50

(30) For more details about this debts, see: Ibrahim Ghanim, *op. cit.*, pp.362-363

(31) A table illustrates the lands that the General Authority for Endowments bought between 1892-1898, see: *Ibid.*, p.371

(32) *Ibid.*, pp.372-375

(33) Ali Jum'ah, *op. cit.*, p.40

special courts were established to address issues pertaining to foreigners. These courts were authorized to deal with Islamic endowments, but although they implemented Islamic laws in this regard, that was a violation of the donors' wishes of referring to Islamic courts.⁽³⁵⁾

Third, the Islamic endowments played significant roles in developing Egypt's independent economy. During the colonial era, Egypt was hit by several financial crises and had to serve huge foreign debts and overcome the repercussions of the capitulation and the falling prices of its main export crop, cotton.⁽³⁶⁾ Encountering these difficulties, the Islamic endowments contributed effectively to developing Egypt's human resources by allocating large amounts of their revenues for social and medical services, especially for the needy people.⁽³⁷⁾ Moreover, as independent philanthropic institutions, the Islamic endowments created thousands of job opportunities whether in their administrations or the social and educational services they established. Besides, the schools and universities they established or supported developed skills and improved the quality of the labor force and prepared poor and middle-class people to get better jobs.

Contrary to the claim that the Islamic endowments froze capitals,⁽³⁸⁾ their contributions to the establishment of schools and hospitals were an investment that benefited almost every village and city in Egypt. After all, the capitals that were declared as Islamic endowments should have been invested in order to yield fruition. Therefore, buildings were constructed, houses were rent, and arable lands were cultivated.⁽³⁹⁾ It is worth noticing that some donors of Islamic endowments prohibited foreigners from interfering in these investments to ensure that the benefits of Islamic endowments should exclusively go to Egyptians.

(34) For example, a Jew Austrian accepted regulating his endowment according to the Islamic Shari'a instead of the Capitulation, see: *Ibid.*, p.369

(35) For more details about these courts, see: Ibrahim Ghanim, *op. cit.*, pp.436-437

(36) For more details about the economic situation in Egypt during this period, see: Abdul-Rahman al-Rafi'iy, *Thawrat 1919: Tarekh Misr al-Qawni min 1914-1921* [Revolution 1919: The National History of Egypt 1914-1921] (Cairo: Dar al-Ma'arif, 1984), pp.89-94

(37) For more details about the role of Egyptian endowments in establishing orphanages, hospitals, and senior shelters, see: Ibrahim Ghanim, *op. cit.*, pp.294-316

(38) For more details about this argument, see: Muhammad Afifi, *al-Awqaf wa al-Hayah al-Iqtisadiyyah fi Misr fi al-Ahd al-Othmani* [Endowments and Economic Life in Egypt during the Ottoman Rule] (Cairo: the Egyptian General Authority for Books, 1991), pp.211-240

(39) For more details about the economic impacts of investing the endowments properties, see: Abdul-Aziz al-Doury, *Dawr al-Waqf fi al-Tanmiyah* [The Developmental Role of Endowment], *al-Mustaqbal al-'Arabi* [The Arab Future], no.221, June 1997, pp.14-16; review many of these investing processes done by the General Authority of Endowments in: Abdeen Court documents of the Ministry of Endowments, *op. cit.*, Files no.179-185

These roles of Islamic endowments were too influential to be tolerated by the colonial authority, which attempted to restrict these roles through legislation and judiciary measures and incorporate the Islamic endowments in the state system.⁽⁴⁰⁾ Although these procedures might have limited the roles of Islamic endowments to some extent, the endowments managed to adapt to the new environment and contributed effectively to the anti-colonial resistance movement.

Conclusion

The Islamic endowments in Egypt effectively resisted British colonialism through redefining and revitalizing its traditional social and cultural roles. Among the most prominent contributions of the Islamic endowments in Egypt were the preserving and developing of traditional educational institutions and establishing of ones. They also contributed effectively to developing Egypt's independent economy and implementing the Islamic laws. By preserving the national identity and maintaining the economic development in Egypt, the Islamic endowments reflected the ability of Muslim societies to produce effective alternatives to colonial or corrupt political authorities. Muslim societies should therefore rejuvenate and adjust their traditional social institutions to play effective social, political and economic roles in their countries. That will probably encourage the alienated masses to get involved in the social, and perhaps political, affairs of their societies. Reviving these institutions is becoming a necessity for the Muslims *Umma*.

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International Waqaf Conference Southern Africa Cape Town, 17-19 August 2007/3-5 Shabaan 1428

Jointly organised by: National Awqaf Foundation of South Africa (AWQAF SA), Islamic Research and Training Institute (IRTI) - a member of the Islamic Development Bank Group (IDB), and Kuwait Awqaf Public Foundation (KAPF).

Theme: "Developing Waqf Institutions for Sustainable Community Development and Poverty Eradication (Shari'ah, Legal, and Regulatory Perspectives)."

Conference Recommendations

WHEREAS various topics and issues were deliberated and concern was expressed for the development, revitalisation, promotion, protection, governance, and successful implementation of the Waqaf Institution for poverty alleviation and community development within the Southern African Region and Internationally, the Conference hereby makes the following recommendations for the further development of Waqaf Institution in line with the theme of the Conference:

- 1 - That each country, especially in minority Muslim communities such as the SADC region, develop a broad community based Waqaf institution;
- 2 - Establish and capacitate a "Southern African Awqaf Development Council" with the following objectives:
 - a - to bring together Waqaf Institutions and Commissions in the region;
 - b - to promote and create Waqaf/Awqaf in the respective areas/countries;

- c - to develop Waqf investments according to a set of criteria and lay down specific guidelines;
 - d - to formulate regulatory, governance, accounting and reporting standards for Waqf institutions with the involvement of the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI), International Financial Services Board (IFSB) and Islamic Rating Agency (IRA);
 - e - to establish (i) a Professional code of Conduct and a Code of Ethics for Mutawallees/Trustees, Management, and other full time and volunteer workers of the Waqf financial services industry; (ii) a Governance Charter for the Waqf Boards & Commissions, and (iii) an international accreditation authority to enforce such charters and professional codes.
 - f - to establish a Shari'ah Advisory Council in order to provide Waqf institutions with the necessary expertise on Shari'ah compliance and related issues;
 - g - to build capacity in the region for local Waqf institutional; and
 - h - to open a dialogue with governments in order to facilitate systems and enable legislation for the creation and regulation of Waqf.
- 3 - Work towards a Waqf Education, training, and Awareness programme in the region in order to:
- a - promote the training and advocacy on Waqf matters including the history, theory, practice, and management of Waqf;
 - b - create Waqf training at all levels: (i) establish a Chair on "Awqaf Studies" at either a Muslim managed University or a tertiary institution that offers programs in Islamic Economics and related sciences; (ii) develop certified courses as well as Post Graduate Courses at honours, masters, and PhD level at selected tertiary institutions in the region and around the world; (iii) develop an Awqaf Studies curriculum for schools and madaris; and (iv) provide training to volunteers;
 - c - extend the KAPF "Waqf Cadre" training programme to Southern Africa and in addition to holding special programmes for the training of Ulama in the various regions;
 - d - establish a scholarship fund for potential students in Awqaf Studies wherever the studies are being (or will be) offered; and

- e - popularise the Waqf system to the broader ummah and public.
- 4 - That the partners of this Conference, namely Awqaf SA, IDB/IRTI and KAPF, together with other institutions present at the Conference (e.g. Muslim Religious Council of Singapore (MUIS); Awqaf & Minors Foundation, Dubai), and other stakeholders cooperate in the establishment and promotion of the following:
 - a - capacity building for Waqf institutions in the various regions in Africa and around the world;
 - b - support institutions in poverty alleviation and community development in the African continent;
 - c - establish structures for microfinance and micro enterprise to assist communities in need and develop practical models for their implementation;
 - d - encourage and support the holding of more international and regional Waqf conferences, seminars, and symposia in order to keep abreast with new thinking and development in the field; and
 - e - a follow-up strategic workshop be held prior to the 2010 World Cup in South Africa to track and monitor the post conference gains.
- 5 - Develop an inventory and a register of Waqf properties in the region and identify properties for development in cooperation with the Awqaf Property Investment Fund of the IDB and other stakeholders.
- 6 - Create forums, special sessions, seminars and conferences, and affirmative action programmes regarding the involvement of women as paper presenters, their roles in Waqf making, fieldworkers, and in the management of Awqaf; investigate, study, and advise how Awqaf may be established to cater for the special needs of women as beneficiaries, benefactors, service providers, and office bearers in the Waqf sector.
- 7 - Commission a team of experts to draft a model Waqf Law for possible adoption, with adaptation, by countries within the region and beyond with the purpose of protecting, enhancing, and regulating Waqf institutions particularly in Muslim minority countries.
- 8 - That resolutions of all past and present Waqf conferences and seminars be compiled and studied for follow up and accountability purposes.
- 9 - That all papers of all prior Waqf conferences and seminars be compiled and selected papers be published.

- 10- Facilitate the translation of relevant literature from Arabic to regional languages.
- 11- Establish an online Waqf Library in the main languages of the various regions.
- 12- That the partners of the Conference and other stakeholders be encouraged to invest Waqf /other funds in the region for the sustainability of the Waqf institution as well as the relevant community development and poverty alleviation projects with a view to achieving social justice.
- 13- That Waqf institutions should focus on the social development priorities, needs, and concerns of the communities in their respective regions and countries, taking into account national social development imperatives and policies by means of social justice philanthropy.
- 14- That innovative methods be developed on a continuous basis in the revitalisation of the Waqf system and mobilisation of Waqf funds and to transfer successful experiences to the boarder Awqaf sector.
- 15- That Waqf institutions use new shari'ah compliant financial instruments to mobilise Waqf funds for the development of Waqf properties.
- 16- That the Islamic Financial Services sector, including Islamic Banks, Islamic Windows of conventional banks, Shari'ah compliant Mutual/Unit Trust Funds, and Takaful institutions be encouraged and called upon to (i) structure investment products (ii) provide investment opportunities and (iii) create financing mechanisms for the development of Waqf properties that are commensurate with Waqf aims and objectives;
- 17- That the Islamic Development Bank leads the way towards the establishment of an International Awqaf Bank.
- 18- That an International Awqaf Development Council (IADC) be established under the auspices of the Organisation of Islamic Conference (OIC) and the Islamic Development Bank to promote and develop the Waqf sector in various regions of the world as major role player and stakeholder in Community development and poverty alleviation. The IADC should be a representative body of the various regional and country Waqf institutions and also have observer status at the OIC.
- 19- Recognising that Waqf in several countries is state controlled, the Conference urges Governments and Ministries of Awqaf of the OIC member countries and the governments in the SADC region towards the formation of well regulated civil society community based Waqf/Charitable Endowment Institutions, a thriving NGO sector, with maximum tax

benefits for donors and exemptions for Waqf Institutions in cooperation with bodies such as the proposed regional and International Awqaf Development Councils.

- 20- That Awqaf SA, and IRTI/DB jointly take the responsibility for establishing a working committee with a view to pursuing the implementation of the foregoing resolutions in consultation with KAPF and where appropriate, in partnership with other stakeholders.
- **The above recommendations have been duly accepted and endorsed by the Conference and its organisers.**
 - **National Awqaf Foundation of South Africa (AWQAF SA),**
 - **Islamic Research and Training Institute (IRTI) - a member of the Islamic Development Bank Group (IDB), and**
 - **Kuwait *Awqaf* Public Foundation (KAPF).**