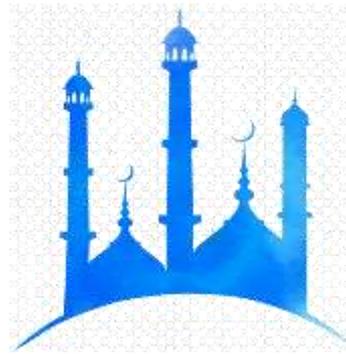


WAKF Commission
of Kenya



County Sensitization Forum

ACTIVITY REPORT
Mombasa, Kenya

October 2019

WAKF COMMISSION OF KENYA

County Sensitization Forum



REPORT FOR THE WAKF COMMISSION OF KENYA, COUNTY
SENSITIZATION FORUM HELD ON 29TH OCTOBER 2019 AT PRIDEINN
HOTEL IN MOMBASA

Mombasa Edition

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Republic of Kenya

County Sensitization Forum

Mombasa County, Activity Report

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Enquiries regarding this publication should be addressed to:

Chief Executive Officer,

Wakf Commission of Kenya

P.O. Box 90424-80100, Mombasa, Kenya

1st Floor, Makadara Road

Telephone: 041-2224581

Email: wakf@gmail.com



Acronyms & Abbreviations

ACC	Assistant County Commissioner
AG	Attorney General
CGM	County Government of Mombasa
CC	County Commissioner
CEO	Chief Executive Officer
CIPK	Council of Imams and Preachers of Kenya
MP	Member of Parliament
OAG	Office of the Attorney General
Q&A	Question and Answer
RC	Regional Commissioner
SDGs	Sustainable Development Goals
SWOT	Strengths, Weaknesses, Opportunities & Threats
UN	United Nations
WCK	Wakf Commission of Kenya



In the name of Allah, Most gracious, Most merciful
Praise be to Allah, the Cherisher and Sustainer of the Worlds
Most Gracious, Most Merciful.
Master of the Day of Judgement
Thee do we worship, and Thine aide we seek
Show us the straight way
The way of those on whom Thou has bestowed thy Grace,
those whose portion is not wrath, and who do not go astray.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
أكرم ، الرحمن الرحيم .
سيد يوم القيامة
اليك نعبد ، ومساعدك نسعى
تبين لنا الطريق المستقيم
طريق أولئك الذين اعطيتهم نعمة
غرامي
ليس الغضب ، والذين لا يضلوا .
اقرأ المزيد على



Foreword



Muslims throughout the world are exposed to the Waqf practice, but it is difficult to measure the level of their knowledge on the practice. In general, the awareness of the requirement in practicing Waqf among Muslims society are important since it is valuable to the Muslims and concurrently can help those needy people. In Kenya, there are an increasing number of Waqf properties given by the Muslims from time to time. Some of the Waqf properties given were assigned for educational purposes. Due to such scenario, the development of the Waqf Commission in Kenya needs to be monitored to maintain the good practice and governance of Waqf property as well as the Waqf Education's development. In this regard, the Wakf Commission of Kenya (WCK) has embarked on an outreach program in order to conduct County Sensitization Forums in the five counties within Coast Region. These forums will create an enabling environment for Muslims to interrogate and understand the pivotal role WCK can play in eradicating poverty among Umma, as well as examine the roles and importance of the Waqf Commission in Kenya and determine the aims of Waqf for the society and challenges in managing Wakf property.

Dr. Ibrahim Bulushi
Chief Executive Officer
Wakf Commission of Kenya



Executive Summary

There has been a multitude of myths and misconceptions of Wakf principles in the Muslim fraternity; and as a result this has affected the development strides made by the Commission negatively. What was meant to be a corner stone for Muslims economic growth has now been reduced to an administration block that only serves a mere 18 mosques in the entire country with a population of approximately 10 million Muslims. Majority of Muslims continue to view Wakf as an elite organization meant to serve a chosen few; subsequently leading to resentment from the Umma with only twenty percent (20%) of the Muslims being able to understand the principles governing Wakf in the Islamic setup.

Up until now, Wakf is paying Imams and Muadhan meager salaries that are not in tandem with current affairs or sufficient enough to cater for their basic needs. Moreover the deplorable state of some of the mosques under Wakf is both saddening and embarrassing to the entire Muslim fraternity. The so called Wakf act (CAP 109) is enshrined with too much ambiguity that has crippled numerous efforts meant to rekindle its prosperity.

Apart from that, financial management of Wakf properties has limitations and monies can only be spent majorly on maintenance of mosques. This current situation makes it difficult for the Commission to execute its mandate effectively and/or venture into charitable programs in accordance with Islamic laws. This underscores the need to demystify misconceptions that Wakf has a huge financial reservoir at their disposal, and thus restore confidence among majority of the Muslims in Kenya.

Despite WCK being a body corporate enacted by an act of parliament CAP 109 of the laws of Kenya, no funding whatsoever has been received by WCK from the government of Kenya to further its objective since its inception in the year 1951. In the same light, no impact evaluation has been done to assess the effectiveness of the Commission to the Muslims it seeks to serve. The lack of financial support from the government partly explains the predicament faced by Wakf in execution of its mandate to the Muslims minorities in Kenya. Never the less, it is hoped that the Commission will contribute to addressing Kenya's Muslim economic challenge.



Creating awareness that will demystify all WCK misconceptions and also showcase all the benefits that comes with a well-organized WCK cannot be over emphasized; hence the need for community sensitization forums that will include all relevant stakeholders to deliberate on a clear road map to ensure WCK delivers to the Muslim Umma the economic benefits that are within its reach under the following development objectives;

- Sensitize and create awareness on Wakf Commission of Kenya's existence, its governing principles and its economic benefits to the Muslim Umma.
- Building the capacity of the Imams as Wakf goodwill ambassadors to disseminate Wakf message and demystify any misconceptions to the various parts of the country.
- Sensitize the Imams and the Umma on economic opportunities available to them from the Wakf and the government to foster job creation and entrepreneurship; thus enhancing the prospects for sustainable development among Muslims in Kenya.
- Discuss modalities of communication channel to enable seamless flow of information, thus strengthening social integration among Muslim Umma.
- To conduct a SWOT analysis on Wakf and propose effective strategies on its governance.



Introduction

The meeting began with an opening prayer from an Imam. This was followed by a welcoming remark by the new Wakf CEO Dr. Ibrahim Buluchi who welcomed all participants and promised to work with Imams to promote the ethos of WAKF.

The CEO also introduced Key note Speakers who would talk more about issues regarding the WAKF commission.

No.	Topic	Speaker
1.	Roles of Imams in Society	Dr. Adam Khamis
2.	Introduction to Wakf	Sheikh Badru
3.	Imams in the Current Context	Sheikh Hassan Mwakidudu
4.	Management of Wakf	Dr. Abdallah Kheir
5.	Implementation of Wakf Globally: Challenges and Solutions	Sheikh Swalaah

Dr. Ibrahim Buluchi explained that the taskforce elected 2 years ago brought new recommendations that will address punitive laws that posed a threat to the WAKF/Umma. Wakf was founded in the year 1832 and later became a trust in the year 1900.

The Wakf draft bill is currently under the office of the Attorney General of Kenya awaiting approval to become an act. The old Wakf Commissioners tenure elapsed in April 2019 and thus has affected full implementation of its activities. He further explained that until the act becomes fully enacted, we will continue to support mosques and other activities.

The main aim of this forum is to address the Umma about WAKF and its objectives and thus demystify any rumors and misconceptions such as Wakf being associated to Casablanca and other propaganda such as embezzlement of funds. This will open up room for dialogue and mutual understanding

The CEO later read the program and introduced the speakers and agenda of the day.

He introduced Sheikh Badru to make an introduction about WAKF.

Introduction to Wakf by Sheikh Badru

There are many factors that drive the society especially Muslims to donate their property in this country for the interest of Islamic education. Four factors have been identified as the most prominent:

Looking for Allah's Blessing

Wealth and property are the pride and splendor of humans, so people who are willing to donate could be considered as people who seek to find Allah's blessing. Therefore, the Waqf practice is an important medium to draw oneself closer to Allah. By willingly giving



away things that are most loved, one is deemed to \ get Allah’s blessings. This practice is being urged by Islamic doctrine which can guarantee favorable rewards in after world. It can also be a source in developing the economy of Muslims, especially in this state. “The example of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is all-Encompassing and Knowing. Those who spend their wealth in the way of Allah and then do not follow up what they have spent with reminders [of it] or [other] injury will have their reward with their Lord, and there will be no fear concerning them, nor will they grieve,” (al-Baqarah 2:261-262) In Allah’s words above, He reminds the people about the benefits of spending wealth for religious purposes. Everyone needs to understand that “cost in Allah’s way” includes all welfare and good practices like helping in hospital construction, learning institution, residence, help people in need, help old people and other good practices and welfare.

The Spread of Islamic Religion

The spread of Islamic religion is one of the most encouraged methods by Islamic religion to create a caring society, to tighten the gap between the rich and the poor with viewing the sacrifices as a symbol of cooperation among Muslims in order to strengthen the relationship. However, most people donate their property for the purpose of education to ensure the continuation and propagation of Islamic religion in a much effective manner. Apart from that, there are also some parties who donate their property in education as a showcase of support in contributing the effort to curb social illness among the young members of the community.

The Purpose of Nations’ Education

There are some waqifs who donate their property because they do not have heir to inherit the property. Therefore, the waqifs donate the property for education in educating his own nation. For example, waqf land of SMU (A) Bustanus Saadah, Morak has been donated by Che Wok Bin Che Su because he has no children and relatives to inherit the land (Ahmad Zaki, 2008).

Encouraging the Development of Economy

There are some waqifs who donate their property to assist the development of the socio-economic status of the Umma. For instance, Syeikh Juned Tola had taken the initiative to generate economy by planting vegetables, fruits etc. on the waqf land donated by him. He himself taught the right agricultural techniques to his students. Industrially and economically, he had invited several industrialist and clog makers to come to Padang Rengas and opened up an industry there. As a result of this effort, Padang Rengas at the end of 1930 hosted almost 30 units of shop that belonged to Malays, consisting of coffee shops, laundrettes, rubber shops, retails, barbershops and many others.



Donating a house/property for the benefit of Muslims/Umma for the sake of Allah can also be considered as Wakf.

The proceeds of Wakf property should be used to cater for Imams' welfare, maintenance of mosques.

One can also donate a property as Wakf for the family i.e. a house for the sake of supporting children in case of challenges in the future

One can also lease out a piece of land but not selling it and this is considered as Wakf for the family.

TEA BREAK

ABDALLAH KHERI.

Management of Wakf

Waqf in the education sector needs professional management to ensure the survival of followers' education. A good management will improve the effectiveness of the properties donated. In this matter, the waqif has the power to determine the person responsible as the waqf's property administrator. The common practice is that he appoints himself or other people like the judge (Qadi) who has been officially appointed as the government representative. The administrator is a compulsory to manage the Wakf property properly by complying the terms and Islamic requirement. It is the property of Umma hence it needs to be administered with greatest responsibility and trust. The administrator must be willing to act fair, wise, and honest and incorporate honesty and trust in its management (Hailani Bin Muji Tahir 1998).

Classification of Wakf properties

Classification of Wakf

- a) WAKF KHAYRI.
- b) WAKF AHLI.
- c) Mixed WAKF.

Collect memories on behalf of Umma i.e. Tum University is a property of the Wakf Commission in a prime area and remits an annual fee of Ksh 150 as lease.

The Attorney General endorsed a taskforce to manage the Wakf Commission.

No new Commissioners in place until now. There has been mismanagement of Wakf properties and underutilization of Wakf resources.

The new CEO explained that the exchange visit to Morocco highlighted on the need to manage Wakf properties effectively



Challenges:

- Long term planning/ property development.
- Lack of information /verified data/survey conducted.
- State and political interference through punitive laws and or weak legislation from administration.
- Illegalities and mismanagement of Wakf properties i.e. House, lease/selling.
- The new C.E.O and other staff in office are operating without Commissioners.
- Lack of knowledge about Wakf by the current commissioners as per the Act 1951.
- Wakf properties are spread throughout the country with no clear documentation and thus the need for changes to the WAKF commission Act to have a national outlook.

The C.E.O explained that only 3% of Wakf is allocated to Alhi, while 97% WAKF Kheir allocated to specific mosque. He added that there are unclaimed properties under Wakf

He concluded that there is need for Investment projects to sustain the Wakf (currently only 25 Mosques are under the management of Wakf).

SHEIKH SWALEH:

Implementation of Wakf Globally

Challenges and Solutions

The speaker expressed gratitude for the opportunity to be invited.

He further explained that the challenges of WAKF are cross cutting globally.

Unlike Kenya, most Islamic nations have ministries of WAKF mandated to oversee WAKF properties.

Current WAKF laws in Kenya dates back to 1951 with the commission having no power to change the laws. A good example is the case of Casablanca and the Technical University of Mombasa which pay very low land rates.

Whenever we experience any contradiction, let us go back to the Holy Quran to address issues regarding the WAKF.

Colonel rules on Muslims continue to affect the implementation of the WAKF Commission.

Political interference and personal interest pose a challenge in the legislation of current laws.

No situations analysis or survey has ever been conducted to inform the commission on state of affairs.



Social economic problems i.e. Education scholarships can be solved by the WAKF commission if well managed.

The three components of WAKF should work coherently so as to fully operate in accordance with Islamic teachings.

A hybrid system may also be implemented by the Wakf Commission to help the Muslims/Umma (Combination of Alhi and Kheyir).

WAKF Commissioners Act/Board

The act should be funded by the tax payer money/national budget.

The management/board of WAKF should have legal/academic background to ensure effective leadership of the Commission.

The Wakf Commission should be managed in a manner that promotes transparency and accountability.

The Commission should develop strategies and mechanisms on awareness creation about WAKF and disseminate information to madrassa/Mosque.

The Commission should conduct capacity building at local, national and regional level to sensitive and empower Umma.

Sheikh Swaleh concluded saying that the WAKF Commission is the can offer solutions to the problems/challenges faced by Muslims/Umma.

The C.E.O wrapped up the speaker's session saying that there should be more emphasis on best practices and solutions from other successful nations; WAKF should be independent.

He added that benchmarking is needed to learn from best practices and support disadvantaged family members and children in higher education /university.

Participants decided that they should break for lunch then resume the afternoon session by 2:00p.m

LUNCH BREAK

AFTERNOON SESSION:

Dr. Abdallah Kheir

Roles and Responsibility of Imams in the Society

Dr. Abdallah explained that Drug and Substance abuse among Muslim youth is high and unprecedented. Unfortunately juvenile crime is also associated with Muslim youth.



Divorce cases on the high among Muslims; underscoring the role of Imams in supporting the family unit.

The Imams should initiate dialogue and address challenges on drugs and divorce among Muslims/Umma.

A human resource database should be developed to inform and advise the Wakf Commission on issues and trends on emerging issues i.e. plumber, technician, engineers.

Imams should organize and conduct medical camps, legal aid clinics as well as address human right abuses regarding violent extremism and the Hijab debate.

Imams should also spearhead the conflict mediation process to address conflict and promote peace among Muslims/Umma as religious portends.

Ultimately, the Imam remains a Chief Mediator on all matters regarding religion.

Imams should also visit the sick in hospital and at prison cells.

Imams should offer psychological counseling services on Drug Demand Reduction in madrassa.

Imams should be role models to the community to promote good positive behaviors.

Imams should provide alternative innovative approaches to emerging issues i.e. economically, socially, and psychologically thus promote economic empowerment.

Imams should also promote Muslims women groups to participate in table banking and merry go round for economic prosperity.

The mosques can serve as community center to offer training, knowledge sharing and counseling services.

The C.E.O reaffirmed that the Commission should serve as a reference point on emerging issue affecting Muslims/Umma.

He also highlighted effects of abuse of Miraa/khat and pointed out on the good practices regarding minimum wage in Europe and how it has empowered Imams.

Ms. Mumtaz Khan – Chattered Mediator

Legal issues in relations to WAKF

Mediation/litigation

- Ms. Mumtaz explained that Sulhu/mediation was there since time immemorial.
- 80% of all cases in Kenyan Chief Khadhis court to be forwarded to mediation annex. This was largely informed by the win-win situation under this concept.
- Unfortunately up until now, no case has been received so far in the Khadhis Court.



- She further emphasized that Imams should be trained as mediators on (Professional Ethnic's and relationship).
- This concept ensures confidentiality due to the legal ramification from the process.
- Cases handled in the mediation include (Child rights, inheritance, and Marriage).

RECOMMENDATIONS:

- Imams should be in the forefront in mediation as well as administering Islamic cases/conflict.
- Curriculum on Islamic mediation to be enacted to support Umma, reduction in cases and divorce
- Approach Council of Imams and Preachers of Kenya (CIPK) and WAKF to train Imams on Islamic mediation.
- The C.E.O committed that WAKF will fully support the mediation process on family laws.

Feedback Session

Group three

Management of Wakf

- Wakf should ensure a good state of affairs in terms of maintenance and or construction of new/old mosques.
- Wakf should ensure the general welfare of Imams and their dependents is well catered for.
- If the law permits, the stakeholders/Umma should be involved in the appointment and recommend new commissioners.
- An annual report should be produced by Wakf to check on progress and give recommendations.
- Wakf should promote personal development of Sheikhs and Imams.

Group Two

Challenges

- The Imams highlighted that the former commissioners were misusing their powers to influence Imams hence their powers should be reduced.
- There has been lack of implementation of key recommendations by the Commissioners.
- The relationship between Imams and Wakf should be strengthened and improved and thus meetings to be conducted quarterly.
- There should also be periodic visits between the Imams and Wakf Commissioners.
- Dr. Abdalla felt that most Imams are not educated thus they should persue higher education.



Responsibility of Imams

- The Imams should provide leadership and act as role models to the Umma.
- Imams can offer advisory services and act as a linkage to community development.
- Imams should be respected and valued in society as important leaders.
- The general welfare of Imams should be looked into i.e. NSSF, NHIF, Insurance as well as benefit for the bereaved.

Group one

Recommendations

- Imams were paid 170 ksh in the year 1990, currently they are paid Imams 10,000/- while Muadham are paid 15,000/-
- The new Wakf Commissioners are expected to support the new CEO in executing his mandate.
- Political interference poses a threat to especially with the incoming of new Wakf Commissioners
- Imams should be treated fairly with decorum on basic needs like food, shelter, and clothing as well as other privileges i.e. medical cover/ allowance.
- The new CEO should have a siting with the Imams to identify emerging issues before the incoming of new Commissioners.
- There should be media publicity to enhance the work of Wakf Commission.
- A mapping exercise should be conducted for all Wakf resources nationally and thereafter registered under the Commission in a databank.
- The Commission has inherited a myriad of challenges thus affecting the management of current affairs.
- Imams managing mosques should create a database of skills set i.e. plumbers, lawyers, engineers to allow ease in identification of human resource.
- Mediation is needed in the Wakf Commission.
- All Wakf property to be repealed incase a dispute arises.



Pictorials





WAKF Commission of Kenya