



مُنظمة التعاون الإسلامي

Organisation of Islamic Cooperation  
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## ACADEMY NEWS 60



مَجْلِسُ الْفِقْهِ الْإِسْلَامِيِّ الدَّوْلِيِّ

International Islamic Fiqh Academy  
Académie Internationale du Fiqh Islamique

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### Secretary General Presents Academy Resolutions to UK Minister for Faith in London



As part of his official visit to the United Kingdom, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, was received in London by Lord Wajid Khan of Burnley, British Under-Secretary of State for Faith and Communities, on Tuesday, 15 July 2025.

The meeting discussed ways to enhance cooperation and coordination between the Academy and the British government in areas such as supporting interfaith and intercultural dialogue, promoting values of peaceful coexistence, combating hate speech and extremism, addressing Islamophobia, and advancing religious freedoms according to human rights

principles and international charters.

The Secretary General also presented to the Under-Secretary the key efforts of the Academy in promoting moderation, fostering societal peace, combating extremism, and spreading the values of tolerance and coexistence through dialogue and scholarly exchange. His Excellency emphasized the Academy's support for religious and intellectual institutions in the United Kingdom and the Islamic world, noting that the Academy has signed cooperation agreements with several leading academic institutions in the UK, including the University of Birmingham and the Islamic Cultural Centre in London.

For his part, Lord Khan of Burnley expressed great appreciation for the prominent scholarly and intellectual role the Academy plays on the international stage. He affirmed the British government's keenness to build strong relations with credible and influential reference institutions in the Islamic world, foremost among them the International Islamic Fiqh Academy.

In conclusion, both parties agreed on the importance of strengthening cooperation through joint initiatives and projects that promote the culture of dialogue, understanding, and tolerance, and combat all forms of religious and cultural discrimination.

## UK Special Envoy for Freedom of Religion Meets Secretary General in London

As part of his official visit to the United Kingdom, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, held an official meeting with H.E. Mr. David Smith, the UK Special Envoy for Freedom of Religion and Belief, on Tuesday, 20 Muharam 1447, corresponding to 15 July 2025, at the British Foreign Office, London. The meeting was dedicated to discussing ways to strengthen cooperation between the two sides in the fields of protecting religious freedoms, upholding the principle of freedom of religion and belief, combating hate speech, extremism, and confronting the phenomenon of Islamophobia. The meeting also addressed supporting efforts to promote understanding and coexistence among followers of different religions and cultures through joint initiatives and constructive civilizational dialogue.

The Secretary General of the Academy expressed his profound appreciation to the British



government for its generous support of the Muslim community and its keenness to empower it to contribute effectively to the progress and development of British society. He praised the UK's distinguished model in embracing religious and cultural diversity.

The Secretary General also discussed the efforts undertaken by the Academy to entrench the principles of moderation, combat extremist ideologies, and promote a culture of peaceful coexistence. He noted that the Academy had

signed cooperation agreements with several prestigious institutions in the UK, including the University of Birmingham and the Islamic Cultural Centre in London, to enhance academic and intellectual collaboration and the exchange of expertise.

For his part, H.E. Mr. David Smith commended the pioneering role played by the Academy in fostering mutual understanding and spreading moderate discourse. He affirmed the United Kingdom's desire to expand avenues of cooperation with credible and leading Islamic institutions such as the International Islamic Fiqh Academy.

In conclusion, both parties agreed to continue coordinating and intensifying joint efforts through programmes and initiatives that promote tolerance, safeguard religious freedoms, and enhance dialogue among followers of different religions and faiths worldwide.

## Secretary General Addresses Marriage and Divorce Challenges in Western Muslim Communities

As part of his official visit to the United Kingdom, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, delivered the keynote speech at the opening session of a specialized scientific seminar titled: "Contemporary Issues and Developments in Marriage and Divorce in Western Contexts." The seminar was organized by the Commission of Fatwa and Islamic Affairs of the Islamic Cultural Centre in London over two days, Friday and Saturday, 16–17 Muharam 1447, corresponding to 11–12 July 2025, in the presence of a select group of scholars, Sharia and legal researchers, imams, and representatives of Islamic institutions from across the UK and Europe. The Secretary General of the Academy began his speech by congratulating the Islamic Cultural Centre on establishing the Fatwa and Sharia Affairs Commission, commending the outstanding efforts of H.E. Dr. Ahmed Al-Dubayan, the Centre's Director General, in consolidating a moderate religious authority in Britain. He also extended congratulations



to H.E. Dr. Fayid Said, Secretary General of the Commission, for his blessed efforts in organizing this high-quality seminar, expressing his deep appreciation for the attendance of the esteemed imams from various European countries and commending their commitment to unifying fatwa authorities in Europe to promote harmony, moderation, and stability within Muslim communities. His Excellency emphasized the importance of institutionalized collective Ijtihad in addressing contemporary family issues, particularly those related to the validation and documentation of marriage and divorce, guardianship in marriage, electronic procedures of marriage and divorce, civil separation, and spousal rights in Western legal environments. He stressed that dealing with these issues requires balanced jurisprudence that considers Maqasid, accommodates the specificities of reality, while respecting the

laws and regulations of the host countries. Accordingly, His Excellency highlighted the necessity of avoiding individual fatwas on contemporary issues and being cautious of anomalous rulings that contradict the constants of religion and provoke confusion and division. He also warned against importing fatwas from foreign contexts and applying them to situations they do not recognize or suit, affirming that fatwas should inherently be locally rooted, emerging from their own environment and fully aware of their context and circumstances—not imported or exported. The Secretary General of the Academy concluded his speech by affirming the readiness of the International Islamic Fiqh Academy to reinforce cooperation with the Islamic Cultural Centre and the Fatwa and Sharia Affairs Commission through supporting academic, training, and research programs, striving to serve Muslims in the West and enabling them to adhere to their faith with awareness, balance, and constructive coexistence.





## At the House of Lords, Secretary General Calls for a Global Ethical Charter to Uphold Pluralism and End the Tragedy in Gaza

H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy (IIFA), delivered a keynote address at the British House of Lords on 14 July 2025, during the launch of a policy paper on pluralism and sustainability, attended by prominent political and intellectual leaders.

In his opening remarks, he highlighted the historic symbolism of the House of Lords as a beacon of freedom, democracy, and the rule of law, conveying greetings from the scholars and experts of the IIFA, the foremost religious authority representing the 57 member states of the Organization of Islamic Cooperation (OIC). He expressed deep appreciation to Mrs. Cecille El Beileidi, British Consul General in Jeddah, and Prof. Husni Ahmed, for their tireless efforts to foster interfaith dialogue.

Prof. Sano underscored that pluralism and sustainability are existential imperatives, not optional ideals, for addressing today's global challenges. He called for the adoption of a Global Ethical Charter rooted in compassion, justice, cooperation, and consultation, emphasizing the indispensable role of religion as a universal moral compass capable of uniting humanity around shared values. Citing foundational Islamic legal



principles — “Harm must be eliminated” and “Public interest takes precedence over private interest” — he affirmed that multilateralism is not merely a political choice but a legal and ethical obligation.

He defined sustainability as “the safeguarding of the rights of future generations and the collective commitment to leave no one behind,” urging world leaders to transform this principle into a practical moral and political framework for protecting the oppressed and the marginalized.

Addressing the ongoing humanitarian tragedy in Gaza, he described it as “the greatest test of our shared humanity,” condemning the devastation, starvation, and global indifference as a profound moral failure. He warned that this tragedy has become a universal moral crisis that undermines the credibility of the international system and endangers global stability and peace. He therefore urged the British Parliament to assume its moral and historical responsibility by advocating a just, comprehensive, and lasting solution to the Palestinian-Israeli conflict, in accordance with international law, UN resolutions, and the principles of justice and shared humanity. Prof. Sano also highlighted the role of the IIFA, which represents the trust of

1.9 billion Muslims worldwide and serves as a global reference authority dedicated to developing Shariah-based solutions to contemporary challenges — including biotechnology, artificial intelligence, environmental protection, and economic justice. He mentioned the Academy's strategic partnerships with the Islamic Cultural Centre in London and the University of Birmingham, aimed at promoting moderation, intercultural understanding, and peaceful coexistence. The Academy also provides jurisprudential and ethical frameworks to support global efforts toward environmental sustainability, social justice, and equitable development, affirming that Islamic values of mercy, balance, and justice can enrich humanity's collective response to climate change, poverty, and inequality. Hence, he reaffirmed that multilateralism and sustainability grounded in moral and ethical values represent the surest path toward a just, peaceful, and stable world order. He closed by stressing that the future of humanity depends on ensuring that no one is left behind — especially the steadfast and resilient people of Gaza — whose suffering calls for an urgent awakening of the world's moral conscience.



## IIFA Delegation Visits SOAS, University of London

On Tuesday, 15 July 2025, His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy (IIFA), paid an official visit to the School of Oriental and African Studies (SOAS), University of London.

He and his accompanying delegation were warmly welcomed by Prof. Mashood Baderin, Deputy Dean of the School of Law, Gender and Media, who expressed his keen interest in establishing a fruitful partnership with the Academy. He also noted that he frequently draws on IIFA resolutions and OIC documents in his teaching at the School of Law.

His Excellency, in turn, expressed deep appreciation for the generous reception and



hospitality, and delivered a presentation on the Academy's role as the foremost jurisprudential authority for OIC Member States. He underlined the importance of ensuring that the issuance of fatwas remains the exclusive domain of qualified scholars. He

also urged Muslims in the United Kingdom to embrace the values of citizenship, uphold the rule of law, and inspire young Muslims to take pride in their British nationality while contributing positively to the country's development.

At the end of the visit, His Excellency extended an official invitation to Prof. Baderin to visit the Academy's headquarters in Jeddah at his convenience.

The meeting was also attended by Ms. Sarah Amjad Badiwi, Supervisor of the Office of the secretary General; Dr. Alhagi Manta Drammeh, Head of the International Cooperation Division at IIFA; and Mr. Samad Chowdhury, representative of the British Embassy in Riyadh.

## Secretary General Visits the Consulate General of Palestine in Jeddah



On Wednesday, 14 Muharram 1447, corresponding to July 9, 2025, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, visited the Consulate General of the State of Palestine in the Kingdom of Saudi Arabia. His Excellency and his accompanying delegation were received by Ambassador Mahmoud Yahya Al-Asadi, Dean of Arab Consuls and Consul General of the State of Palestine, who warmly welcomed them. The Consul expressed his delight at the visit and his personal honor in meeting such a distinguished scholarly and jurisprudential figure.

He praised the Academy's role in supporting the just causes of the Palestinian people and voiced his deep appreciation for the exceptional efforts led by the Secretary General. He also commended His Excellency's dedication to unifying the Ummah, strengthening joint Islamic efforts on principled foundations, and his steadfast support for the Palestinian people and the establishment of a Palestinian state with East Jerusalem as its capital.

For his part, the Secretary General expressed sincere gratitude for the warm reception and hospitality. He reaffirmed the Academy's long-standing commitment to the Palestinian cause as the central issue of the Ummah and the foremost concern of the OIC and its various institutions, especially the International Islamic Fiqh Academy. He noted that the Academy has issued numerous statements, resolutions, and recommendations concerning Palestine, the most recent being a statement condemning the

brutal aggression against the Palestinian people, especially the people of Gaza. His Excellency further confirmed the Academy's readiness to provide intellectual and religious support to the Palestinian people and to contribute to lifting the injustices and oppression they have endured for decades under the brutal occupation, in full view of the global community.

Accompanying His Excellency on this visit were Mr. Mohammed Al-Idrisi, Director of Public Relations and Media at the Academy, and Mr. Amjad Ibrahim Al-Mansi, Head of the Protocol Division.



## Secretary General Receives Consul General of the Arab Republic of Egypt

On Tuesday, 12 Muharram 1447, corresponding to July 7, 2025, the Secretary General of the International Islamic Fiqh Academy, Prof. Koutoub Moustapha Sano, received Ambassador Ahmed Abdel Majeed, Consul General of the Arab Republic of Egypt, at the Secretariat General's headquarters in Jeddah, Kingdom of Saudi Arabia.

The Secretary General welcomed the Consul General and thanked him for the visit, which he described as a reflection of the Consul's sincere commitment to fostering cooperation and communication between the Academy and Egypt's religious institutions, notably Al-Azhar Al-Sharif, the Egyptian Dar Al-Ifta, the Council of Senior Scholars, and the Islamic Research Academy. He also conveyed the Academy's gratitude to Egypt for its enduring support and patronage since its establishment. His Excellency then outlined the Academy's core activities and scientific programs, highlighting its role as the jurisprudential and scholarly arm of the Organization of Islamic Cooperation (OIC), tasked with studying contemporary developments affecting Muslims to clarify Sharia rulings and propose appropriate solutions to contemporary life challenges.



The Ambassador expressed his appreciation for the warm welcome and praised the Academy's remarkable efforts under His Excellency's leadership in serving Islam and Muslims through its programs and initiatives. He confirmed Egypt's ongoing support for the Academy and its mission, emphasizing the importance of strengthening cooperation and coordination between the Academy and Egypt's religious and academic institutions. He then extended an official invitation from H.E. Prof. Nazir Muhammad Ayyad, Mufti of Egypt, for the Secretary General to participate in the upcoming international conference titled "Training the Wise Mufti in the Age of AI," organized by the Secretariat General for Fatwa Authorities Worldwide, scheduled for August 2025.

At the end of the visit, the Consul General

recorded the following message in the guestbook: "I was delighted to meet the eminent scholar Prof. Koutoub Sano, and our discussion was both enjoyable and insightful. I wish His Excellency continued health and happiness, and I am honored to convey warm greetings from his brother Dr. Nazir Ayyad, Mufti of the Arab Republic of Egypt. On behalf of my colleagues at the Consulate General of Egypt, I extend our heartfelt thanks and appreciation to the Secretary General for his generous hospitality. May Allah reward you abundantly."

Also attending the meeting were Mr. Moez Abdulrazzaq Al-Riyahi, Director of Finance, Investment, and Projects at the Academy; Mr. Mohammed Walid Al-Idrisi, Director of Media and Public Relations; and Mr. Amjad Ibrahim Al-Mansi, Head of the Protocol Division.





## 53rd National Day Celebration of Cameroon IIFA Participates in



Mr. Moez Al Riyahi, Acting Secretary General of the Academy and Director of the Department of Financing, Investment, and Projects, represented the International Islamic Fiqh Academy in the Republic of Cameroon's National Day Celebration. The event took place on Wednesday 22 Muharam 1447, corresponding to 16 July 2025, in

Jeddah, Saudi Arabia.

Furthermore, Mr. Moez Al Riyahi extended greetings and congratulations on behalf of the Academy's presidency, Secretary General, members, and experts to Cameroon's leadership and people, wishing them continued safety, security, stability, and prosperity.

## IIFA Participates in 25th Ordinary Session of OIC Independent Permanent Human Rights Commission

The opening session of the 25th Ordinary Session of the Independent Permanent Human Rights Commission (OIC-IPHRC) commenced on Sunday, 18 Muharam 1447, corresponding to 13 July 2025, at the OIC headquarters in Jeddah. The OIC Secretary General attended the session, H.E. Mr. Hissein Brahim Taha, along with delegates from member states, as well as members and experts from the Commission. The session focused on human rights issues, with one of the main agenda items being the discussion of "The Right to Water from a Human Rights Perspective.", in which many experts participated and exchanged their views.

Dr. Mohamed El-Amin Sylla, Head of



the Research and Studies Division of the Academy, delivered a speech in which he conveyed the greetings of H.E. Prof. Koutoub Sano, Secretary General of the Academy. He emphasized that water is the foundation of life and the source of every living existence, noting that conserving water and using it responsibly is mandatory, as referenced in the Holy Quran and the Prophetic tradition.

Dr Sylla also highlighted relevant resolutions passed at the Academy on water conservation and the prohibition of extravagant use of water and harming the environment. He ended his presentation by calling for more international cooperation to conserve water for future generations.



## 25th Weekly Joint Meeting of Departments and Divisions



H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, chaired the twenty-fifth joint weekly meeting of the departments and divisions on Monday, the 23rd of Shawwal 1446H, corresponding to April 21, 2025, at the headquarters of the General Secretariat in Jeddah.

At the beginning of the meeting, His Excellency welcomed the participants and expressed his condolences regarding the passing of the

former Prime Minister of Malaysia, Abdullah Ahmad Badawi, who passed away on Monday, 14/4/2025, in the Malaysian capital, Kuala Lumpur. His Excellency recalled the merits and achievements of the deceased, including hosting the eighteenth session in Putrajaya in 2007. His Excellency thanked the Academy's delegation, led by Dr. Abdulfattah Abanauf, Acting Secretary General, for offering condolences at the Malaysian Consulate General in Jeddah.

His Excellency then discussed the final preparations for the 26th session of the Academy's Council to be held in the State of Qatar in early May next year. He spoke of the main tasks assigned to staff participating in the session which would be determined and announced later.

The meeting reviewed previous decisions and issued new ones, namely:

- Including three documents in the agenda of the 26th session for adoption and approval by the Academy's Council, and to be printed and distributed among participants: The Makkah Document, the Building Bridges Document, and the Women's Document.
- Urgently fixing technical issues with the server and staff computers, including some being disconnected from server, printing, and file sharing services, with emphasis on completing necessary maintenance.
- Assigning specific tasks to staff participating in the 26th session of the Academy's Council.

## 53rd Monthly Staff Meeting of the Academy

H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, chaired the Academy's 53rd monthly staff meeting at its headquarters in Jeddah on Sunday, 20 Dhul Quida 1446, corresponding to 18 May 2025.

His Excellency welcomed the Academy's personnel and congratulated them on the success of the 26th session of the Academy, held between 6-10 Dhul Quida 1446 (May 4-8, 2025) and expressed his sincere thanks to the President of the Academy for the excellent moderation of the plenary sessions, time management, as well as thanked the various committees (airport, reception, hotel, hall, media, secretariat, scientific committee, and others) that contributed to the conference's success, particularly the Director of Seminars and Conferences, Mr. Hassan Kamit, for his good coordination and management of the



various issues and matters related to the session. His Excellency also expressed his thanks to the Union of News Agencies of the Organization of Islamic Cooperation (UNA), praising the great movement it made through its representative sent to the session, which had a significant impact in disseminating the news of the conference in twenty-two different languages of the world, which achieved the desired media objectives. His Excellency then announced that he would hold another meeting to evaluate the session.

The meeting issued several decisions, notably:

- Preparing letters of thanks and appreciation to the Emir of Qatar, the Prime Minister & the Minister of Foreign Affairs, and the Minister of Awqaf and Islamic Affairs, with the signatures of the OIC Secretary General, the President, and the Secretary General of the Academy.
- Preparing letters of thanks to the session participants, including members, experts, and dignitaries, and send them with certificates of appreciation.
- Prepare letters of thanks to the Director General of the Federation of OIC News Agencies, the Director of the Publishing House in Jordan, and Mr. Ahmed Esmat for their cooperation.

## 54th Monthly Meeting of the Academy's Staff

On Sunday, 21 Dhul Hijjah 1446, corresponding to June 17, 2025, Prof. Koutoub Moustapha Sano, Secretary General of the Academy, chaired the 54th periodic monthly meeting of the Academy's staff at the Secretariat General's headquarters in Jeddah.

His Excellency opened the meeting by welcoming the attendees and stressing the importance of these regular gatherings, which aim to foster a positive and productive work environment, advance the Academy's development, maintain continuous internal communication, encourage the exchange of ideas and suggestions across departments, follow up on new tasks, and resolve any challenges that may hinder departments from achieving their goals.



He explained that this meeting was devoted to self-evaluation, problem-solving, and constructive suggestions. Staff members were given the opportunity to present their views and proposals for improving the Academy's work. Several key decisions emerged from the meeting, including:

- Following up on assigned tasks by sending

reminder emails to departments and divisions after each meeting.

- Updating the photo gallery on the first floor and exploring more effective display options.
- Emphasizing energy conservation by ensuring that lights and air conditioning are turned off after working hours to prevent resource waste.
- Preparing a weekly report for the Academy's website, to be handled by the Translation Division and submitted directly to the Secretary General.
- Allowing the use of AI-assisted translation tools provided that content is edited and reviewed prior to publication.

## A Brief Introduction to the Resolutions and Recommendations of the Academy

For four decades, the Council of the International Islamic Fiqh Academy has from time to time issued clear, effective, and compelling Sharia-based resolutions in response to the issues and developments that continue to affect contemporary life and preoccupy Muslims in the East and the West.

The number of resolutions issued by the Council of the Academy has reached two hundred and fifty-five (255) resolutions on intellectual, educational, social, economic, and halal issues. Thanks to Allah, these resolutions have become the scientific reference to which many countries turn, societies take refuge, and many peoples

prefer to follow. They have also evolved into fatwas that serve as the foundation for current Islamic financial applications and industries. Many Sharia courts, health organizations, and scientific educational institutions around the world adhere to them, and they have become solid scientific foundations and Sharia standards approved and recognized by the scholars, experts, and intellectuals of the Ummah.

The Secretariat General of the Academy has chosen to devote the last few pages of its monthly bulletin to publishing them consecutively in order to present their sober contents and to remind of their utmost importance, while praying to

Almighty Allah to reward the honorable scholars and experts who participated in their formulation and publication in a manner beneficial to humanity that will remain forever on earth.





## Resolutions and Recommendations of the 22nd Session of the Council of the International Islamic Fiqh Academy Kuwait City, State of Kuwait 2–5 Jumād al-Ākhirah 1436 - 22–25 March 2015

### Resolution No. 205 (1/22) Shūrā (Consultation) and Democracy: An Islamic Perspective

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumād al-Ākhirah 1436h (22–25 March 2015),

Having examined the research papers submitted to the Academy concerning Shūrā (Consultation) and Democracy: An Islamic Perspective, Having listened to the in-depth discussions on the subject,

Resolves

First: Shūrā is one of the basic rules of Islamic life and a fundamental aspect of the Islamic governance system. Muslims are obliged to observe it, as Allāh the Almighty said, «...who (conduct) their affairs by mutual consultation,» (Al- Shūrā, 38) and He The Almighty also said to draw the attention of His infallible Messenger SAW whose teachings are always derived from revelation, «...and

consult them in affairs (of the moment) then when thou hast taken a decision, put thy trust in Allāh.» (Āl-ʿImrān, 159). The Prophet SAW carried out this divine order in the best way to the extent that his companion Abū Hurairah said, “I have never seen anyone who consults his companions more frequently than the Messenger of Allāh, peace and blessings upon him.”

Second: In principle, there is no harm in benefiting from democratic mechanisms for achieving private or public interests, provided that such mechanisms are taken in isolation from their underlying philosophy in non-Muslim societies, which originates from the principle of “Rule of the People,” and has nothing to do with compliance to rules and principles of Shariah. Besides the observation of Shariah norms, benefiting from democratic mechanisms in this manner would also entail

observation of the unique characteristics of each Muslim country, in compliance to the principle of “interest recognition,” which constitutes a fundamental basis of “derivation of rulings” in Islamic jurisprudence.

Recommendations

1. Giving more care for dissemination of the culture of Shūrā in Islam by indicating its original principles and applications through lectures, seminars, education curricula, media and other means of communication.

2. Specialized scholars and researchers are called upon to conduct more research that could lead to new forms and applications derived from the principle of Shūrā within the framework of Shariah norms.

Indeed, Allāh is All-Knowing.

### Resolution No. 206 (2/22) Questions of the Standards and Metrology Institute for Islamic countries (SMIIC)

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumād al-Ākhirah 1436h (22–25 March 2015),

Having reviewed the questions of SMIIC and the answers of the Academy’s seminar for this

purpose,

Having listened to the in-depth discussions on the subject,

Resolves

Given the multiplicity of Fiqh opinions and the large number of issues relating to the questions, in addition to the observations of

its members, the Council resolved to refer the subject to the Secretariat of the Academy to prepare its answers for SMIIC accordingly and resubmit them to the Academy.

Indeed, Allāh is All-Knowing.

### Resolution No. 207 (3/22) Offensive Jihad and Defensive Jihad

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumād al-Ākhirah 1436h (22–25 March 2015),

Having examined the research papers submitted to the Academy concerning

Offensive Jihad and Defensive Jihad,

Having listened to the in-depth discussions on the subject,

Having recalled the fundamental concepts and mission of jihad and that the relations between the Ummah and other nations are based primary deliberate on peace and

tolerance,

Having recalled that fighting, according to Islam, has its origins in aggression rather than the indifference of faith,

Having considered the new changes in the circumstances of Dawah and developments of communication methods between human



societies in the remote parts of the world,  
Resolves

First: Jihād, in the general sense, signifies any legitimate effort that aims to uphold the word of Allāh the Almighty; communicate the message of Islam through all material and moral means in hand; and spread of justice, security and mercy in human societies.

Second: Jihād is of two types:

1. Offensive Jihād: which aims to protect freedom of spreading the call for Islam; removing any barriers it may encounter; and defending those who are under oppression and tyranny, subject to specific rules and conditions that Islamic jurists have indicated for the achievement of interest and aversion of harm.

Allāh the Almighty said, «And fight them on until there is no more tumult or oppression and there prevail justice and faith in Allāh,» (Al-Baqarah, 193), and He The Almighty also said, «And why should ye not fight in the cause of Allāh and those who, being weak, are ill-treated (and oppressed)?

– Men, women and children whose cry is: “Our Lord! Rescue us from this town whose people are oppressors.”» (Al-Nisā’, 75)

The ultimate objective of “Offensive Jihād” is the communication of the message of

Islam without compulsion, because Allāh the Almighty, said, «Let there be no compulsion in religion.» (Al-Baqarah, 256); «... the Apostle’s duty is only to preach the clear(message).» (Al-Nūr, 54); and «...thy duty is but to convey (the message).» (Al-Shūrā, 48) In this type of Jihād, and under contemporary circumstances, preachers should make use of international conventions and treaties which have made the world a territory of ‘ahd (covenant) in which countries allow mobility and grant freedom of missionary work through various modern devices of communication; in different languages; and among different societies.

In this context, the Academy reaffirms the Shariah fundamentals in which it has already issued resolutions and recommendations, including preparation of necessary equipment and empowerment of armies in the Muslim world in order to be able to defend the lands and interests of the Ummah.

2. Defensive Jihād: which refers to the type of jihād dictated by the Shariah-based duty of defense when an attack is launched against religion, the Ummah, the country, the society or the individual. The Shariah ruling justifying this type of jihad ceases to be valid as soon as the aggressive attack is over and the enemy moves outside the land. In this

respect, Allāh the Almighty said, «Fight in the cause of Allāh those who fight you, but do not transgress limits, for Allāh loveth not transgressors.» (Al-Baqarah, 190)

Recommendations

1. Implementing the proposal of establishing an Islamic Court of justice supported by armed forces from different Muslim countries to assume the responsibility of resolving conflicts between these

2. Reaffirming the need for operationalizing Academy resolution no. 68 (6/7) issued at its the 7th Session, comprising a recommendation on the preparation of a draft for “Declaration of International Rights in Islam,” and the Academy resolution no. 128 (2/14), including a recommendation about the preparation of an “Islamic Code of International Humanitarian ”

3. Constituting a committee of scholars and specialists to prepare educational programs that elucidates facts about Islam in the area of international relations during war and peace, accommodate new developments in the subject and preserve fundamental principles and values.

Indeed, Allāh is All-Knowing.

## Resolution No. 208 (4/22)

### Excommunication of Muslims: Causes, Effects and Remedy

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),

Having examined the research papers submitted to the Academy concerning Excommunication of Muslims: Causes, Effects and Remedy, Having listened to the in-depth discussions on the subject,

Having witnessed this escalating phenomenon of excommunicating Muslims (takfir) and the rush to accuse Muslim individuals, societies, states and governments of apostasy without the slightest regard to the maxims, objectives and principles of Shariah,

Having considered the severe consequences of such ill-founded accusations, including murder, destruction and displacement, Having presented Shariah-based measures that preserve the entity of the Ummah and protect Muslim societies and individuals from

the dangers arising from the accusation of apostasy,

Resolves

First: Confirmation of the Academy resolution no. 152 (1/17) on Islam and the One Ummah: Theological, Jurisprudential, and Educational schools, issued in the 17th Session of the Council, and which indicates impermissibility of charging with disbelief any group that believes in Allāh the Almighty, His Apostle SAW, pillars of Īmān (faith), and pillars of Islam; and does not deny any essentially-known aspect of religion.

Second: Confirmation of resolution no. 175 (1/19) on Freedom of Religion in Shariah: Dimensions and Criteria, which comprises the ruling that fatwā about any case of apostasy or disbelief is an exclusive right of recognized fiqh scholars, whereas the judiciary assumes the task of carrying out what these scholars stipulate, besides elimination of suspicions, etc. The same resolution also warns against

the dangers that stem from attempts of accusing a specific Muslim sect of apostasy or disbelief, leave alone daring to direct such accusations to com-

panions of the Prophet SAW and virtuous Mothers of Muslims RA, or demean their appreciated status.

Recommendations

Firstly

The Secretariat of the Academy shall finalize the previous recommendations of the Council regarding the organization of seminars and meetings for discussing the following subjects:

1. The issue of Walā’ and Barā’ (loyalty versus disavowal).

2. The ḥadīth of Al-Firqa Al-Najīya (Successful Group).

3. Accusing someone of apostasy due to the total non-application of Shariah

Secondly

1. Youth of the Ummah to beware of propagandists of perverted thinking



and radicalism and seek correct and useful learning through a moderate and well-balanced approach. Youth need to follow the example of the righteous ancestors of the Ummah particularly the companions of the Prophet and their successive devoted

2. Scholars and preachers of the Ummah to establish links of communica-

tion with youth, discharge their missionary duty, and abide by the moderate approach in promoting virtue and prevention of

3. States and governments of Muslim countries to provide all possible means and remove obstacles that could jeopardize the process of communication between scholars, intellectuals and leaders on the one hand, and

youth of the Ummah on the

4. Muslim countries to share each other's success stories in initiating dialogue with proponents of deviant thoughts; for example, Munasaha (Counseling and Advice) experience of the Kingdom of Saudi Arabia.

Indeed, Allāh is All-Knowing.

## Resolution No. 209 (5/22) Non-Muslim Citizens in Muslim Countries: Rights, Obligations and Applicability of Shariah Rulings

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),

Having examined the research papers submitted to the Academy concerning Non-Muslim Citizens in Muslim Countries: Rights, Obligations and Applicability of Shariah Rulings,

Having listened to the in-depth discussions on the subject,

Resolves

First: Shariah guarantees non-Muslims residing in Muslim countries the same public and private rights as Muslims. Non-

Muslims are bound by the same obligations as Muslims, for they are both equal in rights and duties.

Second: Non-Muslims residing in Muslim countries have the right to abide by the rulings of their own faith in matters of worship and personal/family affairs. It is permissible to set special courts to look into their litigations with verdicts to be implemented by state. In other matters, the laws of the land applies. Third: Similar to Muslims, non-Muslims residing in Muslim countries should observe public order and manners in the country, avoid violation of law and

show loyalty to the country to which they belong.

Fourth: Various media is called upon to give due consideration to elucidating the rights of non-Muslims as guaranteed by Shariah, in its efforts to disseminate Islamic culture and show tolerance and justice of Islam. These should also be incorporated in educational curricula.

Fifth: All various media should always avoid provocation of sedition and sectarian intolerance between different segments of the society in order to help maintain national peace and order.

Indeed, Allāh is All-Knowing.

## Resolution No. 210 (6/22) Transmutation and Dilution of Additives in Food and Medication

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),

Having entrusted the commission established by the Academy to examine the issues of Transmutation (Istihālah) and Dilution (Istihlak),

Resolves

First: Regarding Istihālah (transmutation), the Council reaffirms the adoption of the definition stated in its resolution no. 198 (4/21), which explains:

In Fiqh terminology, Istihālah means “occurrence of real change in the defiled or Shariah-banned material leading to its conversion to another material that differs from the original one in characteristics and attributes. In prevalent scientific terminology, this is taken to mean any complete chemical interaction such as transmutation of oils and fats of different types to soap and

decomposition of the material to its original components as in the case of dismantling oils and fats to acids and fatty glycerin. As chemical interaction can be done intentionally through scientific means and techniques, while it can also take place – invisibly – as per the forms that Fiqh scholars have indicated, including for instance: pickling, tanning and, burning. If chemical interaction is partial, it is not considered as transmutation and, therefore if the material in question is originally defiled, it remains as it is and should not be used. As for dilution, it is the “immersion of one material into another in such a way that the characteristics and attributes of the submersed material completely vanish and the material is no longer identifiable in any of its different forms.”

In all points stated above, due consideration should be given to rules and standards agreed upon among specialists in this area. Second: Regarding blood plasma – mentioned in the previous resolution – the Academy

believes that the subject should be revisited due to new information. The Secretariat of the Academy shall convene a committee for this purpose. Third: Based on the definition of istihlak (dilution) stated above, the Council resolved the postponement of discussion of the subject to allow time for further research. Fourth: Alcohol, gelatin and their Transmutation

Participants agreed to what has been stated in the fatwā (Shariah opinion) and recommendation issued by the Islamic Organization for Medical Sciences (IOMS) in the seminar on Prohibited and Impure Materials in Food and Medicine held in Kuwait during the period 22–24 Dhū al-Hijjah 1415h (22–24 May 1995), at IOMS headquarters. The text of the fatwā and recommendation was as follows:

General Principles:

1. It is incumbent upon every Muslim to observe Shariah rulings, especially in food and medicine, to ensure purity of his food,

drink, and clothing. Among the uncountable forms of the mercy of Allāh and His will to facilitate easy abidance by his directives, is that Shariah fully recognizes states of necessity and need and cover them by well-established principles such as (1) Necessities relax prohibitions; (2) Need can be treated as a necessity; and (3) Benefits are permissible in principle unless a proof about their prohibition is established. Similarly, things are immaculate in principle unless a proof about their defilement is established and prohibition of eating or drinking something does not indicate its impurity in Shariah.

2. Shariah does not consider alcohol as an impure material, based on the previously mentioned principle that materials are pure in This ruling holds true in the case of plain alcohol or when alcohol is diluted by adding water. Therefore, according to Shariah, there is no harm in using alcohol medically as a sterilizer for the skin (wounds) and instruments or as a germicide. There is no harm also in using perfumes (eau de cologne) in which alcohol is used as a dissolvent of volatile perfume materials or using cremes that contain alcohol. Nonetheless, such permissibility does not apply to wine because it is prohibited to seek benefit from it.

3. Since alcohol is an intoxicant substance and its drinking is prohibited, and until Muslims achieve their aspiration of manufacturing alcohol-free medicines, especially for children and pregnant women, there is no Shariah restriction against using medicines, produced in our days, that comprise alcohol as a meagre component for conservation or dissolving of elements that cannot be dissolved by water without it being used as a sedative substance and as long as there are no other medicine substitutes (without alcohol). The seminar recommended in this regard that concerned health authorities may determine the ratio of alcohol to be used in medicines according to relevant scientific norms and regulatory rules.

4. It is not permissible to take foodstuffs that contain wine even if at a meager ratio, particularly foodstuffs which are widely used in the western countries like some types of chocolates and iced food (ice cream, gelatin and booza) besides some kinds

of carbonated drinks, based on the Shariah rule that it is not permissible to take a small quantity of a substance that is toxicant when taken in big quantity, in addition to unavailability of any Shariah-acceptable reason that justifies permissibility of taking such food.

5. Foodstuffs in which a slight amount of alcohol is used as a dissolvent of the elements that cannot be dissolved by water, such as colourants, conservation materials and the like, are permissible to consume due to its becoming a commonly accepted evil (Umum al-Balwa) because most of their alcohol component evaporates and vanishes during the process of manufacturing according to regulations and instructions of health and food. Nevertheless, manufacturers and Muslims should always be keen to use alcohol-free substitutes whenever possible.

6. Foodstuffs that comprise pig fat-like, for instance, some types of cheese, oil, fat, ghee, and butter; and also some types of biscuits, chocolate and ice cream, are strictly prohibited, due to unanimous consensus among Shariah scholars about the impurity of pig and prohibition of eating it, besides lack of necessity of taking substances of these types.

7. Gelatin: The Academy considers assigning its Secretariat to conduct further research and study of the issue.

Hormones and Enzymes

- A hormone is a chemical substance that the endocrine glands secrete in the blood to regulate several autonomous and constructive biological A hormone affects the entire body.

- The enzyme is a protein molecule secreted by the body cells and has a positional effect that accelerates chemical interaction in organisms without being consumed.

- Heparin extracted from pigs should not be used except under necessity. Modification of heparin for obtaining low molecular weight heparin does not constitute a transmutation process that can form a basis for an independent judgement. On the other hand, there is no harm in using heparin prepared through genetic engineering without any pig-related

- The use of insulin extracted from pigs is not permissible except under ne-

cessity due to the availability of permissible substitutes, whereas the use of human insulin and its likes prepared through genetic engineering is

- Heart valves: Substitute valves can be either metallic or biological (human or zoological) and can be used, while pig valves cannot be used as substitutes except in case of necessity.

Further, Resolves

Cheese Manufactured by Rennet Curdling

1. Pig rennet is prohibited and considered as

2. If rennet is extracted from an meat-eatable animal that has been slaughtered in accordance with Shariah, it is considered pure and

3. If rennet is extracted from a dead animal that has not been slaughtered in accordance with Shariah, most of the participants are of the opinion that it is impure and not permissible, and some consider it

4. It is permissible to use rennet prepared through genetic engineering from the gene that produces it.

Treated Sewage water

It is water that people have already used for their living, household, services and industrial requirements, and which carry a diversity of human and industrial wastes.

Uses of Treated Sewage Water

The Academy resolved the permissibility of using treated sewage water for purposes like floor and clothes washing. It can also be used for irrigation of uneatable agricultural crops unless it is harmful. If treated sewage water is proved to be harmful when used for irrigation of uneatable crops, it should not be used to avoid its harmful consequences.

Treated sewage water should not be used for cooking and drinking unless its safety in such uses is proved. It is also not permissible to use treated sewage water for worship-related purposes except after ensuring its purity.

General Recommendations

1. Efforts for the treatment of sewage water are a Shariah duty even in the absence of intention to use it, in order to eliminate human and environmental dangers that could arise from its Avoidance of such dangers should taken into consideration, besides economic benefits that could be generated from sewage water recycling.



Even if sewage water is just rechanneled into rivers and seas after treatment, that would constitute abidance by the Shariah maxim that "Aversion of harm has priority over the achievement of interest."

2. Raising awareness about rationalized water use for all purposes, including household, services and irrigation purposes, because our wise Shariah encourages to do so.
3. Continuation of scientific research on most suitable, cost-effective and less power consuming methods of sewage water treatment to avoid harmful consequences of the accumulation of sewage water.
4. Continuation of scientific research and experiments that ensure utilizing treated

sewage water for suitable and Shariah-permissible purposes.

5. Strict control over facilities and people in-charge of sewage water
  6. Continuous monitoring of safety of food and nonfood crops irrigated by treated sewage water.
  7. People should be informed about products that depend on sewage water irrigation to facilitate access to such information before making purchase
  8. Utilizing wastes in sewage water in energy production and to limit environmental
- Fodders Containing Prohibited Components  
The Academy resolved the prohibition of using

fodders that contain waste of dead animals, blood, pork, hormones and antibiotics, based on the fact that these components cause severe harms to human health.

#### Recommendation

Muslim countries should make due investigations when importing fodders from foreign countries, to ensure that fodders imported do not contain the above-mentioned components.

Indeed, Allāh is All-Knowing.

## Resolution No. 211 (7/22) Women and Public Governorships

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),  
Having examined the research papers submitted to the Academy concerning Women and Public Governorships,  
Having listened to the in-depth discussions on the subject,  
Resolves  
First: The Academy emphasizes that Islam has granted women their full rights and

placed them in the most suitable position taking into consideration their social status and natural abilities, as well as their role and responsibility as a mother, daughter, and spouse.  
Second: The Academy shares the same opinion of the majority of Muslim scholars that woman is not to assume supreme governorship (head of state).  
Third: Women's assumption of public positions of powers such as head of the judiciary, ministerial positions and the likes is a controversial issue among Fiqh scholars of different schools. This is

considered a matter of khilāf mu'tabar (recognizable difference of opinion); therefore, scholars can decide, at the country level, the viewpoint they deem worthy of preponderance.  
Fourth: When a woman assumes any public position of the above types, she should abide by the rules and manners of Shariah, especially how to dress among others. Besides, her assumption of such positions should by no means impede her primary educational functions towards her family.  
Indeed, Allāh is All-Knowing.

## Resolution No. 212 (8/22) Bank Guarantee for Misinvestment of Clients Funds and Compensation for the Consequent Losses

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),  
Having examined the research papers submitted to the Academy concerning Bank Guarantee for Misinvestment of Clients Funds and Compensation for the

Consequent Losses,  
Having listened to the in-depth discussions on the subject,  
Resolves  
First: Bank guarantee means that the bank bears the total or partial loss of depositors and owners of investment accounts' funds.  
Second: Description of the Bank's Hold on Deposited Funds in the Two Following Forms:

1. Holding under Guarantee: which means holding the funds as an owner, or to its own benefit as a holder, such as: holding by the purchaser, or recipient of the purchase price; or holding by the mortgagee, extorter, owner and borrower. Bank accounts that fall under guarantee holding are demand deposits (current accounts). In this regard, the Council reiterates what was stated about deposits

in its resolution no. 86 (9/3), Clause (First) that “Demand (current) deposits with Islamic banks are loans in the Fiqh perspective, because the receiving bank holds them under guarantee, and is committed, according to Shariah, to repay them on ”

2. Holding under Trusteeship: which means holding the funds on behalf of rather than in the capacity of an owner. Holding of the funds, in this case, is permitted by the owner, and it includes holding of the: deposit keeper, lessee, partner, Muḍārabah worker, Waqf supervisor, guardian and the like. Islamic Bank accounts that fall under this type of holding are investments. In this connection, the Council reconfirms what has been stated in Clause (Second (b)) of its resolution referred to in point (1) above “Deposits delivered to banks that are committed to rules of Shariah, based on an investment contract and for a profit share, are Muḍārabah capital and subject to Muḍārabah (qirad) rulings in Islamic Fiqh, which include – among others – impermissibility of guaranteeing Muḍārabah capital by the Muḍārabah worker/muḍārib (the bank in this case).”

Third: It is not permissible for the bank, when assuming the role of the muḍārib, to guarantee total or partial loss of investment accounts, except in case of transgression negligence or breach of contract, as indicated by the general rules of Shariah. Among cases of transgression are the following:

1. Noncompliance of the bank with Shariah criteria stipulated in contracts and agreements of opening investment accounts in all their different

2. Violation of banking and commercial regulations, laws, or practices issued by supervisory bodies responsible for regulating banking business, unless such regulations, laws, and practices

contradict the rules and principles of Shariah.

3. Slackness in preparation of adequate feasibility studies for investment

4. Selection of the wrong operational modes and

5. Failure of compliance with the bank's internal directives and operational

6. Failure to obtain sufficient collaterals, as per normal practice in the

Fourth: It is not permissible to stipulate a guarantee by the bank as a muḍārib because such stipulation contradicts the essence of the Muḍārabah contract. Therefore the Council reconfirms what has been stated in its resolutions no. 86 and no. 30 (5/4) on Muqāraḍah Bonds, which indicates that “It is not permissible for Muqāraḍah Ṣukūk or prospectus to include any text indicating that Muḍārabah working party is to guarantee the capital or any lump sum or percentage return on capital. When such stipulation is implicitly or explicitly introduced the guarantee becomes invalid, and the muḍārib becomes entitled to a profit of similar Muḍārabah transactions.”

Fifth: In a legal suit of loss, the burden of proof shifts – contrary to the case in principle – to the bank, provided that there is evidence contradicting with the bank's claim of not committing transgression. Among the factors that support resorting to this procedure (shifting the burden of proof) are the following:

1. If it is a common practice not to accept such claim of the muḍārib (the bank) unless it provides evidence validating the claim of not committing transgression or negligence.

2. Certitude of accusation against trustee: which means a preponderance of suspicion about the trustee's (the muḍārib) honesty in denial of transgression and negligence because the muḍārib is normally expected to preserve invested capital amounts against loss and achieve

profits.

3. Certitude of the existence of interest in shifting of burden of proof to the muḍārib (bank) in order to protect investors' funds against loss, claimed by muḍārib or in case of loss of investor's

Sixth: It is permissible for the bank to donate part of its profit share without stipulating that in the contract.

Seventh: Several bodies are normally entrusted with the determination of responsibility of the bank towards abuse of the funds of investment accounts holders, including the following:

1. Supervisory bodies like central banks, whether a full-fledged Islamic regulatory body or a conventional body with committees specialized in Islamic

2. Centers of reconciliation, arbitration and conflict resolution such as the Islamic International Center for Reconciliation and Arbitration in

3. Auditors as per the generally accepted practices of the According to Accounting Standard No. (5), issued by the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI) – Bahrain, this responsibility is considered to constitute part of the responsibilities of the external auditor. This task can also be assigned to the Shariah Supervisory Board.

Eighth: Compensation for losses in investment accounts should be confined to actual harm – whether the loss is total or partial – without guaranteeing potential profit that has not been realized (opportunity cost) because it is nothing more than an unrealized expectation not actually materialized.

Recommendations

1. Islamic banks should be keen while investing in depositors' funds to pursue methods and mechanisms that would mitigate investment risks and safeguard these funds against loss. Suitable



arrangements in this regard may include the establishment of special funds and the allocation of necessary reserves.

2. Muslim countries are called upon to enact laws for the establishment of institutions for deposits insurance

or introduce amendments in the existing laws and regulations to cater for cooperative insurance funds to be established by Islamic financial institutions and managed given the rulings stated in the Academy resolution no. 200 (6/21)

on Shariah Rulings and Standards for the Foundations of Cooperative Insurance.

Indeed, Allāh is All-Knowing.

## Resolution No. 213 (9/22) Rights of People with Disabilities in Islamic Jurisprudence

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),

Having examined the research papers submitted to the Academy concerning Rights of People with Disabilities in Islamic Jurisprudence,

Having recalled the extreme attention given by Shariah to people with disabilities, Having listened to the in-depth discussions on the subject,

Resolves

1. A person with a disability is a person who is unable mentally, sensorily or physically to perform the acts that he or she needs to perform compared to a healthy person.

2. The rights of people with disabilities refer to the qualities that Shariah and existing laws confer to them to lead a decent life.

3. Shariah has guaranteed the rights of people with disabilities to live a dignified life, and made them an inseparable part of their community, who enjoy the same rights of others, except for rights exempted by a Shariah

4. People with disabilities have rights over their families, including the right to take measures to eliminate the causes that lead to The family should pay necessary expenses for its members with disabilities, provide them with appropriate education based on compassion and

respect, and strive to meet their basic needs such as marriage, housing, etc.

5. People with disabilities have rights over their The most important of these is integration with other members of society, good fellowship, respect, non-humiliation in any way, and investment of their energies and abilities for their own wellbeing and benefit; and that of their society.

6. People with disabilities have rights over the State:

- Health care through the establishment of specialized medical institutions for the treatment and rehabilitation of people with disabilities, and through the training of their caregivers on how to care for them.

- Appropriate education, including providing the most developed methods and means of education and the training of teachers and educators specializing in their education and rehabilitation.

- Labour that takes into account abilities and means of people with disabilities, including training to prepare their entry into the job

- Financial adequacy of financially disadvantaged people with disabilities through Zakāh, Awqāf, charities, and public

- Travelling by appropriate means, including providing appropriate means of transport and establishing appropriate standards for public buildings and utilities to facilitate their movement and

- Enact laws and regulations that

preserve their rights and monitor their activities.

Recommendations

1. Work to raise awareness in the family and society on the rights of people with disabilities in all possible ways; through media, educational, cultural and social programs.

2. Support from government and non-governmental organizations and institutions concerned with disability issues.

3. Organizing conferences, seminars and workshops on disability issues.

4. Establish disability studies and research centers and benefit through programs directed to people with disabilities.

5. Widen the windows of mutual communication between society and people with disabilities and create and support associations that are interested in their rights and adopt their causes at local and international levels.

6. The Academy reaffirms the need to do everything possible to reduce the causes of disability, including pre-marital medical examinations and vaccination against poliomyelitis and other types of diseases.

7. Endorsing international conventions on the rights of people with disabilities without violating Shariah rules.

Indeed, Allāh is All-Knowing.

## Resolution No. 214 (10/22)

### Majority and Subordination in Financial Transactions: Cases, Criteria, and Conditions for their Achievement

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),

Having reviewed the recommendations of the scientific seminar on Majority and Subordination in Financial Transactions:

Cases, Criteria, and Conditions for their Achievement, held in Jeddah on 25–26 Şafar 1436h (17–19 December 2014),

Having recalled the Academy resolutions no. (30), (188), and (196), on the same subject,

Concludes that this subject requires alignment and integration between the relevant resolutions in order to

reformulate the recommendations of the above-mentioned seminar,

And plans to assign the Secretariat of the Academy to establish a scientific expert committee to present its conclusions to the Council at its next session.

Indeed, Allāh is All-Knowing.

## Resolution No. 215 (11/22)

### Continuation of the Research and Study on Cooperative Insurance Issues

Pursuant to the Academy resolution no. 200 (6/21) concerning Rulings and Standards for the Foundations of Cooperative Insurance, issued at its 21st session at Imam Muhammad bin Saud Islamic University in Riyadh, Kingdom of Saudi Arabia on 15–19 Muḥarram 1435h (18–22 November 2013), which requested a special seminar to discuss several issues related to cooperative insurance in preparation for the Council of the Academy to issue appropriate resolutions and recommendations on the subject,

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),

Having reviewed the recommendations of the seminar held in Jeddah, Kingdom Saudi Arabia on 15–19 Muḥarram 1435 (18–22 November 2013), which addressed the following questions and issues:

- Establishing Shariah-based conditions and regulations for the activities of a legal person working for the
- Determining the contractual relations governing the cooperative

insurance contract in terms of:

- o Adjustment of relations between the policyholders and the fund to determine the beginning of the donation commitment to avoid obscurity of returning donation during the distribution of the surplus.

- o Adjustment of relations between the shareholders and the insured in case of default of the subscription account (qard ḥasan/benevolent free loan).

- Examining the insurance surplus in terms of:

- o The extent to which part of the insurance surplus can be deducted to cover the risk of a deficit in the cooperative insurance fund.

- o The extent to which a specified percentage of the surplus can be deducted to cover the risk of natural disasters.

- The extent to which the indemnity granted to the manager of insurance transactions may constitute a part or a percentage of the insurance surplus for all its activities without deduction of contribution costs.

- The extent to which the possibility of combining a percentage of the amount of contributions with a percentage of

the surplus of the remuneration received by the insurance manager in return for managing the insurance operations, would provide an incentive to improve

- Studying the fundamentals of Waqf as a basis for Islamic insurance in all its aspects, explaining the motives behind the experiences implemented by companies concerned; and studying the extent to which this method fulfils Shariah conditions and regulations.

- Reviewing international experiences in cooperative insurance and identifying the extent of their compliance to the principles adopted in the resolution of the Academy 200 (6/21) concerning the rulings and regulations of Shariah on the principles of cooperative insurance.

Having examined and discussed the above-mentioned questions and issues,

Resolves

Resolutions shall be divided into three aspects as follows:

Aspect I: Insurance Surplus

- The extent to which a part of the insurance surplus can be deducted to cover the risk of a deficit in the cooperative insurance

- The extent to which a certain



percentage of the realized insurance surplus can be deducted to cover the risk of natural disasters.

- The extent to which the remuneration that may be paid to the insurance manager for his management of insurance transactions may constitute a part or a percentage of the insurance surplus for all its activities without deduction of contributions fees.

- The extent of the possibility of combining a percentage of the amount of the contributions with a percentage of the surplus of the remuneration received by the insurance manager in exchange for managing the insurance operations, which may be considered as an incentive to improve

After reviewing its recommendations, the Council of the Academy reaffirms articles 4 and 6 of resolution no. 200 (6/21), and considers that making *aw'adh* (compensation) a percentage of the surplus or making a percentage of the surplus an incentive for the managing party, should not be taken into consideration as it leads to practical and jurisprudential obscurities.

Aspect II: Study of the Waqf Foundations of Islamic Insurance in all its Aspects

In accordance with article 16 of resolution no. 200 (6/21) concerning Shariah rulings on the principles of cooperative insurance, which states the following: It is possible to establish a financial and charitable Waqf based on the making Waqf of money (*Waqf al-nuqūd*). The Council of the Academy estimates that it can benefit from the Waqf in the implementation of the previous resolution through the following procedures:

1. It is permissible to establish Waqf *al-takaful* fund (cooperative Waqf) to cover some risks of the proceeds of the funds. It is also permissible to accept donations for different types of insurance. There is no established prohibition in

Shariah on expenditures from the profits of *awqāf* and from the established *awqāf* and the donations received to cover risks.

In order to cover these risks, the *awqāf* supervisory authorities of different countries, in coordination with the competent authorities of the cooperative insurance sector, should organize this type of activity in accordance with what they consider a factor for realizing the general interest and in compliance with the principles of justice.

2. It is permissible to deduce a portion of the insurance surplus to constitute a financial Waqf and strengthen the fund's solvency and its ability to cover the insured risks.

3. It is permissible for Islamic insurance companies to create a Waqf fund with financial contributions deducted from insurance surplus to use their proceeds in the event of a deficit or default of the companies participating in the fund.

Therefore, the Waqf fund may be used in the field of cooperative insurance, but it cannot replace the formulas that the Academy has clarified in its resolution.

Aspect III: Examination of international experiences in cooperative insurance and identifying the extent of their commitment to the principles stated in resolution no. 200 (6/21) on Shariah rulings and regulations regarding the foundations of cooperative insurance

In the light of the studies on international experiences, the Council observed that most international experiences in the application of cooperative insurance have been in line with the Academy resolution no. 200 (6/21), but some infringements have been noted, in particular:

First: absence of internal Shariah Supervisory Boards in some *takaful* insurance companies.

Second: managing company is required to pay the benevolent loan (*qard hasan*) or

to commit itself in advance to it, as this is in contradiction with article 9 of the resolution of the Academy issued at its 21st session.

Third: non-disclosure of cooperative insurance mechanisms and procedures to participants at the time of the conclusion of the contract.

Fourth: sharing the insurance surplus between the managing company and subscribers, as the company has already received its lease/payment right or a percentage of the profits under what was approved for the agency contract (*wakāla*) or speculation contract (*Muḍārabah*).

Fifth: the policyholder must waive the benefit of *Muḍārabah* if the profit falls below a specified amount.

Recommendations

First: the wide dissemination in different languages of the Academy resolution no. 200 (6/21) and its present resolution at the current session, which shall constitute a comprehensive reference for the principles and foundations governing the activities of cooperative insurance from a Shariah perspective. This shall include its distribution among operative cooperative insurance companies and their Shariah Supervisory Boards.

Second: recommending to legislative and fatwa councils working in the field of cooperative insurance in Muslim countries to include the two resolutions of the Academy in their legislation, in addition to mentioning the Academy as an official and leading reference in Shariah.

Third: recommending to include in the legislation governing cooperative insurance the declaration providing insurance pot (policyholder fund – independent accounts from the company accounts) – a legal personality that must include all the participants in the cooperative insurance accounts while taking note of the resolution of the Academy no. 200

(6/21). Thus, these legislations identify who should represent this legal personality in a manner that does not lead to conflicts of interest.

Fourth: publishing governance standards

for Islamic insurance institutions and companies, in order to achieve the high objectives and vision of the Academy in its resolution no. 200 (6/21), which includes preserving the rights of the parties

involved, in particular, the managing party and the insurance fund, in order to avoid conflicts of interests and to render justice to both parties.

Indeed, Allāh is All-Knowing.

## Resolution No. 216 (12/22)

### Visit to Jerusalem: Shariah Objectives and Rulings

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 22nd session in Kuwait City, State of Kuwait, on 2–5 Jumādā al-Ākhirah 1436h (22–25 March 2015),

Having examined the research papers submitted to the Academy concerning the Visit to Jerusalem: Shariah Objectives and Rulings,

Having listened to the in-depth discussions

on the subject,

Concludes that the Shariah ruling regarding this visit is a desirable and recommended act, but the discussion focused on the advantages and disadvantages of this visit. Considers that the evaluation of these advantages is due to competent specialists such as rulers and decision-makers in Muslim countries.

It is, therefore, necessary to remind all Muslims that the cause of al-Quds al-

Sharīf (Jerusalem) is the cause of the entire Ummah, and it is an obligation to support and help al-Quds al-Sharīf, its inhabitants, and the Palestinian people. Al-Quds Al-Sharīf is not only the concern of the Palestinian people but of all Muslims. The preservation of Al-Aqsa Mosque is part of the Islamic faith and among the responsibilities of Muslims.

Indeed, Allāh is All-Knowing.

