

After the Arab Spring



# The Islamic Khilafah

*A Manifesto for Change*

***Hizb ut-Tahrir*** Britain

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## بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

### 1. BACKGROUND

No one can fail to be inspired by the courage of the Muslims in the Middle East. 2011 saw this courage spill over into the streets in the form of defiance in Tunisia, Egypt, Libya, Yemen and Syria. Though some despots have been replaced and some elections carried out: the struggles are far from over. The defiance of the people was aimed at tyrannical rulers, at Western manipulation and fundamentally against the appalling systems in our Muslim countries, which have consistently failed to deliver even the most basic needs for our citizens.

Despite the ongoing defiance we still have tyrannical rulers, we still have Western manipulation and we still have systems in place that not only don't deliver basic needs but in fact encourage despotism and Western interference.

This is all at a time when Western democratic capitalism is undergoing a profound crisis in economic and political legitimacy. Massive debt instability is coupled with increasing voter disillusionment and disenfranchisement from the democratic political process.

Islam is a different ideology which offers a comprehensive and superior set of solutions from the Shari'ah to manage the issues of a modern society.

The Shari'ah is legislation derived from 4 key sources of Islam: Quran, Sunnah, Ijma as-Sahaba (consensus of the companions) and Qiyas (analogical reasoning). It's application and direction is focussed on managing the interaction of people in society and it promotes and is in harmony with any level of technological advancement.

In fact only Shari'ah solutions are **uniquely** aligned with the religion, values, customs and traditions of the Muslim people, irrespective of nationality.

Hizb-ut-Tahrir has for decades patiently explained how the Islamic Shari'ah has the most comprehensive and powerful set of political, economic and social solutions that have ever been implemented. The Shari'ah frees and mobilises resources, money and people in a way that is unparalleled by any other set of measures either ancient or modern.

In this document we aim to demonstrate what a real Islamic political programme for Muslim countries should look like and how we could implement it if we were entrusted with power.

The implementation of failed and failing Western models can neither solve our problems nor cater for the needs of our societies. Indeed for Muslims it would be tragic to combine the mistake of ignoring the superior delivery of Islam's political, social and economic models with the greater mistake of disobeying Allah(swt), the Creator Himself. How can that path end in anything but misfortune and ignominy?

Islamic political structures secure optimised principles of political, economic and social approach that

cannot be overturned by a malicious or ignorant ruler. The rules themselves lock in a guarantee of delivering progress because the architect of these rules is Allah (swt) himself. Compare this to the hollow guarantees we are seeing offered by those who would claim to build a future for Muslim countries.

Shari'ah structures ensure that no matter how bad the rulers, there is an absolute limit to the damage they can do, because rulers cannot change or ignore Shari'ah rules without the Muslims being obliged to overthrow them. The evil of people and their actions is reduced by the Islamic system and their good is enhanced.

The Western system guarantees that no matter how good or altruistic the people are, the system forces decision making to favour selfish, short term, individual interests over the interests of society and the nation. The evil actions of people are rewarded by the Western system and their good actions are exploited.

Close adherence to the detailed Shari'ah rules in a society results in the protection or promotion of a number of critical ideals: human life, intellect, property, lineage, faith, security and the State. It is time for us to stop ignoring, circumventing and lacking confidence in the Shari'ah and instead time for us to release its tremendous power and mobilise our countries.

Finally, let us remember that one of the reasons that Islamic solutions are designed to achieve a strong, prosperous and unified state, is linked to the fundamental purpose of the Muslim Ummah. For only a strong, prosperous and unified state can carry out the mission of Da'wah, to the whole of mankind, that Allah (swt) has entrusted the Muslims with; a mission that is beautifully stated in the following verse of the Holy Quran: *"You are the best of the nations raised up for (the benefit of) mankind, you enjoin what is right and forbid the wrong and believe in Allah"*. TMQ 3.10

## 2. THE PROBLEMS OF A TYPICAL MUSLIM COUNTRY

All Muslim countries whether in the Middle East or elsewhere suffer from the same core set of problems. To illustrate this consider the case of Egypt. The picture for Turkey, Pakistan or indeed any other Muslim country would look near enough the same with some minor variation.

### **Egypt: A Case Study**

#### **i. Political**

- Widespread corruption
- Daily violations of human dignity – physical assault, verbal abuse, police/security service torture and brutality, detention/imprisonment/arrest without trial of thousands of youth
- Declined regional and international standing
- History of opposing Muslims in other neighbouring areas e.g. occupied Palestine.

## **ii. Economic**

- Wealth disparity – 2000 businessmen with 24% Egypt’s national income = 200 billion Egyptian pounds
- 20% of population classified as under the poverty line
- Dependent on imports for food, energy and other strategic goods
- Over 12% of the labour force unemployed - more than 3 million people
- Public debt in excess of 1 trillion Egyptian pounds, 63% of government expenditure
- High inflation with prices outstripping income

## **iii. Health**

- 8 million children Hep C; 29% of under 5 year olds in Egypt have stunted growth; 29% children anaemic
- 26% plus Egyptians illiterate
- Estimated 12% of youth addicted to drugs

## **iv. Education**

- No Egyptian University in the top 500 in the world
- Ranked 129/134 in terms of quality of pre-university education

## **v. Social**

- 5.4 million of marriages ending in divorce due to poverty, unemployment, crippling personal status laws
- 11 million plus young men and women unmarried causing a rise in illicit relationships and consequent illicit births – babies deprived of stable families



### 3. PROPOSALS FROM OTHER POLITICAL PARTIES

It is astonishing, given the situation described above, to consider the proposals made for improvement by a range of political parties in Muslim countries. Whether looking at secular parties or so called "Islamist" parties, their programmes seem to be united by the following characteristics:

- A continued adherence to the crisis ridden Western democratic model without any consideration of its demonstrated flaws.
- An absence of a robust plan to address either the crippling levels of debt or currency and price instability.
- A list of ambitious economic and social development programmes without any detail on how the government will be empowered to pay for these programmes.
- An absence of a realistic plan for empowering an executive strong enough to make positive change and accounting structures strong enough to keep the executive in check.
- Minimal mention of Islam, defaulting to meaningless generalisations when it is mentioned.
- Subordination of Islam to a secular constitution rather than subordination of an Islamic constitution to the Shari'ah.
- A total lack of understanding and faith in how Islamic economic, political and social solutions can deliver what is missing in our countries.

### 4. SUPPORTING DOCUMENTS AND ISLAMIC EVIDENCES

This suggested policy document should be read along with the many books Hizb ut-Tahrir has produced, which extensively detail the Islamic evidences from the Qur'an and the Sunnah of our Prophet (saw) from which these principles and policies have been derived. A list of books is provided in the Appendix. In particular Muqaddimah Al-Dustoor, a 2 volume detailed draft Islamic constitution from Hizb-ut-Tahrir, relating each article to the Islamic evidences from which it is derived.

# PART II: THE ECONOMY

## EMPOWERING INDIVIDUALS, BUSINESS AND GOVERNMENT

### 1. KEY THEMES

#### a. THE SHARI'AH FREES WEALTH BY ELIMINATING INTEREST (RIBA)

Islam categorically prohibits riba at any interest rate in all its forms. And when one looks at the impact of interest based loans on the economy (as we do in the following subsections) then one can immediately see the damage it causes and the relief to the economy of removing it.

#### i. CRIPPLING DEBT – IMMEDIATE ELIMINATION OF THE INTEREST (RIBA) BASED ECONOMY

The Egyptian government for example spends 63% of its revenue in debt repayments most of which is payment of interest on the underlying loans. 20% of this debt is owed to foreign institutions and 80% to domestic institutions.

**Payments will be ceased on all outstanding interest based loans subject to investigation.**

The original loan agreements will be reviewed to determine their legitimacy based on principles such as whether they were undertaken in a responsible manner or whether the funds were siphoned to personal accounts. Those loans considered for repayment where the interest paid to date exceeds the capital, will be deemed repaid and no further payments will be made. For those where this is not the case then only the remaining principal amount will be paid on a timescale suitable to the strategic interests of the State.

#### ii. PREVENT THE ONE WAY MONEY FLOWS TO LENDERS

In an interest based debt economy the lender is not taking any substantial risk as the law guarantees his return. The borrower may be a start-up company that is taking all the risk in a business venture. The venture may succeed or fail but the lender will still get his money. This violates a clear principle of economic morality in the Shari'ah: the principle being that commercial transactions must couple the opportunity to make profit with the risk of making a loss. An interest based lender receives his profit on the loan without taking a real commercial risk, as secular law guarantees he gets his money back and the law reduces the risk of default. **The dangerous consequence is that over time all the wealth in society flows to the interest based lenders.** This fact is painfully apparent when looking at the most advanced Western economies, where wealth is continually being concentrated in the hands of the banking sector and multinationals.

### iii. RIBA INCENTIVISES LENDING WITH FRAUD

Another consequence of interest based lending is that it incentivises lending more than you actually have to lend, this is in itself regarded by the Shari'ah as fraudulent (even if the loan wasn't based on interest). With a currency that is not backed by any asset like gold or silver, banks and government are literally able to create money out of thin air when making loans. This expands and destabilises the money supply, constantly devaluing the currency and consistently reducing the value of savings and salaries. **The banks again make risk free profits while the rest of society has its wealth eroded.** Additionally debt based growth results in the destructive boom-bust cycle that causes untold misery and is characteristic of the capitalist macroeconomic model.

### b. STABILISING MONEY SUPPLY & PRICES

Historically the banks of nations that had paper currency fully backed by gold/silver were tempted to print more paper currency than they actually had assets to back, so that they could spend and lend this money out at interest. This resulted in more paper money in circulation than assets to back it. Thus they moved to currencies unlinked from assets and an era of unstable prices along with currencies that could be easily destabilised and manipulated by both governments and speculators.

The Shari'ah mandates a currency that is fully backed by gold and silver.

**The state currency would be reverted immediately to a gold and silver standard** by either issuing new paper currency or backing the existing paper currency with gold/silver at a rate determined by the government and **taking into account factors such as the country's gold/silver reserves.**

**The money supply would consequently be stabilised with a knock on stabilisation effect on prices of goods in the domestic market.**

### c. LOW TAXATION PROMOTING ENTERPRISE & WEALTH GENERATION

The Shari'ah philosophy on taxation is that the **government should be prevented from imposing taxes on citizens and businesses in arbitrary manner.** Consequently all forms of indirect taxation such as sales tax etc are illegitimate.

The main form of taxation is a wealth tax that is taken solely on the surplus, unused wealth of citizens. This creates an incentive to spend or invest this surplus wealth which has a positive effect on the economy, reducing the burden on government finances.

Thus citizens including business owners are encouraged to earn and spend their wealth rather than have the drive for work and enterprise crushed by a heavy tax burden.

Again the wisdom of the Shari'ah is apparent when one notes that most current government taxes are used to fund debt repayments and inefficient or corrupt administrations.

### d. GUARANTEEING BASIC NEEDS

The Shari'ah guarantees basic needs for every citizen by obliging every able bodied person to work to earn a living wage for themselves and their dependents. The Shari'ah obliges children or other heirs to support parents if they are unable to work. It also encourages neighbours and community to support each other. Finally **for those who are genuinely unable to obtain support through the means above, the government steps in with funds from the State Treasury.**

#### e. ENABLING THE CONSTRUCTIVE PURSUIT OF WEALTH

Neither relentless consumerism nor an extreme ascetic lifestyle are endorsed by Islam. **The Shari'ah holds no principled objection to the individual pursuing as many of the luxuries of life as he is able and creates the economic environment to facilitate this.** Intervention is only from the perspective of preventing the pursuit and acquisition of commodities that Islam defines as harmful for society such as alcohol or usury. In doing so the Shari'ah rules ensure that society is protected.

#### f. ENSURING THE CIRCULATION & DISTRIBUTION OF WEALTH

As we shall see **the Shari'ah has a variety of means to guarantee the circulation and distribution of wealth**, ranging from taxation of excess wealth, to incentivising spending, through to preventing hoarding of wealth and preventing risk free commercial transactions like interest based lending. These and other measures ensure that wealth does not end up in the hands of the few as is the case in Egypt and indeed all Muslim and non-Muslim countries of the world.

## 2. ENABLING GOVERNMENT

#### a. FREEING GOVERNMENT EXPENDITURE

The government in Egypt spends more than 60% of the revenue it collects in debt repayments. This amounts to over 120 billion Egyptian pounds annually.

**The government expenditure model will be reformed to a Shari'ah framework in order to target available funds optimally as the State requires - eliminating illegal expenditure such as interest debt repayments and focussing the remaining funds on the critical needs of the State.**

Significant burden on government resources would be removed immediately by the cessation of payments on **interest based loans**.

The Shari'ah prohibits subsidies, which prop up inefficient and unproductive businesses. Food subsidies are unnecessary due to aforementioned mechanisms for price stabilisation and reduced taxation. In Egypt this would free 30 billion EGP of government expenditure.

**Ending subsidies will release government funds to target assistance to those people who have no dependents and other specific areas where the Shari'ah has obliged a priority or a focus e.g. schools, hospitals and infrastructure.**

#### b. STABILISING GOVERNMENT REVENUE

The Shari'ah specifies a wide range of sources for government revenue. **The government will transform the revenue model to collect funds from the ample and diverse range of Shari'ah sources.**

These are more than adequate to allow the government to fulfil its role of looking after citizens and of spreading Islam, without imposing crippling taxes on the people.

The Shari'ah defines the following sources of government revenue that would be immediately available to the state:

- i. **Zakat** - an excess wealth tax set at 2.5% above a minimum amount (nisab) applicable to all citizens including business owners.

- ii. **Kharaj** – a tax on the productive capacity of land.  
E.g. Egypt has over 3 million hectares of arable land that is more than enough to supply Egypt’s population given the appropriate high yield technology.
- iii. **Energy/Minerals** - Revenue from the mining of minerals and the extraction of fossil fuels.  
  
E.g. Again Egypt has around 4.4 billion barrels of proven oil reserves coupled with 2.1 trillion cubic metres of proven gas reserves.
- iv. **Jizya** - A nominal, means tested, head tax for non-Muslims (excluding women, children, the infirm and the elderly) exempting them from other taxation. This would be set at a value that promotes community cohesion and the loyalty of the non Muslim citizens of the state.
- v. **Emergency surplus wealth taxation** – as a last resort, if the need arises, a temporary tax can be levied against the very rich in society.

### 3. DISTRIBUTING WEALTH & PROTECTING THE PUBLIC INTEREST

#### a. WEALTH DISTRIBUTION AND PREVENTING HOARDING OF MONEY

The state is obliged to ensure there is an economic equilibrium in society such that each individual has the means to access wealth.

The disparity between the ultra-rich and the wider society is acute in Egypt, because the Capitalist system inevitably traps wealth amongst an elite. This is accentuated where wealth and access to wealth are unfairly allocated based on nepotism and patronage. All the rest of society is effectively disenfranchised.

In this situation the government needs to break this stranglehold. **Illegal acquisition of wealth, property and resources will be reversed.** The Shari'ah also prohibits the hoarding of money (gold and silver in the case of the Islamic State). This refers to wealthy individuals who accumulate money without spending it, regardless of whether or not they pay Zakat. Hoarding reduces the money supply by removing money from circulation. This means less spending, less demand for goods, less production and thus more unemployment.

The Shari'ah recognises the relationship between hoarding money and damaging the economy and so prohibits it completely. This necessitates **disclosure of excess wealth and the investigation and prosecution of citizens who attempt to hoard money.**

Shari'ah inheritance laws ensure wealth is precisely broken up and distributed amongst defined family rather than being transferred to favoured individuals.

## **b. ADMINISTERING NATIONAL ASSETS IN THE PUBLIC INTEREST**

**All Shari'ah defined national assets will be brought under government ownership or oversight.** This is not carte blanche nationalisation since the Shari'ah classifies resources such as water sources, pasture, forestry, minerals and energy sources as national or public assets, and it clearly identifies the classes of assets and companies that the government cannot nationalise.

It is quite clearly not in the public interest to allow private individuals to own and exploit these critical properties by holding the public to ransom. **The Shari'ah obliges the government to reclaim strategic properties and associated assets and to administer them on behalf of the public.**

Also included in this are items of infrastructure that are critical to the public interest such as roads, waterways, communications infrastructure, schools and hospitals. The community cannot do without these. Consequently the Shari'ah obliges the government to maintain oversight here in such a way that sufficient of these resources remain in non-private hands, in order that the public interest is preserved. The government would be required to take a view and if necessary confiscate assets and then administer them on behalf of the public.

## **c. PROTECTING AGAINST CORPORATE MONOPOLY**

The Shari'ah makes it illegal for an individual or company or group of companies to seek to corner the market in a product and then use this position to inflate prices. **The government will investigate and prosecute those attempting to monopolise the market and break up existing monopolies.**

In Egypt for example in the steel industry 67% of the local market share is held by one company whilst 2 private companies control the entire mobile phone industry.

Dismantling monopolies would also provide business opportunities by opening market access.

## **d. PREVENT CORPORATE DAMAGE TO SOCIETAL VALUES**

Whilst business in general is encouraged by the Shari'ah, **businesses trading in prohibited goods and services or those leading to public harm will be required to cease such activities by the government.**

### **Tourism**

Government will dramatically increase other sources of revenue and it is envisaged that this will dwarf the volume of tourism based revenue. The tourist industry will be encouraged to showcase the society of the Islamic State but it will in no way be allowed to defy the Shari'ah by promoting alcohol consumption, nudity on beaches and other socially polluting activities. There is no legitimate rationale to allow tourism some form of exception and to build a country's economy on tourism as a mainstay is an example of extremely poor and short term policy making.

## 4. ECONOMIC POWER TO THE CITIZEN

### a. TOWARDS ELIMINATING POVERTY AND HUNGER

**The government is obliged by the Shari'ah to target the elimination of poverty by placing the full resources of the state towards this end.**

**A comprehensive poverty elimination programme would be put in place immediately, as detailed below.**

Anyone without food and other basic needs will be able to contact a local department where the responsibility for assistance will be allocated in the following order:

1. Establishing that the individual is unable to work or otherwise unable to support himself
2. Determine why immediate family have not assisted
3. Assess the ability of neighbours and the local community to assist
4. Failing all these State Treasury funds will be made available

It is worth pointing out that the Shari'ah allows a hungry person who cannot afford food to take food from a shop or market without payment and without punishment. Muslim citizens cannot accept that a single individual (Muslim or non-Muslim) be in poverty even for a day.

### b. GETTING RID OF THE TAX BURDEN

Citizens pay a huge amount of tax via sales and income taxes which siphon resources from the economy. This taxation is grossly unfair as it does not take into account the spending needs of the person. **The taxation regime will be simplified with immediate effect with most people paying only Zakat on excess unspent wealth above the nisab at the end of the year – the poor will pay NO taxes.**

E.g. In Egypt EGP 92.4 billion (approx. USD 16.22 billion) is collected annually in income tax.

This money would be available to spend for citizens including business owners - they would be incentivised to earn more and spend more thus boosting economic activity, by the imposition of hoarding penalties.

### c. MAXIMISING EMPLOYMENT AND ENTERPRISE

The government policy will reflect the Shari'ah motivation for every able bodied person to either work or trade to support themselves and their families.

The government would not accept over 3 million people from the labour force unemployed as is the case today in Egypt. **Education, training and start-up funds will be provided to achieve the full earning potential of each citizen.**

The Shari'ah does not permit an able bodied individual to neglect financial obligations to themselves and their families.

## 5. PROMOTING BUSINESS

### a. LOW TAXATION FOR ENTERPRISE

The Shari'ah removes **anti-business taxes such as corporation tax**, so that entrepreneurs are encouraged to spend and invest excess funds by expanding their business and creating employment. Just like any other citizen business owners will have to spend or invest their profits or face zakat tax and potential hoarding penalties.

### b. BUILDING VITAL INFRASTRUCTURE FOR BUSINESS

There will be a **public works programme to build adequate infrastructure** in energy, transport and communications in order to develop a thriving economy. This type of infrastructure is the lifeblood of the nation and the delivery here needs to be on a timescale of years not decades.

### c. THE VIBRANT REAL ECONOMY AGAINST A FALSE FINANCIAL ECONOMY

The Shari'ah recognises that investment money should go to businesses for commerce rather than going to banks to earn risk free interest or invested in complex financial instruments that are vehicles for interest (riba). **Consequently the banking and financial sector will be immediately required to close interest debt and speculation based activity, and transform their business models to focus on a venture capital and consultancy based model of channelling investor funds.** Given the innovations in Shari'ah compliant financial products, this transformation is well within the capabilities of the financial sector.

The treasury will deal with bank clearing activities however the private sector may also participate.

The overall effect will be that excess earned wealth will be channelled straight back into businesses.

### d. TARGETED GOVERNMENT GRANTS

Government grants will be directed preferentially to those sections of the private sector that can assist with the development of strategic industry such as defence, machine tools, infrastructure, energy and agriculture.

### e. RESPONSIBLE PROFIT SHARING COMPANY STRUCTURES

The Shari'ah encourages a multiplicity of profit sharing partnerships (mudharaba/inan/abdan/mufawaddah) which share and handle risk responsibly. This is in contrast with Capitalist limited liability structures which allow the owners of businesses to take irresponsible risks whilst being able to walk away from the consequences. This violates their obligations to - and causes immense financial difficulty for - creditors, customers and employees.

**Companies will be immediately required to transform their company shareholding structures into Islamic ones and will be assisted in doing so.**



## 6. PROMOTING AGRICULTURE

### a. DEVELOPING UNUTILISED LAND

**The Shari'ah confers ownership rights on anyone who fences off undeveloped land for the purposes of agriculture.** This promotes the efficient and productive use of unutilised land. The government will facilitate this by creating land registries, grants, training and developing rural infrastructure.

### b. REASSIGNING OWNERSHIP OF UNUSED FARMLAND

The Shari'ah requires the government to either **force landowners to utilise unused agricultural land – allowing a maximum of 3 years grace - or to confiscate and reallocate it to those who will.**

This will be enforced retrospectively once the Islamic State is established. Suitable management training and assistance will be given should the land be transferred to new owners.

### c. BANNING EXPLOITATIVE LEASING OF FARMLAND

Leasing farmland violates the Shari'ah principle of profit being coupled with risk. **The government will protect the rights of farm workers by ordering the immediate elimination of farmland leasing agreements.** The landowner can either sell the land to the tenant, or employ the tenant or arrange a profit sharing agreement. This will have a massive transformative impact by widening agricultural land ownership, eliminating bonded labour and dismantling the modern day feudal system.

## 7. THE ECONOMIC CONTRIBUTION OF SADAQAH

Charity whether donating or interest-free loans is highly recommended in Islam – simultaneously releasing, circulating and redistributing wealth.

The government will promote the creation of a large and vibrant charities sector in order to channel the public desire to seek their Creator's pleasure into projects that assist communities.

## 8. STRATEGIC ENGAGEMENT WITH THE GLOBAL ECONOMY

### a. SELF SUFFICIENCY

**The government will maintain a favourable international trading stance** by encouraging domestic industry and agriculture particularly in strategic goods such as food, cotton etc. An approach will be taken which eliminates critical dependency on international trade for the state whilst allowing it to flourish.

**There will be no unilateral imposition of tariff controls,** however the government reserves the Shari'ah right to impose reciprocal border tariffs for foreign traders based on treaty.

The Shari'ah dictates that **domestic companies engaging internationally should be unimpeded** by regulation and export taxes.

Clearly the movement of prohibited goods into the country will be blocked. As will the movement of goods out of the country that could assist the enemies of the Islamic State such as certain weaponry or oil to an enemy with which there is an active war.

**b. AN INTEGRATED ECONOMY**

The Shari'ah recognises that the unification of Muslim lands one by one produces economies of scale, which should be a political target. For example Egyptian labour, coupled with Sudanese agricultural wealth coupled with Libyan energy resources - these combine to form the makings of a regional and then global power.

**c. LEVERAGING RAW MATERIALS, LAND & LABOUR**

The government will leverage the concentration of agricultural, mineral and energy resources in Muslim lands to extract favourable international trading terms that secure strategic objectives.

**d. IMPACT OF INTERNATIONAL CURRENCY EXCHANGE**

The state will **move to a fully gold/silver backed currency along with eliminating any interest based debt obligations**, thus:

- Preventing predatory currency speculation and financial market volatility
- Promoting domestic price stability

This will in turn facilitate international trade and create a stable domestic investment environment.

Government bonds at interest will of course no longer exist nor will the markets in shares of limited liability companies thus further insulating against international markets.

# PART III: POLITICS

## ACCOUNTABLE GOVERNANCE, REPRESENTATION AND JUSTICE

### 1. AN EFFECTIVE VISIONARY EXECUTIVE

**The Shari'ah puts extensive executive powers in the hands of the Khaleefah thus empowering him to make radical and far-reaching decisions in the long term interests of the people.** There is a contract (bayah) between the people and the Khaleefah, where the people pledge obedience and the Khaleefah pledges to rule by Islam.

The Khaleefah is appointed by election in all but one exceptional emergency circumstance. The present day constitutes such a circumstance - a total absence of Islamic rule. Today the first person who fulfils the Shari'ah conditions and acquires power in a Muslim country, where there is popular support for an Islamic State, will automatically be appointed by the power brokers in the country. Whilst the situation for the first Khaleefah is less than the normal electoral ideal required by the Shari'ah, it is the Shari'ah itself that mandates this exception.

Notwithstanding this exception, the mandate of the first Khaleefah will be based on the desire of the people for Islam and his ability and political will to fulfil this. Should he fail to live up to this, the Madhalim Court will remove him and fresh elections will be held.

He is appointed to a life term subject to maintaining certain conditions such as competence and adherence to the Shari'ah. He is consequently protected from corporate lobbying and the manipulation of international powers.

Since the Shari'ah has specified the solutions that the Khaleefah needs to apply, then in that respect his job is more straightforward than that of rulers that use a fluctuating, ever changing set of solutions to govern the country. The Khaleefah's responsibilities are detailed exhaustively within multiple Shari'ah evidences and the delivery of all the Shari'ah solutions in an optimal and effective way is ultimately the responsibility of the Khaleefah.

He will appoint governors to run each province, the head of the judiciary, the head of the armed forces and the head of the civil service.

### 2. MULTIPLE MEANS OF ACCOUNTING THE EXECUTIVE

With such a strong executive the **Shari'ah puts strong constraints** on him so that the benefit of a strong, visionary leader can be maintained, whilst **protecting against the ever present possibility of the abuse of power and corruption.**

**Removing an incompetent ruler is straightforward.**

**A broad set of checks and balances will be set up to provide a strong counter-balance to executive abuse:**

- **SHARI'AH** – The Shari'ah itself must be adhered to by the Khaleefah in his ruling. He cannot make something prohibited legal and remain in power e.g. he cannot allow torture or run an interest based economy and remain in power.

- **UMMAH - RESPONSIBILITIES OF CITIZENSHIP** – The Shari'ah requires that the people are educated as to the responsibilities of citizenship in that they **should support the leader, account him harshly if he strays from Islam and confront him if he openly abandons Islamic ruling**. The citizens are the first and last line of defence to protect the Islamic State and its solutions and they should see themselves in this light.
- **MADHALIM COURT (COURT FOR THE INVESTIGATION OF UNJUST/INCOMPETENT RULING)** – the Madhalim judges have both extensive resources and powers to proactively scrutinise and remove either the Khaleefah or his governors should wrongdoing be proved or to investigate any public harm that has occurred as a result of decisions made by the ruling apparatus. The Khaleefah is not permitted by the Shari'ah to interfere in the Madhalim process when the Khaleefah himself is the subject of the investigation.
- **SCHOLARS/ULEMAH** – Independent scholars provide Islamic rulings and their discussion is not under the jurisdiction of the Khaleefah. The Ulemah are fundamentally charged to scrutinise and correct the Khaleefah on his understanding and adoption of the Shari'ah rules.
- **THE COUNCIL OF THE UMMAH** – The Shari'ah mandates that the Khaleefah seeks consultation from the people. The Council of the Ummah constrains the Khaleefah in his decision making on a wide variety of issues including his selection of staff such as governors, civil servants and assistants. This provides a strong check and balance against a trend to tyranny, corruption or incompetence.
- **POLITICAL PARTIES** – an unrestricted number of political parties, that support the principle of the Islamic system, are encouraged to form and to acquire seats in the Council of the Ummah in order to account the Khaleefah and offer consultation.
- **INDEPENDENT MEDIA** - Media organisations should view scrutiny and accountability of government as one of their central roles.

### 3. SHARI'AH IMPARTIALITY, JUDICIAL INDEPENDENCE AND LEGISLATIVE STABILITY

**The ruler cannot take rules that are not from the Shari'ah. He cannot modify the Shari'ah.** He has to take all his solutions from Islam and show that he has done so or face censure and potential dismissal. The Shari'ah itself has a rich structure and is able to accommodate and provide solutions by analogy to any and every new potential issue.

This provides a considerable amount of stability to legislation in the political, economic and social sphere. Indeed the pillars of Islamic solutions such as a non-usury based economy or a fully backed currency, or the rights of minority citizens are not up for discussion by either the ruler or the people. They cannot therefore be tampered with for political expedience.

Crime categories, punishment categories, taxation laws, election laws, international trading laws to mention but a few are built upon consistent Shari'ah principles.

**This stability prevents the executive from making fundamental errors in economic, political or social areas and focuses it on effective and practical implementation.**

The judiciary abides by the Khaleefah's adoption of Shari'ah rules regarding Islamic solutions in the state as opposed to the Khaleefah's arbitrary decision. The Shari'ah essentially limits the excesses of state and rulers.

## 4. RULE OF LAW

**A head judge will be appointed by the Khaleefah to whom the Khaleefah could delegate the power to appoint the remaining judges in the judiciary.**

### a. SPECIALISED JUDICIARY

**The head judge will then appoint the following 3 categories of judges** - retraining existing judges as appropriate:

1. Judges (Qadi) - dealing with everyday crimes and disputes in contrast to the specialist judges.
2. Public interest judges (Hisba) - dealing with trading standards, commerce and other public interests such as the safety of traded goods or working conditions.
3. Ruling impropriety judges (Madhalim) – investigating, accounting and prosecuting members of the executive and the civil service as well as investigating decisions made by them.

The Shari'ah defines the classes of transgression. It also determines the categories of punishment for each class. It determines the range of judicial discretion in fixing the nature of the punishment. It also determines the court process itself. There is little scope to subvert due process.

**The Shari'ah mandates swift justice** with a presiding judge with as many advisors as he deems sufficient. The Shari'ah precludes the idea of a jury: the arbitrary and potential prejudiced views of random members of the public have no role in determining the guilt or otherwise of the individual; furthermore the Shari'ah has a vast range of mechanisms to prevent both executive and judicial injustice. Judges will be kept under scrutiny by a specific set of officials working for the Madhalim (ruling impropriety) department. Incompetence or corruption can result in summary dismissal. Miscarriages of justice will be referred to the Madhalim judges and will be speedily addressed. Plaintiff and defendant will be assisted by legal professionals in presenting their arguments, however the culture of exploitation of loopholes in legal interpretation and process will be eradicated. The politicisation and commercialisation of justice will be stopped and rolled back.

### b. DEDICATED COURTS FOR IMPROPRIETY IN RULING

**The Khaleefah, all governors and indeed all officials in a ruling position and all ruling decisions will be subject to scrutiny by the Madhalim court -a body setup to scrutinise injustice in ruling.**

**This court will proactively monitor and account ALL personnel in executive positions and their decisions**, in addition to responding to citizens' complaints.

It has extensive powers of dismissal up to and including the Khaleefah himself. The Khaleefah appoints the head of the court but cannot dismiss the judge if he is presiding over a trial where the Khaleefah himself is accused.

The Madhalim court body will be empowered with sufficient personnel and resources to effectively carry out this crucial job. This includes access to executive records, an investigative staff and all other resources necessary to make it extremely difficult for the executive to abuse its power.

**c. NO PUNISHMENT WITHOUT A JUDGES DECISION**

There is no punishment without a judge assessing the situation and making a decision. This applies to all 3 categories of judges. **No citizen is permitted to dispense justice arbitrarily.**

**d. NO ONE IS ABOVE THE LAW**

There is **no immunity from prosecution for any citizen** of the State, whether civilian or military. The executive, including the Khaleefah, enjoys absolutely no immunity from prosecution. There is no concept of pardon by the executive.

**e. NO TORTURE/ARBITRARY DETENTION**

**Torture and arbitrary detention are absolutely forbidden by the Shari'ah.** The executive, the army, the police or the intelligence services are not permitted under any circumstances to employ these means and no executive decision can circumvent these restrictions.

## **5. POLITICAL PARTICIPATION & REPRESENTATION - THE COUNCIL OF THE UMMAH**

**a. THE EXTENSIVE POWERS OF THE COUNCIL**

The Shari'ah obliges the creation of a Council of the Ummah with the following powers and limitations (**the Council of the Ummah will be setup by election in order to truly represent the people**).

1. **The Khaleefah is obliged to consult the Council on all issues related to domestic policy** such as ruling, education, health, economy, trading, industry, farming and domestic defence. The Khaleefah is bound by the majority verdict of the Council in these areas.

Decisions requiring specialist technical knowledge are excluded from this consultation process.

2. Issues requiring specialist technical knowledge may be referred to the Council as the Khaleefah sees fit in the interests of transparency and security, however the view of the Council is not binding here.
3. The Council has the right to raise any issue accounting the Khaleefah on decisions made and its decision is binding, excepting those areas where technical expertise is required.

A dispute over the legitimacy of an action between the council and Khaleefah is referred to the Madhalim court.

4. The Council may censure any member of the executive (governors, mayors etc) and their assistants and if they call for their dismissal then the decision is binding on the Khaleefah
5. The Council has the right to select the list of nominees for a Khaleefah election and their decision is binding.

6. Any member of the Council of the Ummah has the right to expression without impediment within the limits of behaviour defined by the Shari'ah
7. No opinion is sought from the Council regarding legislation. Legislation is extracted for contemporary issues using Shari'ah methodology from the Islamic texts by the Khaleefah and applied. If the Council feels that the Khaleefah is violating the Shari'ah or incorrectly extracting the law using the Shari'ah methodology, they can refer the matter to the Madhalim courts for a binding ruling.

**b. REPRESENTATION & VOTING FOR THE COUNCIL AND KHALEEFAH**

**The citizens in a governorate will vote to elect members to a local Council.** Each local Council will elect a number of delegates to be sent to the national Council.

Numbers of delegates sent will correspond to the population in each governorate so that **each governorate's weight in the Council is based on proportional representation.**

The term for a delegate to either Council is 5 years.

Any citizen (Muslim or non-Muslim, male or female) as long as they are mature and sane are eligible to be elected to the local or national Councils.

Non-Muslims have their own mandatory representatives on both types of Councils.

## 6. ESTABLISHING COHESIVE CITIZENSHIP

The Shari'ah fosters the idea, as established by the first Prophetic constitution, that as long as citizens of any religion, creed or gender abide by the constitution, they are owed a duty of care by the State such that their life, honour, belief, mind & property is to be protected.

Sectarian strife whether based on madhab, tribe or ethnicity will be prevented by the State and the underlying un-Islamic ideas that encourage such tensions will be actively educated against. It is hoped that the non-Muslims will positively take up the rights and opportunities afforded by the State to all citizens.

## 7. PROTECTING NON MUSLIM CITIZENS

**Non-Muslim citizens are guaranteed inalienable rights by the Shari'ah. They will have the right to elect members to the local and national consultative councils.**

e.g. Egypt has a sizeable Coptic Christian community and the government of the Islamic State would be obliged to ensure that these citizens are treated in a just and dignified manner.

They will have the right to use their own laws for their family and religious matters. They will have equal status in the Shari'ah courts with regards to public matters, along with recourse to Hisba and Madhalim courts like any other citizen.

They will be exempt from military service and all forms of taxation save the jizya taxation.

## 8. PUBLIC SAFETY AND STANDARDS

### JUDGES

The Shari'ah mandates that the Hisba judges are trained and equipped to monitor the public interest e.g. commerce and trading goods standards.

This includes quality of service, implications for safety, misleading the public etc. This department of judges can function without a court building and can issue on the spot punishments and fines where a breach of standards is identified e.g. defective or dangerous goods or environments.

## 9. STATE ADMINISTRATION FOR THE BENEFIT OF THE PEOPLE

The **State bureaucracy will be required to facilitate citizens going about their life without hindrance.** As such the State should not charge the citizens for services such as permits etc. Also the Madhalim court will keep the bureaucracy and civil service under constant proactive scrutiny as well as being available to escalate citizens' complaints.

The State civil service will operate a strong public service ethic and will proactively seek to settle and mitigate complaints so as to satisfy citizens and avoid citizen dissatisfaction reaching a level where the Madhalim court has to get involved.

State civil servants should be the most qualified and competent people and public sector pay will reflect this requirement for competence.

## 10. THE POLICE AS PUBLIC SERVANTS

The police will maintain the security of the citizens of the state. Officers will be paid an appropriately high wage reflecting both the seriousness of the role and structured to attract the best people. **Good pay and attention to training in both practical policing matters and Islamic ethical standards will weed out corruption in the police forces,** so that both the members of the force and the public themselves are proud of their police. Being a State institution the police force would come under the constant scrutiny of the Madhalim Court.

Women officers will constitute a necessary part of the police force.

The police are responsible for proactively maintaining a secure environment for travel and trade etc. The necessity of hiring private security will be deemed a failure of the police. Surveillance can be carried out on suspects that are deemed to be a threat to the public interest only after permission has been obtained for a public interest judge i.e. a Hisba judge.

## 11. OBLIGATION OF OPEN EXPRESSION

**All citizens enjoy the right to open expression and are indeed obliged to account openly,** subject to not violating the Shari'ah such as calling for an overthrow of the Khaleefah. This open expression is critical in accounting the executive and ensuring it does not overstep Shari'ah defined limits. The Shari'ah has obliged mechanisms such as the Council of the Ummah to ensure that these rights are not usurped.



## 12. EFFECTIVE MEDIA

**There will be no censorship or arbitrary restriction of the media. No permission will be required to setup a media organisation.**

Private media organisations are required to meet 2 conditions: (a) the Shari'ah is not violated e.g. nudity, calling for haram, kufr etc ; (b) strategic news related to military matters or international relations is presented in a responsible manner that does not lead to civilian panic or concern. The media should assist in guarding the Shari'ah, accounting the Khaleefah and upholding the rights and interests of citizens.

## 13. A STRONG, FORWARD PRESENCE 21ST CENTURY MILITARY

The Khaleefah is the commander-in-chief of the military and can appoint and remove the army's senior commanders or other generals as he sees fit.

**The military will be equipped with the best available weaponry and training in order to fulfil its role in defending the borders of the Islamic State** and facilitating the political strategies of the Khaleefah. All able bodied male Muslims aged 15 and above will be required to undertake some form of military training so as to function as a reserve to the standing professional military.

Military pay should reflect the high value that is placed in Islam on having a competent and professional military. The selection process for both officers and rank and file soldiers should ensure the selection of the best fit individuals for the task. Nepotism will not be allowed to weaken the armed forces of the Islamic State.

**The military will not be involved in politics, business or any other aspect of the State administration** that distracts it from fulfilling its roles.

## 14. FOREIGN POLICY: BECOMING A REGIONAL AND GLOBAL POWER

**The Islamic State's objective internationally will be to seek regional and then global power status.**

It will not be constrained by any existing international treaty that violates the Shari'ah or seeks to override the sovereignty of the Islamic State in any way.

It will seek **bilateral relationships in accordance with what the Khaleefah deems to be the best interest of the State.**

The State will seek to set up a genuine international assembly for discussion, independent to the UN, which is compromised by the disproportionate power of the Security Council, whose charter violates the sovereignty of the Shari'ah and which has practically proven to be a tool of the neo-colonial powers.

### **Muslim countries**

**The Islamic State will make overtures to the citizens and influential people in other Muslim countries** in order to prepare public opinion in these countries to demand unification with the Islamic State. These overtures will be based on the Shari'ah principle that, after the establishment of the Khilafah, all Muslims, including former governments of all Muslim countries, are required by the Shari'ah to offer their allegiance to the Khaleefah and to place their collective administrations at his disposal.

### **Liberating occupied lands**

Those Muslims suffering through occupation can only be liberated by a strong Khilafah. The Khaleefah will take the necessary steps to build and project this strength.

# PART IV: SOCIAL HARMONY: STRONG FAMILIES AND A STRONG SOCIETY

## 1. BUILDING A HEALTHY CO-OPERATIVE RELATIONSHIP BETWEEN MEN AND WOMEN

### a. HEALTHY INTERACTION IN THE SANCTITY OF MARRIAGE

The Shari'ah **encourages co-operation between men and women and places intimate interaction securely within the confines of marriage.** This allows the sexual relationship to play a positive part in binding together husband and wife as a team in raising a family. It also prevents the detrimental effect of extra-marital affairs and their destructive impact on family stability.

### b. PROMOTING A TRANQUIL SOCIETY – DRESS CODE

**The Shari'ah specifies a dress code for both men and women that must be adhered to in public.** This code ensures that the public space is peaceful and suitable for families. The Shari'ah prohibits the sort of dress and clothes that lead to frustration and create temptations towards zina and extra-marital affairs.

### c. PREVENTING THE OBJECTIFICATION OF WOMEN

The only place for sexual behaviour of either the man or the woman is in the confines of marriage. **The Shari'ah prohibits the objectification and exploitation of the female form in all areas such as advertising, media, public dress codes and art forms such as film and TV.** The Shari'ah provides regulations that eliminate the opportunities and atmosphere for women to be sexually exploited as they are in the West.

### d. SHARI'AH PROTECTS THE MARRIED AND UNMARRIED WOMAN

**The Shari'ah makes it illegal to force woman into marriage** and indeed makes it illegal for the guardian of a woman to block a marriage proposal from an eligible partner, without good reason.

**The Shari'ah stipulates a court process guaranteeing the woman's right to divorce** if she is unhappy in the marriage. No stigma is attached to the divorcee.

The Shari'ah makes it illegal for physical assault to occur, this includes physical assault of the husband on his wife. The husband has no right to inflict physical injury on his wife.

**The woman has the right to maintain her own wealth independent of her husband.** The husband has no right to her wealth, whilst he is responsible for the maintenance of his wife regardless of her level of personal wealth.

e. **RIGHT TO WORK & THE RIGHT TO BE A HOUSEWIFE**

**The Shari'ah places critical importance on the role of a woman as a mother and a wife**, due to its importance for family and societal stability. It demands that this role is respected and honoured. It also requires that the wife is assisted financially to ensure she can adequately carry out her responsibilities. **The Shari'ah also protects the right of the woman to work and earn a salary.**

f. **REQUIREMENT FOR CONTRIBUTION OF WOMEN TO PUBLIC LIFE**

**The Shari'ah views women as playing a crucial and indispensable part in public life**, whether that be politics, business or trading etc. Women are to be given every educational opportunity for self-development.

## 2. **FAMILY AND THE STRONG FUTURE OF THE STATE**

The family is the basic building block of society. If it fails, society disintegrates. The Shari'ah recognises this in its solutions to promote family life, as well as its methods to ensure it is protected.

a. **MARRIAGE & CHILDREN**

**The Shari'ah recognises that children are the future of the State and that children can best reach the potential that Allah(swt) has given them when they grow up in a stable loving family environment.** It is for this reason that marriage is sacrosanct, that intimate relations function as one of the binders in marriage and that anything that threatens to destroy or impair marital fidelity is blocked.

Extra marital affairs and zina, destroy marriages which in turn destroys the stability for children and ultimately destroys the future of the State.

b. **KITH AND KIN**

The Shari'ah provides a strong endorsement to look after the wider family, going as far as to encourage that wider family be the first recipients of charity. Also supporting of needy relatives is a legal obligation.

c. **TRANSPARENT INHERITANCE LAWS**

The Shari'ah reduces family and community destroying inheritance disputes by clearly mandating who is entitled to what.

### 3. PROGRESS THROUGH EDUCATION

**The Shari'ah requires that the State develops Islamic personalities and that the State creates skills and abilities in its citizens appropriate to becoming the leading and most technically advanced nation in the world.**

To this end the government will adopt a curriculum that will be taught by the public and private sector. **The government will endeavour to make primary and secondary school education free of charge for all girls and boys** and ensure that the quality of teaching produces independent, lateral thinkers that are able to produce the leadership and confident atmosphere the State needs in order to compete globally.

Tertiary education will be modelled to make it accessible to students and to produce genuine centres of research excellence that attract the best minds globally.

### 4. EFFECTIVE AFFORDABLE HEALTHCARE

**The state is obliged to provide free basic and emergency healthcare for all.**

**The creation of a modern preventive healthcare model based on a high number of local family physicians and practitioners is envisaged.** Other models that have been effectively applied in countries facing resource challenges have set a ratio of 1 doctor to approximately 1000 patients. This coupled with a set of polyclinics for more complex problems e.g. 1 polyclinic to 30,000 people can reduce the overall burden on hospitals.

# PART V: REALISTIC AND PRACTICAL TRANSITION TO AN ISLAMIC STATE

## 1. NO VIOLATION OF SHARI'AH IN TRANSITION TO ISLAMIC STATE

**In any transition process the Shari'ah cannot be violated** and a transition process has to be fast. In particular power sharing with a regime, that does not rule by the Islamic System or pays some form of lip service (e.g. the current Egyptian or Saudi regime), is not permitted even as a means to an end. History has shown the futility of disobeying Allah(swt) in this way. **There is not a single instance of an Islamist Party achieving anything but total failure in attempting to power share with an existing regime.**

## 2. A 3 PHASED APPROACH - PRIORITISATION AND REUTILISATION

We will look at the evolution of the Islamic Khilafah from Day 1 of power in 3 phases:

- Phase 1:           Setting up structures and stabilisation – e.g. 30 days**
- Phase 2:           Setting up long term plans – e.g. from 30 days to 1 year**
- Phase 3:           Executing long term plans – e.g. 1 year plus**

We are going to concentrate on Phase 1 here, setting up structures and achieving a degree of stabilisation which allows the government to move on to Phase 2.

In Phase 1 certain areas will need mandatory attention and others can be left for further deliberation to the second phase.

To illustrate by example, **it would be inconceivable not to tackle the subject of government finances immediately** – how is the government going to collect money, leveraging Shari'ah methods and how is it going to spend it. This is an issue of survival and a key to stability.

On the other hand the details of the education system whilst of huge strategic significance can afford to be deliberated on until Phase 2 as it is something that will be rolled out over years.

**Retain as much existing infrastructure and administrative staff and experts as possible.**

Another principle would be that of not reinventing the wheel. For example this comes down to the technical expertise in the civil service department. It would be prudent to keep as many existing technocrats and bureaucrats as possible and to induce a change of culture by embedding trusted ideologically motivated staff in the key departments and tasking them to ensure that planning happens along Islamic lines. This allows the Khaleefah to keep the sort of detailed knowledge that exists in this class of professionals and leverage it appropriately. Similar principles apply to other experts such as legal professionals etc.

### 3. PHASE 1 CRITICAL REFORM

#### a. EXECUTIVE

The Khaleefah will take immediate and direct control of the armed and security forces, appointing senior commanders as he deems fit.

The Khaleefah will immediately publish a constitution derived from the Islamic Shari'ah – reflecting its subordinate status to the Shari'ah itself. This will provide clarity on what is and isn't up for discussion and provide an explanatory backdrop to the reforms that will have to take place.

The implementation of the new constitution and the policies of the Khaleefah will be achieved by the immediate appointment of governors and mayors to all areas. To overcome impediments, inefficiencies and corruption in existing structures the Khaleefah can exercise his right to appoint a parallel structure of executives to deal with the finances and tax collection for each governorate and mayoralty.

#### b. FINANCE & ECONOMY

The transition approach can be summarised as follows

1. Large reduction in expenditure
  - a. Ceasing the interest based debt payments
  - b. Ceasing Shari'ah prohibited spending
2. Establishing alternate government revenue streams designated by the Shari'ah
  - a. All forms of indirect taxation will be immediately abolished
  - b. Government tax revenue will consist primarily of zakat, kharaj/ushr (land tax)
  - c. A land review for kharaj assessment will be commenced with the first amount to be collected within 12 months
  - d. Private owners of the vast quantities of unused arable land that exist in our countries will be given immediate notice of the requirement to either start using that land or to face confiscation within 3 months.
  - e. It is envisaged that it will take 3 months to rebuild government revenue streams in accordance with Shari'ah taxation policies.
  - f. Public ownership and government control (a variant of nationalisation) of the mineral and energy sector will also transfer gas, coal and oil revenue directly to the Khilafah treasury as well as other mineral wealth.
3. Expenditure reformation in line with priorities

4. Transitioning the State currency from fiat to full gold/silver backing
  - a. The currency will be linked to gold and silver, the price will be determined based on gold/silver reserve levels and nominal prices in labour and product markets.
5. Keeping the State finances going while transition is being undertaken
  - a. The Khaleefah will also have recourse to substantial gold and foreign currency reserves sufficient (in the case of Egypt) to cover over a year of emergency expenditure.
6. Immediate boost in wealth circulation - the following measures will result in an immediate increase in the circulation of wealth
  - a. Debt payment elimination leading to more spending power
  - b. Removal of the incentive to invest for interest payment, thus increased direct business investment
  - c. More spending power due to highly reduced taxation

**c. POLITICAL REPRESENTATION**

- A process will be put in place to set up local and national Councils of the Ummah which are elected.
- Any party compatible with the Islamic constitution will have permission to be formed.

**d. JUDICIARY**

- Retain and equip existing judges with a set of punishment guidelines for crimes classified by the Shari'ah.
- Resume court processes by the end of Phase 1.
- Mechanism for judges enabling speedy access to Shari'ah expertise to facilitate the judicial process.



**e. MEDIA**

- Independent media organisations will have the right to carry out their duties providing they do not promote views undermining the constitution.
- The Khaleefah will take an official TV channel for the purposes of laying out policy, transparency and informing the population. The channel will be taken overtly and its purposes stated clearly. It will be a key tool from the beginning of Phase 1 for the Khaleefah to connect with and make himself known to the Muslim masses.
- The same principles and patterns will apply to all other technological and print media.

**f. APPEAL TO MUSLIMS LIVING IN THE WEST AND REST OF THE WORLD**

- An appeal will be issued to Muslims living outside the State, particularly those with specialist skills in technology, policy making, management and administration etc. It is hoped that the resulting influx of talent will be invaluable in building infrastructure in the early days of the State.

## **4. PHASE 2 & PHASE 3 REFORM**

Phase 2 committees would need to be setup in Phase 1 so that they could deliver a series of potential plans to the Khaleefah in order to move from the stabilisation and survival phase to a grassroots change in the characteristics and structures of the state.

For the following and other areas departmental committees would be formed to align these areas in the best interest of the state: education, culture, infrastructure, commercial reform, public safety, social reform.

# PART VI: CONCLUSION

In conclusion we call on Muslims to do the following:

- **Believe** in Islamic solutions.
- **Understand** the power of Islamic solutions.
- **Persuade** others about Islamic solutions.
- **Demand** Islamic solutions in Muslim countries.
- **Refute** both secular solutions and secular solutions dressed up in flowery Islamic language.
- **Expose** the “gradual approach” to Shari'ah solutions - it doesn't work and it angers Allah (swt).
- **Support** Hizb-ut-Tahrir in taking power on behalf of the Ummah, in order to release the power of the Islamic Shari'ah, by establishing the Khilafah State.

## APPENDIX A - Deriving modern policy framework from the Islamic legal sources

To illustrate how modern policy framework can genuinely be derived from Islamic legal sources, the following extract from the book "The Economic System of Islam" by Taqiuddin An-Nabhani (the founder of Hizb-ut-Tahrir), is reproduced as an example.

### PUBLIC PROPERTY (AL-MILKIYYAH AL- AMMAH)

Public property is the permission of the Lawgiver to the community to share the use of the asset. Assets which are public property are those which the Lawgiver stated that as belonging to the community as a whole, and those which He prevented the individual from possessing any of them singularly. This is categorised in three types:

1. That which is considered a public utility, so that a town or a community would disperse in search for it if it were not available.
2. The uncountable stores of minerals.
3. Things which, by their nature, would prevent the individual from possession.

With regard to the public utilities, they are everything that is generally considered as a utility by the people. The Prophet (SAW) explained them in the Ahadith by their description rather than by enumerating them. Ibn 'Abbas narrated that the Prophet (SAW) said: **"Muslims are partners (associates) in three things: in water, pastures and fire,"** reported by Abu Dawud. Anas narrated from Ibn 'Abbas adding, "and its price is Haram (forbidden)." Ibn Majah narrated from Abu Hurairah (ra) that the Prophet (SAW) said: **"Three things are not prevented from (the people); the water, the pastures and the fire."** This is an evidence that people are partners (associates) in water, pastures and fire, and that the individual is prohibited from possessing them. But it is noticed that the Hadith mentioned them as three, and they are Jamid (non-derived) names, and there was no mentioning of Illah (reason) in the Hadith. The Hadith did not include Illah (reason), and this could imply that these three things are the only ones which represent public property with no consideration given to their depiction for the community's need for them.

However, if one scrutinised the issue he would find that the Prophet (SAW) allowed the possession of water in At-Taif and Khaybar by individuals, and they actually possessed it for the purpose of irrigating their plants and farms. Had the sharing (association) of water been just because it is water and not because of the consideration of the community's need for it, then he would not have allowed individuals to possess it. So from the saying of the Prophet (SAW) , **"Muslims are partners (associates) in three things: in water, pastures and fire"** and from his permission to individuals to possess the water, it can be deduced that the Illah (reason) of partnership in the water, pastures and fire, is their being of the community utilities that are indispensable to the community. So the Hadith mentioned the three (things) but they are reasoned as being community utilities. Therefore this Illah (reason) goes along with the reasoned (rule) in existence and in absence. So anything that qualifies as being of the community utilities is considered a public property, whether or not it was water, pasture or fire i.e. whether it was specifically mentioned in the Hadith or not. If it ceased to be of the community utilities, even if it was mentioned in the Hadith like the water it would not be a community utility, it would rather be of the things which can be possessed individually. The criteria for determining things to be a public utility is that it is anything which, if not available to the community, whether the community was a group of bedouins a village, city, or a State, would cause them to disperse in search of it, then it would be considered of the community utilities, like the water sources, forests of firewood, pastures of livestock and the like.

With regards to minerals, they are of two kinds: one is of a limited quantity that is not considered significant. The other is of an uncountable quantity. As for the first type it can be an individual property, owned singularly and treated like the hidden treasure (Rikaz) where a fifth of it is paid to the Bait ul-Mal. Amr ibn Shua'ib narrated from his father, from his grandfather that the Prophet (SAW) was asked about the Luqatah (article picked from the road) he said: "That which was picked from the publicly used road, or the village, you have to announce it for one year, if anyone demands it, give it to him, and if not, it would be yours; but if it is found in sites of ruin, then a fifth of it and of the hidden treasure (Rikaz) has to be paid to the Bait ul-Mal", narrated by Abu Dawud.

As for the uncountable quantity which cannot be normally depleted, it is a public property and should not be possessed individually due to what At-Tirmidhi narrated from Abyadh ibn Hammal that he came to the Prophet (SAW) and asked him to grant him a salt laden land, and he granted it to him. And when he left, one person in attendance with the Prophet (SAW) said, "Do you know what you granted him? You granted him the uncountable water (Al-'udd)". He (SAW) then took it away from him." He compared it (in this Hadith) with the uncountable (Al-'Udd) water because it does not deplete. So this Hadith indicates that the Prophet (SAW) granted the salty mountain to Abyadh ibn Hammal, which means that it is allowed to grant a salt mine. However, when he realised that it was of the permanent or continuous mines which are non depletable, he reversed his grant and took it back thereby prohibiting its ownership by individuals as it is a public property. What is meant here is not the salt, but rather the salt mine. The evidence for this is that when he knew it was non-depletable he prohibited its private ownership, despite the fact that he knew it was salt and that he had initially granted it. So its prohibition was due to its being non-depletable. Abu Ubayd said, "With regards to his (i.e. the Prophet) granting to Abyadh ibn Hammal of the salt (found) in Ma'reb, then taking it away from him, he did it considering it as a dead (unused) land which Abyadh was going to revive and cultivate. When the Prophet (SAW) realised it included uncountable ('Udd) water, which contains non-depletable material like the water of the springs and wells, he revoked it, because it is the Sunnah of the Prophet (SAW) in relation to pasture, fire and water, for which people are all associates in possession. So he disliked the limiting of possession to one person to the exclusion of others." Since salt was of the minerals, the Prophet (SAW) change of mind about its granting to Abyadh is considered a reason (Illah) for the prohibition of its ownership by individuals, i.e. that it is an uncountable ('Udd) mineral mine, not because it comprised uncountable ('udd) salt. It appears from examining this Hadith that the reason (Illah) for preventing the grant of the salt mineral mine is because it was uncountable ('Udd) i.e. not depleted. It appears from the narration of Amr ibn Qais that the salt in this incident is a mineral (mine) because he said, "the mine (mineral) of salt". It appears from the words of the jurists, that they considered the salt of the minerals, so the Hadith would be related to minerals and not to salt specifically.

With regards to Abu Dawud's narration that the Prophet (SAW) granted Bilal ibn Al-Harith Al Muzni the minerals (mines) of the Qabalah; and also what Abu Ubaid's narrated in his book (Al Amwal) from Ikrimah that he said: "The Prophet (SAW) granted Bilal such a land from such a minerals", this Hadith does not contradict the Hadith of Abyadh. This Hadith is rather to interpret that these minerals which the Prophet (SAW) granted to Bilal were limited, and thus allowed to be granted, as the Prophet (SAW) did when he first granted the salt mineral to Abyadh. This Hadith should not be interpreted as a permission to grant such minerals in absolute terms, because it would then contradict with what the Prophet (SAW) did when he took back the minerals which he granted when he realised it was uncountable ('Udd), and not normally depleted. So the minerals which the Prophet (SAW) granted are to be interpreted as being limited and they (easily) deplete.

This rule, that the uncountable and undepleted minerals are considered a public property, includes all minerals, whether they on the surface of the earth where people may reach and use them without great effort, such as salt, coal, sapphire, ruby, and the like. Or whether they were of the subsurface minerals, which are reachable only with work, like the minerals of gold, silver, iron, copper, lead and

the like. And also whether they are solid like crystal, or fluid like oil. All of them are minerals, which are included within the meaning of the Hadith.

As for the things whose nature prevents them from coming under the domain of individual ownership, they are the assets which consist of the public utilities. Although they fall within the first category because they are from the community utilities, they differ however from it in respect of their nature which prevents them from being possessed by individuals. Water, for example, could be possessed by individuals, but this is prohibited if the community cannot manage to live without it, unlike the case with roads which certainly cannot be owned by any individual. Therefore, although the evidence for this category is that the divine reason (Illah) is applicable to it and that it is from the community utilities, however its nature indicates that it belongs to the public property. This category includes roads, rivers, seas, lakes, public canals, gulfs, straits and the like. Also included are things like Masjid, State schools, hospitals, playgrounds, shelters etc.

## APPENDIX B - Hizb-ut-Tahrir Published Books

The following are just some of the books published officially by Hizb-ut-Tahrir and by its members

1. Nizam ul-Islam (Systems of Islam)
2. At-Takattul ul-Hizbi (Party Structuring)
3. Mafaheem Hizb ut-Tahrir (Concepts of Hizb ut-Tahrir)
4. An- Nafseeyah.
5. Ad-Dawlah al-Islamiyyah (The Islamic State)
6. Ajhiza (State Organisation)
7. An-Nizam ul-Ijtima'i fil-Islam (The Social System)
8. An-Nizam ul-Iqtisadi fil-Islam (The Economic System)
9. Al-Amwal fee Dawalat ul-Khilafah (The Funds of the Islamic State)
10. Mafaheem Siyasiyyah li Hizb ut-Tahrir (Political Concepts of Hizb ut-Tahrir)
11. Ash-Shakhsiyyah al-Islamiyyah (Islamic Personality) (three volumes).
12. Muqaddimat ud-Dostoor (Introduction to the Constitution)
13. Al-Kurrasah/Ad-Dousiyyah (The File),
14. Asas Al-Ta'leem Al-Manhajee Fee Dawlat Al-Khilafah (Fundamentals of Education Methodology Policy in the Khilafah state)
15. Nazarat Siyasiyyah (Political Views)
16. Nasharat us-Sayr (Progress Leaflets)
17. Manhaj Hizb ut-Tahrir Fee At-Taghayar (Methodology of Hizb ut-Tahrir for Change)
18. At-Ta'reef Bi-Hizb ut-Tahrir (Definition of Hizb ut-Tahrir)
19. Nida' Haar (A Warm Call)
20. Ahkam us-Salah (Salah Rules)
21. Al-Fikr ul-Islamic (Islamic Thought)
22. Naqdul Ishtirakiyyah al-Marxiyyah (Rebuttal of Marxist Socialism)
23. As-Siyasah al-Iqtisadiyyah al-Muthla (The Idea (Economic Policy)
24. Kaifa Huddimat el-Khilafah (How the Khilafah was Demolished)
25. At-Tafkeer (The Thinking), Sur'at ul-Badeehah (Presence of Mind)
26. Nizam ul-Uqoobat (Penal Code)
27. Ahkam ul-Bayyenat (Rules of Prosecution Evidences)
28. Al-Hukm Ash-Shar'a Feel-Astansaakh wa Naqal Al-A'Daa'a wa Umoor Ukhra (Hukm Shar'a in Cloning, Transplantation and other Matters)
29. Hazaat Al-Aswaaq Al-Maaliyyah (Collapse of the Stock Markets)
30. Hatmiyah Saraa'a Al-HaDaaraat (Inevitability of Clash of Civilizations)
31. At-Tayseer Fee Usool ul-Tafseer- Surah Al-Baqarah (An Easy Approach to the Usool of Tafseer- Surah Al-Baqarah)
32. Tayseer ul-WuSool ila Al-USool (An Easy Approach to Access at Usool)
33. Al-Azmaat Ul-IqtiSaadiyyah (Economic Crises)
34. Siysat Al-TaSnee'a wa Banaa'a Ul-Dawlah Sanaa'iyyan (Industrial Policy and Founding an Industrial State)



