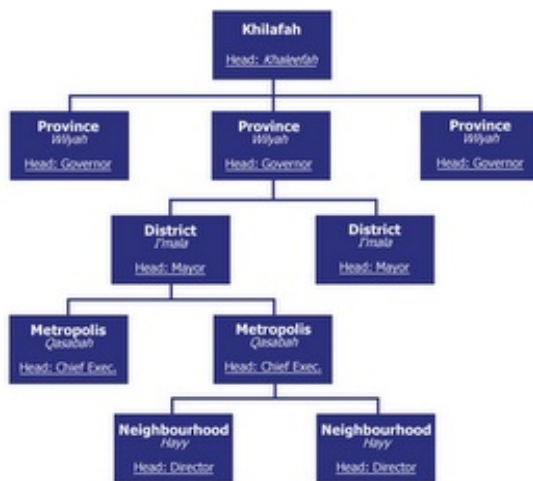


The Caliphate is a common leadership for all the Muslims in the world. The Muslim lands, where the future Caliphate will be re-established over, covers a huge area from Spain in the west all the way to Indonesia in the East.

The Caliphate is a unitary state not a federal state. Governing any state, especially one as large as the future Caliphate, cannot be done by one person from a central point. Ruling in the Caliphate is centralised in the hands of the Caliph, who then devolves his powers to various assistants (Mu'awinoon) and governors (Wulah) in order to practically manage people's affairs.

The vast territories which the Islamic State rules over are divided into provinces where each province is known as a Wilayah. The Wilayaat are in turn divided into districts where each district is known as an I'mala. The person appointed over the Wilayah is called a Waali (governor) or an Ameer (leader), and the person appointed over the I'mala is called an 'Amil (mayor) or Hakim (ruler).

The 'Imalah is further sub-divided into administrative units, each known as a metropolis (Qasabah). The Qasabah is then divided into smaller administrative units, each known as a quarter (Hayy). The leader of the Qasabah as well as the Hayy is known as a manager, and their work is administrative. A visual representation of this structure is shown below.



This structure, as with any pillar of the Islamic ruling system, is taken from the Shari'ah sources. From the sunnah we find that the Messenger of Allah (saw) appointed governors over the provinces, and mayors over the cities.

The Messenger (saw) appointed 'Attab ibn Aseed over Makkah; Bazan ibn Sasan as governor of Yemen; Khalid ibn Sa'id ibn al-'Aas as mayor of San'aa; Zayd ibn Labeed ibn Tha'laba al-Ansari over Hadramut; Abu Musa al-Ash'ari over Zabeed and Aden; 'Amr ibn al-'Aas over Oman and Abu Dujana as mayor for the Messenger (saw) over Medina.

For the citizens of the Caliphate, their first point of contact with the leadership of the state is the governor and the mayor. The governor and the mayor are managing people's day to day affairs on a local and regional level. If the governor is oppressive then this affects people's daily lives more than any other government official including the Caliph.

Historically, there were many oppressive governors in the Islamic State. The infamous governor Hajjaj bin Yusuf in Iraq killed thousands of Muslims under his rule, although he continued to implement Islam and carry Daw'ah to neighbouring countries.

The Messenger (saw) predicted that oppressive Ameer's (leaders) would rule over the Muslims.

Muslim narrated from Huzayfah ibn al-Yamaan that the Messenger of Allah (saw) said: 'There will be Imams after me who will not be guided by my guidance, nor will they act according to my Sunnah; some men will rise amongst you with satans' hearts in human bodies.' Huzayfah asked, 'What shall I do, if I were to reach that time?' He (saw) said, 'You should hear and obey the Ameer even if he whipped your back and took your money; do hear and obey.'

During the Abbasid Caliphate the governors became very powerful and effectively ran their provinces as independent states. The Caliph agreed to this state of affairs and was content with the praise he received from the mosque sermons, and by the governor mentioning that decisions were taken on the Caliph's behalf.

Therefore, detailed accountability mechanisms are needed for the governor and his mayors, to ensure the unity of the Caliphate state and in preventing any abuse of the governor's powers that could lead to the oppression of the people.

Hizb ut-Tahrir has addressed these historical problems, producing detailed solutions derived from Islam via ijtihaad (process of extracting Islamic law), on how a 21st century Caliphate will function. This ijtihaad builds on the classical works by scholars such as Imam al-Mawardi who wrote the famous book al-Ahkam as-Sultaniyyah. This ijtihaad is contained in two books by Hizb ut-Tahrir: Nizam ul-Hukm fil-Islam, 5th Edition; and Ajhizat Dowlatul-Khilaafah. The following discussion on accountability mechanisms for the governors is based on these two books.

The accountability mechanisms in place for the governors are as follows:

1. Strict contractual conditions
2. Separation of powers
3. Regional Assembly (Majlis ul-Wiliyah)
4. Council of the Ummah (Majlis ul-Ummah)
5. The Caliph monitors the governors
6. Court of Unjust Acts (Mahkamat ul-Mazalim)
7. Term of Office
8. Political Parties
9. Media

1. Strict contractual conditions

Since the governor is a deputy of the Caliph, the conditions of the governor are the same as those for the Caliph. They are: Muslim, male, mature, sane, free, 'Adl (just) and competency.

As a Muslim the governor is accountable firstly to Allah, al-Aleem, ar-Raqeeb – the All Knowing and the watcher over all things. The governor knows that Allah (swt) will question him for every action he undertakes in managing the affairs of the people. This in itself is a powerful deterrent against the governor abusing his powers.

Allah (swt) says:

مُرِّي أَرْيَخِ رُدَّ لَأَقْتِمْ لَمُعِي نَمَف
مُرِّي أَرْشِ رُدَّ لَأَقْتِمْ لَمُعِي نَمَو

“Whoever has done an atom’s-weight of good will see it,
but whoever has done an atom’s-weight of evil will see that.”
[TMQ 99:7-8]

However, simply being Muslim is not enough; the governor must also be ‘Adl (just). Allah (swt) has made justice a condition for the witness, and by greater reason it is also a condition for the ruler.

Allah (swt) says:

أُونِّي بَتَفِ أَبْنَبِ قَسْ أْفُ مَكْءَءَ جِ نِ أُونْمَ أْنِي دَلِ أْهِي أْ أِي

“Believers, if a fasiq (transgressor) brings you news, verify it first.”
[TMQ 49: 6]

Islam obliges the verifying of information when it comes from a fasiq. Since the ruler is of those whose verdicts are taken without verification, it is forbidden for him to be among those whose word is not accepted except after verification. Therefore being ‘Adl is a contractual condition for the governor because he is a ruler.

Competency is an essential condition for anyone undertaking the task of managing people’s affairs. Someone appointed to a ruling post who is unable to fulfil the task, will create huge problems for the people, even if he is sincere.

The Messenger of Allah (saw) said to Abu Dharr when he requested appointment over a province: ‘I think you are weak.’ Another narration says: ‘O Abu Dharr! You are weak and this post is a trust.’
[Both are narrated by Muslim on the authority of Abu Dharr]

This evidence shows that someone who is weak (incompetent) is not fit to be a governor.

The Messenger of Allah (saw) used to select his governors from among the good people, those who had knowledge and were known for their piety. He (saw) also used to select governors from among those who were experts in their field, and who would fill people’s hearts with Iman (belief) and respect for the State.

Sulayman Ibnu Barida reported on the authority of his father that he said: ‘Whenever the Messenger of Allah (saw) appointed an Ameer over an army or an expedition, he used to advise him to fear Allah and to be good to the Muslims who accompany him.’ [Narrated by Muslim]

Since the governor is an Ameer over his province, the Hadith applies to him as well.

These strict contractual conditions ensure that the best and most capable people are appointed as governors. This minimises the potential for oppression and misuse of power before any other accountability mechanism. If disputes arise over these conditions either before or after the governor is in office, the Mahkamat ul-Mazalim (Court of Unjust Acts) will resolve them. The Mahkamat ul-Mazalim Court has the authority to remove a governor from office if necessary.

2. Separation of powers

Looking to the sunnah of the Messenger of Allah (saw) in Medina we find that he appointed two types of governor. The first is a governor with a general mandate to rule over all affairs in his province. This is known as a Wilayah 'Amma. An example is the Messenger of Allah's (saw) appointment of 'Amru b. Hazm over Yemen.

The second type is a governor with a specific mandate where he only rules over some matters in his province and not others. This is known as a Wilayah Khassa. An example is the Messenger of Allah's (saw) appointment of Ali b. Abi Talib (ra) over the judiciary in Yemen.

Historically, the classical books use two terms when referring to the Wilayah of Ameer. The first is the Imara over Salah and the other is the Imara over Salah and Kharaj. In other words the governor could either be appointed over both Salah and Kharaj, or over Salah only or over Kharaj only. The word Salah, in this context of Wilayah or Imara, does not only mean leading people in their prayer; it means governing all of their affairs except the funds. This is because the word Salah means ruling except for the levy of funds. Therefore, if the governor's mandate includes both Salah and Kharaj, his Wilayah would be general (Wilayah 'Amma). If his Wilayah is restricted to Salah only or Kharaj only, his Wilayah would be specific (Wilayah Khassa).

It is mentioned in the Seerah of ibn Hisham that the Messenger of Allah (saw) appointed Farwa bin Musayk as a mayor of the tribes: Murad, Muzhij and Zabeed and he sent with him Khalid bin Sa'eed as governor of the Sadaqah (alms).

It is also mentioned that the Messenger of Allah (saw) appointed Ziad bin Labeed al-Ansari as a governor over Hadhramawt and its Sadaqat.

He (saw) sent 'Ali b. Abi Talib to Najran to collect their Sadaqat and their Jizya. He (saw) also sent him, as a judge over Yemen, as reported by Al-Haakim.

These examples from the sunnah serve as evidence for the Caliph to restrict the Wilayah to the kharaj, judiciary or other than these as he deems fit for the best running of the State. This is because the Shari'ah has not determined specific duties for the governor, nor has it obliged the governor to perform all the duties of ruling. It has, however, determined that the governor is a deputy of the Caliph over a specific area, whose duties are ruling and authority.

Although the Caliph in origin is allowed to appoint a governor with a general Wilayah, historically this caused great harm to the unity of the Islamic State. During the decline of the Abbassid Caliphate the provinces became independent and the Caliph's authority over them was reduced to having dua'a (supplications) performed for him and the currency engraved with his name. Therefore, giving a general Wilayah causes harm to the Islamic State.

Thus, in a 21st century Islamic State the governor should be given a restricted Wilayah (Wilayah Khassa) in a way that would prevent him from becoming independent of the Caliph. The main factors contributing to a potential breakaway would be the armed forces, funds and the judiciary.

This is because the armed forces represent the power, the funds represent the “life blood” and the judiciary demonstrates the safeguarding of the rights and the execution of the penal codes. The governors should, therefore, be given a specific Wilayah that excludes the judiciary, armed forces and the funds.

The police would be under the Waali’s command in terms of execution but not administration. This means the governor can utilise the police but not appoint or dismiss the police commissioner or any other officers. Administration of the police is performed by the Internal Security Department.

The armed forces, judiciary and funds would be directly under the control of the Caliph through their respective government departments.

A visual representation of this separation of powers is available [here](#).

This separation of powers removes the ability of the governor to threaten the unity of the Caliphate and commit oppression against the people in his province.

3. Regional Assembly (Majlis ul-Wiliyah)

In every province there exists a Regional Assembly (Majlis ul-Wiliyah) that is elected by the people of that province every five years. Those elected are representatives of the Muslim and non-Muslim (dhimmi) citizens of that province.

This Regional Assembly has two main functions. Firstly, it acts as an advisory body to the governor explaining the reality of the province and its problems. Secondly, it monitors the governor and his mayors and accounts them where necessary. If the majority of the Regional Assembly complain about the conduct of the governor or his mayors and pass a no-confidence motion against them, then the Caliph must remove the governor or mayor from office.

This is because the Messenger of Allah (saw) removed Al-Ala’ Ibnul-Hadhrami, his mayor over Bahrain, because the delegation of Abdu Qays complained about him. ‘Umar ibn Al-Khattab used to also dismiss the governors when the people complained against them. Umar dismissed Sa’d Ibnu Abi Waqqas because the people complained about him, and then said, ‘I did not remove him because of incompetence or betrayal.’

The establishment of a Regional Assembly with the power to have the governor or mayors removed from office, will ensure the governor and mayors serve the interests of the people and not their own selfish interests.

4. Council of the Ummah (Majlis ul-Ummah)

The Council of the Ummah in the capital consists of elected representatives from every province. It has the same power as the Regional Assembly to pass a no-confidence motion against the governor or mayor. This motion would be binding on the Caliph who should dismiss them at once.

However, if the opinion of the Council of the Ummah differed with the opinion of the Regional Assembly in the particular province, regarding the conduct of the governors and mayors, then the opinion of the Regional Assembly takes priority since it is more aware of the reality concerning its rulers.

5. The Caliph monitors the governors

The Caliph should inquire about the actions of the governor and he should monitor them closely. He should also appoint someone who can check their state of affairs and carry out inspections. Delegated Assistants (Mu'awin ut-Tafweed) are appointed and given responsibility for one or more provinces of the state, so they can supervise the governor and assist him where necessary.

The Caliph should also meet with all of the governors or some of them from time to time and listen to the complaints of the people against them.

It has been confirmed that the Messenger of Allah (saw) would examine the governors when appointing them, as he did with Mu'az and Abu Moussa. He (saw) used to explain to them how they should conduct their duties, as he did with 'Amr bin Hazm. He (saw) also drew their attention to some important matters as he did with Aban bin Sa'id when he appointed him governor over Bahrain and said to him: 'Look after Abd Qays and honour their leaders.'

Likewise it has also been confirmed that he (saw) used to hold the governors accountable, inspect their situation and listen to news brought to him about them.

He (saw) used to ask the governors to account for the revenues and expenses they had spent.

Al-Bukhari and Muslim narrated on the authority of Abu Humaid Al-Sa'idi who said: "The Messenger of Allah (saw) appointed Ibnul-Utbiyya as mayor in charge of the Sadaqat of Banu Saleem. When he returned back to the Prophet (saw) and he accounted him, he said; 'This is for you and (this is a gift) that was presented to me.' So the Messenger of Allah (saw) said: 'Why did you not remain in your father's and mother's home so that your gift comes to you if you spoke the truth.' Then the Messenger of Allah (saw) stood on the pulpit, addressed the people praised, Allah (swt) and said; 'What about a State official whom I give an assignment and who comes and says; 'This is for you and this has been presented to me as a gift?' Why didn't he remain in the house of his father or the house of his mother so that his gift be presented to him if he is truthful? By Allah, any one of you will not take anything from it (Sadaqah) unlawfully but will bring it on the Day of Judgment, carrying on his neck a camel that will be growling, or a cow that will be bellowing or a sheep that will be bleating.' Then he raised his hands so that I could see the whiteness of his armpits. Then he said twice; 'O Allah, I have conveyed your command.'"

'Umar bin al-Khattab when he was Caliph used to closely monitor the governors, and he appointed Muhammad Ibnu Maslama to examine their state of affairs and inspect them.

'Umar used to gather the governors during the Hajj season to review their performance and listen to the complaints of their subjects about them. He also used to discuss with them the affairs of their provinces and ask about their own conditions.

It has been reported that 'Umar once said to the people around him: 'Would you say that my duty would be fulfilled if I appointed over you the best from amongst you, and ordered him to be just?' They said; 'Yes.' He said; 'No. Not until I had checked his performance, and seen whether or not he did what I had ordered him to do.'

‘Umar was known to be strict when accounting the governors and the mayors. He would even remove some of them on just a suspicion without conclusive evidence. He even used to remove a governor on the slightest doubt that did not even reach the level of suspicion. He was asked about this one day and he said: ‘It is easy to swap an Ameer for another so as to amend the people’s affairs.’

Therefore, the governor’s conduct will be closely monitored and scrutinised by the Caliph, the Delegated Assistant and any other auditors and inspectors the Caliph deems necessary to appoint.

6. Court of Unjust Acts (Mahkamat ul-Mazalim)

The Caliphate has an independent high court called the Court of Unjust Acts (Mahkamat ul-Mazalim). It is presided over by the most eminent and qualified judges (Qadi Muzalim) in the state and granted extensive powers by the Shari’ah. It has the power to remove any official of state regardless of his role or rank, including the governor, mayors and even the Caliph.

The central Mahkamat ul-Mazalim is in the capital at the heart of government and investigates any Mazlema (government oppression) that occurs from the Caliph, his assistants and the Supreme Judge. The regional Mahkamat ul-Mazalim’s in each province will investigate any Mazalim that occurs from the governor or his mayors.

Ordinary citizens who have a complaint against the governor can register it with the regional branch of the Mahkamat ul-Mazalim Court. The Regional Assembly can also refer disputes arising between itself and the governor to the Court.

What is unique about the Mahkamat ul-Mazalim, compared to other judicial courts, is that the Government Investigations Judge (Qadi Mazalim) has investigatory powers and does not require a plaintiff to register a complaint before launching an investigation. This court will therefore constantly monitor the actions of all officials of the state including the governor to ensure their conduct conforms to Shari’ah and no oppression (Mazlema) is committed against the people.

The Mazalim Judge has the mandatory power to remove any ruler or civil servant, and he also has the right to remove the Caliph. The Mazalim Judge has the right to remove the rulers, for the ruler is appointed by a contract, known as the contract of assignment which is also called the contract of appointment (Taqlaed).

However, the Mahkamat ul-Mazalim Court does not have the right to remove the rulers on behalf of the Caliph, since it does not act on his behalf in appointing and removing rulers. Rather it acts on the Caliph’s behalf in investigating the Mazalim. So if the presence of that ruler in his Wilayah was a Mazlema, the court has the right to remove that Mazlema i.e. it has the right to remove that ruler from office.

Therefore, the Court’s power to remove the ruler is not done on behalf of the Caliph, but merely to remove the Mazlema. So when the Court issues a verdict that a particular governor or mayor should be removed, he must be removed, even if the Caliph does not agree with the judgement. This is because the removal of that ruler would be the removal of a Mazlema, and this applies to everyone, including the Caliph, for the judgement of the judge applies to everyone.

The Mahkamat ul-Mazalim Court is another powerful and highly effective accountability mechanism for ensuring the governors do not abuse their position.

7. Term of office

The term of office for the governor should not be a lengthy period. It would be best to relieve him if he became established or if people became attracted to his personality.

The Messenger of Allah (saw) used to appoint governors for a period of time and relieve them. No governor remained in his province for entire duration of the Messenger of Allah's (saw) rule. This indicates that the governor should never be appointed permanently, but only for short periods after which he is removed.

Evidence about the length of this period i.e. whether it should be long or short, has not been determined by the actions of the Messenger of Allah (saw). All that is related to this matter is that the Messenger of Allah (saw) did not keep a governor in his post during the whole of his life. It has been established as a fact that he (saw) used to appoint the governors and then relieve them.

However, the Fitna (civil strife) that shook the Ummah in the time of Imam Ali was caused by the lengthy period of Mu'awiya's Wilayah over Ash-Sham during the times of 'Umar and 'Uthman. Therefore, a lengthy period of Wilayah could harm the Muslims and the State. This is why the period of Wilayah should not be long.

8. Political Parties

In addition to the institutionalised mechanisms of accountability discussed so far, Islam also ordered the establishment of political parties.

Political parties in the Caliphate are established primarily to account the Caliph and his deputies such as the governors and mayors. The party's task is to safeguard the thoughts of Islam in society and to ensure the government does not deviate from the implementation and propagation of Islam.

The right of the Caliphate's citizens to establish political parties is established from the Holy Qur'an. No permission is required from the government to establish these parties as the Shari'ah has given permission for this.

The following verse of the Holy Qur'an orders the establishment of political parties.

نُوحِ لِفُجُلِ اُمِّهِ اَكْبَىٰ لُوْا وَاوْرِكُنْ جُلَا نَعْنَ وَهَنْ يَوْ فَوْرَعُ جُلَا اِبْنُ وُرْمُ اَيُّو رِي خَلَا اِلْدَا نُوْغْدِي قَوْمُ اَمْكَنْ مَن نَكَتَلُو

“Let there arise from amongst you a group which calls to al-Khair (Islam), enjoins al-ma'aruf (good) and forbids al-munkar (evil), and they are the successful ones.”

The order to establish a group is an order to establish political parties. This is deduced from the fact that the verse has determined the duty of this group which is the call to Islam, enjoining the Ma'aruf (good), and forbidding the Munkar (evil). The duty of enjoining Ma'aruf and forbidding Munkar is general and not restricted. It therefore includes the rulers and this implies holding them accountable. The holding of the rulers accountable is a political task performed by the political parties and it is the most important task of the political parties.

Thus the verse indicates the duty of establishing political parties which would call to Islam, enjoin Ma'aruf and forbid Munkar, and would hold the rulers accountable for their actions and conduct.

The importance and power of political parties within society cannot be underestimated. Individuals have a very limited impact when accounting governments. It's very easy for the government to either ignore the individual or even imprison them preventing their message getting through. Without coordinated mass effort they can never influence public opinion enough to be effective in their accountability. Political parties if structured correctly and unified in their message can literally move mountains when it comes to influencing public opinion and the policies of government.

Therefore, one of the main functions of political parties within each province is to account the governor and his mayors.

9. Media

The Caliphate does not have a monopoly on the media. Any citizen of the Islamic State is allowed to set up any media whether newspapers, magazines, radio or television. Permission is not required to establish this type of media although the Department of Information (Da'irat ul I'laam) must be informed of their establishment.

As is the case in any State there are limits to the general remit of the press and they must operate within the law. Sensitive information related to national security cannot be published without prior permission from the Information Department. Slander and libel, incitement, racism, insulting religious beliefs and the propagation of depraved and misguided cultures are not allowed by Shari'ah.

Outside of these limits the media within the Caliphate has full rights to account the governor and his mayors and investigate any oppression (mazlema) committed by them. The media can investigate and publish this without fear of any arrest or persecution.

The role of the media within any society especially the Caliphate cannot be underestimated. Its work falls under the general obligation of enjoining the good (Ma'aruf) and forbidding the evil (Munkar) which is a duty on every Muslim citizen.

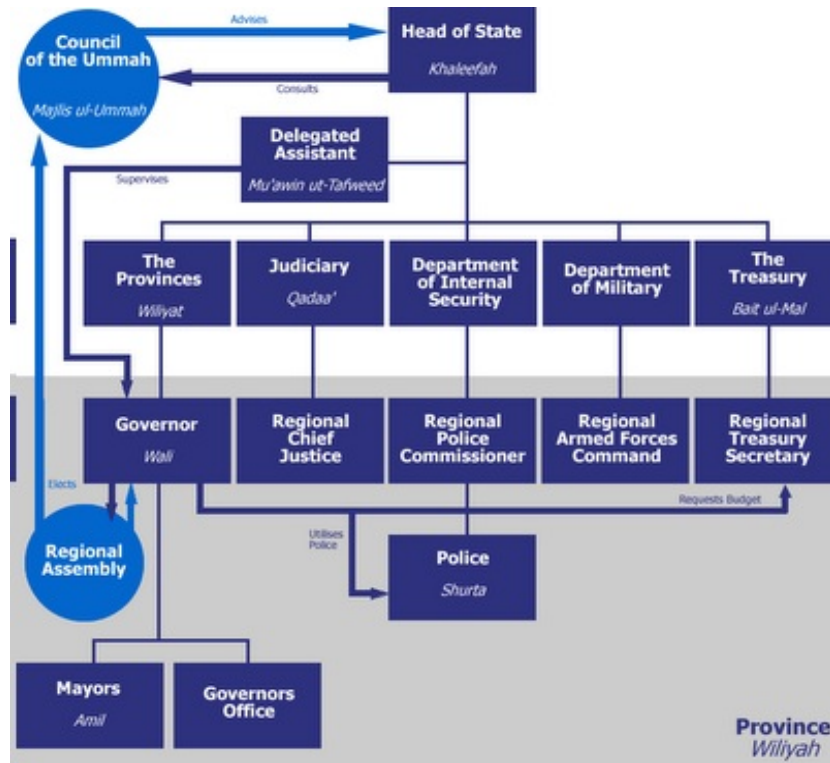
The Messenger of Allah (saw) said: 'By Him in whose hand is my soul, you must enjoin the Ma'aruf and forbid the Munkar, otherwise Allah will be about to send His punishment upon you. And then if you pray to Him (to ask Him), he would not answer you.' [Narrated by Ahmad on the authority of Huzayfah]

Islam also emphasised the importance of accounting the tyrant ruler even if it led to death.

The Messenger of Allah (saw) said: 'The master of martyrs is Hamza bin Abdul-Muttalib and a man who stood to an oppressor ruler where he ordered him and forbade him so he (the ruler) killed him.' [Abu Dawud]

The ordinary Muslims within the Caliphate will fear none but Allah (swt). This will give them the strength to confront the governor and strongly account him when necessary.

Organisation Chart



Conclusion

The Caliphate is not a utopia where its rulers are infallible or angels. The rulers are human beings who will sin and make mistakes. This is why the Shari'ah contains detailed rules for accounting leaders in the Islamic State.

If the governor wants to commit oppression then the first deterrent is his taqwa since the governor must be a Muslim. If this fails then due to his restricted powers he has no access to the departments that can aid in his oppression, i.e. armed forces, judiciary and funds. The governor is under constant scrutiny and supervision from the Caliph, Delegated Assistant, Regional Assembly, Council of the Ummah, Mahkamat ul-Mazalim Court, Political Parties and the Media. Therefore, Islam has removed the ability of the governors to commit oppression by these accountability mechanisms.

If Allah (swt) has provided us with guidance on all matters, and revealed a far superior ruling system to any other man-made system in place today, then why are there still some Muslims who call for democracy?

Allah (swt) says:

نَيِّمْنَا سُمُومًا لِيَرشُ بَوَّكْمُ حَرَو يَدُوهُ عَيْشَ لِّلْكَئِلْ اَن اِي نَبِتْ بَابَتِ الْكَفِيْلَ ع اَن لَزَنُو

“We have sent the Scripture down to you explaining everything, and as guidance and mercy and good news to those who devote themselves to Allah.”

[TMQ 16:89]

The level of accountability in the Caliphate far exceeds anything we see in western democracies. The governor and mayors can be removed anytime if the majority of the people complain against them; whereas the governors and mayors in the US and Europe can only be voted out of office after 4 years.

We pray to Allah (swt) to grant the Muslim Ummah victory and establish for us the Caliphate Rashida that will bring true accountable rulers to the Muslim world. Ameen.