

**PROJECT
FOR ESTABLISHING AN ARAB FUND
(ENDOWMENT OR CASH DEPOSIT)**

To extend grants and financial support
To human rights organizations, activists, and programs
And
To promote the rule of law in the Arab Region

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Before the Court of Cassation

This study is for official use only

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INTRODUCTION:

THE issue of pumping funds to the non-governmental activity in the Arab region dominates the discussions of the interested persons and civil society activists at present. However, there are certain Arab laws and regulations which hinder this funding. The purpose of this study is to identify these obstacles in order to find an Arab means for funding these activities. The study discusses the idea of establishing a non-profit organization whose function is to administer a cash *wakf* deposit (or endowment). The proceeds of this deposit will be used to offer financial aid to groups, associations, programs and activists concerned with promoting and advocating human rights and the rule of law, in general, in the Arab region.

Five Arab states, which enjoy a relative margin of freedom, were selected as subject of this study to explore the possibility of establishing the Fund in any one of them under the laws in force at present. These are Egypt, Lebanon, Morocco, Jordan and the United Arab Emirates.

The study examines the legislation governing wakf charitable organizations in the selected states. The focus of the study is on investigating what the law says about endowments (or *wakfs*) allocated for funding the organizations, activists, and programs advocating human rights and the rule of law. This requires examining the essence of the laws in force in the selected states to identify the possibility of setting up the proposed Fund, the risks which the Fund may face when it is established, the gains and benefits that will be gained from establishing it, and the negative aspects that have emerged while studying the legal systems in the selected states.

To answer the main question about the possibility of establishing the Fund in compliance with the existing law provisions in the Arab region, we had to put forward two hypotheses:

THE FIRST HYPOTHESIS

The idea of the research is to establish a wakf charitable organization to administer a special fund whose proceeds will be allocated for funding and supporting human rights programs and organizations and the rule of law institutions in general.

Rationale behind this hypothesis

According to all the existing laws in the selected states, there must be funds that have been actually allocated for this purpose before the Fund can be created. They also require that these funds must be sufficient to achieve the Fund's object. The idea that an organization/association can be established to create a bank deposit or wakf deposit to achieve its objects is unknown neither in the legislation of the selected states nor in the entire Arab region. For such organization/association to be established, funds should be available first. The same rule applies to establishing companies, banks, financial institutions, and the like.

THE SECOND HYPOTHESIS

If the required funds are available, is it possible under the existing legislation in the selected states to establish the Fund as a not-for-profit organization?

The answers to the main questions in this research may seem simple at first glance; one may assume that it only takes few minutes or hours to reach these answers. However, finding answers substantiated by evidence whether for or against these hypotheses was like walking on sharp thorns. It also meant that one has to enter a jungle of laws with a little chance to get out. It is like a jungle of trees whose branches are intermingled and whose roots go deep into the ground and date back to old centuries. Some of these laws date back to tens of years ago. Others date back to hundreds of years ago. On one end of the spectrum, you may find a *faraman* (or edict) which dates back to the Ottoman rule. On the other end, you may find a decree by the British High Commissioner linked to a law in force that has been enacted by a recently elected parliament.

Therefore, it was quiet necessary to scrutinize and thoroughly examine these laws to come up with the necessary conclusions. The study took more than one year to complete due to the big number of new and old laws that the researcher had to rake in. At many times, the researcher was about to finish examining and analyzing the contents of a certain law when he was surprised to discover that a new amendment was introduced to that law. The amendment took the form of a temporary law or a statutory act. The latest legislation and amendments were as follows:

- The Associations Act in Egypt whose Executive Regulation was issued on 24 October, 2002.
- The recent amendments to the Associations Act in Morocco, which were published in the Official Gazette on 23 October 2002.
- The Anti-terror Law No.3/2003 in Morocco which has taken force in October 2003.
- The Economic Crimes Law No. 40/2003 in Jordan
- The temporary Credit Information Law No. 82/2003 in Jordan.
- Law No. 88/2003 concerning the Egyptian Central Bank, the banking sector, foreign currency, and privacy of bank accounts in Egypt.
- Law No. 95/2003, which abolished State Security Courts.

The researcher had to trace all the relevant laws and the various and intertwined amendments that were introduced to them because these laws were closely related to the subject of the study. The researcher cannot give an exact number of the laws which he examined to determine whether they are relevant to this study. It is estimated, however, that the researcher has examined about two thousand instruments. These included laws, executive regulations, republican decrees, royal edicts or orders, regulations, instructions, explanatory memorandums, resolutions by the central bank boards, and ministerial decisions. In addition to these instruments, the

researcher examined court judgments and judicial interpretations that were made in the selected states in order to identify the relevant opinions.

In addition to the above-mentioned materials, the researcher had to study Muslim and non-Muslim religious reference books and individual opinions about personal status, will, and endowment related matters. To do this task, the researcher had to exert painstaking efforts to simplify the religious terms in these reference books especially those that dealt with individual opinions on wakf and wakf deeds. The study addresses both the legal and religious aspects governing the establishment of a wakf charitable organization whose purpose is to achieve the objectives described in this research; namely, creating a wakf cash deposit under the present legal systems in the selected states. This required the researcher to consult the relevant well-established religious opinions which date back to the third century after hijra (Islamic Calendar).

It took a long time before the researcher could find evidence to substantiate the answers he reached to the questions, which the study has raised. While conducting this study, the researcher has noticed the scarcity of the sources on Arab legislation. He consulted both available electronic data and reference books to search for and retrieve the relevant information. As the process of documentation is still at an early phase in the Arab world, a long time was consumed, particularly, since the project's idea about non-profit organizations in the region is a new one and has not been discussed before.

The researcher owes special thanks to the research team that worked with him while conducting this study. The members of the research team assisted the researcher in documenting the sources and information about this study from the very beginning. They documented an estimated 5,000 pages. It was from these papers that the researcher has identified the law principles upon which the study is based. The researcher analyzed the contents of these papers and came up with conclusions and answers to the main questions raised in this study. Therefore, the researcher again expresses his deepest thanks to all the members of his team for the valuable assistance and efforts they contributed to this research.

I hope that this study will be useful in bringing into existence the idea of establishing a Fund or an organization for serving human purposes. The researcher hopes that this study will be a useful addition to the Arab library, as it documents and analyzes the law provisions on freedoms and human rights in the Arab region. On the other hand, the study revealed certain obstacles, which have not been discussed before, and whose presence impedes the progress of the Arab civil society organizations. The researcher believes that the removal of these obstacles can bring about an increase of the financial resources of these organizations, generate local funds, and enhance the activities of human rights groups in the Arab region.

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THE IMPORTANCE OF THE PROJECT: THE GAINS AND BENEFITS

As a result of the interviews, which the author conducted with many representatives of human rights groups in the selected five Arab states as well as the meetings he held with key figures working in the field of human rights in the Arab region, the researcher has identified a set of important gains and benefits of his project. These gains and benefits are as follows:

1. The current global changes cast their shadows over the human rights conditions in the developing countries in general and the Arab region in particular. The effects of these changes may increase the needs of human rights organizations, whether they are non-governmental, semi-governmental or governmental, to implement reform programs and projects that are helpful in bolstering and respecting human rights. Moreover, the global changes may give rise to new patterns of violations of economic, social, and cultural rights in the fields of education, health, environment, housing, and work. In addition, the number of victims of violation of civil and political rights will be on the increase due to the widening north-south gap. In light of these changes, it has become very important to develop and support the human rights organizations in the Arab region so that the Arab states should not become a mere importer of goods and services. The costs of these services have gone up so high that the governments cannot bear them.
2. It is expected that new patterns of violations and extra judicial disputes will appear due to the emergence of new giant multi-national non-government organizations. Because of these new patterns, the weak and poor classes will not be able to confront the well-trained and experienced legal firms. The cost of the services of these firms is very expensive with the result that justice will be available only in theory for all classes while it will be in practice closed to the poor and weak classes. The doors of justice will be widely open to the rich and the well-to-do. It is feared that the principle of the rule of law, which is the pillar of justice, will be in disorder.
3. Admittedly, the human rights movement is neither a political opposition movement, nor a power seeker. This movement endeavors to support and bolster respect for human rights regardless of the type of the ruling regime. The movement supports cooperation among all the governmental and non-government organizations to promote respect for human rights and, thus, serve the interests of the people. The scarcity of financial resources, which might be the result of channeling revenues towards implementing programs and policies to apply GATT agreements, will have a negative impact on the respect for human rights. Therefore, there is a pressing need for setting up an Arab Fund for funding the organizations which advocate human rights programs and the rule of law in general and for making the necessary funds available for these organizations. On the other hand, the importance of

the proposed Fund lies in the fact that it is an attempt to strengthen these organizations' reliance on the national financial resources in improving their capabilities and performance. Moreover, establishing this Fund may stimulate a large number of persons and establishments to donate funds to these organizations without fear of prosecution or harassment from the security agencies.

Q1. Is it possible to establish the Fund/Association as a private association, a non-governmental charitable organization, or a public-interest organization in the selected states?

1) EGYPT

Non-government organizations and associations

According to law No. 84/2002 and its executive regulation, which was issued by the Minister of Social Affairs' Decision No. 178/2002, the non-government organizations and associations are subject of two kinds of control; control of pre-incorporation procedures and after-incorporation control or control of the daily activity. Law No. 84/2002 differentiates between private associations, public-interest associations, and non-government organizations as follows:

Private associations

Control of the incorporation procedures

According to the Egyptian legislation, private associations must obtain prior approval from the Ministry of Social Affairs of the incorporation procedures. All the association's members, whether they are physical or corporate persons, must meet certain conditions. For example, a corporate person, who is a member of the association, should have acquired its membership, or have been permitted to carry on its activity by operation of the provisions of the Egyptian law. According to the law, the number of the members of the association's board of directors must be no less than 5 and no more than 15 members.

Control of daily activities

The law gives the competent administrative authority many powers. According to the law, the private associations must obtain prior permission from the competent administrative authority before it can "accept donations, receive funds, or give grants". An association also may receive donations inside Egypt only after it so notifies the competent administrative authority. The competent administrative authority is entitled to confiscate the association's funds, object to its decisions, dissolve the association, and appoint a temporary board of directors.

Public-interest associations

Control of the incorporation procedures

An association is given the public-interest character and its privileges are determined by Presidential Decree. A public-interest association is subject of the same incorporation procedures of the private association.

Control of the daily activities

The competent administrative authority has the same rights it is conferred in respect of the private associations.

Non-government organizations (NGOs)

Control of the incorporation procedures

A non-government organization must obtain prior approval from the competent administrative authority. In addition, the non-government organization must be created by an official instrument or a notarized will. The members of the organization should meet the conditions prescribed by the law.

Control of the daily activities

Where the NGO fails to appoint its board of trustees, the competent administrative authority is entitled to appoint that board. The same restrictions on extending grants, receiving and distributing funds from and to outside the country are also imposed on the NGO. The competent administrative authority has the same powers it enjoys in respect of the other associations; it has the power to dissolve the NGO and confiscate its funds.

Tax treatment of the donations extended to private associations and NGOs

According to the Income Tax Law No.157 of 1981, private associations and NGOs enjoy a limited tax exemption in respect of the donations to the Government and local government units. Donations received from physical or corporate persons enjoy a maximum tax exemption of 7% of the annual net profit of the taxpayer. The Governmental organizations and local government units enjoy full tax exemption.

The law imposes a criminal penalty on any person who violates the provisions of the Associations Act.

Extending the scope of criminalizing collective projects within the context of defining terrorist crimes

The scope of criminalizing collective projects in the Penal Code has been extended. Thus, there have been criminalized any acts of creating,

incorporating, organizing, or managing an association, organization, or group whose purpose is to “call” by any “means” for obstructing the provisions of the Constitution or the laws of the State, or for harming the country’s national unity or social peace. The incorporators are punishable by a prison term from three to fifteen years. A person who assumes leadership of such organization or provides it with material or financial aids while knowing the purpose it calls for is punishable by a temporary hard labor prison term for 3 – 15 years.

A person, who joins an association, organization, or group or participates in any way in its activities while knowing its purposes is punishable by a prison term of a maximum of five years.

According to Article 86, bis, the same penalty is imposed on any person who-

- propagates verbally or in writing or in any other way for the purposes of these associations;
- possesses or keeps, by himself or by others, documents, publications, or records of any kind that propagate for encouraging the above mentioned criminalized actions of these collective projects; or
- possesses or keeps any method of printing, recording, or publicizing that have been used or have been prepared for use.

The above article shows that all peaceful opinions, acts, and means have been criminalized no matter how they are expressed. The phrase “obstructing the provisions of the Constitution and the law” is loose enough to cover under the umbrella of that article many peaceful groups and organizations, which oppose constitutional rules, or laws that restrict freedoms and basic rights.

In addition, words like “national unity” and “social peace” are so wide, vague, and loose that can be easily used to criminalize any activity. They can be broadly interpreted and construed to the extent that they can tempt for creating new crimes, which were not intended in legislation. Thus, they can be used for putting the members of peaceful associations in prison.

2) JORDAN

Law No.33/1966 differentiates between the charitable associations, social organizations, ordinary associations on one hand and the religious organizations and congregations on the other hand. According to this law, charitable associations are subordinated to the supervision of the Ministry of Social Affairs. As for the social and ordinary associations and organizations, they are subordinated to the supervision of the Minister of the Interior. According to the Interior Ministry’s Administrative Decision No. 22/1966, the Ministry is responsible for licensing, registering, and supervising the elections in the ordinary associations and similar organizations as follows:

1. Charitable association, social organization, and ordinary association

Incorporation procedures

The association's incorporation procedures and by-laws must be approved in advance by the competent administrative authority. The authority is entitled to accept or reject the application for incorporation.

Control of daily activities

The control, which is exercised on the Jordanian associations, is similar to those exercised on the Egyptian associations. In Jordan, the associations do not enjoy any freedom to accept and distribute funds or give grants in general. An association must obtain prior permission from the competent administrative authority before taking these actions. In addition, all the activities of Jordanian associations are subordinated to the supervision of the administrative authority. The competent administrative authority has the right to dissolve the association.

2. Religious organizations and congregations

Incorporation procedures

According to the Jordanian legislation, the religious organizations and congregations must obtain prior permission from the competent administrative authority before they can be incorporated. The scope of activity of these organizations and congregations includes, but is not limited to, creating refuges and free-of-charge educational institutes.

Control of daily activities

The religious organizations and congregations are subordinated to the supervision of the competent minister. According to the Jordanian legislation, these organizations and congregations must obtain prior permission from the competent minister if they want to make any new amendment to their services. However, the minister has no authority to dissolve these organizations and all that he can do is to draw their attention. The matter is submitted then to the Cabinet for necessary action. These associations are governed by the same restrictions, which are applied to the above-mentioned ordinary associations. As for receiving and distributing funds, or offering grants, these organizations are free to give aid to the poor and needy people.

Charitable associations; social, ordinary, and religious organizations; and congregations are governed by Donation Raising Act 1957 and Social Aids Wills Act No. 14/1959.

According to the Income Tax Law No. 57/1985 as amended, the donations, which are offered to ordinary and charitable associations and social organizations, enjoy only a limited tax exemption.

When comparing between tax exemptions, which the governmental and semi-governmental organizations and funds enjoy, it is clear that these organizations enjoy full tax exemption and the freedom to accept donations and funds without any restrictions. The exemption decided for the first type of ordinary and charitable associations and social organizations must not exceed one fourth of their taxable income before making any tax reduction or exemption.

Restrictions on the formation of associations in the Jordanian Penal Code:

According to the Jordanian legislation, criminal penalties are imposed in case of violations of the laws governing the creation and practice of the activity of the associations.

According to Articles 159 - 163 of the Penal Code No. 16/1960, the definition of illegal associations has been extended to include-

- the associations which call for amending the Constitution and the regime;
- the associations which do not report their by-laws to the government; and
- The associations which have been dissolved but continued their meetings after they had been dissolved.

The law criminalizes any method of encouraging these associations (Article 159). It also toughens the penalty for joining an illegal association; collecting funds, subscription fees, or financial aid; and printing or selling any of its publications. Articles 36 – 39 confers upon the courts full powers to suspend and dissolve these associations, confiscate their funds, close down their premises, and disqualify their directors from establishing or managing a similar organization.

3). LEBANON

According to the Lebanese legislation, private associations and public-interest organizations are governed by the Ottoman Law 1909 as amended, which differentiates between these associations and organizations as follows:

Private Associations

Control of the incorporation procedures

The procedures of incorporation of a private association need not be approved by the competent administrative authority. However, the founders must notify the competent administrative authority (the Ministry of the Interior)

about the formation of the association. The notice about an association's formation must contain some basic information about the association.

Control of daily activities

The association is free to offer grants, receive and distribute funds from abroad into the country. But, where the association's funds are transferred from Lebanon to abroad, the association is deemed a foreign association and not a private one, as the purposes of the association have moved from the local to regional territory. In the latter case, this activity must be provided in the association's by-laws.

Public-interest organizations

Incorporation procedures

In the beginning, it should be noted that the Lebanese law had previously set the purposes of public-interest organizations. These purposes are not covered by this study. The public-interest character is conferred by decree of the Lebanese Council of Minister.

Control of the daily activities

The public-interest character may be cancelled at any time by decree from the Council of Ministers. The public-interest organizations are subordinated to the supervision of a government-run watchdog body, which is known as the "Control Authority". The Control Authority has the right to inspect the public-interest organization and bind it to submit a detailed report about its annual activities, accomplishments, the balance sheet for the ended year, a statement of its programs, and how it will use its resources to achieve these programs in the next coming year. If the organization violates these procedures, the Authority has the right to propose to disqualify the organization and to bring it before a criminal court. These organizations have no right to give cash donations and their role is restricted only to supporting some activities such as "helping the handicapped and treating the sick and the needy". As for receiving and distributing funds, the organization carries out its activities in this field only locally inside Lebanon.

Tax treatment

According to Edict No. 1785/1979, the donations, which are offered to private associations and organizations, enjoy only a limited tax exemption of a maximum of 10% of the taxpayer's net profits on condition that these donations should be extended to a 'public-interest organization'.

The Lebanese law provides for criminal penalties in case of violating the relevant provisions.

Administrative and criminal penalties provided in the Ottoman Law

According to the Ottoman Law, where an association fails to announce its purposes or provide the government with sufficient information about its activities, the government may ban it, confiscate its properties, suspend its activities, and close it down by administrative order. According to Decree No.20/LR, issued on January 22, 1936, by the French High Commissioner, the Minister of the Interior has the right to temporarily close down the premises of these associations.

According to the Lebanese law, a person who joins an association, committee, or organization that directly or indirectly seeks to obstruct the public interests is punishable by a prison term of a minimum of 6 months to a maximum of 10 years. Where a person continues to join a banned association or re-incorporate or manage it is punishable by 2 months to one year in prison.

Criminal penalties in the Lebanese Penal Code

Suspension of associations and organizations

According to the Lebanese Penal Code, there may be suspended for a minimum of one month and a maximum of 2 years a syndicate, company, association, or organization – apart from general departments - whose directors, staff members, representatives, or employees commit in its name or by its methods a felony or misdemeanor punishable by a 2-year prison term at least.

Dissolution, Liquidation and Confiscation of Associations and Organizations

According to the Lebanese Penal Code, an association or organization may be dissolved in the following cases:

- If it fails to comply with the legal formation requirements.
- If the expressed or intended object of its establishment is contrary to the religious laws.
- If it fails to comply with the law provisions in case of dissolution.
- If it has been suspended by decision delivered less than five years ago.

In the case of dissolution, the properties of an association/organization must be liquidated. The directors, members, and any person liable for these violations are disqualified from establishing or managing similar association or organization. According to Article 338 of the Penal Code, a secret association is dissolved and its properties are confiscated. The same article also punishes any person, who has assumed in the secret association an administrative or executive job is punishable by imprisonment from 6 months to 2 years in addition to fine. The other members are punishable by half the penalties together.

A person who violates the provisions on suspension or dissolution of the association or organization is punishable by prison term of one month to 6 months in addition to the fine penalty.

According to Decree No. 10,830, issued on October 9, 1962, a person shall not continue to operate an association, which has been dissolved because its members – in their partisan capacities - have committed crimes related to the state's security associated with delivered judgments. A person also shall not provide any type of assistance to such association that may help it carry out any of its activities. Any agreement, which has been concluded directly or indirectly with an association that has been dissolved for the above-mentioned reason or for the interest of the association, is deemed invalid. Also, any agreement that had been concluded with such association is deemed null and void.

An association that has been dissolved because of the reasons mentioned in the above-mentioned article may be re-licensed only by an act of law during the eight years after the issuance of the dissolving decision. This restriction covers all the various branches of the dissolved association regardless of their names. In addition, the members of the dissolved association, referred to in that Decree, may not join another association for three years from the date the association is dissolved.

A person, who seeks to continue to operate or assist a dissolved association to carry out its activities is punishable by a prison term of one to three years. A member of a dissolved association who joins another association before the lapse of a period of three years from the date of the decision dissolving it has been issued, is punishable by a prison term of ten days to six months.

A person who joins a political or a social association of an international character is punishable by confinement or house arrest for three months to three years and a fine. A person who assumes in the association/organization an executive job is punishable by a minimum of one year in prison or under house arrest plus a fine of two hundred thousand liras. The Lebanese Penal Code also provides for accessory penalties in case of associations-related crimes. These include deprivation of civil rights, withdrawal of stay permits, and deportation.

4) United Arab Emirates

The Federal Act 6/1974 does not differentiate between the private associations, non-government organizations, and public-interest associations. All these associations are subject of certain legal rules.

Freedom to incorporate associations

The Federal Act 6/1974 expressly provides that a foreigner may not join such associations. Incorporation of such association must be approved in advance by the competent administrative authority which can reject the

application for incorporation. In case of rejection, the decision of the authority is final and may not be challenged before the court.

Control of daily activity

The competent administrative authority is entitled to merge an association into another one. The Minister may dissolve the association. The competent administrative authority is entitled to control the association's activities. Where the association participates in a conference or a meeting abroad, it must obtain the approval of the competent administrative authority. The authority's approval also must be obtained in case of extending grants, fund raising, and receiving and distributing funds from and to abroad.

Criminal penalties are imposed on the violators of the provisions of the above-mentioned Act.

Dissolution by a court decision and confiscation of the association's properties

According to Article 182 of the Penal Code, a court may by decision dissolve an illegal association or organization and confiscate its properties, chattels, and papers. The court may also confiscate any property owned to the convict if it appears that such resource has been allocated for spending on the association or organization or its branches.

5) MOROCCO

Private associations

Private associations, public-interest organizations, and small loan associations in Morocco are governed by Royal Decree No. 1.58.376 of 15 November 1958 supplemented by Royal Decree No. 1.02.206 of 23 July 2002 promulgating Act No. 57.00 repealing and supplementing Royal Decree No. 3.

Control of procedures incorporation

The members of the association are free to formulate the association's by-laws. An association is not expressly required to obtain prior permission from the competent administrative authority. An association has only the duty to notify (authority of its incorporation). The notice (or *tassrih*) is submitted to the principal office of the local competent authority against a temporary receipt. The association acquires the corporate personality only after it obtains a final receipt from the competent administrative authority within 60 days from the date the notice is submitted. This is deemed a veiled license. Where the association's purposes or objects are to accept wills and gifts, its by-laws must so provide.

Control of daily activities

The association has all the rights secured for a corporate person. It also may dispose of all the funds it receives from foreign bodies but it must so notify the General Secretariat. An association may be dissolved by a court judgment if there are justifiable reasons for that dissolution. As regards the association's freedom to extend grants and receive and distribute funds from and to its territory, the association must obtain the approval of the competent administrative authority of such action.

Public-interest associations

Freedom of incorporation

An association must obtain prior approval by decree from the administrative authority authorizing its incorporation and conferring upon it the public-interest character.

Control of daily activity

An association is dissolved by a court judgment. It is subordinated to the accounting control of the competent administrative authority. Where an association is in breach of its legal obligations, its license is withdrawn. As regards the association's freedom to extend grants and receive and distribute funds, it is governed by the same restrictions as the private associations. According to the Moroccan legislation, a public-interest association may not dispose of, assign, or grant to a third party the movable values except by permission and decision of the Prime Minister.

Small loan association

Control of incorporation

For a small loan association to be incorporated, it must obtain the approval of the competent administrative authority.

Control of daily activity

According to Act No. 00.4.71 of 12 October 1971, a small loan association are controlled and supervised by the competent administrative authority in respect of all its activities. A small loan association may not receive funds from the public. But it may raise funding by way of public alms on condition that it should notify the competent minister of the results of that action after the procedures are taken.

Tax treatment

According to Act 89/37 and Act 17.89, donations extended to private associations and organizations and non-government organizations enjoy a good tax exemption compared to the other exemptions enjoyed by these

associations and organizations in the other states subject of this study. There is exempted from tax the value of the commodities, goods, works, and services provided by physical or corporate Moroccan persons or foreigners by way of gift to the State, local groups, public organizations, or public-interest associations, which concern themselves with the health and social conditions of the disabled or who suffer from difficult health conditions.

As regards cultural tax, the donations contributed by physical or corporate persons are discounted from the tax vessel by a maximum of 25% of the vessel (Act No. 1.86.239 of 1986 promulgating Act 24086 and Act 85/30 as amended).

- Criminal penalties are imposed on violators of the provisions of the law in respect of the requirements it imposes.

Restrictions in the Penal Code

According to the Royal Decree concerning the incorporation of associations, there is imposed a prison term of one to three years and a fine of 50000 Dirhams on any crimes or misdemeanors committed by way of speeches, calls, or written materials whether they are posted on the walls, spread, distributed, and presented in films.

CONCLUSION

From what has been mentioned about the Arab legislative environment in the selected states, it is clear that it is not possible to establish the organization as a private association, or non-government organization, or a public-interest association.

The position in Egypt, Jordan, and the UAE

In Egypt, Jordan and the United Arab Emirates, there is no freedom to establish this type of associations or organizations, as the law requires obtaining prior license. The competent administrative authority in these states exercise exaggerated control of the daily activities of these associations. It also has the power to dissolve the association, its directors, and appoint interim board of directors. In addition, the existing laws governing associations and the penal codes in the three states give to the administrative authority the right to confiscate the funds of these associations.

The association is not free to extend, receive, or distribute financial donations without obtaining prior permission from the competent administrative authority. The scope of activity of the associations; non-government organizations; and social, philanthropic, and public-interest organizations is mentioned restrictively. It is not mentioned under the association's objects that it may extend grants, support programs, or receive and distribute funds. Its activity is restricted to the local territory and is not extended to the regional one. Only governmental organizations, which monopolize this idea, can receive donations, gifts, and wills and extend

grants. Examples of these organizations are “Queen Alia Fund” and “King Abdullah II Fund” in Jordan; the “Fund for Social Development” and “Nasser Social Bank” in Egypt; and the Islamic banks in the United Arab Emirates and Jordan.

In Lebanon

In Lebanon, there is freedom to establish private associations, which are free to accept foreign aids from abroad. However, the activities of these associations and their work areas are limited to the local territory in Lebanon only and are not extended beyond Lebanon. As for the public-interest organizations and charitable associations, they must obtain prior permission and may operate only in such areas of activities as may be determined in a Decree issued from the Council of Ministers.

In Morocco

Private associations in Morocco can be freely established. However, the activities of these associations are restricted to the local territory. Although the Moroccan associations are free to receive social aids from abroad, they may not distribute this aid outside the local territory. As for the Moroccan public-interest organizations, they must obtain prior permission. The decree approving its by-laws, restrictively determines the areas where the association can operate. The association may only operate within the limits of these areas, including the social field, inside the Moroccan territory.

- The above opinion is based on the above-mentioned reasons resulting from analyzing the contents of the laws governing the establishment of associations, non-government organizations, and public-interest organizations.

Q2. Is it possible to establish the Fund or the Organization as a foreign association in the selected states?

As an alternative appropriate for the present circumstances, it is possible to establish the organization or the Fund as a foreign association in the countries covered by the study on condition that the following requirements should be met in each country.

1) EGYPT

Freedom of association

The law permits foreign non-government organizations to exercise the activities of the associations and non-government organizations subject of Act 84/2002 in accordance with the rules provided in this Act. However, established organizations should obtain prior license from the Ministry of Social Affairs based on the agreement concluded by the Foreign Ministry and these organizations. The agreement signed by the Foreign Ministry and the founders of these organizations serves as the constituent act of the association. If the agreement is silent on some provisions related to the Association's activity or if originally there is no such agreement, the Associations Act 84/2002 prevails.

According to Act 84/2002, there must be obtained a license to exercise the activity of foreign associations. For the license to be obtained, the treaty or agreement entered into with the Foreign Ministry, which the organization's application to exercise its activity in Egypt is based on, should be submitted to the Ministry of Social Affairs. If there is no such treaty or agreement, the application submitted to the Foreign Ministry with the information it contains is deemed a proposed agreement and becomes an agreement once it is approved and signed by the Foreign Ministry.

Thus, the agreement describes the type of activity, which the organization applies to exercise in Egypt; the geographical territory of this activity; the period of activity; the appropriations to be allocated for the organization to exercise this activity; and the methods of funding. The exchanged letters between the Foreign Ministry and the foreign organization can serve as an agreement. But, before this agreement is signed, it must be sent within fifteen days to the Ministry of Social Affairs for comments. Once concluded, the agreement is referred again to the Ministry of Social Affairs to enter it into the Register intended for this purpose and the license permitting the foreign association to exercise its activity in Egypt is issued.

The organizations to which grants are extended are governed by the agreement concluded between them and the Egyptian government. If the association's by-laws or agreement do not provide that the association enjoys this advantage, the association is governed by the provisions of the Associations Act. Thus, for an organization or association to extend grants or donations, these grants or donations must be approved in advance by the Ministry of Social Affairs.

A foreign association is free to receive and transfer funds from abroad to the region's states, and vice versa, but, this freedom is governed by the agreement entered into between the Egyptian government and the foreign association or organization. If the agreement does not provide that the association enjoys this advantage, there must be obtained a prior license from the competent administrative authority.

Criminal penalty on joining international associations without approval

Association Act 84/2002

According to Article 76-3-b, joining an international association without license is punishable by a maximum of 3 months in jail and/or a fine of no more than one thousand pounds.

Penal Code 58/1937

The Penal Code 58/1937 criminalizes creating, incorporating, or managing without license associations with an international character or branches for such associations.

Article 98-c-1 criminalizes such act and punishes its perpetrators by imprisonment for a maximum of 6 months or a fine of no more than 500 pounds. A person, even if he is an Egyptian national living outside or inside the country who joins such association without license from the government, is punishable by a maximum of 3 months or a fine of no more than 300 pounds (Article 98-a-2). In addition, the association is dissolved and closed and the association's property, chattels, tools, and papers are confiscated (Article 98-e).

According to Article 42-2, the Minister of Social Affairs may "dissolve the association" if it does not comply with the provisions of the law. This provision shows how tightly the rope is tied around all sources of funding for the associations. Meanwhile, there is no active movement to raise funds to support the civil society's associations and organizations.

Criminal penalty on accepting donations from outside or inside the country or transferring donations without approval

Association Act 84/2002

According to Article 76-2-c, a person who in his capacity as chairman or a member of an association or a non-government organization, no matter whether this capacity is true or false:

- receives funds from abroad;
- transfers a part of these funds outside the country; or
- raises funds without the approval of the administrative authority

is punishable by a maximum of 6 months in jail and/or a fine of no more than 2000 pounds.

The last paragraph of this Article binds a person in breach of this article to pay a fine of an amount equivalent to the association's funds he receives, transfers, raise, or apply. The proceeds of these funds pass to the Associations' Provision Fund.

Penal Code 58/1937

Article 98-d criminalizes the receipt or acceptance of funds or benefits of any kind whether directly or through mediation or in any way from a person or a corporation outside or inside Egypt.

It also criminalizes creating, incorporating, or managing associations of an international character or branches of these associations without license or joining them or their branches (Article 98-c).

This crime is punishable by a maximum of 5 years in jail and a fine of a minimum of 100 pounds and a maximum of 1000 pounds. In addition, the association is dissolved and closed and the association's property, chattels, tools, and papers are confiscated (Article 98-e).

2) JORDAN

Foreign associations in Jordan are governed by Association Act 33/1966.

Control of incorporation procedures

Foreign associations should obtain prior license from the competent authority. The license is issued by decree from the cabinet upon the Minister's proposal and the approval of the General Manager to permit the association to carry out social services in accordance with the conditions and requirements provided in the decree. The Minister is entitled, subject to the approval of the Cabinet, to impose on any foreign association or organization any conditions, as he may think appropriate, or amend these conditions or revoke its license. The purposes of the foreign association must be in conformity with the purposes of the charitable, social, and ordinary associations provided in the Jordanian Associations Act. The administrative authority is entitled to accept or reject an application for license.

Control of daily activity

When exercising any activity other than those provided in law, an association must obtain a prior license from the administrative authority. The administrative authority has full powers to control these associations. It also has the power to dissolve these associations. The Minister may require that his prior approval should be obtained in advance for the

association to raise or extend grants and donations, or receive and transfer funds from outside and into the country.

Incorporation of the organization as a foreign association in Jordan

Establishing a branch of a corporation or an association in Jordan under this law faces many uncalculated risks. The law permits the administrative authority to encroach upon the freedom of association and to control the daily activity let alone the fact that the administrative authority is given absolute power to dissolve foreign associations. In addition, the law requires that, in case of liquidation, the association's funds should be disposed of in accordance with the conditions of donors within the borders of the Kingdom.

Consequently, the funds of a foreign association operating in Jordan may not be disposed of outside these borders. The only exception is where the association proves that the funds are intended to satisfy purposes outside the borders of the Kingdom. Therefore, when establishing a branch of a foreign association, there must be concluded an agreement between the association and the Jordanian government to provide safeguards against these powers authorized to the administrative authority.

3) LEBANON

Foreign associations in Lebanon are governed by Decision No. 369/L.R. issued on 21 December 1939 concerning foreign associations.

Control of incorporation procedures

According to the Lebanese legislation, foreign associations should obtain prior license from the competent authority. The license may be obtained on temporary basis and is periodically renewed by the administrative authority. The administrative authority may withdraw the license of a foreign association at any time. A foreign association in Lebanon is licensed by a decree from the Cabinet and entered into the Associations Register at the Ministry of the Interior.

Control of daily activity

An amendment to a foreign association's by-laws or internal regulation must be licensed in advance. The administrative authority is entitled to inquire from the association's directors about the association's principal office, and real object and about the nationality of the members of its board of directors and real directors.

As regards the association's freedom to extend grants, an association may extend grants if its by-laws so provides. Failing this, the association must obtain prior approval from the administrative authority when extending grants.

Application for license

For an application for a license to be accepted, it must contain:

- the name, object, and principal office of the association or organization; and
- the name, profession, and nationality of its members and of the persons in charge under any capacity whatsoever to manage the affairs and financial resources of the association or the organization.

The applications must also accompany 2 copies of the association's by-laws and internal regulation.

The nature of foreign associations and like entities

There is by this decree deemed a foreign association, no matter what shape it may take when necessary, an association having the benefits of associations and its principal office is situated outside the country or having the benefits of the associations and its principal office is situated in Lebanon if such an association-

- is affiliated to foreign associations or groups;
- is run by foreigners;
- has foreigners on its board of directors; or
- has foreigners as members equivalent to one-quarter of at least of its members.

There is deemed like foreign associations an association which seeks, no matter whether it is Lebanese or Syrian, to achieve a political end going beyond the Lebanese territory and which is linked in its activity to foreign elements.

Freedom to receive and transfer funds from and to abroad

Associations, in this respect, are governed by the provisions of the Ottoman Associations Act. Therefore, there are no restrictions on foreign associations to extend grants or transfer funds from and to abroad and to the countries in the region on condition that such act should be provided in its licensed by-laws.

The provisions of the Ottoman Associations Act 1909 apply insofar as they are consistent with Decision No. 369/L.R. issued in 1939. This means that a foreign association, whose incorporation is approved by decree of the Cabinet and which is licensed in Lebanon, must be entered into the Associations Register at the Ministry of the Interior.

Administrative and criminal penalties against foreign associations

The license of a foreign association may be canceled by an administrative order at any time. The license of a foreign association, no matter what shape it may take, may also by the operation of law be canceled if it fails to apply for license in accordance with the specified conditions. The cancellation of license is made by administrative order.

Judicial receivership of foreign associations' properties

According to the Decision governing the foreign associations, the funds of an association whose license is withdrawn by administrative order are liquidated by a court of law. The same rule applies in case of foreign association which is denied license or whose license is withdrawn if the liquidation is not achieved within a month from the date the association is notified of the decision denying it, or withdrawing from it, its license. The judicial authority sells the association's assets and pays the proceeds of sale to the charitable associations specified by the authority which canceled these associations. The funds of the dissolved association may not be disposed of under this law or by a resolution of the association's general meeting except for charitable purposes.

Under the decision of the High Commissioner on foreign associations, there are punished by 6 months to 3 years in jail in addition to fine:

- the associations' directors;
- the persons in charge of communicating the basic information; and
- any person managing under any capacity or following-up the management of a foreign association or organization which is not licensed.

A member of such foreign association is punishable by 3 months to 2 years in jail.

4) UNITED ARAB EMIRATES

The Federal Act 6/1974 concerning associations of public weal did not contain any provisions concerning the freedom to incorporate foreign associations. The U.A.E. legislation does not contain any acts governing this right, as the right to incorporate an association must be licensed by the federal government.

• Restrictions in the Penal Code on foreign associations and organizations

The Federal Penal Code 3/1987 prohibits creating or incorporating peaceful associations and organizations of an international character or branches thereof. Thus, a person who creates, incorporates, manages, or joins a foreign association is punishable by the penalties provided in Article 113. If the act is a felony, the person is punishable by the penalties provided in Articles 157 and 180.

A law-breaker is also punishable by barring him from living in a certain place or certain places determined by the court for a period equal to the sentenced period but such period should not exceed 5 years. If the sentence given in a felony is imprisonment, the court may bar the convict from living in such places for a maximum of 2 years (Article 181).

Article 157 of the Penal Code also prohibits accepting any gifts or donations from abroad in any way whether by application, acceptance, promising, offering, or middling.

Under Article 180, there is punished by temporary imprisonment a person who incorporates, organizes, or manage any association, corporation, or organization or any branch thereof whose aim is to topple or promote for the topple of the regime governing the State or whenever the use of force is involved. There is also punished by imprisonment a person who joins an association or organization or any branch thereof or participates in its activity while knowing its purposes.

5) MOROCCO

The Royal Decree No. 1.58.376 of 15 November 1958 applies to the foreign associations. Royal Decree 1958 was amended by Decree 2002 promulgating Act No. 57.00 which superseded Royal Decree No. 3.

Control of incorporation procedures

According to the Moroccan legislation, for a foreign association to acquire the corporate personality, it must obtain prior administrative license. The administrative authority may accept or refuse an application for license.

Control of daily activity

The administrative authority is entitled to object to any amendment introduced to the association's by-laws or to any change of the persons in charge of or who manage the association or when another branch or organization of the association is established.

Extending of grants; Receipt and transfer of funds; and fund raising

The association is governed in all these respects to same provisions of the private associations. The provisions and requirements provided in this respect may be departed from if the association's by-laws so provide.

CONCLUSION

Based on the above content analysis, an organization may be established as a foreign association under the Associations and Non-government Organizations Act in Morocco, Lebanon, Egypt, and Jordan in accordance with the conditions described in the content analysis. As a first step, the principal office of the organization must be established outside these legal systems. Secondly, an application to establish a representative office under a special agreement with the authority authorized to enter into such agreement (the Foreign Ministry in Egypt and the Cabinet in Jordan, Lebanon, and Morocco) must be submitted. There cannot be established a representative office in the UAE, as there is no law governing foreign associations.

Other reasons will be given under the recommendations for launching the project.

Q3. To what extent can *wakf* (endowment) deposits be established?

INTRODUCTION

To study the methods for establishing a *wakf* deposit or *wakf* organization, the content of the legislation governing endowment in the countries having civil codes (such as Egypt and Jordan) and communal systems (Lebanon). Having reviewed the definition of *wakf* and the provisions governing *wakf* for Moslems and non-Moslems in the countries covered by this study, we found that these provisions by definition depend on individual opinions.

I. *Wakf* as viewed by Moslems

The laws in the Arab countries covered by this study depend in their provisions on *wakf* on the individual judgments of jurisprudent doctrines recognized by these countries. Islamic doctrines recognized in these countries are divided into 3 main doctrines:

- 1) *Sunni* doctrine. The most famous Imams (or religious leaders) of the Sunni doctrine are Imam Abi Hanifa, Imam Malik, Imam Alshafe'ei, and Imam Ahmed Ibn Hanbal.
- 2) *Shi'ait* doctrine. The *Shi'ait* doctrine is also divided into several schools; Gaafari school, Zaidia school, and Ismailia school.
- 3) *Durzi* denomination. This group follows Prophet Muhammad and has been independent in its personal status affairs since the reign of Fatimite Caliphs (14th century, Islamic calendar). The Durzi denomination in Lebanon has an independent legislative and judicial system in respect of personal status affairs.

II. *Wakf* as viewed by non-Moslems

The non-Moslems (or Christians) in the Arab world are divided into 3 doctrines or denominations; Catholic, Orthodox, and Protestant.

***Wakf* provisions as adopted by non-Moslems**

The rules applied to Islamic *wakfs* are the same in Egypt, Jordan, UAE, and Morocco. However, in Jordan by way of exception the jurisdiction to decide on establishing *wakf* has been given to the councils of religious denominations if the litigants so agree or if the *wakf* donor or the *wakf* recipient is affiliated to a certain denomination. The other provisions on *wakf* are governed by the provisions of Islamic Shari'a for non-Moslems. The law, in this case, confers on the spiritual religious power of the non-Moslem denominations the right to supervise and control the management of *wakfs* of the members of the denomination but under the general supervision of the Ministry of *Wakf*.

In Lebanon, the situation is, perhaps, different, as there are many Moslem and non-Moslem denominations. Each denomination has its own objective rules. It is worth noting that *wakf* as viewed by Moslems has the same definition adopted by the non-Moslems; a matter which implies that all these definitions are derived from a single source.

CREATION OF WAKF DEPOSIT

1) EGYPT

According to Act 48/1946, for *wakf* to be valid it must be registered and notarized. It also must be spent for permissible and legal purposes. *Wakf* by non-Moslems may be accepted if it is allocated for an entity which is permitted to accept *wakf* in Islamic Shari'a or in the law of *wakf* donor. *Wakf* also may be made only within one-third unless otherwise agreed by the heirs.

Control of *wakf* deposit's administration

The Minister of *Wakf* may without being restricted to the conditions of the donor of *wakf* direct the *wakf* funds to another charitable entity. The Ministry of *Wakf* is the general superintendent of all *wakfs*. The Ministry of *Wakf* may assign superintendence of *wakf* to the charitable entity or to the entity for which *wakf* is made. It also may entrust that entity with the administration of *wakf*. The Ministry may bar an association or the organization from administering the *wakf*. The *wakf* superintendents or those in charge of administering the *wakf* deposit or *wakf* association are accountable to the Ministry of *Wakfs*. They are under an obligation to submit to the Ministry an account statement about their good administration of *wakf* otherwise they may be punished by imprisonment or fine.

The Ministry of *Wakfs* charges 10% from the *wakf*'s revenue for account auditing plus 7.5% for supervision and care for *wakf*. The General Authority for *Wakfs* collects the net profit of charitable *wakf* and spends it in accordance with the conditions laid down by *wakf* donors. The Authority charges 15% of the total revenue of the real properties for the administration and maintenance of charitable *wakf*.

All the above provisions are governed by Act 247/1953 amended by Act 28/1970 and Act 272/1959, Act 80/1971 and Act 44/1962. These are the laws regulating the administration and supervision of *wakf* deposits.

Wakf by non-Moslems; Copts Wakfs Authority

The religious denominations recognized in Egypt are Orthodox Copts, Orthodox Armenians, Catholics, Orthodox Saurians, Orthodox Romanians, Anglican denomination, and Israeli denomination. All the laws and regulations of these denominations were examined but no provisions governing *wakf* by non-Moslems were found. Under Act 462/1955 concerning Shari'a courts and denominational courts, the jurisdiction over all the personal status questions has passed from the Shari'a courts and denominational councils to the civil courts. Under Act 1/2000 unifying certain positions and procedures for litigation on personal status questions, unified rules for Moslems and non-Moslems are applied including the *wakf* provisions referred to above.

Under Act 264/1960, the Orthodox Copts Authority has jurisdiction to administer all orthodox *wakfs* and take to account all those in charge of the administration and collection of their revenues, spend on their organs, and exploit these revenues. The Orthodox Copts Authority also appoints and removes those in charge of *wakf* administration. This rule applies to all the Copt communities in Egypt.

2) LEBANON

Each denomination in Lebanon is governed by a special law which is strictly applied to it in respect of the *wakf*-related provisions. Where these laws are silent on a particular question, the civil code applies. All denominations in Lebanon permit the creation of *wakf* deposits but impose restrictions on their creation. For example, the religious authority is in full control of *wakf*; the religious leaders are the guardians of any *wakf* created for charitable organizations and have full powers to appoint and remove the person in charge of the *wakf*.

The table of the denominations recognized in law or in fact

Christian Denominations

The following are the recognized Christian denominations in Lebanon:

- The Marionette Patriarchal Christian denomination.
- Orthodox Romanian Patriarchate.
- Royal Catholic Patriarchate.
- Gregorian (orthodox) Armenian Patriarchate.
- Catholic Saurian Patriarchate.
- Saurian Patriarchate (or Catholic Saurian Patriarchate).
- Nestorian Oriental denomination (the name was changed into the Orthodox Constitutional Oriental Denomination by Act of 21 December 1962. Under Article (1) of Act 341/1994, the name was changed into Orthodox Oriental Denomination - Caledonian Patriarchate - Latin Church.

- The Orthodox Coptic Church was added by Article (1) of Act 553/1996.

Moslem Denominations

These include the following: Druze denomination; Sunni denomination; Shi'ite (Ga'fari) denomination; Alawi denomination; and Ismaili denomination.

Israeli Denominations

These include: Halab Synagogue; Damascus Synagogue; and Beirut Synagogue.

It is worth noting that the Alawi, Ismaili, and Israeli denominations do not have legal entities in Lebanon.

Decree Law No. 60/1936 was amended by Decree Law 146/1938 and no longer applies to Moslems by virtue of Decree 53/1938. Under Decree Law 60/1936, religious denominations and all denominational groups concerned with education or charitable activities have acquired corporate personality. The Decree, however, bars the denominations from accepting gifts without decree or local decision. The supreme religious leader of each denomination represents the denomination before the public authority. The denominations governed by the ordinary law regulate their affairs freely within the context of the civil laws. The recognized denominations, under this law, are governed in the personal status-related questions to the legal system of their denominations and to the provisions of the civil code in the questions unregulated by this system. Foreigners, even if they belong to a recognized denomination with a personal status system, are governed in their personal status questions to the provisions of their national law.

Act of 2 April 1951 determines the terms of reference of the denominational authorities, the provisions governing these authorities, and the settlement of the disputes arising among them or between them and the other denominational authorities or the civil courts of law in Lebanon.

Act of 23 June 1959 concerning inheritance and will for the non-Muhammadi, called the Civil Will Act, applies to the non-Moslems.

Each non-Moslem denomination has its own Personal Status Act and Criminal Procedure Act. The Catholic denominations are governed by a unified law in respect of the personal status affairs. They are also governed by a unified law in respect of marriage called "The System of Marital Affairs of the Oriental Church" issued by Apostolic Epistle on 23 February 1949. The Latin denomination is excluded from this system, as they are governed by the so-called Code de Droit Canonique (or Canonical Law of Right) issued on 25 January 1983 by Pope John Paul II (articles 1055 – 1165). The oriental catholic denominations also applied the Procedure Code of the oriental church issued by Apostolic Epistle on 6 January 1950.

On 18 October 1990, Pope John Paul II issued the Catholic Oriental Churches Code; the first complete set of its type in the history of the Catholic Church. The law was put into operation as of 1 April 1991.

Freedom to create wakf deposit and wakf organization “Moslem Denominations”

I. Sunni Denomination

1. Under Decree Law No. 18/1955, the Sunni Moslems have become autonomous in drafting legislation for their religious affairs and charitable wakfs and in administering by themselves their legislation in accordance with the provisions of Islamic Shari'a and the laws based on Shari'a. The religious leader of Moslems is the Mufti (or official expounder of Islamic law) of the Lebanese Republic. He is also the supreme authority for Islamic wakfs and exercises all the authorities conferred upon him in the wakf and Islamic laws and regulations.
2. They manage the wakfs wakf councils elected in the capital and the centers of governorates. A supreme Islamic council supervises the activities of these councils and decides on appeals against their decisions. The Supreme Council has the power to issue the regulations and decisions required for managing of charitable wakfs of different kinds, objectives, and titles and determine the charitable entities to which wakf is restricted. It also has the authority to interpret the regulations and decisions and to monitor its execution.
- 3) According to the predominant view adopted by Abu Hanifa, Shafei'l, and Ibn Hanbal's schools, which is applied by the courts of the Sunni denominations, the creation of wakf deposit (or the so-called immovable wakf for charitable associations) is permissible. However, such wakf should be supervised by the religious authority represented in the Islamic Legal Council and the respective wakf department. Though a charitable association may be appointed to administer the wakf deposit in accordance with the wakf's donor, the Mufti is entitled - subject to the approval of the ILC or the wakf departments - to bar such association from administering the wakf and assign another superintendent to administer the wakf deposit. Alternatively, the Mufti may channel the deposit to another entity which maintains that it has precedence over the others even if such entity is not named in wakf.
- 4) Thus, there is no freedom in creating wakf deposit under this system. In fact, the freedom of the wakf donor is restricted. In addition, the entity named in the wakf may be replaced. The religious authority has independent power to remove the charitable association appointed to administer wakf and channel the funds to any other purposes which have in its discretion precedence over the purposes of that wakf deposit.

II. Shi'ite Moslem Denomination (Ga'fari School)

Shi'ite Moslems in the big Lebanon are an autonomous religious denomination. They are governed in the personal status matters by the provisions of the so-called "Ga'fari school".

Decree No. 3503/1926 has recognized the Shi'ite school. Act 72/1967 regulates the affairs of the Moslem Shi'ite denomination in Lebanon. According to this Act-

1. The Moslem Shi'ite denomination autonomously regulates its religious affairs, wakfs, and institutions. It has its own representatives who speak for it and work under its name in accordance with the provisions of Shari'a law and the Ga'fari School's jurisprudence as expressed in the fatwas issued by the general spiritual leader of the denomination in the world. Thus, the fatwas of this denomination may extend outside the regional territory of the Lebanese State into the whole world as may be determined by the denomination's spiritual leader.
2. The Moslem Shi'ite denomination created the so-called "the Supreme Moslem Shi'ite Council". The Council may accept subscriptions, gifts, donations, wills, wakfs, and any other grants that it may receive. The Council runs the denomination's affairs and defends its rights.

As regards the Ga'fari Shi'ite School, the provisions of wakf are regulated and approved by the Ga'fari courts and Islamic Ga'fari judges in accordance with the Ga'fari School named after Imam Ga'far Alsadek. Wakf provisions are also based on certain guidelines determined by the supreme spiritual leaders.

According to these guidelines, wakf may be endowed to any public or private entity. A wakf donor may appoint himself a guardian on wakf to administer it or appoint another person to administer wakf. Failing this, the legal religious ruler is responsible for wakf administration. Where the wakf administrator is in breach of wakf provisions (for example, if he fails to spend the wakf proceeds for the purposes for which they were intended), the legal religious ruler may appoint another person supervising the wakf administrator or suspend him temporarily from wakf administration. The ruler also may remove the wakf administrator and appoint another person.

Under the law, the legal religious ruler is the Islamic Legal Council. The Council may remove the wakf administrator even if it is an entity or an organization. It also has the power to prevent this entity from administering the properties, remove it, and appoint a superintendent of its activities. Thus, according to the Shi'ite Ga'fari School, there is no freedom in administering or creating wakf deposit without the guardianship of the religious powers.

Wakf as viewed by Durzi denomination

The Durzi community also has autonomy in administering its religious affairs. The Durzi wakf questions are regulated by Act 1947. According to this Act, wakf may be allocated to charitable entities such as mosques, hospitals, refuges, and the poor.

Both immovable and movable properties may be endowed; the Act permits the creation of wakf deposit. It also permits the endowment of parts and shares of the companies which are legally exploited. This means that the Ga'fari competent court must examine the legality of the activity of the companies and of the parts and shares to rule that the wakf is valid or invalid.

An analysis of the contents of this Act indicates that, under the provisions of the laws governing the Durzi community, the wakf donor has freedom to create wakf and restrict it to such charitable entities as may be selected by the wakf donor. It also gives full freedom to the wakf donor to restrict all his property to certain persons by operation of the civil rules and provisions. However, the judge is bound by the prevailing laws based on Abu Hanifa School, the centuries-old orders which have been applied since the Ottoman rule; we referred to these orders above when discussing the Ga'fari and Sunni Schools. According to these provisions, the religious authority has the right to control wakf creation, administration, and substitution. It also has the right to suspend and remove, if necessary, the wakf administrator and appoint the chief of the religious authority a general superintendent or wakf administrator. It also has the right to substitute wakf and channel it to an entity other than that which is named in wakf deed.

Wakf in the positive laws of Non-Moslems in Lebanon

Under article 7 of Act 1951, the Christian and Israeli spiritual leaders have jurisdiction under the internal communal law to create, substitute, and transfer pure religious and charitable wakf. They are also authorized to rule on the validity of wakf in respect of the wakf donor and wakf administration; name the right holders in wakf; and appoint, remove, substitute, and take to account the wakf administrator in any of the following cases:

1. If the entity entitled to wakf is a pure religious or charitable organization.
2. If the wakf deed requires that endowment be allocated to the spiritual leader.

Apart from the matters mentioned above, the civil courts have jurisdiction.

Freedom to create wakf deposit and wakf organization as viewed by the Anglican denomination in Lebanon

The Supreme College has authority by law to manage wakf affairs. It does not matter whether the wakf is restricted to the benefit of the Anglican

denomination in general or to the Anglican charitable organizations in particular. It also has jurisdiction even over wakf restricted to the benefit of a certain faction, church(s), organization, or one or more individuals of the denomination. For wakf to be concluded it must be disposed of by the College. Unless the wakf donor does not require that wakf should be disposed of by the College and wakf has been restricted to the poor people of the Anglican community without allocation to certain persons, jurisdiction to dispose of this wakf lies with the Anglican courts and authorities.

Analysis of the content of this Act shows that it gives full freedom to the wakf donor to give all his estate to whomever he likes. However, the Act imposes control by the religious authority of wakf in terms of its creation, validity, and management. It also gives full powers to the religious authority to remove the wakf administrator that may be a charitable association or organization. The religious authority also has the right to appoint another wakf administrator to manage the proceeds of wakf.

Creation of Wakf under the Personal Status Act in respect of the Orthodox Assyrian Oriental Denomination

According to the Act referred to above, the religious authority has full power to create wakf. The religious authority is authorized to remove wakf administrator and appoint a general superintendent of wakf. Thus, a wakf cash deposit may not be created, as the religious authority has full power in this respect. Indeed, every wakf by a member of this community allocated to any charitable association is subject to the control of the religious authority represented in the legal spiritual leader who also has the authority to substitute the entity to which wakf is allocated by any other charitable entity; i.e. his right to appoint another charitable entity to administer the interest in wakf.

Creation of Wakf under the Personal Status Act and the Criminal Procedure Code in respect of the Catholic denominations, 1949

According to the Personal Status Act and the criminal Procedure Code, the denominational spiritual leaders have authority to create, rule on the validity of, substitute, and transfer wakf. Both movable and immovable properties may be endowed. The general supreme administrator of wakf in the whole church is the great Roman bishop. The patriarch of each denomination is the general administrator of the endowments of his denomination and the funds of the churches all over the patriarchate. The district archbishop is also the administrator of the wakfs of his denomination and the church properties within the boundaries of his parish or the place of his jurisdiction. The bishop, or the Episcopal chief, is the general administrator of wakf properties and funds in his area of jurisdiction. The general administrator may administrate wakf directly by himself or by a special agent or administrator. The special agent or administrator of the Catholics' wakf must be a catholic adult. The special administrator is considered a trustee of the wakf properties an agent of the entity for which wakf is allocated. The general administrator may substitute the special administrator if the wakf

interest so requires. He also may remove the special administrator if he has failed to perform his duties, misconduct wakf affairs, or has been found dishonest.

Creation of wakf deposit as viewed by the orthodox Syrians

1. The Personal Status Act permits the orthodox Syrians to allocate wakfs to entities such as the church and the other denominational and charitable organizations and to the poor.
2. However, the spiritual court has the power to remove the wakf administrator or superintendent appointed by the wakf donor if he is corrupt or if he commits corrupt behavior. According to the Act, the spiritual leader of the denomination has the power to remove the wakf administrator or superintendent and appoint another person in his place.

Apparently, the control of the religious authority of wakf and of the authorities administering wakf dominates the religious thought of all the religious denominations in Lebanon.

3) UNITED ARAB EMIRATES

The wakf provisions in the UAE, in general, are governed by the federal Act 25/1985 and Act 10/1992. They are also based on the individual opinions of judges inspired by the recognized Islamic schools. Wakf in the UAE is divided into federal wakf and local wakfs. The federal wakfs are governed by the federal Act 29/1999 which applies to all the emirates. Local wakfs are governed by the local governments. The State has invested the wakf deposits through charitable organizations for specific legal purposes. An example of these organizations is Sheikh Zayed Charitable Foundation created by Act 5/1992. Wakf, however, must be approved by the Ministry of Wakfs which has the right to control and supervise these wakfs. It is also authorized to appoint the boards of directors of these organizations and to control its expenditures.

4) JORDAN

Procedures to create and control wakf deposit

The Personal Status Act 61/1976 and Act 43/1976 regulate wakf provisions. Act 10/1952 regulates the control of wakf deposits. The powers of the Ministry of Wakfs and Islamic Affairs and Holy Places in respect of the charitable wakf are governed by the temporary Act 32/2001 in respect of Moslems.

Wakf in respect of Moslems

The provisions of Islamic Shari'a (law) apply to all the wakfs of Moslems. The religious legal courts have principal jurisdiction to control and

supervise all wakfs. The Ministry of Wakf is the general administrator of the Islamic wakfs.

Wakf in respect of non-Moslems

The provisions of Islamic Shari'a apply to the wakfs of non-Moslems. The councils of religious denominations has the authority to control and supervise these wakfs. Under the Religious Denominations Councils Act 2/1938 and the rules of the civil code, the church is the general administrator of wakfs of non-Moslems.

Under Act 27/1958, the religious authorities represented in the Ministry of Wakfs or the church have the power to stop the charitable organization from administering the deposit and transfer the deposit to another entity.

The non-Moslem denominations in Jordan includes the following: the orthodox Romanian denomination; the catholic Romanian denomination; the Armenian denomination; the Latin denomination; the Arab Episcopal Anglican denomination; the Marionette denomination; the Lutheran Anglican church; the orthodox Saurian denomination; and the Adventist Sabbatarian denomination.

5) MOROCCO

The provisions governing wakf in Morocco are based on the dominant jurist opinions in the Malki School as provided in the Personal Status Code amended by Royal Decree No. 2.82.415 of 1983.

The competent administrative authority, i.e. the Ministry of Wakfs, has the right to control and supervise wakfs. Any change of the legal provisions of the wakf deed must be approved by the Ministry of Wakfs. The Ministry also may permit or reject such change. The Ministry consults the general secretariat of the League of the Scholars of Morocco on any question in respect of wakf. Under the Royal Decree No. 1.77.83 of 1977, the Ministry has general jurisdiction over all wakfs in Morocco. It may stop an association from administering the wakf deposit or substitute the association by another one. It also may remove the wakf administer and not comply with the wakf donor's conditions.

CONCLUSION

All denominational laws permit Moslems and non-Moslems to create wakf deposit for charitable organizations and entities; i.e. to restrict the funds to charitable purposes. However, it is noted that wakf as regulated by the religious Moslem and non-Moslem denominations has a pure religious character and based on religious jurist opinions. The wakf system is under full control of the religious authority represented in the religious denominations councils. It is immaterial whether these authorities are Sunni or Shi'ite or the spiritual leaders of the non-Moslem denominations.

The religious chiefs are the guardians over any charitable wakfs created for wakf charitable organizations. Thus, the religious chiefs have all powers, authorities, and responsibilities to appoint the special administrator of wakf; the charitable organization. They have the power to remove this administrator at any time. Judgments on wakf are subject to discretion of the legal religious courts which are made up of members of the religious denominations and their members are subordinated to the denomination councils. Thus, these courts cannot be described as independent. Therefore, thinking of creating a wakf deposit or charitable organization within the framework of the religious denominational system in Lebanon is completely out of discussion. There is no room in all the legislation governing wakf to apply the rule that the wakf donor's conditions should be complied with, as provided in Islamic Shari'a.

Q4. How far is it possible to establish the wakf organization or the Fund as a civil or a commercial company, a corporation, or a branch of a foreign company?

1) EGYPT

Freedom to establish civil, commercial, and foreign companies for the purposes of this study

The centers operating in the field of human rights are governed by the Associations Act. Thus, such entities may not be created or incorporated for the purpose of accepting deposits or gifts; or extending grants inside or outside the country; or accepting foreign aids without prior license from the government. Foreigners may participate in incorporating these companies but the Egyptian partner must have the right to manage the company's affairs in case of partnerships.

The incorporation procedures are simple compared to the incorporation procedures provided in the Associations Act. In case of corporations, there must be prior license from the Council of Ministers approving the corporation seeks, as provided in its objects, to operate in the associations' area of activity. It is worth noting that the basis of the activity of all these companies is to make profit. The civil companies are governed by the Civil Code 131/1948. The commercial companies are governed by the Commercial Code 17/1999. The Corporations are governed by Act 159/1981 as amended.

2) JORDAN

Freedom to establish companies

Under the Companies Act 22/1997, not-for-profit companies may be established. When registered, the company acquires the Jordanian nationality and becomes a Jordanian corporate person. The competent authority has discretionary power to accept or reject an application for the registration of such company. However, the authority's power is not absolute. Appeals may be submitted to the Minister within 30 days from the date the application is rejected. Where an appeal is rejected, the complained decision may be challenged before the Supreme Court of Justice.

However, if created, these companies remain bound by the matrix of the other laws restricting the right to accept donations and gifts, and receive and distribute funds.. But, it can receive social aids from abroad without being governed by the restrictions imposed on the associations. By way of exception, the joint-stock companies, which are subject of an auditor's control, are excluded from this rule. The law authorizes the Minister of Industry to dissolve the board of directors upon the auditor's opinion.

Foreign companies

The incorporation of foreign companies also must be approved in advance by the competent administrative authority, which has the right to accept or reject the application to register such companies. For a foreign company to be incorporated, the funds allocated for satisfying the company's object must be transferred to a Jordanian bank. The company's object must be to make profit. The Defense Act 13/1992 govern the incorporation of foreign companies in Jordan.

3) LEBANON

The research team has investigated the possibility of establishing the Fund as a civil company under the laws applicable in Lebanon. These laws include: the Obligations and Contracts Code (the civil code) 1932 as amended; Act 483/1995; Land Trade Act promulgated by Decree Law 304/1942; the Commercial Establishment Act promulgated by Decree Law 11/1961. The analysis of these laws shows the following:

- ***Creation of the Fund as a civil company under the Obligations and Contracts Code (Civil Code) 1932***

First of all, the company's object must be legitimate. The company's object must be to make profit. The law is silent on whether the company can receive funds from the individuals or the public; receive donations and gifts; receive and distribute funds as part of the company's objects. These activities lie outside the territorial scope of the company's objects.

- ***Creation of the Fund as a commercial corporation***

For a commercial corporation to be established, it must obtain a prior license from the competent administrative authority. The corporation's activities, in this case, should be restricted to the following fields:

- creation of investment saving deposits for a specific purpose or specific persons;
- accepting gifts and wills; and
- creation of wakf deposits for the company's interest.

These activities are also deemed among the activities which are aimed to make profit. The partnerships are also among business organizations which aim to make profit and are governed in their incorporation also to the prior approval of the competent administrative authority. The partnerships are governed by the Land Trade Act promulgated by Decree Law 11/1967.

- **Creation of the Fund as a foreign company**

Under Decision 96/1926 as amended, the incorporation of the Fund as a foreign company also must be approved in advance by the competent administrative authority.

4) UNITED ARAB EMIRATES

For a company to be incorporated in the United Arab Emirates, it must take one of the following forms:

1. General partnership
2. Partnership limited by shares.
3. Particular partnership.
4. Public joint-stock company
5. Private joint-stock company.
6. Limited liability company.
7. Partnership limited by shares.

The above companies are governed by the provisions of the Federal Act 8/1984.

The incorporation of these companies is subject to certain restrictions. These are as follows:

- All these companies must be registered in the Commercial Register before they start to practice their activities.
- In case of partnerships, all partners must be nationals of the State.
- In case of limited partnership, also all general partners must be nationals of the State.

- In case of corporation, one or more partners must be nationals of the State with no less than 51% of the capital of the corporation. A corporation is incorporated by filling in a mandatory sample form issued by decision of the Minister. This form may not be dispensed with except with the Minister's approval. These corporations are deemed to be commercial; which means that they aim to make profit.
- As for foreign companies, excluding those companies licensed to practice their activity in the free zones in the State, they may not practice their activities before they obtain prior license from the competent administrative authority. A foreign company also is required to have an agent of the State's nationals. Where the agent is a company, it must have the nationality of the State and all partners must be nationals of the State. The agent's obligations to the company and to the third parties are restricted to providing the necessary services for the company without bearing any liability or financial obligations in respect of the operations or activities of the company's branch or office inside or outside the State. In addition, the law regulating the position of these companies does not recognize the companies which are not aimed to make profit.

Dubai international airport's Free zone

Under Act 2/1996 amended by Act 2/2000, the international Dubai airport's free zone is deemed an area of the organizations, companies, and factories operating in the commercial field. The system of this area does not permit to establish a charitable or wakf not-for-profit company or organization whose object is to support humane purposes.

5) MOROCCO

Is it possible to establish the Fund as a civil or commercial company under the Moroccan legal system?

- Under the Moroccan law, the company's purpose must be legitimate. According to Islamic law, a company whose object is not legitimate is illegal as provided in Royal Decree 1913 amended by Royal Decree 1995 concerning obligations and contracts.
- The general partnership, limited partnership, partnership limited by shares, limited liability company, and particular company aim to make profit and, thus, are governed by Act No. 5/96 and the consistent provisions in the Royal Decree issued on 12 August 1913. Some provisions of Act No. 17/95 concerning joint stock companies apply to these kinds of companies. The objects of these companies are deemed commercial excluding the submission of non-refundable grants and aids. Where any of these companies practices any of the associations' activities, they must obtain prior license from the competent administrative authority and they become governed by the Associations Act.

CONCLUSION

The analysis of the content of the laws regulating the incorporation and the field of operation and activity of the companies in the states subject of this study, we came up with the conclusion that the wakf Fund may not be established as a civil or commercial company or even as a branch of a foreign company. The reason for this is that the motive behind establishing these companies is to make profit. This runs contrary to the main object of establishing the proposed fund.

Q5. IS IT POSSIBLE TO ESTABLISH THE FUND AS A FINANCIAL ORGANIZATION UNDER THE BANKS ACT?

1) EGYPT

Under Act No 88/2003 concerning the Central Bank, the Banking Sector, Foreign Currency, and Privacy of Accounts, all banks and all the banking sector's units in Egypt must obtain prior license and are controlled by the Central Bank. This restriction is applied to all private corporate persons working in this field. Hence, licensed banks may accept saving deposits intended for a certain purpose or a certain party, or to spend on specific persons according to the concluded deposit contract between the bank and the client. However, commercial and non-commercial banks may not accept gifts or extend grants. They may open accounts to receive donations and gifts on behalf of their clients, whether the client is a physical or a corporate person, or for a specific project.

There are some examples where legal entities have been licensed to accept deposits and gifts, extend social assistance, accept donations and wills. Examples of these entities are Nasser Social Bank established under the Presidential Decree No 66/1971, the Social Development Fund established by the Presidential Decree No 4/1991, the Economic Housing Projects Financing Fund established under law No 107/ 1976. There are banks in Egypt established under agreements that do not come under the Egyptian legal system such as the Arab International Bank for Foreign Trade and Development established by Presidential Decree No 547/1974.

Generally speaking, the Egyptian law does not know the establishment of a financing fund or a financial institution whose main objective is to extend grants, receive and distribute funds from and to abroad. But the idea of most of the financial institutions in Egypt is based on investing savings and extending loans and credits. The idea of the Social Development Fund or the Housing Financing Fund is different from the idea of the project, as each of them is concerned with receiving grants and donations and not with extending grants. The idea of the Social Development Fund is based on the same idea referred to above; namely, extending loans to certain social groups in return for an interest obtained by the Fund. The two models that largely come close to the objectives of this study are the Nasser Bank and the Arab International Bank. The first model, the Nasser Bank, extends social aids to some poor and weak groups in society. However, it expands its activity to include the operations of the normal banks. The second model, the Arab International Bank, shows clearly how a corporate personality may be established while enjoying safeguards and immunities against seizure, confiscation and prosecution. Thus, the model of the Arab International Bank can be utilized to work out by-laws for any agreement regarding the Fund under consideration.

2) JORDAN

All the banking institutions in Jordan are governed by the Banks Act No 28/2000. For a bank to be established, it must obtain prior license from the

Central Bank. The Central Bank controls all the banks' daily activities. A bank may not accept gifts, donations or wills. There are some governmental or semi-governmental organizations established by the government which have the right to accept gifts, wills and donations. However, the boards of directors of these organizations are appointed by the executive authority, which also determine the term of their memberships and their powers. The most outstanding examples of these organizations are the following:

- 1- The Royal Organization for Development and Charities established under Act No 10/ 1997.
- 2- Queen Alia's Fund for the Jordanian Voluntary Social Work established in 1997.
- 3- King Abdullah II Fund for Development incorporated in 2001.
- 4- Zakat (alms) Temporary Fund established under Act No 8/1988.

3) LEBANON

According to the Cash, Lending and Central Bank Act (promulgated by Decree No. 13513/1963) amended by Act No 360/1994, a banking institution must be established either as an incorporated company or as a joint stock company.

This kind of institutions must obtain prior license from the Central Bank's board of directors. Any amendment to the by-laws of these institutions is subject to the approval of the Bank of Lebanon. They may not accept donations, gifts and wills, or extend grants to physical or corporate persons. The role of the financial institution is restricted to lending and the normal banking operations. Accordingly, financial and banking institutions may not accept donations, gifts and wills or extending grants and aids. These rules are applicable to local and foreign banks organized by Decree No 7739 /2000 and Decree No 7271/1999.

4) UAE

All the financial institutions in the United Arab Emirates should have prior license from the Central Bank. They may not exercise any activity other than that included in their by-laws unless having the approval of the Central Bank. These activities do not include raising donations or receiving gifts, or receiving or distribute money to or from outside the country as these activities are out of their domain of work. The functions of these banks are specified in advance. These purposes are not among the areas specified for these banking and financial institutions. The role of these institutions is restricted to normal banking functions according to law No 10/1980 on the Central Bank and the Currency System, the Federal Law No 6/1985 on banks, financial institutions and Islamic investment companies and the federal law No 8 of 1984. As for the activities of the financing companies according to the decision of the Central Bank board of directors No 58/2/96 they are restricted to extending credits, personal loans and financing small trade.

5) MOROCCO

Under the Moroccan legislation, a credit organization must obtain prior license from the competent administrative authority according to Decree No 1.93.147 issued in 6 July, 1993. Credit institutions include banks and financing companies. The purposes of these two models do not include receiving and distributing funds from and to abroad, extending grants and aids and collecting donations.

CONCLUSION

Through the analysis of the content of the laws relative to the establishment of financial institutions and financing funds in the selected states we have reached the conclusion that it is not possible to establish the Fund following the pattern of any of these forms. As these institutions and funds are subordinated to a complex restriction, they must be incorporated according to the corporate law and that they should be permitted to work according to a license from the central bank. Besides, none of the purposes specified for these funds and institutions represent any of the purposes of this Fund such as extending grants and assistance, collecting donations, receiving aids and receiving and distributing money from and to abroad.

Q6. HOW FAR IS IT POSSIBLE FOR A NON-PROFIT ORGANIZATION TO OPEN CASH DEPOSIT?

CONDITIONS FOR OPENING CASH DEPOSIT

A deposit is a contract like any other contract. Therefore, it must have the basic elements embodied in contracts with regard to agreement and competence. The object of the deposit must be a sum of money and must be deposited with a bank. The reason behind the deposit must be legitimate; i.e. in conformity with the State's laws, public policy and public morality. There are several forms of deposits, e.g. demand deposit, fixed deposit, notice deposit and cash deposit for a certain purpose. The last form is the closest form to the objective of this study.

FREEDOM TO OPEN CASH DEPOSITS

1) EGYPT

The Egyptian law knows the saving deposit for a certain purpose. It the deposit opened by a non-profit organization for certain purposes provided in its by-laws. The conditions or the restrictions imposed on the acceptance of this kind of deposit in the Egyptian law is the general conditions imposed on opening any account, the most important of which is verifying the identity of the client whether he is a physical or a legal client. In the latter case he must be recognized and that the identity of the beneficiary shall be verified, in addition to the other general conditions mentioned above with regard to the deposit contract. These rules are

organized by the current law No 88/2003 on the Central Bank, the banking sector, foreign currency and privacy of accounts.

2) JORDAN

The Jordanian law also knows the saving deposits earmarked for a certain purpose. The conditions of opening this kind of deposits are the same general conditions on creating a deposit contract in addition to other special conditions the most important of which is " verifying the identity of the client and knowing the owner of the economic right or beneficiary", as provided in the law No 43/1976, the commercial law No 12/1966, the banks law No 28 / 2000 and the law No 26/1992.

3) LEBANON

The Lebanese law knows the deposit contract. It defines the deposit contract for a certain purpose and restricts this kind of saving deposits to corporate persons who have the right to practice the banking profession according to law No 5258/1993 and Decree No 303/1942.

4) UAE

The United Arab Emirates law also knows the deposit contract and the saving deposit designed for a certain purpose. The conditions to establish a deposit do not differ from the general conditions referred to above on opening deposits and the other conditions on opening accounts such as the deposit is subject to the restrictions imposed in the law on money laundering. The acceptance of this kind of deposits is restricted to the banking institutions recognized by the state according to law No 5/1985 and law No 10 /1980.

5) MOROCCO

The Moroccan law as well knows the deposit earmarked for a certain purpose. It restricts the right to accept such deposits to the credit institutions. The deposit is also governed by the general conditions for opening deposits in addition to the requirement to verify the identity of the depositor whether he is a physical or corporate. This issue is organized by the Royal Decree issued on 11/8/1995, the law No 15.95 and its amendments, and the Royal Decree No 1.93.147 issued on 6 July,1992.

Q7. HOW FAR IS BANK TRANSFER PERMITTED?

1) EGYPT

With regard to bank transfers the law permits them whether from or to abroad whether the person executing it is a physical or corporate. However, these transfers must be executed through authorized banks according to law No 8/ 2003.

The law on money laundering puts restrictions on the privacy of banking accounts, but it does not make them absolute. It permits the public prosecutor or whoever authorizes from the district attorneys to withdraw the privacy of the accounts if it leads to expose a terrorist crime as stipulated in the Penal Code No 205/1990. In this case, the authorized persons mentioned above may examine or directly obtain any information or data relative to the crime without an order from the court. With regard to money laundering crimes stipulated in the Law No 80/2002, which lists these crimes specifically.

The legislation's sole intent is to include these political crimes in this law, so it includes them among the crimes of money laundering, while he dropped more dangerous crimes. The Egyptian law applies to crimes committed outside the country regardless of the degree of criminalizing the perpetrator or his nationality. It does not require his return to Egypt in exception of the general rule. There is a special unit entrusted by the law to fight money laundering operations. This unit has not any independence from the executive authority.

2) JORDAN

The Jordanian law allows bank transfers from and to Jordan provided that this transfer must be done through authorized banks. the law gives the banks the right to report on the suspicious transfer operations. The bank has the right also to suspend any activity it handles for thirty days if it has suspicions in these operations. The bank is bound to report to the competent official and judicial authorities on these operations according to the Law No 95/1966 and the instructions on the foreign exchange instructions issued in 1997.

According to the last amendment of the Penal Code No 54/2001 the public prosecution, although it is clearly affiliated to the executive authority, may confiscate these funds. Hence, the law gives the public prosecution the right to seize funds that are used in financing terrorist operations giving a broad meaning to terrorist acts to include peaceful political activities in them.

3) LEBANON

The Lebanese law grants physical and corporate persons the freedom to bank transfers inside and outside the country. As for the privacy of bank accounts in banks that are established in Lebanon or are branches of foreign banks, the law gives them the right to keep the privacy of their clients and not to disclose it to any agency by any means, provided that they obtain the approval of the Minister of Finance according to the law issued on 3 September, 1956.

As for the law on money laundering, it includes terrorist crimes stipulated in the Penal Code in the money laundering operations. Hence, it binds banking institutions governed by the law on the privacy of banks to control all the operations that they conduct with their clients in order to intercept money laundering operations. The law provides for forming a special

independent investigating authority at the Bank of Lebanon, that has a judicial character and subject in its exercise of its functions to the Bank's authority. The committee's task is to investigate money laundering operations. Among its most important powers is that it may withdraw the privacy of any account suspected of being used in money laundering. It has the right to block these accounts, remove the privacy from the blocked account and continue freezing it.

The committee's decisions are final and not to be challenged. The law grants its members civil and criminal immunity. The legislator binds the banks to report any money laundering operations to the competent authority referred to above or the administrative unit entrusted with gathering financial information on the clients. The legislation binds banks to know the actual beneficiary of the operations executed by the client. Although the above authority has judicial powers, it does not rule out its administrative character completely as most of its members are appointed by the executive authority, which has the right to depose them, a matter which infringe upon the neutrality of this authority, according to Law No 318/2001 on the fight against money laundering, Decree No 7818 issued on 18 May 2001, circulars No 2 issued by the Central Bank of Lebanon on 4 July 2001, and No 3 issued on 16 October 2001.

4) UAE

Bank transfer operations in the United Arab Emirates are executed without any restrictions other than those stated in the law on money laundering referred to in the Federal Law No 4/2002.

- The law allows the Central Bank to order, for mere "suspicion", to block funds at the financial institutions for a period not to exceed 7 days. It authorizes the public prosecution, despite its affiliation to the executive authority as stated in the Judiciary Code, to order the seizure of suspected funds, proceeds or mediums.
- Although the judiciary does not enjoy full independence due to the intervention of the executive authority in its affairs in accordance with clear provisions in the legislation regulating the judicial authority, it allows the competent court to order the precautionary seizure for unlimited periods of time of any funds, proceeds or mediums if they are the result of money laundering crimes or related to them. All these measures are taken by the competent authority for mere suspicion that are not authenticated.
- The legislation puts restrictions on bringing foreign currency into the country and left the matter to the Central Bank to define the maximum sums of money allowed to enter the country in cash.
- An administrative unit is created at the Central Bank called " financial information unit", which is responsible for receiving reports on money laundering and suspicious cases. The unit prepares a form of

suspicious dealings that lead to getting hold of any person and completely eliminates the privacy of the banking dealings, as the whole matter is put in the hands of the personnel of the financial and commercial institutions. This matter leads to the shaking of confidence in bank dealings. The legislation also allows the financial information unit to report to the public prosecution and take the necessary action to seize these funds.

5) MOROCCO

The Moroccan legislation too puts restrictions on the banking transfer process from and to abroad or vice versa through the rules of the Decree No 1.58.21. The Exchange Bureau, established by the Decree of 10 September 1939, controls bank transfers. For a bank transfer to be made, there must be obtained permission from the Director of Public Finance. The Moroccan legislation sets aside from this restriction organizations and institutions given exceptions by the Minister of Finance according to special agreements. With regard to the privacy enjoyed by the accounts, it is not allowed to deny information to the Bank of Morocco or the judiciary relative to criminal procedures.

It is worth noting that the recent amendments of the new Criminal Procedure Code-which was amended and supplemented by the law on fighting terrorism No 03/2003- gave the judicial authorities represented by the King's General Agent (the public prosecutor) who is physically affiliated to the executive authority, the right to breach the rules of the privacy of accounts included in the Decree No 1.93.147 issued on 6 July 1993. He has the right to demand information on any operations suspected of having relationship in financing terrorism lest there should be evidence that these accounts are actually involved in the above acts. Under the law, the public prosecution service is authorized to block or seize the suspected properties; prevent their transfer, disposal, and movement; and places such properties under receivership. The law, however, is silent on how to challenge a decision freezing suspected funds before a neutral judicial authority.

CONCLUSION

Egypt, Lebanon, Jordan and the United Arab Emirates enjoy the freedom of bank transfer by physical or corporate persons to or from outside the country. There are no restrictions on these transfers with the exception of the provisions stipulated in the anti-money laundering legislation, which we referred to in analyzing the contents of the relevant laws. There are also no restrictions to the role played by the administrative units with regard to money laundering in Egypt, UAE or Lebanon in case of a request for seizure and freezing of funds. As for Jordan, the recent amendment to the penal code has given vast authorities to the public prosecution institutions (*niaba*) with regard to the seizure and freezing of funds. The recent amendment to the penal code in Morocco has given the same powers to *niaba* in connection with crimes of terror.

The freedom of bank transfer in Morocco from inside to outside the country, or vice-versa, depends on the approval of the Exchange Bureau, as the law requires its approval of any banking transfers unless there is an agreement between the Bureau and any organization on the freedom of bank transfer to and from abroad.

Q8. WHAT ARE THE CONCERNS AND RISKS OF ESTABLISHING THE FUND IN THE SELECTED STATES?

To know the concerns and risks surrounding the establishment of this Fund in a certain country, it is very important to know the political environment prevailing in that country. This can be achieved only by reviewing the nature of the regime; to what extent that country enjoys freedom and democracy; the mechanisms ensuring for the individuals their public rights and freedoms; and whether the rules of the law applied in this country conform to the rules stipulated in the constitution. The answers to these questions will be given below while analyzing the content of the constitutions and the laws regulating these rights and freedoms in the selected states.

The Arab constitutions have laid down a legislative matrix for ensuring public freedoms and rights. These rights include the right to political participation through the elected legislatures, freedom of opinion and expression, freedom of faith, the right to peaceful assembly and forming of associations, the principle of the rule of law, the principle of non-violation of personal freedoms, the independence of the legal aid profession, the independence of the judiciary, and the freedom to establish political parties. However, the laws regulating these rights and freedoms do not conform to the constitutions in this connection.

THE DESPOTIC CHARACTER OF THE RIGHTS AND FREEDOMS IN THE LAWS OF THE SELECTED STATES

It is worth noting that the legislation, instead of regulating the rights and freedoms warranted by the constitution for the citizens, tends to restrict these rights and breach them.

1. The regime

The regime in Egypt is a socialist democratic regime. The head of the state is the president of the republic. He has the right to issue laws in the case of state of emergency or in the absence of the People's Assembly. He has the authority to dissolve the People's Assembly.

In Jordan the regime is a parliamentary hereditary monarchy. The king has broad powers the most significant of which is the power to issue provisional laws in the case of the absence of the House of Representatives. His powers also extend to dissolving the House.

Lebanon is a democratic parliamentary republic. The president has the power to issue decrees in the case of the absence of the House of Representatives or in cases of exigency.

The United Arab Emirates' regime is an absolute regime. The constitution in force is only a grant from the rulers of the emirates. All the executive, legislative and judicial powers are actually concentrated in the hands of the Supreme Federal Council, the UAE president and the rulers of the emirates within the domain of their own local powers. Members of the Federal National Council, metaphorically called the "legislative council" are appointed by the rulers of the emirates. Hence, it is more of an advisory council than else, as the laws it enacts are not binding and are not enforced. Therefore, the Supreme Federal Council and the UAE president are not bound to ratify them. All laws are referred to the Supreme Federal Council for approval.

If the draft law is refused the Council's president may issue the law after the Council's approval. The matter is not much different when talking about the federal judiciary, which the constitution and the federal law empowered to hear important cases. All members of the judicature are appointed by the Federal Council and the head of the state.

Morocco is a democratic social constitutional kingdom. The king may, after counseling the speaker of parliament, the chairman of the Constitutional Council and after delivering a speech to the nation, dissolve the two houses of parliament or one of them by a Royal decree. He may, in the case of emergency, take all the necessary measures imposed by the situation to defend the country.

It is worth noting that the study dealt with a number of provisional laws enacted in the Kingdom of Jordan during the suspension of parliamentary life which is still suspended by a Royal decree. They included laws related to amendments of the penal code and the criminal procedure code, which enforce provisions tightening incrimination in the field of freedom of opinion and speech and imposing restrictions on the right for peaceful assembly, in addition to provisional laws relative to rehabilitation, correction and juveniles that reached 216 provisional legislations in total.

The legislative history in all these countries carries many laws enacted during the suspension of parliamentary life. This confirms the potential concerns when launching the proposed Fund under the prevailing legal systems without safeguards protecting this organization against dissolution, confiscation or submission to arbitrary administrative measures by the executive authority.

2. Freedom of opinion and speech

The legislation in Egypt sets a condition to obtain a prior license from the governmental authorities before publishing newspapers. It also gives the Prime Minister the right to protest against foreign newspapers. He imposes

unfair restrictions on issuing newspapers as he gives the Higher Council for the Press the authority of guardianship on these newspapers and bestows on it several powers that include, for example, "the right to fix the price of newspapers." It is worth noting that this council does not actually represent the press, but it is more of a governmental body. The legislation also expands the scope of criminalizing and punishment in the opinion and speech crimes leaving no area for the freedom of the press.

In Jordan the legislator too provides that a governmental license should be obtained in advance before the issuance of newspapers and sanctions governmental agencies to suspend the entry and distribution of foreign newspapers. It expands the scope of criminalizing and punishment in crimes relative to the freedom of opinion and speech.

In Lebanon the legislation enforces the same arbitrary conditions provided for in Egypt and Lebanon, namely the need to have a prior governmental approval on publishing newspapers.

It also expands the scope of criminalizing and punishment in opinion and speech crimes. The same thing happens in the United Arab Emirates where it is impossible to publish any newspaper unless after having a prior approval from the competent administrative authority. The legislation sanctions too the competent administrative authority to suspend the publication of the newspaper and annul its license without the right to challenge the decision of annulment. It even imposes censorship on the media coming from outside the country and authorizes the competent administrative authority to prevent their distribution. It expands the scope of incrimination and punishment of opinion and speech crimes.

In Morocco it is not allowed to issue a newspaper or a foreign periodical before having the approval of the governmental authority. The Moroccan legislation considers the opinion and speech crime as a crime that deprives trust and respect. Although the recent amendments introduced to the law have diminished the penalties of imprisonment and fines, the expansion of the scope of incrimination is still the prevailing feature in the press legislation like the other legislations in the countries covered by the study.

3. Freedom of faith

The legislation in most of the Arab countries imposes several restrictions on the right of faith. In Egypt the law imposes Al Azhar's control over all the artistic and creative works. There is also control over practicing religious rituals through the official religious institutions and bodies.

In Jordan the legislation stipulates a crime of violating morals and public decorum. This crime is an ambiguous crime that implies more than one interpretation.

In Lebanon the legislation never restricts the freedom of faith at all, while in the UAE it criminalizes any act that infringes upon the Islamic faith. It

is a term that can be interpreted according to the political and not the religious point of view. In Morocco the legislation considers it a crime if someone publicly eats in the fasting month of Ramadan.

4. Right to peaceful assembly and demonstration

The legislation in Egypt, Jordan and Lebanon requires prior approval of the governmental authorities to hold meetings or demonstrations. It authorizes the security agencies to attend the meetings and disperse demonstrations and individuals by force. In the UAE there is no legal system for the right of individuals for peaceful assembly and launching demonstrations. In Morocco the legislation requires too that a permission should be obtained from the governmental authorities in advance to hold assembly or launch demonstrations. But it deprives individuals from this right and authorizes it to organizations lawfully founded such as the political parties.

5. Right to form political parties

The legislation in Egypt sets a condition that an approval in advance must be obtained before establishing political parties. The approval must be obtained from a committee called "the parties affairs committee". It is composed mostly of government officials. It is chaired by the chairman of the Shura Council and its members include the Minister of Justice, the Interior Minister, the Minister of State for the People's Assembly and Shura Council's Affairs and three members not having membership in any political party. They are selected from former chiefs of judicial bodies or their deputies and decreed by a Presidential Decree. The law gives this committee the right to dissolve the party, liquidate its funds and suspend its newspaper.

Challenging the judgments of this committee must be before another committee composed of judicial and non-judicial members appointed by the government. The rulings of this latter committee are unchallengeable. In Jordan it is conditional for founding a party to have a prior approval from the Interior Minister on the founding request. The minister has the right to approve or disapprove the founding request. His decision in this regard may be challenged.

In Lebanon, there is freedom in forming political parties. There are no procedures required for founding and formation of the party with the exception of notifying the governmental authority in charge. In the UAE, there are no legal rules originally regulating the process of forming political parties. In Morocco, the legislator warrants the individuals' right to form political parties and there is no procedures required for it except notifying the Interior Minister.

6. Personal freedoms

The Egyptian legislation gives exception to certain types of crimes, namely the political crimes from the safeguards warranted to the rest of the people. It grants the public prosecution the power of provisional detention

pending investigation of the defendants for a period reaching 60 days. It also authorizes it to wiretap and record telephone conversations made at private places by persons connected with these crimes without a warrant from the judge. The legislation grants the public prosecution some of the powers of the state security courts, including the power of provisional detention of the defendant for a period reaching 6 months in political crimes.

The situation does not differ much in Jordan. In certain cases the legislation authorizes the investigating authorities to detain the defendant for 6 months without referring him to the competent court in crimes relative to state security. In some other crimes the period of the provisional detention is unlimited pending referring the defendant to the court.

The situation in Lebanon is the same as the legislation empowers the investigating authority to detain the defendant for renewable six months as a precautionary measure in some crimes relative to disturbing the state security. In the UAE the legislation authorizes the public prosecution to detain the defendant for 14 days without referring him to the judge. The state security authority which is directly responsible to the head of the state, is given the right when some people or organizations exercise activities detrimental to the state security to search them and their houses, inspect public places and enforce arrest and detention of suspects. The legislation also gives the director of the authority, upon order from the head of the state, the right to extend the period in custody for another 15 days.

In Morocco the investigating authority may provisionally detain the defendant for 12 days in some cases when the defendant is accused of a terrorist crime. It has the right to deny him communication with his lawyer for 6 consecutive days starting from the beginning of investigation. There is another type of arbitrary detention which is called "precautionary detention" which may last for two months sometimes. But in this case the detention order must be issued by the competent judge. The judge may extend the period of detention five times by which the period of detention may reach one full year.

The above are some examples of the violations against individuals in these countries, which constitute an abuse of their rights and freedoms.

7. Religious restrictions on the establishment of the deposit and charitable Wakf organizations

Analyzing the tenor of the legislative systems covered by this study it was evident that the *Wakf* in general is based on religious grounds. It depends essentially on individual opinion whether for Muslims or non-Muslims. The chief of the official or unofficial religious organization represents the general guardian (sponsor) of all charitable *Wakfs*. The recipient of the *Wakf* whether it be a charitable, a social or a religious organization is considered the party in charge or the agent of the general guardian in running the *Wakf*. Once the *Wakf* donor concludes the deed of the endowment and notarizes it according to the prevailing legal system, as all systems provide for the notarization of the *Wakf*, the chief of the religious organization shall

become the general guardian controlling the *Wakf* even if the donor sets a condition to keep the guardianship over the *Wakf* for himself. However, after the donor's death the guardianship shall be transferred to the religious chief who will have the right to appoint the guardian, the agent or the trustee of the *Wakf*.

The chief of this religious organization shall have the power to suspend the private guardian or the trustee from running the *Wakf*, and shall have the power to remove him from office or not to abide by the conditions of the donor and replace the *Wakf*. Also he may transfer the fund to another party the general guardian may deem that it is worthier. In addition he shall undertake the full control of the administration of the *Wakf* and monitoring of the functions of the trustees. We have found that the matter did not differ in all the legal systems. In Egypt, the general guardian is the Ministry of *Wakfs*. In Jordan, the Ministry of *Wakfs* undertakes all the functions of general superintendence over all the charitable and Islamic *Wakfs*, while the non-Muslim religious denominations councils represented by the chief of the denomination undertake the general guardianship of the charitable *Wakfs* for non-Muslims. The same is in the United Arab Emirates where the Ministry of *Wakfs*, Islamic Affairs and Justice undertakes the general guardianship of all the federal *Wakfs*, while the *Wakfs* councils in the emirates, members of the Federation, undertake the general guardianship of the local *Wakfs*. The ruler may have the power to appoint some of the private councils to supervise the *Wakfs* of some denominations such as the *Ga'fari* school to run the charitable *Wakfs* of the school.

The same case applies to Morocco. The Ministry of *Wakfs* or *Ahbas* is the general guardian of all the charitable *Wakfs* throughout Morocco. In Lebanon, the case is not different despite the severalty of religious denominations. With regard to the Sunni Muslims, the chairman of the Islamic Council "the Mufti of the Republic" undertakes the general guardianship of all the charitable *Wakfs* of the denomination. The same applies to the *Shi'ait* doctrine, where the chairman of the *Shi'ait* Council and the Higher *Shi'ait* Council undertakes the general guardianship of all the charitable *Wakfs*. But the *Durzi* denomination enjoys a relative freedom with regard to establishing the *Wakf* and as they resort to the courts of first instance to dismiss the guardian. However, the *Durzi* denomination tends to apply the predominant saying in *Abu Hanifa's* school, which states that "the official ruler is the general guardian of all the *Wakfs*". Consequently, the general guardianship according to this school goes to the chief of the denomination. With regard to the non-Muslim doctrines and on analyzing all the substantive laws relative to the *Wakf* we found that the higher religious chief is the general guardian of all the charitable *Wakfs* of the denomination.

In all cases the religious authority controls the legality of the *Wakf* title deed and its purposes. The deed is governed by the analysis and religious interpretation with regard to the recipient of the *Wakf*. The religious authority may not accept the conditions of the donor if it deems that the recipient of the *Wakf* is illegal according to the applied religious rules regarding each denomination.

Consequently, there is no freedom in establishing the *Wakfi* deposit or the *Wakfi* charitable organization according to the prevailing systems in the selected states. This is owing to the official and unofficial religious control over the charitable *Wakfs* and the absolute powers conferred on this religious authority in dismissing guardians- or- the recipient organization. Also the general guardian has the right to change the conditions of the donor and transfer the fund to another party the religious authority deems worthier than the recipient of the *Wakf*.

8. The judicial authority and the legal aid profession

By analyzing the content of the legislations on the judicial authority and the judicature system in the legal systems of the selected states it was evident that the legislation regulating them abuse the independence of the judiciary in all the countries under study. The most outstanding violations of the judiciary is the expansion in the powers of the minister of justice-the representative of the executive authority-with regard to courts and judges in appointment, transfer, delegation, promotion, inspection and distribution of work at courts to the degree it reached in the details included in the legislative principles and the synopsis attached to these results.

Also the public prosecution and magistrates are directly responsible to the minister of justice, a matter that disturbs their independence despite the serious competences the law bestows on them according to the criminal procedure codes. There is also expansion in the phenomenon of exceptional courts, the possibility of trying civilians before military courts and denying them their physical judge as in the case of Egypt with regard to the state security emergency courts and military courts, the state security courts in Jordan, the permanent military court in Lebanon and the military court in Morocco. The law also authorizes the ruler in Dubai to order the formation of a special court or a special judicial committee to hear any legal action or any other action, and to determine in the Decree the formation of this court, its powers and ways of challenging its rulings.

Monitoring the constitutionality of laws is absent in Jordan and in the United Arab Emirates, while monitoring the constitutionality of laws in Morocco loses its effectiveness as a result of the restrictions imposed on the associations and societies by denying them the right to go to the constitutional council to challenge the unconstitutionality of the laws, and restricting the right to revise the laws before their enactment in order to verify their compatibility to the constitution on a limited group. This matter also lessens the effectiveness of the subsequent monitoring of the constitutionality of the laws undertaken by the Constitutional Council in Lebanon, which restricts this right too to a limited group. That was evident when revising the rulings of this council during the period from 1995 to the end of 2001 as it was apparent that it took over 44 disputes including 30 disputes related to elections and 14 disputes related to unconstitutionality of laws of which 7 of them were found unconstitutional. In Egypt, and in spite of the restrictions on resorting to the constitutional court by direct counteraction, the Supreme Constitutional Court

monitors the constitutionality of the laws with apparent effectiveness. Up to 830 constitutional disputes were revised by this court in the period between January 1980 and July 2002 of which 199 disputes were found out by the Court as unconstitutional.

With regard to the legal profession the legislations in each of Lebanon and Morocco guarantee its independence. They are void of procedures allowing intervention of the authority in dissolving the bar associations.

In Egypt, the law called "the Law on the safeguards of democracy in the professional associations", known as the "law of the assassination of associations!" allows the appointment of provisional committees formed from judges to run the professional associations including the bar association. In Jordan, the legislation on professional association also authorizes the executive authority to dissolve the bar association. In the UAE there is no independence at all of the legal profession as the Ministry of Justice there controls the registration of lawyers and issue permits to them to practice the profession.

We conclude from the above that the lack of independence of the judiciary and public prosecution, the spread of the phenomenon of exceptional courts and the possibility to try civilians before military courts constitute serious concerns for the establishment of the proposed Fund under the prevailing legal systems. Besides, the affiliation of the religious courts to the religious or spiritual presidency of the Muslims and non-Muslims religious communities and the right of the religious authority to appoint and dismiss judges diminish or even eliminate the possibility of the independence of courts or judges, especially as many of them are appointed on the basis of religious eligibility and loyalty. Consequently they would be void of neutrality in addition to being exposed to dismissal from their posts.

9. Administrative and judicial penalties dissolving legal organizations and corporations and confiscating their funds

Association acts in Egypt, Jordan and UAE stipulate that a decision from the competent administrative authority may be taken to dissolve the association, depose their board of directors and appoint a temporary board to run the association. They also may decide to transfer the associations' funds to the party identified by the administrative authority, with the exception of the Moroccan law, which does not sanction administrative dissolution even for foreign associations. It allows dissolution of these associations by court judgments. It also allows the dissolved association, whether voluntarily or judicially, to dispose of its funds according to its by-laws or the decision of its general assembly. The Lebanese law on the other hand permits the confiscation of the funds of foreign associations if their licensing is disapproved or withdrawn in case they do not execute liquidation from the date they are notified of the decision to refuse their licensing or withdrawal of the license.

The assets of these associations shall be sold and the proceeds of the sale shall be transferred to the charitable associations appointed by the competent administrative authority that decides the administrative dissolution of the association. However, disposal of the funds of these dissolved foreign associations according to their statutes or the decisions of their general assemblies shall be restricted to charitable purposes only. The penal codes in all the selected states expand the authorization of suspension and dissolution of legal associations and confiscation of their funds as subsequent punishments of some political crimes, violation of the notarized associations of the rules of their by-laws or establishing or founding a branch of an international association without having permission from the government.

Expansion in administrative penalties and judicial punishments by dissolving the associations and confiscating their funds together with the expansion of the scope of political incrimination in the penal codes may lead to raising concerns of potential intervention, especially with the breaching of the independence of the judicial authority and the intervention of the executive authority in its affairs in the light of the legislations regulating them as we have previously mentioned.

10. Economic laws permitting seizure, freezing, attachment, and confiscation of funds

Under this group of procedures come the recent laws related to money laundering in Egypt, UAE, and Lebanon as these laws infringe upon the privacy of banking accounts. They stipulate that suspicion in the client or in any banking operation allows the bank's management to report to the administrative units that are formed by these governments in the central banks. These laws also permit them to inspect and initiate inquiries on the banks' clients and the bank's operations relative to them, and examine their data. Additionally they have a compulsory form called the "declaration form" which is distributed among all banks. Upon internal circulars they put illusionary marks on suspected operations and bind all banks and financial institutions working in the field of banking operations to report on these operations, otherwise the officials in charge in the bank shall be exposed to criminal and administrative penalties.

They also bind the banks to verify the owner of the actual beneficiary of the banking operation even if the operation is handled within the scope of its normal or internal operations such as "reimbursement of checks" or are executed through banking transfers whether inside or outside the country. They authorize these administrative authorities to file the application of seizure and freezing of funds. Although the Egyptian law and that of the UAE require to refer this application to the public prosecution for action-we have referred to the fact that the public prosecution is affiliated to the executive authority and that it is directly responsible to the minister of justice- the Lebanese law made the decisions of these authorities for seizure and freezing of funds immunized against challenge. It also exempts the banks' officials of any criminal and civil liability related to the reports they may submit to the administrative units in charge of the inspection and examination of the

operations related to money laundering operations, especially as all these legislations have adopted the exclusive system of political crimes stipulated in the first and second chapters of the Penal Code. The Lebanese law includes terrorist crimes stipulated in the Penal Code within these crimes despite the broad definition of these crimes in this law.

The Jordanian legislation includes these restrictions in a provisional law issued in 2001 in which it permits seizure and freezing of funds exclusively with regard to terrorist crimes. It authorizes the public prosecution to demand the seizure of funds. Even the law on banks authorizes the Central Bank to order the attachment of any funds suspected of having been used in suspected operations in the manner we have previously referred to in detail whether in the expanded part on the legislative principles or the synopsis attached to this study. All these laws also permit the confiscation of funds and allow judicial cooperation among these countries and between them and other countries in the execution of criminal rulings passed in this regard. They also allow pursuing and chasing of these funds outside the country. The recent amendment of the law on economic crimes authorizes the prime minister to refer some crimes to exceptional state security courts.

In Morocco, Law No 3/2003 enforced in October 2003 on fighting terrorism permits the public prosecution to seize and block funds despite its clear subordination to the executive authority.

It is worth noting here that including political crimes within the framework of the legislation on money laundering explains the trend the legislation adopts with regard to these crimes and their stringent attitude towards them, and their tendency to control the activities related to the rights and freedoms of individuals, which clash with the restrictions they impose on these rights. This attitude gives the political regimes the opportunity to get rid of their opponents, especially as they can prosecute any other kind of activity even if it is related to human rights under the pretext of political crime, subsequently subject them to the rules of this law by legislations that abuse the independence of the judiciary and public prosecution. They permit the executive authority to intervene in the judiciary affairs in the manner we have dealt with in detail in each country separately. This matter raises serious concerns in the light of an undemocratic legal structure prevailing in these countries in the manner we explained in this paper, the expanded legislative principles and the attached synopsis.

11. Restrictions on the employment of foreigners in the selected states

The labor laws regulating the employment of foreigners in the selected states impose a number of restrictions on the employment of foreigners. There is a general restriction in all the selected states necessitating the approval of the administrative body to employ the worker. In Egypt, the minister may exempt some foreigners recruited from the general restriction. He also specifies the foreign workers exempted from this condition and the cases terminating their work permits before their expiry. In the case of exemption from having permits to work in the country the agency employing

the worker shall advise the competent administrative authority of his employment and shall also advise it when terminating his employment.

In Jordan, the law requires that the foreign worker should possess a proficiency or expertise not available in Jordanian workers or the number of Jordanian workers is not sufficient to the work needs. Priority in this case is given to Arab experts and workers. The work permit for the foreign worker shall not exceed one year.

In the UAE the foreign worker should have a sponsor from the country's nationals. The organization in which the worker is employed may reach an agreement with the administrative body to exempt it from the condition of obtaining a work permit in advance with regard to the foreign experts and workers it employs. But the law binds it in this case to inform the competent administrative authority of the start and termination of employment.

In Morocco the competent administrative authority may withdraw the work permit at any time. The worker is governed by to the Moroccan social legislative law unless there is an agreement between the worker and the establishment employing him which may provide him with better conditions.

RECOMMENDATIONS

We came up with the conclusion that a wakf Fund may be established under the applicable legal systems only as a branch of a foreign association or organization. It is worth noting that while there are conditions stipulated by the law establishing a branch of any foreign organization in the selected states, there are other considerations that take precedence over these conditions. First, there must be a political will and true desire of the interested state to accept the activities of this organization under safeguards enabling it to operate freely without intervention or pressures. Security-related considerations and the political balances in the State affect decision-making in this respect. The State must be ready to accept establishing a financing fund for the purpose of supporting human rights organizations and activists and organizations working for applying the rule of law in general. Secondly, the standing and credibility of the Fund, as manifested by its activities and its adherence to transparency and institutional reputation, must be taken into consideration.

Thus, the general recommendations this study puts forward do not ignore these practical considerations which should be taken into account:

I. General recommendations

- 1) There should be established a not-for-profit charitable funding organization with the object of extending grants and support to human rights organizations and programs as well as organizations working for applying the rule of law in general. The organization should be established outside the legal system of the selected states and, thus, outside the framework of any legal system in the Arab region. The samples addressed by the study represent the countries that have a democratic margin in the Arab region and whose legislation allows a relative freedom of movement for human rights organizations and associations as well as civil society organizations in general.

The research team examined samples of the legislation of some of the Gulf States to test how far the selection of the UAE legislation was successful for analysis within the legal framework of the Gulf Cooperation Council (GCC) member states. We made sure that this selection was optimum when we checked the basic comparative laws against the law subject of the study. Similarly, we conducted a comparative study of the legislation in the Arab Maghreb countries to verify the selection of the Kingdom of Morocco as a sample for analysis of the content of that legislation; the same was applied to the neighboring countries to Lebanon.

- 2) We suggest setting up this organization as a branch to a foreign association or organization. In this case, there must be established a branch, or concluded a principal office agreement for establishing this organization, in any of the selected states. The organization will acquire the legal personality according to the legal system under which

it will be established. It will have a board of directors and by-laws specifying its purposes and objects in a way allowing it to submit an application to open a branch or conclude a principal office agreement. This will allow the organization to carry on its regional activity in any Arab country.

- 3) The wakf cash deposit account must be opened outside the legal system in the Arab region. The account must be opened under a legal system allowing physical and corporate persons to open wakf cash deposits without control or guardianship by the official or unofficial religious authority. In the case of opening a branch or a principal office of the organization, the interests of this deposit will be transferred to the branch or the principal office of the organization according to the local and regional requirements of that branch by opening a current bank account allocated for the transferred money. The branch or the principal office will be authorized to pay out from that account.

With regard to the possibility of licensing the branch or the principal office to accept donations, wills and open cash deposits whose interests are allocated to the organization's purposes by opening a deposit account in the principal office country, this will depend on the agreement concluded with the country where the principal office or the branch is situated. However, these deposits will enjoy the safeguards, immunities, benefits and exemptions enjoyed by the organization's principal office.

II. Special recommendations

The analysis of the content of the legislation in the countries subject of the study showed the following:

- 1) We referred above to the provisions of the laws related to the incorporation of foreign associations and the conditions the law requires to be met in the selected states. It is important to read these conditions as they should be complied with in case of establishing a branch of the association in any of these countries.
- 2) We suggest that the branch or the principal office country of this association should be initially in the Kingdom of Morocco. Indeed, Morocco has more freedom to establish associations and provides more safeguards against the dissolution of foreign associations unlike most legislation in the other selected states. Besides, it enjoys the freedom of establishing political parties and associations of political nature.

This would alleviate the concerns, but not totally eliminate them. In addition, the legal system in Morocco is the only legal system which knows the non-profit organizations. These organizations grant, as part of their functions for social reasons, loans from their own resources with favorable conditions to persons who deserve to benefit from these

loans as provided in their by-laws. These associations, known in Morocco by the name "small credit associations" are not governed by the Royal Decree concerning Credit Associations. Although these associations are subject to special legal rules, they are governed by the rules of the Royal Decree on the associations and are governed by its rules in the absence of the rules of the Decree regulating them. The law permits these organizations to collect donations without any restrictions. Although these associations by their nature extend loans and not grants, they are non-profit organizations.

The reason for this is that the Moroccan law allows the formation of organizations and associations extending social services to certain groups without requiring that their main object should be to make profit. In this point it goes along with the purpose of the organization covered by this study and makes the idea of founding a regional branch of the association in Morocco not alien to the Moroccan legal system. This would facilitate negotiation on establishing the association. Also the existence of a governmental mediator, namely the Human Rights Ministry and the Advisory Council which play the role of coordinator between the non-government organizations and governmental authorities, may make it easier to explore the intentions behind setting up this branch in the Kingdom of Morocco.

Moreover, the law-making process through the elected parliamentary councils is very accurate in legislative terms. The Advisors Council represent the community's sectors and groups in the legislative process, a matter which makes the legislation processes expressive of these sectors and groups. This is from the legislative point of view. With regard to practice in relation to the mechanisms of the election of these legislative councils, an amendment has been introduced to the Moroccan law recently. The amendment allows the non-government organizations to monitor the election process on the ground. However, honesty requires us not to evaluate this practice as it goes beyond the study which focuses on analyzing the content of the legislation relative to the idea of establishing the organization subject of the study. It is worth mentioning that when we examined the reports of the non-government organizations with regard to this process, it was evident to us that they enjoyed a great deal of freedom in respect of the monitoring process. The negative aspects of the election process are less to a great extent than those in most of the selected states.

Still there is a restriction we should take notice of and should be put into consideration concerning money transfers in Morocco, which must be licensed by the Exchange Bureau. This restriction can be eliminated by entering into a separate exchange agreement with the Moroccan Ministry of Finance.

- 3) To incorporate a branch of the organization in Lebanon as a second choice, the organization must be established first under a legal system outside the Arab region before submitting the application for

incorporating a branch of a foreign association or organization in Lebanon. It is worth noting that there is no obstacle regarding money transfers in Lebanon, as banks enjoy the freedom of money transfer from inside to outside the country and vice versa, in addition to the freedom of opening accounts so long as the organization's branch will be founded according to the Lebanese legal system and take into consideration the restrictions imposed by the law on money laundering and the basic safeguards which will be mentioned later

- 4) To incorporate an association's branch in Egypt as a foreign organization, an agreement must be concluded with the Egyptian Foreign Ministry containing all the safeguards and immunities required for the association. Ignoring these safeguards and immunities in the agreement will make the association's branch or its principal office subject to the Association Act in Egypt with all its restrictions.
- 5) To incorporate the association's branch in Jordan, the case in Egypt applies with the exception that this agreement must be concluded with the Prime Minister.
- 6) We also advise against incorporating the association's branch or principal office in the UAE for the reasons we discussed when analyzing the content of the UAE legislation. As for establishing a branch of the association in the free zone, the idea is unknown in the legal system of this region which only approves the establishment of commercial and investment corporations, factories and selling of goods and consumer equipment. Accordingly, we rule out incorporating a branch or a principal office of the association under the legal system of the Emirate of Dubai for the reasons we explained when analyzing the content of the legislation of this Emirate. The analysis we conducted showed that there was no State of law in essence.

Privileges and immunities that should be provided to overcome the concerns and risks

The essential safeguards of the Fund can be achieved only by providing the Fund with certain privileges and immunities. These privileges and immunities must be included in any agreement for establishing, or when incorporating, a branch of the association under any legal system in the Arab region.

The governments provide for these privileges and immunities in their local laws. Under these laws the government is allowed to extend privileges and immunities for regional and international associations and organizations. But, these privileges and immunities must be included in the agreement licensing the principal office, which is signed by the government and the

association or which take the form of exchange of letters in which the government expressly permits granting the association these privileges and immunities. The following are examples of the organizations which are granted such privileges and immunities:

- Regional organizations: the Arab Lawyers Union, the Arab Journalists Federation and the Arab Human Rights Organization.
- International organizations: Ford Foundation, the International Red Cross, and the UN specialized agencies.

The latter derives their privileges and immunities from the UN Charter. The minimum privileges and immunities required for establishing the proposed association or Fund are as follows:

- a) Immunity of the properties and assets of the association's principal office and branch against any form of legal procedures including inspection, seizure, confiscation and expropriation and any form of other interventions by executive, judicial, administrative or legislative way.
- b) Immunity of the association's documents and records.
- c) Freedom of money transfer from and to the country.
- d) Immunity of the staff members of the association's branch against arrest, detention, confiscation of their personal chattels and also immunity of their houses, their documents and records.

The above are the minimal safeguards that must be contained in any agreement on opening the branch or principal office of the association under any legal system permitting them to exercise their activities.

**MODEL AGREEMENT
BETWEEN THE FUND/ASSOCIATION
AND THE STATE WHERE IT OR ITS BRANCH
IS ESTABLISHED**

The following is a proposed model agreement about the maximum privileges and immunities that the Fund/Association or its branch can enjoy in the country where it or its branch is established. The minimum privileges and immunities mentioned before in this study must also be adhered to.

The legal personality:

The Fund/Association shall have a legal personality recognized by the State where it or its branch is established. It may file cases, possess movable or immovable properties and dispose of them.

Immunity of the Fund/Association's property and assets

The Fund/Association's property and assets wherever they are and whoever owns them shall enjoy immunity against any kind of legal procedures except where the Fund/Association expressly waives its immunity. It is understood that such waiver does not apply to any execution procedure.

Immunity of the Fund/Association's buildings

The Fund/Association's buildings, property, and assets wherever they are and whoever possess them shall be immune against inspection, seizure, confiscation, expropriation and any other form of intervention whether that intervention is enforced by executive, judicial, administrative or legislative method.

Immunity of the Fund/Association's archives

The Fund/Association's archives and, in general, all documents owned to it or in its possession shall be protected wherever they are.

Communications

- 1) The Fund/Association shall enjoy for official purposes without any intervention the freedom of using the communications means it deems appropriate for its contacts especially with the Fund/Association's principal office, other interested international agencies, governmental departments, other associations and individuals. It is understood that in exercising these rights the Fund/Association shall respect the State's laws and regulations provided that these laws and regulations shall not obstruct the main purposes of the Fund/Association's activity.
- 2) The Association shall enjoy, in all matters relative to communications, a treatment not less privileged than the treatment given to the international government and non-government organizations with regard to priorities, charges, and taxes.

- 3) The Fund/Association shall enjoy the right to send and receive post parcels and these parcels shall enjoy the same immunities and privileges enjoyed by the parcels and bags of the international non-government organizations. However, these parcels must carry clear external marks showing their nature and that they shall contain documents and materials only intended for official use within the purposes of the Fund.

The Fund/Association's financial resources

- 1) The Fund/Association shall have the right to keep money in local and foreign currency and other financial assets and open accounts in any currency without having to observe the laws and regulations governing exchange control and the related issues.
- 2) The Fund/Association shall have the right to move funds in local and foreign currency freely from, into, and inside the State. It shall have the right also to convert freely these assets into other currencies.

Exemption from taxes

The Fund/Association's assets, activities, and properties shall be exempted from all direct taxes but shall bear the charges, dues, and fees against services.

Exemption from customs duties

The Fund/Association shall be exempted from customs duties or any similar costs, and from restrictions and forms of prohibitions imposed on imports or exports or transit across the State in respect of the Fund/Association's materials including publications, audio-visual aids for official use, and the materials related to the support programs it is performing inside the State or in any other state. It may sell the material it imported under this exemption in the State according to the same conditions applicable to diplomatic missions in the State.

Status of the Fund/Association

- 1) The Fund/Association's staff shall enjoy the immunities, privileges and facilities mentioned above.
- 2) The members of the board of directors of the Fund/Association and the directors of the principal office and the branch shall enjoy immunity against arrest, detention and confiscation of their personal belongings. They shall also enjoy, with regard to their oral or written statements and all that they do while performing their official functions, immunity against legal court actions of any kind even after the termination of

their services in the Fund/Association. They also may not be summoned for testimony.

- 3) The Fund/Association staff members' residence, vehicles, documents, scripts and all their personal belongings shall be safeguarded.
- 4) The Fund/Association's staff and their families shall be exempted from all the restrictions imposed on the entry to the state. They shall also be exempted from the foreigners' registration and the obligations of military service.
- 5) Upon assuming their functions in the State, the Fund/Association's foreign staff and managers shall have the right to import furniture and personal chattels exempted from customs duties and sales tax. The chairman of the Fund/Association shall have the right to import a car exempted from customs duties and sales tax.
- 6) The Fund/Association's members shall have the right to sell their personal properties in the State according to the same conditions applicable to the members of diplomatic missions.
- 7) In case of internal disturbances or the occurrence of international conflict, the Fund/Association's foreign directors and staff members shall receive the available necessary facilities to leave the State if they wish and by the means they feel safer and faster.
- 8) The Fund/Association's foreign directors and staff members shall enjoy the same exchange facilities granted to the international organizations.
- 9) The Fund's foreign directors and staff members shall be exempted from the income tax and the social services tax imposed on the salaries and wages paid by the Fund/Association or that which they receive from outside the State.
- 10) The Fund/Association's employees who are nationals of, or permanently residing in, the State shall not enjoy the immunities, privileges and facilities mentioned above. By way of exception, they shall enjoy the immunity against legal action and giving testimony with regard to their functions in their official capacity and will continue to enjoy this immunity even after the end of their jobs with the Fund/Association.
- 11) The Fund/Association shall notify the competent authorities in the State of the names and titles of its foreign directors and staff members and of any changes to their positions.

- 12) The Fund/Association's members shall comply with the State's laws and regulations in force as of the date the Fund/Association's acquires its legal personality. They may benefit from the protection these laws and regulations provide to them.
- 13) The Fund/Association shall undertake in writing not to dispense with any car in its possession by way of sale or gift before notifying the customs authority.
- 14) The Fund/Association shall pledge not to dispense with any car in its possession by way of sale or gift before the lapse of three years from the date of its exemption from customs duties, unless the car is damaged and the customs authority and the traffic police testify that it is no longer usable.

Delegates on temporary assignments

The Fund/Association's members sent on temporary assignments to the State shall enjoy the same immunities and privileges provided in this Agreement.

Mission's ID

- 1) The Fund/Association's members and delegates on temporary missions shall be provided with a document called "mission's ID" showing its holder's identity and status as a member of the Fund/Association.
- 2) The competent authorities in the State shall accept this document as an instrument valid for travel and they shall upon submitting it facilitate the crossing of its holder through the State's international borders and allow him to move inside the country.

Cooperation with the hosting State

- 1) The Fund/Association shall cooperate with the competent authorities in the hosting State at all times to achieve justice, observe rules of seizure, and avoid misuse of immunities, privileges, or facilities contained in this Agreement.
- 2) The Fund/Association may waive the immunity granted to any of its members if it finds that the immunity is an impediment against doing justice and that such waiver does not cause harm to the Fund/Association's interests.

Declaring a person non-grata

- 1) An activity exercised by any person enjoying the immunities and privileges according to this Agreement within the context of his official

duties shall not be a reason for denying him entry into the State or to order him to leave the State.

- 2) The State may at any time without giving reasons for its decision notify the Fund/Association that any of its foreign directors or foreign staff members is a person non-grata or unacceptable according to the conditions provided in Article (9) of the Vienna Convention on diplomatic relations ratified on 18 April 1961. The Foreign Ministry shall channel this notice to the Fund/Association's Chairman or, where that person is the Chairman himself, to the Fund/Association's principal office or to any other representative non-member of the Fund/Association.

Interpretation

This Agreement shall be interpreted in the light of its basic objectives; namely, to enable the Fund/Association to shoulder its responsibilities, perform its functions and carry out its programs properly and effectively.

Settlement of disputes by negotiation

- 1) Disputes arising between the two parties with regard to the interpretation of this Agreement or its execution shall be solved by negotiations.
- 2) The two parties shall take into consideration the national interests of the hosting state and the interests of the Fund/Association with regard to its activities. The two parties shall exert their utmost efforts to solve their disagreements in good faith and fairness and shall observe the confidentiality necessary to keep good relations between the hosting state and the Fund/Association.

Arbitration

If the negotiations fail, the dispute shall be submitted for final decision to an arbitration panel composed of three arbitrators. The first shall be appointed by the Fund/Association Chairman, the second by the government of the hosting state, and the third by the two parties. If they fail to agree on the third arbitrator, he shall be appointed by the chairman of the International Court of Justice. The decision of the arbitration panel shall be final and irreversible.

Amendments to this Agreement

The provisions of this Agreement may be amended at any time with the mutual consent of the two parties.

Supplementary agreements

The two parties may enter into other agreements between them.

Term

This Agreement shall be put into operation on a temporary basis once it is signed and shall take force from the date the government notifies the Fund/Association of the completion of the procedures provided for in the laws of the hosting state with regard to ratifying the bilateral international agreements.

Termination

This Agreement may be terminated at any time by either party. However, the termination of this Agreement shall take effect only after six months from giving a notice in writing by either party to the other of his desire to terminate this Agreement. The Fund/Association shall continue to enjoy the safeguards, immunities, exemptions, and privileges provided in this Agreement during the notice period.

LIST OF REFERENCES

1. *"Ahkam Al-wakf Wal Mawareeth"* (rules of religious endowments and inheritance), by Ahmed Ibrahim Bek.
2. *"Alwakf"* (religious endowments), by Sheikh Moh'd Abu Zahra.
3. *"Ahkam Al-wakf fi Al-shari'a Al-Islamia"* (rules of religious endowments in Islamic Sharia), by Dr. Moh'd Obeed Al-kobesi.
4. *"Eieshâa Le Ashrat Al-Sâa"*(rumors about the predictions of the Day of Judgment), by: Moh'd Ben Rasoul Al-berzenji.
5. *"Al-Esaba fi Tameiz Al-Sahaba"* (Biography of the Prophet's companions), by Ahmed Ben Ali Bin Hager Al-Askalani.
6. *"Tatemat Al-Magmo'u"* (a supplement of Al-Emam Al-Nawawy's books about jurisprudence in Islam (fiqh) according to Al-Shafe'i school), by Moh'd Nageeb Al-Mte'ey.
7. *"Tathkerat Al-Huffâz"*(Biiography of prominent reciters of the Holy Qura'an), by: Abu Abdallah Shams E'ddeen, Moh'd Ben Ahmed Ben Othman Al-Zahaby.
8. *"Al-targheeb Wal Tarheeb"*(about The Prophet's traditions (PBUH), by Abdul Azeem Ben Abdul Kawy Al-Montheri.
9. *"Tarekat Al-Naby wa A'sobol Allati Wajahaha Feeh (the Prophet's legacy and its roads"* (The Prophet's sunna (his sayings and doings), by: Hamad ben Ishak Ben Ismail.
10. *"Takreeb Al-Tahtheeb"* (ascription of The Prophet's Traditions (PBUH), by Ahmed Ben Ali Hager Al-Askalani; Talkhees Al-Khabeer, (summary of the Prophet's Hadith (sayings) by Al-Rafei' Al-Kabeer.
11. *"Al-Game'e Al-Sagheer fi Hadith Al-Basheer Al-Natheer"* (a compilation of the Prophet's sayings), by Galal E'ddeen Abdul Rahman Ben Abi Bakr Al-Soyoti.
12. *"Al-hawi Al-kabeer"* (a compilation of Islamic jurisprudence (Fiqh) according to Al-Shafe'i's school of thought), by Abul Hassan Ali Ben Moh'd Ben Habeeb Al-Mawardi.
13. *"Hasheyat Al-Bagouri"*, (notes and remarks on what had been written on Islamic jurisprudence (Fiqh) according to Al-Shafe'i's school of thought), by Ali Ben Kasem Ibrahim Al-Bagouri, introduced and edited by: Mustafa Al-Baby Al-Halabi.
14. *"Helyat Al-Awlyâa wa Tabakat Al-Asfiya'a"* (Islamic sophism (Sufi way of life), by: Abu Na'eem Ahmed Ben Abdullah Al-Asfahani.
15. *"Al-Rawd Al-Anef"*, (the Prophet's biography (PBUH), by Abul Kassem Abdul IRahman Ben Abdullah Al-Sohaili.
16. *"Al- Sunan Al-Kobra"* (the Prophet's traditions (PBUH), by Abu Bakr Ahmed Ben Al-Hussain Ben Ali Al-Bayhaqi.
17. *"Sunan Ibn Magah"*, by Abu Abdullah Moh'd Ben Yazeed Al-Oazwini.
18. *"A'sharh A'sagheer (,jurisprudence in Islam (fiqh) according to Almalki school)*, by Abul Barakat Ben Ahmed Al-dardeer.
19. *"Sho'abel Eman"* (degrees of faith), by Ahmed Ben Al-hussain Ben Ali Al-behyki.
20. *"A-lthakhirah" (the treasure)*, by Shehab E'ddeen Ahmed Ben Idrees Al-Qrafi, edited by: Dr. Moh'd Hegi.

21. *"Fathel Bari fi Sharh Saheeh Al-Boukhari"*, (the Prophet's traditions (Hadith), by: Ben Hager Al-askalani
22. *"Saheeh Muslim Al-Game'e Al-Saheeh le Muslim Ben Al-hajaj"*, (the Prophet's traditions), by: Abul Hussain Muslim Ben Al-Hajaj Al-Qoushairi.
23. *"Tabaqat Al-Shafe'ei Al-koubra"*, (biographies of the Prophet's companions), by: Tag E'ddeen Ali Ben Abdul Kafi Al-Soubki.
24. *"Tabaqat Al-Mofasreen"*, (biographies of the Prophet's companions), by: Moh'd Ben Ali Ben Ahmed Al-Dawoudi.
25. *"Magma'a Al-zawa'ed wa Manba'a Al-fawa'ed"*, (the Prophet's traditions), by: Nour Eddeen Ali Ben Abi Bakr Al-hiithami.
26. *"Magmou' Elfatawi"*, by: Ahmed Ben Abdel Halim Ben Taymiyah.
27. *"Al-Mogtama'a Al-Moutakamel fi Al-Islam"* (integrated society in Islam), by: Abdul Aziz Al-khayat.
28. *"Ketab Al-woukof fi Masa'el Al-Imam Ahmed Ben Hanbal"* (wakfs issues according to Imam Ahmed Ibn Hanbal), edited by: Dr. Abdullah Ben Ahmed
29. *"Al-Moughni"*, by: Ibn Qudama, Abu Moh'd Abdullah Ben Moh'd Ben Qoudama Al-moqadesi.
30. Wakf's role in development and its relationship with public-interest associations, by: Dr Ahmed Ben Abdul Aziz Al-Haddad.
31. Wakf in Islamic doctrine, by: Prof. Moh'd Ben Abdul Aziz Ben Abdullah.
32. Personal Status rules for Egyptian non-Muslims, [7 parts] by Dr. Shafeek Shehata
33. Personal status laws in Lebanon, by Basheer Al-beelani.
34. Personal status laws and courts for Christian sects in Syria And Lebanon, by Hana Malek.
35. Personal status laws for non-Muslims, by Dr. Tawfeek Hassan Farag.
36. Personal status laws for non-Muslims in Lebanon, by: Anwar Al-Khateeb.
37. The ecclesiastical legal right magazine (1143/1012) as amended by articles(1165/1055)
38. Personal Status Act for the Jordanian Eastern Catholic churches.
39. Marriage Law for the Catholic Eastern Church.
40. Personal Status rules for all Christian sects, by: Dr. Fou'ad Yousef Nahra.
41. Personal Status Acts for non-Muslims, by: Hussam Eddeen Al-ahwani.
42. Personal Status issue, by: Mansour Awad (Al-Khour).)
43. Personal Status Act 1954 for Arab Anglican denomination.
44. *"Alwageez"* on marriage and family rules in Christian denominations in Jordan, by: Dr. Alfered Deyat
45. The bases of legislation and judicial system in the Hashimite Kingdom of Jordan, by: lawyer Adeeb Salamah Halsa

LIST OF THE RELEVANT LAWS
IN THE SELECTED STATES

I. Egypt

1) Non-government Organizations and Associations:

1. Non-government Organizations and Associations Act 84/2002.
2. Decision No 178/2002 by the Minister of Social Affairs on issuing the executive regulation of Non-government Organizations and Associations Act.
3. The Penal Code 58/1937 as amended.
4. The Criminal Procedure Code 150/1950 as amended.
5. Income Tax Act as promulgated by Act 157/1981 and amended by the ministerial decision No 898/1994 of the Minister of Finance on the unified tax.
6. The ministerial decision No 164/1984 by the Minister of Finance issuing the executive regulation on the Income Tax Act.

2) Wakfs (religious endowments):

7. Act 48/1946 on wakf's rules.
8. Decree Law 29/1960 on some of the wakf's rules in the Southern Region.
9. Decree Law 180/1952 terminating the wakf's system on charities.
10. Memorandum on Law 399/1953.
11. Explanatory Memorandum on Law 277/1954.
12. Law 247/1953 on charitable wakfs superintendence and the amendment of its distribution of its funds on charitable organizations.
13. Decree Law 30/1957 amending some rules of Law 247/1953.
14. Decree Law 152/1957 on replacement of endowed agricultural land allocated for charitable agencies.
15. Decree Law 51/1958 amending some provisions of Law 152/1952.
16. Decree Law 122/1958 authorizing the Ministry of wakfs to run the properties whose endowment period was expired.
17. Ministerial decision 2/1960 on Law 122/1958
18. Decree Law 264/1960 on replacement of agricultural land endowed for the Orthodox charitable public organizations and establishing the Orthodox wakfs Administration.
19. Decree Law 44/1962 transferring the administration of the properties run by the Ministry of wakfs to the General Authority for Land Reclamation.
20. Decree Law 36/1964 ratifying the exceptional status of some rules of Law 44/1962.
21. Ministerial decision 55/1963 on procedures to submit requests for the right for the wakfs that have unknown beneficiaries.
22. Ministerial decision 18/1968 on the executive regulation of Law 44/1962.
23. Ministerial decision 15/1970 on attaching two lists of replacement conditions for charitable wakf's real estates to Decision 18/1968.

24. Decree Law 55/1960 on the apportionment of properties whose period of endowment was expired.
25. Decree Law 56/1960 on handing over properties whose period of endowment was expired.
26. Ministerial decision 36/1960 on the procedures to be executed by the apportionment committee for the sale of properties whose period of endowment was expired.
27. Ministerial decision 43/1962 on the apportionment committees formed according to Law 55/1960.
28. Decree Law 80/1971 on the establishment of the Egyptian wakfs Authority.
29. Republican decree 1141/1972 on organizing the work of the wakfs Authority.
30. Law 43/1982 on the termination of having the exclusive possession of endowed properties.

3) Companies:

31. Act 159/1981 on joint-stock companies, partnership limited by shares, and limited liability companies.
32. Decision 25/1998 of the Minister of Economy on implementing some provisions of Law 3/1998 amending some provisions of Act 159/1981 on joint-stock companies, partnership limited by shares, and limited liability companies.
33. Decision 75/1998 of the Minister of Economy amending some provisions of Act 159/1981 on joint-stock companies, partnership limited by shares, and limited liability companies promulgated by Act 159/1981.
34. Decision 96/1982 of the deputy Prime Minister for Economic and Financial Affairs and Minister of Investment and International Cooperation promulgating the executive regulation of Act 159/1981 for joint-stock companies, partnership limited by shares, and limited liability companies.
35. Commercial Act 17/1999.
36. Act 34/1976 on Commercial Register.
37. Ministerial decision 34/1976 on the executive regulation of the Commercial Register Act 34/1976.

4) Banks and bank transfers:

38. Republican decree 163/1957 promulgating Banks and Credit Act.
39. Law 86/1980.
40. Law 50/1984 and its explanatory memorandum.
41. The amending some provisions of the Banks and Credit Act 101/1993.
42. Republican decree promulgating the executive regulations of the Banks and Credit Act 163/1957.
43. Decision 394/1960 of the Minister of Economy applying the rules of Act 163/1957 (article 54) on some institutions.

44. Republican decree 1466/1964 on annulment of the Egyptian General Organization for Banks and transferring its functions to the Egyptian Central Bank.
45. Decision 178/1998 of the Minister of Economy on the procedures of association of the Egyptian Banks Federation.
46. Decree law 66/1971 establishing a general authority under the name of Nasser Social Bank.
47. Decree law 66/1971.
48. Law 60/1975.
49. Law 56/1979.
50. Law 119/1980 on the establishment of the "National Investment Bank".
51. Law 205/1990 on the privacy of banks' accounts.
52. Law 155/1998 regulating the private sector's contribution to the capitals of the public sector's banks.
53. The Capital Market Act 95/1992.
54. Decision 135/1993 of the Minister of Economy and Foreign Trade.
55. Decision 2602/1994 of the Prime Minister to include issuance, marketing, and managing of portfolios in the investment activity.
56. Decision 935/1996 of the Minister of Economy and International Cooperation to add the activity of direct investment funds to the activities of securities companies.
57. The Guarantees and Investment Incentives Act 8/1997.
58. Decision 2018/1997 by Prime Minister concerning the executive regulations of Guarantees and Investment Incentives Act.
59. Decision 3/1995 of the Prime Minister and the Board Chairman of the General Authority for Investments to issue the "Investment Journal".
60. Republican Decree 284/1997 on the establishment of the General Authority for Investments and Free Zones.
61. Act 38/1994 on regulating dealings in foreign currency.
62. Explanatory Memorandum of the draft law amending some provisions of Act 38/1994.
63. Ministerial decision 295/1994 implementing some provisions of Act 38/1994.
64. Decision 331/1994 of the Minister of Economy and Foreign Trade on the executive regulation of Act 38/1994 regulating dealings in foreign currency.
65. Act 308/1955 on administrative attachment.
66. Explanatory Memorandum on Law 308/1955.
67. Act 88/2003 on the Central Bank, banking sector, foreign currency, and the privacy of accounts. The analysis of the Act depends mainly on amending the systematic approach of the study according to the provisions of such Act and which was promulgated after preparing the preliminary study.
68. Act 107/1976 concerning the establishment of a Fund for financing the Economic Housing Projects.
69. Decree 466/1976 concerning the executive regulation of Law 107/1976 establishing the Fund for financing the Economic Housing Projects.

70. Money Laundering Act 80/2002.
71. Republican Decree 164/2002 on money laundering unit.
72. Republican Decree 40/1991 establishing the Social Development Fund.
73. Act 107/1976 establishing a Fund for financing the economic housing.

5) Public Rights and Freedoms:

74. Republican Decree 46/1972 on the judiciary.
75. The Egyptian Constitution 1971.
76. Act 73/1956 regulating political rights, and its executive regulation as amended.
77. Law 38/1972 on the People's Assembly as amended.
78. Law 37/1972 amending some provisions in respect of the guarantees of civil freedoms.
79. Law 40/1977 on the political parties system.
80. Act 48/1979 establishing Supreme Constitutional Court.
81. Ethics Act 95/1980.
82. Law 120/1980 concerning Shura Council.
83. Law 105/1980 establishing the State Security Courts.
84. Martial Act 162/1958.
85. Law 50/1982 on martial cases.
86. Act 17/1983 on the legal profession as amended.
87. Law 13/2000 amending some provisions of the following Laws: Law 73/1956 concerning the access of political rights, Law 38/1972 on the People's Assembly, and law 120/1980 on the Shura council.
88. Decree law 167/2000 amending some provisions of the following Laws: Law 73/1956 concerning the access of political rights, Law 38/1972 concerning the People's Assembly, and Law 120/1980 concerning the Shura council.
89. Law 1/2002 amending law 73/1956 (article 24) in respect of the access of political rights.
90. Judgments of the Supreme Constitutional Court (850 disputes).
91. Judgments of the Higher Administrative Court.
92. Unified Professional Associations Act 100/1993 as amended by Act 5/1995.
93. Act 19/1972, and Act19/1992 concerning the establishment of Religious Courts (courts of personal statute).
94. Public Assembly and Demonstrations Act 14/1923.
95. Demonstrations Act 10/1914.
96. Press Act 96/1996.
97. Publications Act 20/1936.
98. Al-Azhar Act 103/1961.
99. Republican decree 205/1975 on the executive regulation of Al-Azhar Act.
100. Al- Mowashah Al-Himayoni (Ottoman Decree) in February 1856 by the Ottoman Faraman (edict) issued on 14 December 1874.
101. Military Law 25/1966 as amended.

II. JORDAN

1) Government Associations and Organizations:

1. Penal code 16/1960.
2. Provisional Penal Code 54/2001 as amended.
3. Law 57/1985 on income tax as amended.
4. Act 33/1966 concerning the establishment of Associations.
5. The law issued in 1957 on raising donations for charitable activities.
6. Act 105/1966 on charitable associations for public security members.
7. Law 14/1959 concerning control of social assistance.
8. Act 10/1997 on the Royal Organization for Development and Charities.
9. Act 1979 concerning Queen Alyia's Fund for Jordanian voluntary social work.
10. Act 2001 concerning King Abdullah II Development Fund.

2) Wakfs:

11. Personal status Act 61/1976.
12. Councils of Non-Muslim sects Act 2/1938.
13. Law 9/1958 unifying the laws on religious sects.
14. Law 32/2001 concerning wakfs and holy places and Islamic affairs.
15. Wakfs, holy places, and Islamic affairs Law 142/1966.
16. Orthodox Roman Patriarchate in Jerusalem Law 27/1958.
17. Inheritance Act 8/1941 for foreigners and non-Muslims.
18. Law 36/1973 to exempt charitable wakfs from taxes and fees.
19. Civil Code 43/1976.
20. Code of Personal Statute Procedures 31/1959 amended by Law 84/2001.

3) Companies:

21. Commercial Act 12/1966.
22. Residence and Foreign affairs Act 24/1973.
23. Corporate Act 22/1997.
24. Provisional Law 43/1976 concerning Civil Companies.
25. Law 130/1966 concerning the Ministry of Industry and Trade.
26. Law 51/1978 concerning control on foreign business.
27. Corporate constituent act 50/1997.

4) Banks and Bank transfers:

28. Central Bank Law 23/1971.
29. Banks Law 28/2000.
30. Banking Law 26/1992.
31. Deposits Insurance Corporation Law 33/2000.
32. Foreign currency control Law 95/1966.

33. Instructions on Foreign currency on 1997.
34. Instructions 7/2001 on the requirements, terms and conditions of tax exemption.
35. Securities Act 23/1997.
36. Law 82/2003 on credit information.
37. Law 40/2003 amending the law on economic crimes.

5) Public Rights and Freedoms:

38. Jordanian Constitution 1952.
39. Law 17/2001 on Nizamiya (civil) courts.
40. Law 26/1952 concerning the establishment of Nizamiya (civil) courts, "ordinary law".
41. Provisional Law 11/1989 to establish courts and Supreme Court of Justice, and the permanent Law 12/1992.
42. Supreme Court of Justice Law 12/1992.
43. High Criminal Court Law 19/1986.
44. Code of Religious (Personal Statute) Procedures 31/1959 amended by law 84/2001.
45. Family Rights Law 92/1951.
46. Law 17/1959 amended by the provisional law 44/2001 concerning state security courts.
47. Judicial Independence Law 15/2001.
48. Trial Ministers Law 35/1952.
49. Law 22/1996 concerning on the administrative regulation of the Ministry of Interior.
50. Political Parties Law 32/1922.
51. Provisional Law 45/2001 concerning demonstrations.
52. Social Assistance Law 14/1959.
53. Nizami (Civil) Bar Association law 11/1972, amended by law 51/1985.
54. Law 19/1972 on establishing religious (personal statute) courts.
55. Personal Statute Bar Association law 12/1952.
56. Instructions 1987 for personal statute lawyers.
57. Publication Act 8/1998.
58. Judicial service of the personal statute Judges law 84/2001.
59. Minister of the Interior's instructions in 2001 on public meetings, demonstrations and peaceful assembly.
60. Criminal Procedure Code 9/1961 as amended.
61. Crime prevention law 7/1954.
62. By-laws of the Civil Bar Association as amended by statute 59/2000.

III. LEBONAN

1) Non- government Associations and Organizations:

1. Ottoman Act issued on 3 August 1909 concerning non-government associations.
2. Decision No. 369/L.R. issued on 21 Dec.1939 concerning foreign associations.
3. Law issued on 3 August 1325/1909 concerning foreign associations.
4. Decision No. 20/L.R. issued on 22 January 1936 concerning closing public shops.
5. Decision No. 10830 issued on October 1962 on crimes related to state security (280), decisions by the high commissioner concerning penal code are :-
 - Decision No. 4 Syria issued on 12 February 1932.
 - Decision No. 115/L.R. issued on 2 August 1932.
 - Decision No. 53/L.R. issued on 14 April 1933.
 - Decision No. 157/L.R. issued on 24 October 1933.
6. Penal code No. 239 issued on 27 May 1993 (amended).
7. Decree Law No. 87 issued on 30 July 1977 concerning by-laws of associations of public interest.
8. Decree No. 1728 issued on 26 January 1979 concerning associations of public interest.
9. Decree No. 1729 issued on 26 January 1979 concerning the Control Authority.
10. Decree Law No. 144 issued on 12 July 1959 concerning income tax law.
11. Decree No. 10830 issued on 9 October 1962 on associations auditing.

2) Wakfs:

12. Decree Law no18 issued on 13 January 1955 concerning Efta House (the seat of Islamic scholars who expound Islamic law) and Islamic wakfs Department, amended by Decision No. 5 on 2 March 1967, and decision No. 50 on 28 December 1996.
13. Decision No. 8 issued on 7 March 1974 concerning interpreting and applying religious and regulatory provisions of Efta and Islamic wakfs.
14. Decision No. 36 issued on 21 December 1978 concerning by-laws of Independent Fund of Islamic treasury (Beit Al-Mal).
15. Decision No. 20 issued on 26 April 1979 concerning the internal regulation of the independent Fund of Islamic treasury (Beit Al Mal).
16. Decree No. 18 issued on 3 April 1980 concerning the administration system of the wakfs Department.
17. Decision No. 3503 issued on 30 January 1926 concerning the recognition of Ga'afari School.
18. Law 72/1967 issued on 19 December 1967 concerning the Islamic Shi'ait doctrine in Lebanon, amended by decision No. 17 issued on 9 March 1981 and law No. 314 issued on 24 March 1994.

19. Decision No. 61/L.R. issued on 13 March 1936 concerning promulgating its denominations system after it has been approved.
20. Decision No. 60/L.R. issued on 13 March 1936 concerning the adoption of secular denominations.
21. Law issued on 2 April 1951 concerning the approval of the competent Law, which defines the denominations' authorities of the Christian sects and the Israeli sects.
22. The law on specifying the denominations' authorities of the Christian sects and Israeli sect.
23. Personal Status Act issued on 22 Feb. 1949 concerning Antakya Patriarchate and the Eastern Roman Orthodox Church.
24. Personal Status Act concerning the Eastern Orthodox Assyrian denomination.
25. Personal Status Act and Code of Procedures issued on 22 February 1949 concerning Catholic sects.
26. Law issued on 10 March 1947 concerning Durzi wakfs, amended by Law issued on 25 January 1951, and Law issued on 9 November 1951
27. Personal Status Act issued on 2 July 1959 concerning Durzi denomination.
28. Law issued on 24 February 1948 concerning Durzi denomination.
29. Law issued on 5 March 1960 concerning the for Durzi doctrinal judiciary.
30. Code of Procedures concerning evangelical denomination in Lebanon
31. The Will statute according to the Ga'afari School.
32. Inheritance Law issued on 23 July 1959 concerning non-Mohammedans, and amended by law 434 / 1995.
33. The New Code of Criminal Procedures No. 328 issued on 7 August 2001, and amended by Law No. 359 issued on 16 August 2001.
34. Family Rights Law issued on 25 October 1917.
35. Law No. 16/1962 concerning Sunni and Ga'afari courts.
36. Decree Law No. 241 issued on 4 November 1942 concerning Sunni and Ga'afari courts.

Companies:

37. Decree No. 1785 on 14 February 1979 defining the general rules on establishing corporations.
38. Obligation and Contracts Code issued on 9 March 1932, as amended till Law No. 783 issued on 8 December 1995.
39. Land Trade Act promulgated by Decree Law No. 304 issued on 24 December 1942.
40. Commercial Establishment Act promulgated by Decree Law No. 11 issued on 11 July 1961.
41. Decision No. 96 issued on 20 January 1926 and amended by the latest Law 280/1993.

3) Banks and Bank transfers:

42. Decision No. 7739 issued on 21 December 2000 concerning conditions for establishing banks in Lebanon.
43. Decision No. 7136 issued on 22 October 1998, amended by Decision No. 7502 issued on 6 January 2000, concerning conditions for the establishment and the practice of financial institutions.
44. Decision No. 7271 issued on 15 April 1999 concerning representation offices of foreign banks in Lebanon.
45. Decision No. 5258 issued on 17 September 1993 concerning the opening of deposit accounts in foreign currency in Lebanon.
46. Decision No. 6988 issued on 4 June concerning deposits in foreign currency through borrowing in Lebanese currency.
47. Decree No. 29 issued on 5 February 1977 concerning deposits in foreign currency and all banking obligations.
48. Decree No. 13513 issued on 1st August 1963 and amended by Law No. 361 issued on 1st August 1994 concerning funds, borrowing, and establishing the Central Bank.
49. Law No. 347 issued on 6 August 2001 concerning the money exchange bureaus.
50. Law issued on 3 September 1956 concerning privacy accounts in banks.
51. Decision No. 7737 issued on 15 December 2000 concerning internal control in banks.
52. Law No. 318 issued on 20 April 2001 concerning money-laundering control.
53. Decision No. 7818 issued on 18 May 2001, amended by Decision No. 6349 issued on 24 October 1996, concerning control on banking and financial transactions to combat money laundering.
54. Decision No. 7511 issued on 21 January 2000 concerning money-laundering transactions.
55. Decision No. 2 issued on 4 July 2001 by the governor of the Bank of Lebanon concerning money-laundering operations.
56. Decision No. 3 issued on 14 October 2001 concerning money-laundering transactions.
57. Decision No. 6989 issued on 4 June 1998 concerning financial data for Holding Companies that deal with banks or financial institutions inside and outside Lebanon.
58. Decision No. 7136 issued on 22 October 1998 concerning terms of association and the practice of financial institutions.

4) Public Rights and Freedoms:

59. Lebanese Constitution of 23 May 1926 (amended).
60. Law No. 250 issued on 14 July 1993 concerning the establishment of the constitutional council.
61. Decree No. 7855 issued on 16 October concerning the judicial system.
62. Law No. 24/68 issued on 13 April concerning judicial military.

63. Decree No. 10434 issued on 14 June 1975, amended by Law No. 227 issued on 31 May 2000, concerning by-laws of the State Shura (Advisory) Council.
64. Law No. 13 issued on 18 August 1990 concerning the Higher Council.
65. Decree Law No. 22 issued on 23 March 1985 concerning the jurisdiction of the Higher Judicial Council.
66. Law No. 389 issued on 21 December 2001 concerning the Higher Judicial Council.
67. Law No. 8 issued on 11 March 1970 as amended till 1991 concerning the legal profession.
68. Decree Law No. 150 issued on 16 September 1983 concerning the judicial system.

IV. United Arab Emirates (UAE)

1) Non Government Associations and Organizations:

1. Federal Act 6/1974 concerning associations of public interest.
2. Federal Penal Code 3/1978.

2) Wakfs:

3. Federal Decree 29/1999 concerning the functions of the General Authority of wakfs.
4. Federal Act 29/1999 concerning the establishment of the General Authority of wakfs.
5. wakfs, and Islamic Affairs Act 7/1994.
6. Decision of 1972 concerning the establishment of a Board of Director for Ga'afari wakfs.
7. Act 2/1999 concerning the establishment of an executive council for Gaafari wakfs in the emirate of Al-Sharqa.
8. Act 3/1999 concerning the establishment of Advisory Council for running wakfs in the Emirate of Al-Sharqa.
9. The Amiri (Ruler's) Decree 3/1996 on appointing the chairman and members of the Board of Directors of Gaafari charitable wakfs in the Emirate of Al- Sharqa.
10. Act 5/1992 by UAE President Sheikh Zayed concerning the establishment of Sheikh Zayed's charitable organization.
11. Decision 1/1996 concerning the Emirate of Agman's wakf Fund.

3) Companies:

12. Federal Act 8/1984.
13. Civil Transactions Act promulgated by Federal Act 25/1985.
14. Federal Act 10/1992 concerning identification in civil and commercial transactions.

4) Banks and Bank Transfers:

15. Act 10/1980 concerning the Central Bank, Monetary system, and banking profession.
16. Federal Act 5/1985 concerning Banks, Financial institutions and Islamic investment companies.
17. Federal Act 5/1984 concerning Commercial Companies.
18. Commercial Transactions Law 18/1993.
19. Decision of the Central Bank's board of directors 58/2/96 . concerning Financing Companies.
20. Decision of the Central Bank's Board No.164 in August 1994 concerning Investment Companies.
21. Decision No. 123/1992 by the Board Chairman of the Central Bank concerning money exchange transactions in the country.
22. Decision No. 164 in August 1994 by the Chairman of the Central Bank concerning Investment Companies and Banking, Financial, and Investment Consultancy institutions and Companies.
23. Decision No. 126 in May 1995 concerning financial and currency brokers.
24. Federal Act 4/2002 to criminate money laundering.
25. Circular of the Ministry of Economy in 2002 concerning the enforcement of Money Laundering Act.

4) Public Rights and Freedoms:

26. The Constitution of 1971.
27. Federal Act 15/1980 concerning publications and copyrights.
28. Federal Act 18/1978 concerning crimes of abusing Islam.
29. Act 10/1973 concerning the Federal Supreme Court.
30. Code of Criminal Procedures 35/1992.
31. Federal Act 4/1974 concerning state security.
32. Act 6/1976 concerning the State Security Authority.
33. Act 10/1973 concerning Federal Supreme Court.
34. Act 6/1978 concerning the establishment of Federal Courts.
35. Federal Act 7/1978.
36. Act 3/1983 concerning the establishment of the Federal Supreme Court.
37. Federal Act 3/1996 concerning the Jurisdiction of Religious Courts in hearing some crimes.
38. Act 3/1983 concerning the Federal Judicial System.
39. Act 23/1991 on the legal profession in U.A.E.
40. Act 3/1992 concerning the establishment of courts in the Emirate of Dubai.
41. Act 2/1992 concerning the establishment of courts in the Emirate of Dubai.
42. Act 5/1996 concerning the legal profession in the emirate of Dubai.

1) Non-Government Associations and Organizations:

1. Royal Decree No. 158376 issued on 15 November 1958 concerning the establishment of non-government Associations.
2. Updates of draft law No. 75-00 concerning non-government organizations.
3. Royal Decree issued on 14 April 1960 concerning running of financial aids.
4. Law No. 4/71 issued on 12 October 1971 concerning request for public charity.
5. Royal Decree No. 1/99/16 on 5 Feb. 1999 concerning the enforcement of Law No. 15/96 on small loans.
6. Criminal Code promulgated by Royal decree No. 1/59/413 issued on 26 November 1962 and all its amendments including Law 11/99.
7. Criminal Procedure Code promulgated by Royal Decree No. 10/9/93 and by Finance Law 1997,1998. It is also promulgated by Law 3/2003.
8. Law No. 85/30 on the added value tax and amended by transitional finance Law of 2000.
9. Law No. 17/89 on income tax .
10. Law No. 37/89 concerning urban tax.

2) Wakfs:

11. Royal Decree issued on 31 March 1938 concerning dispensing with distortions in wakfs funds with regard to decorations and others.
12. Royal Decree issued on 2 June 1915 concerning the applied legislation on properties.
13. Specific decree of the applied legislation on endowed real estate issued on 2 June 1915.
14. Royal decree on rent, lease, decorations and others issued on 8 July 1916 in Rabat in the official Gazette.
15. Circular issued on 10 June 1980 by the Minister of wakfs and Islamic Affairs addressing superintendents in the Kingdom concerning collecting rents of properties leased and challenging them.

Legislation specifying such type of properties_allocated_for wakfs:

16. **Royal Decree issued on 17 February 1914.**
17. **Royal Decree issued on 8 July 1916.**
18. **Circular No. 15698 issued on 6 October 1920.**
19. **Circular No. 2 issued on 16 November 1942.**
20. **Two Royal Decrees issued on 22 May 1918 for Jewish judicial reform.**
21. **Royal Decrees on 17 March 1919 and on 17 May 1919 completed two Royal Decrees issued on 22 May 1918.**
22. **Decree Law No. 17783 issued on 8 October 1977.**
23. **Decision No. 23 issued on 8 October 1979 concerning assigning members of authorized committee to liquidate wakfs ??**
24. **Royal Decree issued on 13 August 1913.**

25. Royal Decree issued on 13 July 1913 concerning the establishment of Ministry of wakf.
 26. Royal Decree issued on 31 October.
 27. Royal Decree issued on 21 July 1913 concerning the restoration of endowed properties.
 28. Royal Decree issued on 6 March 1914 for not permitting consideration for wakfs.
 29. Royal Decree issued on 12 May 1914 concerning the establishment of High Council for wakfs.
 30. Royal Decree issued on 19 December 1936 which pursuant to Ministry of wakfs hereby established.
 31. Ministerial Decision on 5 January 1937 concerning administrative independence of the Ministry of wakfs.
 32. Royal Decree issued on 17 March 1937 establishing the wakf Council.
 33. Personal Status Code, as approved by the Royal Decree No. 1/93/347, supplementing the Law issued on 10 September 1993.
 34. Royal Decree No. 1/81/323 issued on 6 May 1982 concerning regulating the justice plan.
 35. Decree No. 2/82/415 issued on 18 April 1983 concerning Law enactment and enforcement.
- 3) Companies:
36. Commercial Code issued by Law No. 1595.
 37. Law No. 5-96 concerning companies according to Royal Decree issued on 13 February 1997.
 38. Law No. 5395 issued on 1977 approved by Royal Decree No. 19765 issued on 2 February 1997 concerning commercial courts.
 39. Law No. 1595 approved by Royal Decree No. 19683 issued on 1st August 1996 concerning Commercial Register.
 40. Royal Decree No. 1/86/239 issued on 31 December 1986 implementing Law No. 24/86 in respect of tax on companies.
 41. Obligations and Contracts Code approved by Royal Decree issued on 12 August 1913 according to its latest amendments.
 42. Royal Decree No. 1/96/124 issued on 30 August 1996 implementing Law No. 1/17/95 related to Joint stock companies.
- 4) Banks and Bank Transfers:
43. Decree No. 291966 concerning the structure and operation of the National Council for Currency and Savings.
 44. Decree No. 291967 concerning the structure and operation of the credit institutions committee.
 45. Royal Decree No. 193147 issued on 6 July concerning the activity and control of the credit institutions.
 46. Royal Decree No. 159233 issued on 30 July 1959 on modernizing and upgrading Bank of Morocco.
 47. Decree Law No. 193386 amending and promulgating Decree issued on 30 June 1959 concerning the establishment of Morocco Bank of Morocco..
 48. Obligations and Contracts Code approved by Royal Decree issued on 12 August 1913 according to its latest amendments.
 49. Royal Decree No. 1/58/21 concerning the establishment money exchange bureau.
 50. Royal Decree issued on 10 September 1939 transfer of capitals outside the country.
- 5) Public Rights and Freedoms:
51. Moroccan Constitution of 1996.
 52. Act issued on 26 January concerning unifying judiciary systems.
 53. Law No. 4190 issued on 10 September 1993 concerning Administrative Courts.
 54. Law issued on 15 July 1974 concerning the Kingdom's judiciary system.
 55. Decree Law No. 174338 issued on 15 July 1974 concerning general and district courts.
 56. Decree Law No. 172157 issued on 6 October 1972 concerning the special court of justice.
 57. Royal Decree No. 15627 issued on 10 November 1956 as Military Justice Law amended by Law No. 712 issued on 26 July 1971 concerning the Permanent Military Court.

58. Royal Decree No. 175223 issued on 27 September 1957 concerning the establishment of the Higher Council.
59. Royal Decree No. 193162 issued on 10 September 1993 concerning the legal profession.
60. Royal Decree No. 1/58/378 issued on 15 November 1958 concerning Press Act in Morocco as amended and promulgated by Royal Decree No. 1/95/9 implementing Act 21/94 in respect of by-laws of the professional journalists.
61. Royal Decree No. 1/58/377 issued on 11 November 1958 on public assemblies and demonstrations.
62. Decree Law No. 1/74/467 issued on 11 November 1974 on the statute for the members of the judiciary.

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