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WAQF INSTITUTIONS IN KUWAIT: HISTORICAL PERSPECTIVE

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ABSTRACT

Waqf is an Islamic financial institution that can be operated to fulfil the various needs of the Muslim community. This qualitative-based research aims to review the beginnings of waqf in Kuwait up until the current day. It also aims to explain the Kuwait Awqaf Public Foundation experience as well as highlight the works of waqf institutions and their waqf share schemes. It can be concluded that Kuwait has a very rich waqf history and a considerable present experience, with variations between government and private practice.

Keywords: *endowment, waqf, KAPF, waqf institutions, Kuwait*

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INTRODUCTION

The institutionalization and development of waqf transpired under Islamic civilization. Although the Qur'an does not contain explicit verses referring to waqf, the four Islamic schools of thought and jurists (Ḥanafī, Mālikī, Shāfi'ī, and Ḥanbalī) consented that several verses and sunnah indicate the legitimacy of waqf.[4] Allah decrees in Surah Ali-'Imrān, verse 92:

لَن تَنَالُوا الْبِرَّ حَتَّىٰ تُنفِقُوا مِمَّا تُحِبُّونَ ۚ وَمَا تُنفِقُوا مِن شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ ﴿٩٢﴾

"You can never attain righteousness unless you spend in the cause of Allah that which you dearly cherish; and whatever you spend, surely it is known to Allah."

(Surah Ali-'Imrān, 3: 92)

Prophet Muḥammad (pbuh) said:

إِذَا مَاتَ ابنُ آدم انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثٍ: صَدَقَةٍ جَارِيَةٍ، أو عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ

"When the son of Adam dies, no further reward is recorded for his actions, with three exceptions: a charity whose benefit is continuous, knowledge from which benefit continues to be reaped or the supplication of a righteous son (for him or her)."[5]

Eventually, waqf developed to become an instrument that fulfills the multiple vital needs of Muslims in different sectors, which would otherwise be borne by government bodies. This includes transportation, jobs, agriculture, business and commercial, fare and accommodation, industrial sectors, national security, education, and health care. Waqf is also practiced by rulers worldwide via their contributions of libraries and laboratories for community usage. A waqf donor would do so for the sake of Allah SWT. Hence, waqf is an institution of wealth redistribution which

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4 Ahmed Abdel-Moneim Hassan, 'Waqf in Islamic Jurisprudence', (Proceeding of the Seminar on Management and Development of Awqaf Properties, Jeddah, 4th-16thAugust 1984).

5 Abī Zakariyyā Maḥy al-Dīn Ibn Sharf Al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim bi Sharḥ al-Imām Muḥy al-Dīn al-Nawawī*, vol. 11 (Bayrūt: Dār al-Ma'rifah, 2005).

aims to safeguard the welfare and prosperity of the nation; for the donor, the aim is to reap rewards in the afterlife. Since Kuwait is a well-known "international humanitarian centre"[6] and a general coordinator of waqf institutions for OIC nations,[7] this study sets out to review the country's experience in managing waqf funds from a historical perspective. It also aims to shed light on current practices in government institutions specifically the Kuwait Awqaf Public Foundation, as well as in private institutions particularly waqf institutions. Thus, this paper discusses the history of waqf in Islam, the history of waqf in Kuwait, the Kuwait Awqaf Public Foundation experience, and the practice of waqf institutions in Kuwait.

In a quasi-welfare state where oil is the primary export, the general financial condition of the population does not inhibit generosity. Kuwait – home to the world's first sovereign wealth fund and the sixth-largest oil reserve – practices elements of giving such as free education and healthcare. The World Bank forecasted that Kuwait's GDP would expand by 2.4% in 2019, supported by the oil industry, followed by a 3.2% growth in 2022 and 2023 (World Bank, 2021)[8]. As is the case in the majority of nations, the economic condition in Kuwait eases charitable practices.

Charitable work including the distribution of zakat to assist the poor and orphans is regarded as a religious obligation in Kuwaiti society. During religious occasions, particularly in the holy month of Ramadan and at the wake of disasters such as refugee crises, famine, and civil wars, charities would raise more money for the relief of the afflicted. During these crises, the Direct Aid Society collects donations online. For the Somali famine, the organization managed to collect more than USD 8 million in 12 hours, and for the Kenyan orphans, it collected nearly USD 4 million in 14 hours (Derwaza.com, 2017).[9] However, on the CAF WGI 2018 map, Kuwait is

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6 Mara A. Leichtman, *Kuwaiti Humanitarianism: The History and Expansion of Kuwait's Foreign Assistance Policies* (n.p: Stimson Center, 2017).

7 Ibrahim Ahmed Khalil, Yunus Ali & Mohammad Shaiban, 'Waqf Fund Management in Kuwait and Egypt: Can Malaysia Learns From Their Experiences', *Proceeding of the International Conference on Masjid, Zakat and Waqf (IMAF 2014*) (Kuala Lumpur, 1-2 December 2014), 1-2.

8 World Bank, 'World Development Indicators', *The World Bank Group*, https://databank.worldbank.org/reports.aspx?source=2&country=KWT, accessed on 24 January 2021.

9 Derwaza.com, 'Direct Aid": the "Blessed Somalia" Campaign Raises 2.5 Million Dinars', *Give*, https://www.give.org.kw/en/projects, accessed on 24 January 2021.

ranked 33rd with a score of 43 percent which is inconsistent with the country's efforts in philanthropy works.

Based on the above, this paper aims to explain the different stages of endowment development in Kuwait in two different sectors namely the government sector represented by the Kuwait Awqaf Public Foundation (KAPF) and the public sector represented by waqf institutions. Moreover, this paper aims to enrich the existing body of knowledge on waqf, especially in Kuwait.

METHODOLOGY

This paper is qualitative in nature, with the objective of explaining, examining, and documenting the history of waqf in Kuwait. It uses secondary and archival information including books, journal articles, refereed journals, government reports, websites, and other documents of interest to shed light on the contemporary practice of waqf in the country.

HISTORICAL BACKGROUND OF WAQF

Waqf, in its literal sense, predates the introduction of Islam to the Arabian Peninsula. This is demonstrated by the presence of houses of worship built for the benefit of the public.[10] Monastic produce and profits were utilized to maintain and repair the facilities, as well as provide compensation for the caretakers.[11] In the history and civilization of mankind, the al-Ḥarām and al-Aqṣā mosques were the most prominent waqf. Religious folks also funded churches and synagogues for the purpose of public worship. However, the true concept of waqf did not crystallize until the arrival of Islam.[12]

There is a divide among scholars regarding the first waqf in Islam, whether during the era of Prophet Muḥammad (PBUH) or 'Umar Ibn Al-

[10] Junarti Junarti, Syed Musa Alhabshi, Isnan Hari Mardika & Saiful Anwar, 'Sustainability of Waqf Muhammadiyah: A Historical Study from Past to Present,' *The International Journal of Business Review (The Jobs Review)*, vol. 4/1 (2021): 41-54.

[11] Muḥammad Abū Zuhrah, *Muḥāḍarāt fī al-Waqf* (Cairo: Dār al-Fikr al-'Arabī, 1971).

[12] Benedikt Koehler, 'Muhammad's Conception of Property as a Bundle of Rights', *Economic Affairs*, vol. 35/1 (2015): 52-59.

Khaṭṭāb.[13] Some scholars believe that Prophet Muḥammad (PBUH) made the first waqf after the Hijrah (migration from Mecca to Medina). Upon his arrival in Medina, Prophet Muḥammad (PBUH) purchased a plot of land from Banī al-Najjār for 800 dirhams and subsequently built the Nabawī Mosque.[14]

Others pointed out that the first waqf was made by ‘Umar bin al-Khaṭṭāb based on the following hadith:

> "*Ibn ‘Umar reported: ‘Umar acquired land at Khaybar. He came to Allah's Apostle (may peace be upon him) and sought his advice regarding it. He said: "Allah's Messenger, I have acquired land in Khaybar. I have never acquired property more valuable for me than this, so what do you command me to do with it? Thereupon he (Allah's Apostle) said: If you like, you may keep the corpus intact and give its produce as Sadaqa".*

‘Umar hence gave it as Sadaqa declaring that the property must not be sold or inherited or given away as a gift. And ‘Umar devoted it to the poor, to the nearest kin, and to the emancipation of slaves, in the way of Allah and guests. There is no sin for one, who administers it if he eats something from it in a reasonable manner, or if he feeds his friends and does not hoard up goods (for himself).[15]

Righteous Companions such as Abū Ṭalḥah, Abū Bakr, Mu‘ādh bin Jabal and ‘Uthmān bin ‘Affān dedicated their possessions to waqf. Abū Bakr granted a plot of land, while ‘Uthmān bin ‘Affān bought the well of al-Rūmah and allotted it to the Muslims. Mu‘ādh bin Jabal handed over his

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[13] Wan Kamal Mujani, Mohd Syakir Mohd Taib, Rifin Mohamad Khairul Izwan & Kartini Aboo Talib Khalid, ‘The History of the Development of Higher Education Waqf in Malaysia’, *International Journal of Civil Engineering and Technology (IJCIET)*, vol. 9/3 (2018): 549-557.

[14] Monzer Kaḥf, *Al-Waqf al-Islāmī, Taṭawwuruh, Idāratuh, Tanmiyatuh* (Bayrūt: Dār al-Fikr al-Mu‘āṣir, 2000).

[15] Wan Kamal Mujani, Rusnadewi Abdul Rashid, Wan Mohd Hirwani Wan Hussain & Noor Inayah Yaakub, ‘A Comparative Study Between Partition and Sub-Division of Land Under Mamluk Iqta’ System and Malaysian National Land Code 1965’, *Journal of The Social Sciences* vol.7/2 (2012): 189-195.

house as waqf. Abū Ṭalhah also donated the beloved Bairaha farm as waqf.[16]

Based on the previous examples, it becomes clear that most of the waqf in the era of the Prophet (PBUH) consisted of plots of land for building mosques, date farms, and homes that are used as educational centres.[17] This is related to the perception of the role of mosques in the early days of Islam whereby mosques were not only a place of worship, but also serve as educational centres, places of gathering, centres of wars, and places of conventions.[18]

The growth of waqf continued and reached its climax in the Ottoman era when the sultan and the walis introduced administrative formations and instructions for its organization. However, since the beginning of the 19th century, the role of waqf has been waning.[19] Many scholars have discussed and linked this collapse to several causes, such as mismanagement by the guardians, the government's interference in the management of waqf, and colonialism which replaced Sharī'ah law – including that of waqf – with secular law. In addition, there is poor awareness among Muslims that waqf can be made outside of the scope of religious affairs.[20]

BACKGROUND OF WAQF IN KUWAIT

Waqf in Kuwait is as ancient as the country itself, forming one of the components of the nation's Islamic identity. Donors (wāqif) in Kuwait

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16 'Imād al-Dīn Abī al-Fidā' Ismā'īl 'Umar Ibn Kathīr al-Qurshī al-Damashqī, *Tafsīr al-Qur'ān al-'Aẓīm,* vol. 2 (Bayrūt: Mu'assasah al-Risālah Nāshirūn, 2016), 73.

17 Nurul Adilah Hasbullah & Asmak Ab Rahman, 'Endowment and Waqf Funds in Malaysian Higher Education: A Conceptual Study', *Jurnal Syariah*, vol. 29/1 (2021): 127-154.

18 Nurul 'Athiqah Baharudin & Alice Sabrina Ismail, 'Communal Mosques: Design Functionality towards the Development of Sustainability for the Community', *Procedia-Social and Behavioral Sciences*, vol. 153 (2014): 106-120.

19 Magda Ismail Abdel Mohsin, 'New Frontiers For Cash-Waqf Models For Socio-Economic Development', In *Waqf Development and Innovation: Socio-Economic and Legal Perspectives*, eds. Syed Nazim Ali & Umar A. Oseni (New York: Routledge, 2021), 63-73.

20 Muhammad Akram Khan & Noor Muhammad Ghifari, 'Shatibi's Objectives of Shariah and Some Implications For Consumer Theory', in *Readings in Islamic Economic Thought: Selected Readings*, eds. Abul Hasan M. Sadeq & Aidit Ghazali (Kuala Lumpur: Longman Malaysia, 1992), 176.

used to build mosques in every neighbourhood to encourage Muslims to pray in congregation and to get closer to Allah the Almighty. They generally allocate a third of their real estate for the construction of mosques. The early generation of Kuwaiti donors did not stop at only building mosques; they also constructed and outfitted mosques entirely at their own expense in other towns and capitals to serve as a home for worshippers and the virtuous. By contributing real estate and land, they helped in creating income for the mosques and its employees. Cooperation between the donors extended beyond mosque building, with most mosques having more than one endowment in the form of a house, shop, or land.[21]

The majority of waqf in Kuwait are concentrated on mosques. The documents reported that there are 300 charitable awqaf recorded in the waqf archives, of which 140 are for mosques such as the Al-‘Adsānī, Al-Nu‘mān, Al-Qaṭāmī, Al-Sarḥān, Ibn Khamīs, Al-Wazzān, and Hilāl mosques.[22]

Back in the day, most waqf were diffused in the old downtown of Kuwait such as Sharq, Qiblah, and Mirqāb. Consequently, real estate in those regions became – and still is – pricey. The endowments were later broadened to include real estate owned by Kuwaiti endowments overseas such as the Hilāl Al-Muṭayrī Waqf in India and Bahrain, and the Munīrah Al-‘Ateeqī Waqf in Makkah Al-Mukarramah, as well as numerous other endowments in Baṣrah and Al-Aḥsā’.[23]

Table 1: Beneficiaries of Mosque Endowments

Research Objective	Categorical Theme
The Imām and the Mū’azzin	Waqf provides the imām or mū’azzin with housing, wages, and clothing (e.g., the ‘Alī bin Ḥamad Mosque).
Reconstruction of the mosque	Waqf is dedicated to the re-building and conservation of the mosque (e.g., the Al Shāya‘ Mosque).
General waqf on the mosque	Waqf is assigned to a specific mosque

[21] Khaled Yūsuf al-Shaṭṭī, *Al-‘Amal al-Taṭawwu‘ī al-Kuwaytī fī Arba‘ah Qurūn (The Kuwaiti Volunteer Works Within Four Century*) (Kuwait: Kuwait Center for Documentation of Humanitarian Work (Fanār), 2018), 50, https://1drv.ms/w/s!AqUvgUy4YxBAe7mzGzCVUzqdfwU?e=rxBJf6

[22] Khaled Yūsuf al-Shaṭṭī, *Al-‘Amal al-Taṭawwu‘ī al-Kuwaytī fī Arba‘ah* Qurūn, 50.

[23] Khaled Yūsuf al-Shaṭṭī, *Al-‘Amal al-Taṭawwu‘ī al-Kuwaytī fī Arba‘ah* Qurūn, 50.

	without reference to the pool of beneficiaries (e.g., one-third of the house of Farḥān al-Khalid to al-Mahra Mosque).
A school for memorizing the Holy Qur'an	Waqf appointed for the teaching of Qur'an in the mosques (e.g., Nāheḍ Mosque and Shamlān 'Alī Al-Sayf).
Reconstruction of the imam and mū'azzin's dwelling	Waqf is dedicated for endowing houses and mosques (e.g., Al-Shāya' Mosque).
Tools that the mosque needs, such as brushes, buckets, ropes, and lamps	Waqf devoted to needed materials such as carpets, pails, cords, and lights (e.g., Al-Badr Mosque).
Waqf of which proceeds are spent on people who are fasting	Waqf designated for Iftar after fasting (e.g., the Al-Shāya' Mosque).

Source: History of Waqf, KAPF, 2022[24]

Waqf is not only limited to mosques. For example, it can be in the form of consumables given to the poor in Muslim nations, particularly during holy celebrations, seasons, holidays, and throughout the month of Ramadan. The digging of wells and delivery of feasts and foodstuff to the poor and needy inside and outside the country are known as 'Ashiyāt.[25] On 'Eid al-Aḍḥā, sacrifices are distributed to the poor both inside and outside of Kuwait. It should be noted that in the case of the three endowments (food, dining, and sacrifice), the waqf administration currently sends part of the funds allocated to the Zakat House every year to be disseminated according to the endowment conditions. Waqf also covers the publishing of Islamic literature and the Holy Qur'an, as well as their distribution to poor Muslim nations. Scholarships for students to study Sharī'ah or other acceptable disciplines in foreign countries may also be a form of waqf. The next section will discuss the history of waqf movement in Kuwait which has gone through several stages.[26]

THE FIRST STAGE: FAMILY ADMINISTRATION (PRE-1921 AD)

Waqf has existed since the founding of the Kuwait State when the citizens constructed mosques and donated them as waqf for public usage. The

[24] N.a, 'History of Waqf', *Al-Amanah Al-'Āmmah li al-Awqāf*, https://www.awqaf.org.kw/EN/Pages/HistoryOfWaqf.aspx, accessed on 22 January 2022.

[25] N.a, 'History of Waqf', *Al-Amanah Al-'Āmmah li al-Awqāf*.

[26] Khaled Yūsuf al-Shaṭṭī, *Al-'Amal al-Taṭawwu'ī al-Kuwaytī fī Arba'ah* Qurūn, 50.

earliest known waqf in Kuwait was the Ibn Baḥr Mosque built in 1108 AH/1695 AD. This period was distinguished by the direct administration of Awqāf by endowers or selected governors (Nāẓirs) whose activities were recognized and legalized by one of the most honest and competent judges, Shaykh Muḥammad bin ‘Abd Allāh Al-‘Adsānī. The late Shaykh Muḥammad was the most influential judge in notarizing Waqf deeds and papers at the time. He was in office for more than 60 years. During this time, waqf varied based on the needs of the community or the local environment. Thus, most of the awqāf consisted of dwellings, stores, wells, palm trees and fishing ponds. These awqāf were designated for mosques, sacrificial meat, feasts, water supply, memorization of the Holy Qur’an, alms, public good, books, supererogatory voluntary deeds (Nawāfil), helping relatives and the needy, and so on. However, despite being a noble and honest representation of social solidarity in the Kuwaiti community, there was a lack of adequate supervision and direction in deciding the course of waqf activities and extending them to broader social goals.[27]

THE SECOND STAGE: THE FIRST GOVERNMENT ADMINISTRATION (1921-1948 AD)

Up until the beginning of the 20th century, the state structure was simple with localized activities. Defense, security, customs, and coordination of maritime and commercial activities were solely the responsibility of the State. However, within the 20th century, with all the global and regional turmoil, crises, world wars, and shifts in global interests in other regions, Kuwait was forced to forge a path towards modernization. This involved the establishment of the Department of Waqf in 1921 AD, which was responsible for putting in place controls over the system and ensuring the development and maturity of endowments. However, due to its weak potential, the development was insignificant.[28]

[27] Dahi Al-Fadli, ‘Experience of the Advancement of the Developmental Role of Waqf in Kuwait’, (Working paper prepared by the Deputy Secretary-General of Kuwait Awqaf Foundation, Kuwait Awqaf Public Foundation, 20 September 1998).

[28] Dahi Al-Fadli, ‘Experience of the Advancement of the Developmental Role of Waqf in Kuwait’.

THE THIRD STAGE: THE SECOND GOVERNMENT ADMINISTRATION (1949-1961AD)

In this period, the government attempted to broaden the scope of its management. To achieve this goal, it expanded the Awqaf Administration in late 1948 to better activate the function of waqf in servicing houses of worship and the poor. It increased citizen engagement in the monitoring of waqf matters by establishing the Awqaf Council, led by the late Shaykh ‘Abd Allāh Al-Jāber Al-Ṣabāḥ and of which consisted of a group of people. The council held its first meeting in January 1949 and was reconstituted in 1951, 1956, and 1957.[29]

The late ‘Abd Al-Raḥmān Al-‘As‘awsī was appointed as the first director of the Awqaf Administration. By appointing Imāms and Mū’azzins, the administration gradually expanded its oversight to the existing mosques at the time. This move received strong opposition from some members who believed that it would limit their duties and diminish their efforts. As a result, the administration proposed a meeting with the mosque officials to convince them to hand over their control. The administration gradually ascended to the position of director in charge of all mosques and waqf funds. The administration instantly began implementing a strategy to coordinate waqf operations such as mosque renovations and salary schedules for the Imāms and Mū’azzins. This was a step towards institutionalization, marking a turning point in Kuwait's waqf administration history.[30]

On April 5, 1951, a higher Emiri decree was issued to bring Awqāf-related judicial judgements into force. These regulations underscore the investigation of waqf matters using information derived from the four Imāms' theories, as well as legitimate principles specified in the Malikite Doctrine concerning waqf and other matters that are not stated in the Emiri order.[31]

THE FOURTH STAGE: THE MINISTRY (1962-1990 AD):

The management of waqf underwent a critical juncture with Kuwait’s declaration of independence and the formation of its first government. It was given the name Ministry of Awqaf on January 17, 1962, and was later

[29] Dahi Al-Fadli, ‘Experience of the Advancement of the Developmental Role of Waqf in Kuwait’.

[30] N.a, ‘History of Waqf’, *Al-Amanah Al-‘Āmmah li al-Awqāf*.

[31] N.a, ‘History of Waqf’, *Al-Amanah Al-‘Āmmah li al-Awqāf*.

suffixed with (Islamic Affairs) on October 25, 1965. The new ministry assumed great duties, among which was waqf. At the time, the Deputy Assistant for Administrative and Financial Affairs was responsible for managing endowments. Waqf matters remained within the organizational structure of the ministry until 1982. Later, the management of waqf became an independent sector, whereby civic participation in waqf activities and management was at an all-time low.

THE FIFTH STAGE: THE IRAQI INVASION (1990-1962 AD):

Various forms of resistance emerged during this challenging period in Kuwait's history, such as the rise of a group of Waqf staffers who persisted in their arduous endeavours following the ministry's guidelines and coordination. This was driven by a strong desire to protect Waqf papers – particularly older ones – from accidental loss and obliteration, as they prove the presence of a legal government in Kuwait since the beginning of time and that Kuwait has been an autonomous state. At the time, waqf personnel were successful in removing all the documents from the ministry and storing them outside. It is worth noting that the Awqaf Public Foundation is now examining waqf papers with the help of the Kuwaiti Centre for Studies to demonstrate and illuminate historical truths about Kuwait.[32]

THE SIXTH STAGE: THE POST-LIBERALIZATION OF KUWAIT (1991-1993 AD):

This is one of the most pivotal eras in Kuwait's modern history. Communities emerged with a new spirit during this time, which had a good impact on government management since they were willing to address the obstacles and problems caused by the Iraqi invasion. The Waqf sector is one of the government sectors which had made significant progress in terms of defining its goals and developing its tools of trade. The Ministry of Waqf and Islamic Affairs was restructured, and the waqf sector was split into two sub-sectors because of the regulatory decrees. One of these sectors was related to the administration of waqf resources. The former waqf system had several beneficial aspects, the most notable of which was the attainment of a degree of flexibility, which was absent in the work, as well as a new orientation that drew active components to participate effectively

[32] Khaled Yūsuf al-Shaṭṭī, *Al-ʻAmal al-Taṭawwuʻī al-Kuwaytī fī Arbaʻah* Qurūn, 50.

in work and development thereof. This time was also marked by the reorganization of working units in the waqf sector, as well as the removal of all forms of aggression that afflicted a large portion of awqāf, particularly waqf-owned real estate. During this time, philanthropic endowment began directing a portion of its resources toward addressing some of the society's socioeconomic concerns.[33]

THE SEVENTH STAGE: THE AWQAF PUBLIC FOUNDATION (1993- PRESENT):

After Kuwait's independence, the state of the waqf sector was far behind from matching Kuwait's optimistic aspirations. Therefore, for this sector to obtain stature and the necessary freedom to conduct the actual activity with great skill and aptitude, a fundamental transformation was required. Following an Emiri edict signed on November 13th, 1993, the Awqaf Public Foundation (KAPF) was founded. It stated that the Public Foundation will perform the tasks in the Waqf domain that had previously been assigned to the Ministry of Waqf and Islamic Affairs. As a result, the Awqaf Public Foundation arose as a governmental system with a degree of autonomy in making choices based on the Kuwaiti government's criteria and rules, and it became the supervisor of waqf matters both in Kuwait and overseas.[34]

As stated in Article (2) of the decree establishing the institution: "Awqaf Public Foundation is concerned with calling for the endowment and carrying out everything related to its affairs, including managing its money, investing it and spending its proceeds within the limits of the conditions of the endowment in a manner that achieves the legitimate purposes of the endowment and develops the community in civil, cultural and social development to reduce the burden on the needy in society." Kuwait's Awqaf Public Foundation has been named a general coordinator of waqf institutions of OIC nations by the Organization of Islamic Cooperation (OIC) in 1997 for its pioneering experiences in waqf fund administration.[35]

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[33] N.a, 'History of Waqf', *Al-Amanah Al-'Āmmah li al-Awqāf*.

[34] Ibrahim Ahmed Khalil, Yunus Ali & Mohammad Shaiban, 'Waqf Fund Management in Kuwait and Egypt', 1-2.

[35] Dahi Al-Fadli, 'Experience of the Advancement of the Developmental Role of Waqf in Kuwait'.

1. Kuwait Awqaf Public Foundation Organizational Structure

a) Investment of Waqf Funds in Kuwait

The KAPF resources development section oversees growing waqf resources and opens new vistas to diversify the manner and regions in which waqf assets might grow. According to Dahi, a specific investment unit has been formed to carry out the job of developing and investing waqf funds in various sectors, in order to produce a qualitative difference in the investment and development of waqf funds in Kuwait, as follows:

i) **Real estate investment**: A real estate agency oversees the development and management of waqf real estate holdings, which includes feasibility studies, planning, and the necessary finance to carry out real estate investment activities.

ii) **Direct long-term investment:** This is an asset class developed by KAPF to invest in non-governmental educational institutions as well as to provide administration and preliminary consulting services.

iii) **Financial investment:** KAPF has a very active investment strategy and uses a variety of ways to grow its funds, including Sharī'ah-compliant assets like medium and long-term mutual funds. Furthermore, KAPF is involved directly in securities investments on a local, regional, and worldwide level, particularly in the real estate, financial, and service sectors.[36]

WAQF FUNDS IN KUWAIT

The waqf funds model in Kuwait has attracted the attention of scholars and researchers. This model relies on an executive framework to achieve waqf goals via the collaboration of civil society associations and competent bodies.[37] According to Al-Zuḥaylī Moḥammed, KAPF has created 10 functioning waqf funds across three sectors. Religious development funds for the study of the Holy Qur'an and its sciences, mosque maintenance, and Islamic cooperation, as well as education and general funds for scientific development, culture and thought, and environmental preservation all

[36] Dahi Al-Fadli, 'Experience of the Advancement of the Developmental Role of Waqf in Kuwait'.

[37] Ibrahim Ahmed Khalil, Yunus Ali & Mohammad Shaiban, 'Waqf Fund Management in Kuwait and Egypt', 1-2.

contribute to community development.[38] The KAPF waqf system aims to maximize economic and social value, as it produces its source of income. Due to the different sources of funding, the experience of KAPF is different from that of other countries. The following policies constitute KAPF's waqf income:

1. Dedication of a share of waqf incomes to be added up to the waqf assets.
2. The fund receives revenues in return for some of the activities and services it provides.
3. Bequests, gifts, and contributions that are in line with waqf principles and rules established by the CAP Planning Committee.
4. The allocation of the General Charitable Income for Investment by the KAPF Projects Committee (as determined by the Chairman of the Board of Waqfs Affairs) (The Minister).

DISTRIBUTION OF WAQF REVENUES IN KUWAIT

The KAPF collaborates with government agencies and charity organizations to disburse waqf funds for social development. Al-Fadli identified the KAPF, regulations, and criteria for waqf revenue distribution, which include:

1. Participation of relevant civil society institutions in the distribution of waqf earnings to make it a collaborative process.
2. Families and residents are included as stakeholders in the distribution process to promote waqf as a family waqf.
3. The distribution of waqf profits ensures that the founders' goals and stipulations are met, as well as the waqf's community development goals.
4. Setting and implementing effective means for distributing waqf revenues to guarantee proper distribution.[39]

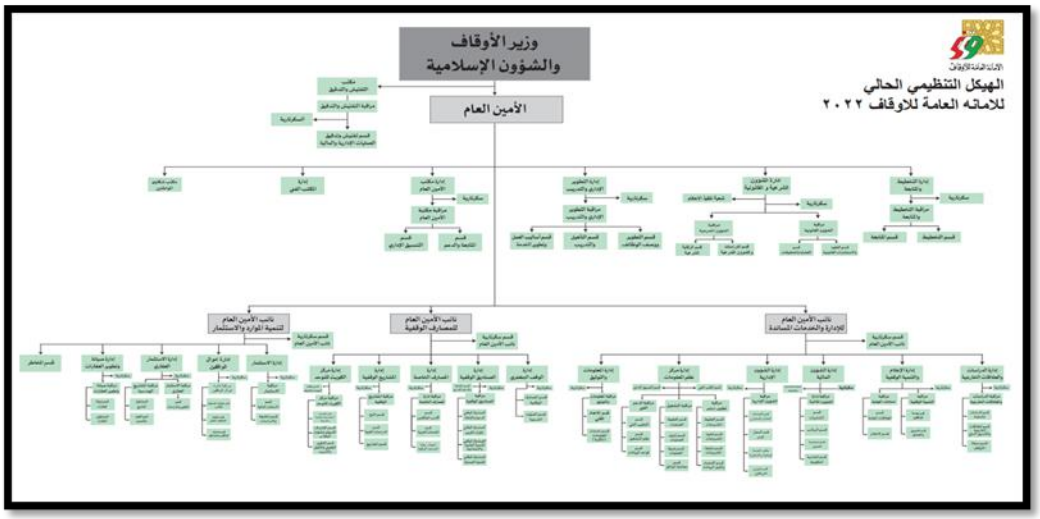
The creation of numerous initiatives for the benefit of Kuwaitis through waqf-based community-based services was aided by these norms and

[38] Muḥammad Muṣṭafā Al-Zuhaylī, 'Al-Ṣanādīq al-Waqfiyyah al-Mu'āṣirah: Takyīfahā, Ashkāluhā, Ḥukumahā, Mushkilātuhā', *The Second Awqaf Conference* (Saudi Arabia: Umm Al-Qura University, 2007).

[39] Dahi Al-Fadli, 'Experience of the Advancement of the Developmental Role of Waqf in Kuwait'.

criteria. Among them are the Waqf initiative for health development, student sponsorship projects, and social and scientific development projects.

Figure 1: Kuwait Awqaf Public Foundation Organizational Structure



Source: Organizational Structure, KAPF, 2022.[40]

WAQF INSTITUTIONS IN KUWAIT

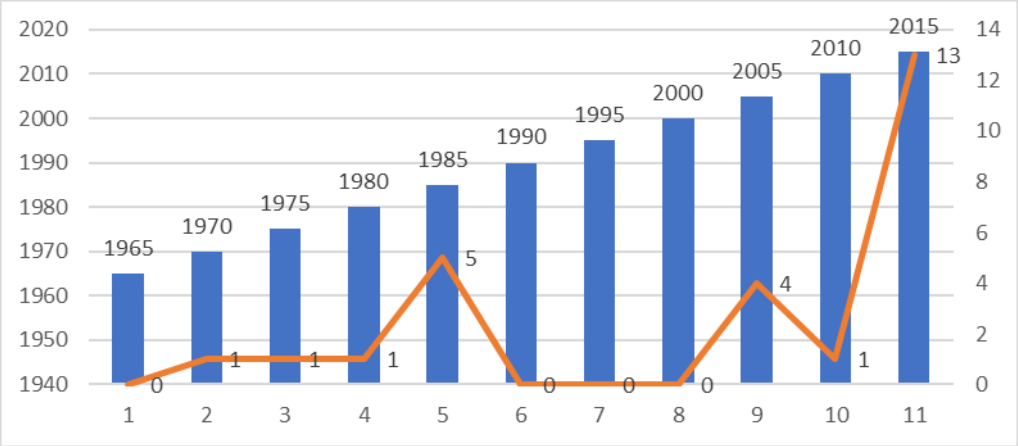
In the context of Kuwaiti culture, waqf institutions and Islamic charities refer to the same meaning. These institutions provide social development projects and services in Kuwait and abroad through funding from donors.[41] Historically, most Kuwaitis were vulnerable workers who depended on pearl diving, agriculture, and animal husbandry, as well as having shortcomings in state institutions with high levels of poverty. In response to this situation, the Arab Charitable Society was established in 1913 as the

[40] N.a, 'Organizational Structure', *Al-Amanah Al-'Āmmah li al-Awqāf*, https://www.awqaf.org.kw/EN/Pages/OrganizationStructure.aspx, accessed on 22 January 2022.

[41] Saeed Awadh Bin-Nashwan, Meshari Al-Daihani, Hijattulah Abdul-Jabbar & Lutfi Hassen Ali Al-Ttaffi, 'Social Solidarity Amid The COVID-19 Outbreak Fundraising Campaigns and Donors' Attitudes', *International Journal of Sociology and Social Policy*, vol. 42/3/4 (2020).

first charitable society in Kuwait.[42] Over the years, the number of Islamic charities has gradually increased. According to the Kuwait Humanitarian Report, there are currently 26 charities operating in Kuwait.[43]

Figure 2: A Timeline of The Establishment Dates of Waqf Institutions in Kuwait



Source: Developed by Author for the Current Study

Based on the above graph, it can be seen that the number of Islamic charitable organizations (waqf institutions) has increased significantly in the past years. In 2015 alone, thirteen Islamic charitable societies were formed. This prosperous growth can be attributed to the government's policy of making Kuwait a centre for humanitarian work. This was achieved in 2014 when the United Nations Secretary-General, Ban Ki-moon, named the small Gulf country "an international humanitarian centre" and His Highness the Emir Shaykh Ṣabāḥ al-Aḥmad al-Jāber al-Ṣabāḥ a "humanitarian leader".[44] Kuwait also announced the $1 million ʻAbd Al-Raḥman Al-Sumayṭ Prize for Development Research "to honour individuals or institutions who help advance economic and social development, human resource development and infrastructure on the

[42] Khaled Yūsuf al-Shaṭṭī, *Al-ʻAmal al-Taṭawwuʻī al-Kuwaytī fī Arbaʻah* Qurūn, 110.

[43] Sunbulah, *Taqrīr al-Kuwayt al-Insānī li ʻĀm 2017* (State of Kuwait: Ministry of Social Affairs, 2019).

[44] Mara A. Leichtman, *Kuwaiti Humanitarianism: The History and Expansion of Kuwait's Foreign Assistance Policies*.

African continent".[45] Currently, Kuwaiti NGOs with official assistance manage drought and hunger relief missions to aid Yemen, Somalia, Sudan, Syria, and Nigeria.

FINANCIAL RESOURCES OF WAQF INSTITUTIONS

Kuwaiti waqf institutions receive funds from a variety of sources, including the government, charitable organizations, corporations, and individuals, all of which will be described further below.

GOVERNMENT

The Kuwaiti government provides financial assistance to waqf institutions that were formed before the year 2000. Government funding accounts for just 5% to 10% of the waqf institutions' entire yearly budget. Waqf institutions established after 2000, on the other hand, do not get government funding. Government assistance is now in the form of facilitation of establishment and registration, land grants for main headquarters, and logistics assistance for abroad projects. As a result, waqf institutions constantly seek alternate sources of funding to carry out their missions.

WAQF-AHLĪ FOUNDATIONS

Waqf-Ahlī foundations are a type of charity foundation in Kuwait. Supporting local waqf institutions in their philanthropic efforts and building their capacities are two of their key goals. Hence, certain waqf institutions receive annual financial support from these foundations. However, their aid makes up less than 10% of the waqf institutions' cash flow.

CORPORATES

Companies in Kuwait are obligated by law to pay zakat. Corporate zakat, on the other hand, is collected by the Zakat House and disbursed to the poor. In addition to zakat, prominent Kuwaiti corporations have grown more cognizant of their social responsibilities and have begun to implement Corporate Social Responsibility (CSR) programs. As a result,

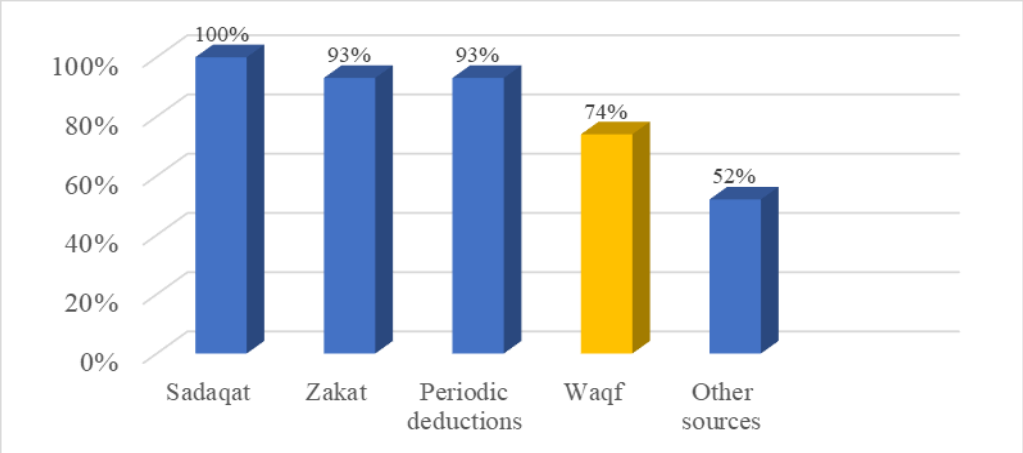
[45] Mara A. Leichtman, *Kuwaiti Humanitarianism: The History and Expansion of Kuwait's Foreign Assistance Policies.*

some significant corporations have begun to contribute to waqf organizations yearly.

INDIVIDUAL

Waqf institutions rely heavily on individual contributors for funding. People prefer to contribute zakat, waqf, and alms to waqf institutions rather than to government entities due to the bureaucracy involved. Despite the lack of official information on individual donations, various government publications reported that the total amount of donations collected by charities in Kuwait in 2017 stood at $140 million.[46] These donations are in various forms such as general alms, zakat, periodic donations, cash waqf, penances, and so on. The chart below shows the relative importance of each resource.

Figure 3: The Relative Importance of Financial Resources of Waqf Institutions in Kuwait



Source: Developed by Author for the Current Study

WAQF SHARES SCHEME

Cash waqf is the most widely applied waqf among waqf institutions in Kuwait. In practice, waqf institutions do not prefer to receive immovable waqf so as to avoid legal issues related to it. Out of the various cash waqf

[46] Sunbulah, *Taqrīr al-Kuwayt al-Insānī li ʻĀm 2017*.

schemes available, the Waqf shares scheme dominates the practice of waqf institutions in Kuwait.[47] Its operational procedure is as follows:

1. The waqf institution acts as trustee or mutawallī.
2. The waqf institution must issue waqf shares at different prices and invite philanthropists to donate to the selected project.
3. The donors can then contribute to the waqf shares within the limits of their financial ability.
4. In exchange, the donors receive a cash waqf certificate approving their ownership of the waqf shares showing the exact amount of the project chosen.
5. The institution invests the accumulated funds from the waqf shares.
6. The income from the investment will be directed to the beneficiaries according to the projects.

In general, most of the programs offered by endowment institutions in Kuwait were for the following projects:

a) **Water wells:** Projects that have succeeded in building dams, digging surface wells, and providing water coolers to the poor and needy in Somalia, Bangladesh, Jordan, Nigeria, and India.

b) **Educational projects:** Projects that have succeeded in financing educational and social charitable activities such as caring for orphans, building schools, teaching Arabic and Islamic subjects, and liquidating lecturers' wages in Kosovo, Albania, Chad, Philippines, and Gambit.

c) **Mosques projects:** Projects that have succeeded in building and maintaining many mosques in Kazakhstan, China, Togo, and Egypt.

d) **Health care projects:** Projects that have succeeded in supplying medical paraphernalia and construction clinics in Egypt, Palestine, the Philippines, and Kuwait.

e) **Training centres projects:** Projects that have succeeded in financing many centres in Nigeria, Uganda, and Indonesia.

[47] Magda Ismail Abdel Mohsin, 'Financing Through Cash-Waqf: A Revitalization To Finance Different Needs', *International Journal of Islamic and Middle Eastern Finance and Management*, vol. 6/4 (2013).

f) **Agriculture projects:** Projects that have succeeded in funding farms and agriculture projects in the Philippines, Bangladesh, Uganda, and India.

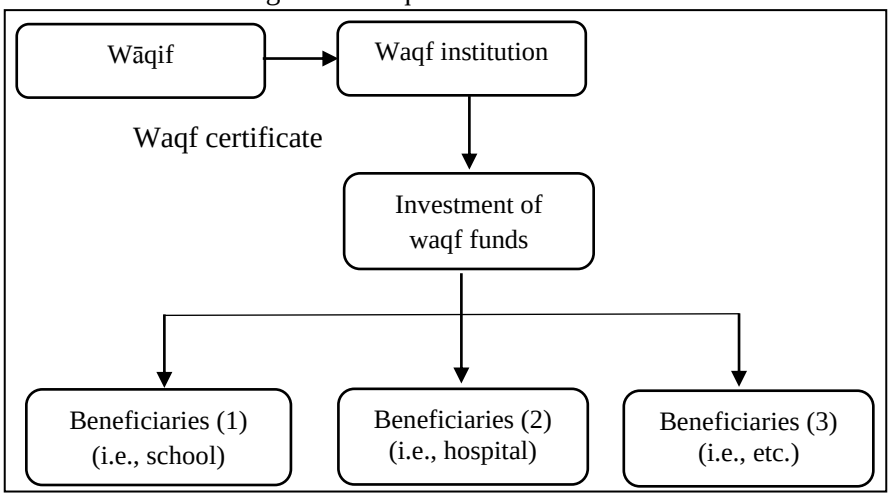
g) **Orphans' projects:** Projects that have succeeded in supporting orphans in terms of building orphanages and providing education in different countries.

h) **Seasonal projects:** Projects that have succeeded in providing meals during Ramadhan and financing the cost of meat during the month of sacrifice in Somalia, Cambodia, Malawi, Nigeria, and Kurdistan.

i) **Social projects scheme:** Projects that have succeeded in sponsoring the cost of marriage in Sudan, as well backing useful projects for poor families in Sudan and Palestine.

j) **Relief projects:** Projects that have succeeded in supporting relief works in Kosovo and Palestine.[48]

Figure 4: Waqf Share Scheme



Source: Developed by Author

[48] Magda Ismail Abdel Mohsin, 'Financing Through Cash-Waqf: A Revitalization To Finance Different Needs'.

CONCLUSION

Waqf was already a widespread practice in ancient world civilizations, but Islam turned it into a social development institution. Thus, waqf institutions played a vital role in the development of Islamic civilization in various aspects such as education, health care, accommodation, helping the poor and needy, and others. This paper discussed the historical development of waqf in Kuwait and highlighted the management of waqf funds by the Kuwait Awqaf Public Foundation. Moreover, the article shed light on the current experience and practices of waqf institutions in Kuwait. Future researchers are invited to discuss Kuwait's experience in managing waqf funds, whether in the Kuwait Awqaf Public Foundation as a governmental body or Islamic NGOs as waqf institutions. This is in addition to analyzing the advantages and disadvantages to achieve the prosperity and well-being of the Islamic nation.

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