

The Challenge of Providing Relief Aid Through Local Waqf Institutions in Sub-Saharan Africa

The Covid-19 pandemic especially in the developing world has necessitated urgently needed relief for an ever-increasing number of the poor. For instance, on Friday, June 18, 2021, Ugandan President Yoweri Kaguta Museveni announced a total lockdown of the country, giving citizens only two hours to prepare before the order would come into force. Shortly afterward the media began reporting stories of desperate citizens with no food and money. The capitalist-oriented central government is yet to offer any stimulus for the needy people. This commentary will shed a light on the waqf foundations' tradition, which could have helped bridge this gap. This paper explores the weaknesses of charitable institutions in sub-Saharan Africa especially the British colonized Africa. Hopefully, efforts would be put in place to ameliorate them and promote the culture of waqf and homegrown waqf foundations.

The waqf (benefaction) foundations could have become some of the most deep-rooted native institutions with the ability to run religious affairs and some of the most important business enterprises in banking, farming and other sectors – like in Turkey and Northern Cyprus - where these institutions provide support and service to the poor, redistribute resources and give scholarships to the young. The foundations perform charitable services and play the role of an instrument of poverty relief in society. For example, we learn from the *Ottoman vakf* heritage how almost all large waqf institutions possessed a public kitchen called *imaret* which served meals to the needy. These institutions would also pay stipends to the needy such as widows and people with no livelihood. They would eventually aid in shaping the community's economic and social life.

A Waqf is a strategic institution in the social welfare of the community in Islam (Chembea 2021; Henningan 2004; Nasution 2002; van Leeuwen 1994). It is an aspect of charity. It allows the endower to set aside a section of his or her wealth for the socio-economic welfare of family or society or both. According to Islamic practice, a waqf could be set up with a *shurut al-waqif* establishing guidelines for the management of the endowed properties. This *shurut al-waqif* could only be varied or nullified with the authority of a *kadhi* (Muslim judge).

Why is there a scarcity of homegrown charitable organizations?

In parts of sub-Saharan Africa where Islam was introduced early on such as the East African coast areas of present-day Kenya and Tanzania, waqfs had been set up and had been administered by the Muslim leadership. However, these were disrupted following colonialism.

The goal of *awqaf* (plural of waqf) is piety and worship as well as resource distribution in the communities (Chembea 2021). The awqaf were envisaged as autonomous enterprises with the sole aim of seeking closeness to Allah, making the administration of them a prerogative of the endower or designated custodian. However, with time the state often became involved in the administration of waqf institutions through statutes designed to check on the growing influence of beneficiaries. In Eastern Africa, the British colonial government used the law to engage with native Africans to access resources and labor. Many of the reforms instituted by the colonial regimes were unfortunately inherited by subsequent post-colonial regimes.

In Kenya for instance before the establishment of the British protectorate in 1897 matters of the waqf did not elicit much state interest (Chendea 2021). The management of these institutions was in the hands of the ulama (Muslim scholars) and the waqf custodians. Along the coastal regions especially, the kadhi courts had been in existence from around the eighth century when Islam was introduced there. (Wario 2014; Mraja 2011). First among the disruptive reforms was the East African Order in Council (1897) that re-organized the judiciary. It organized the courts into two groups. The first group of courts was presided over by a British judicial officer. The second was presided over by a native authority but lacked appellate powers which were a preserve of a British officer. What this meant was that issues of sharia were to be interpreted and applied as understood by the British rather than the Islamic wisdom (Chendea 2021).

The mandate of kadhi courts was constricted to operation with ideas of foreign judicial conduct. The Muslim personal law was interpreted to mere marriage, divorce and inheritance. Further they set a limit of one thousand Kenya shillings as the value of the subject matter under dispute to be handled by the sharia courts. Revenue-generating awqaf were categorized as real estate dealing whose procedure and law were to follow the British Common law framework that kadhīs were not adept in.

The colonial government's self-imposed mandate to 'civilize' native institutions and social order disrupted the system by imposing capitalist ideas to ostensibly bring economic development. People were encouraged to adopt them in the place of acts of generosity. This action possibly engendered the dependency syndrome in the community (Fair 2001; Hashim 2010). Some undeveloped awqaf lands were allocated to private individuals for supposed development. Other awqaf revenues were invalidated to enable reinvesting of the property in private businesses or national monuments.

Even after their independence, the fortunes of the Muslim community in the region did not significantly improve. The main hindrances were the absence of Muslim cultural unity brought upon it by demographic disadvantage, internal schism, and historical marginalization.

In recent years efforts have been underway to revive the waqf system with the backing of educated Muslim leaders who possess considerable knowledge of the institution and the management capacity required to administer them. One such effort was spearheaded in Uganda by Dr. Anus Abdunoor Kalisa and fellow sheikhs. The House of Zakat and Waqf Uganda foundation was set up to streamline the collection and distribution of Zakat and preservation of waqf in Uganda. They embarked on collecting and distributing capital to needy persons in various districts in the country (Namungo and Haji-Othman 2020). Sadly Dr. Kalisa passed away in 2020 before the institution would sufficiently inspire a movement.

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