



SPECIAL REPORT

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ABOUT THE REPORT

This report, published with the Cambridge Institute on Religion and International Studies (CIRIS), offers background on the January 2016 Marrakesh Declaration on the Rights of Minorities in Predominantly Muslim Majority Communities. The Marrakesh Declaration was issued by Muslim scholars and politicians as a concerned and concerted response to the widespread persecution and violence against minorities, particularly by extremist groups in recent years that claim Islamic justification for violent acts. This report explains the background and content of the Declaration and offers recommendations for its implementation. This report was originally commissioned by CIRIS on behalf of the Transatlantic Policy Network on Religion and Diplomacy, a community of diplomats in North America and Europe who engage on religious issues for their respective foreign ministries.

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Understanding and Extending the Marrakesh Declaration in Policy and Practice

Summary

- In recent years, ethnic and religious minorities around the world have faced new threats due to the rise of violent extremist groups and exclusionary nationalist movements. In areas where movements associated with the self-declared Islamic State operate, religious minorities have been treated with particular brutality.
- Motivated, in part, by concern for this reality, over three hundred Islamic scholars, politicians, and activists, as well as a small group of interfaith observers, gathered in Morocco in January 2016 to affirm the rights of minorities living in Muslim-majority contexts.
- The conference's Marrakesh Declaration and the legal framework that informs it draw from Islamic tradition, particularly the seventh century Charter of Medina, to affirm equal citizenship as an Islamic principle and traditional form of governance prescribed by Prophet Muhammad.
- The Marrakesh Declaration is a powerful response to a pressing global human rights concern and a model for how religious tradition and international human rights law can be mutually reinforcing. This initiative can serve as a powerful resource for legitimizing and advocating for minority rights and equal citizenship more broadly within the Muslim world.
- Its true test of impact will be in its implementation—the extent to which the ideals, principles, and actions envisioned in the Declaration can spread beyond its purview as an elite enterprise to ignite and mobilize a broad-based movement for social, legal, and political change.
- Those from non-Muslim majority contexts wishing to support the Marrakesh Declaration must be careful not to undermine its legitimacy as a Muslim-led initiative, particularly in contexts where minority rights and religious freedom have historically been used as pretext for colonialism and Christian missionizing.

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ABOUT THE INSTITUTE

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Introduction

In January 2016, Muslim scholars, politicians, activists, and interfaith clergy from around the world gathered in Marrakesh, Morocco, over two days to address the rights of minorities living in Muslim-majority areas of the world. The gathering was a long time in the making, advanced via scholarly and political dialogue and motivated by growing alarm over the brutalization of minorities by violent extremist groups claiming Islamic legitimation. The conference resulted in the Marrakesh Declaration, a call to action grounded in the historic Charter of Medina, which was forged by Prophet Muhammad (peace be upon him)¹ as a form of contractual citizenship to ensure equal treatment of all in a multicultural society. Those signing on to the Marrakesh Declaration affirmed that minority rights have a precedent in, and are essential to, Islamic law and tradition in accordance with international legal standards. They further called on politicians, scholars, artists, and others in Muslim-majority societies to advance the protection of minority rights based on equal citizenship through legal, political, and social processes, to ensure that minority communities—indigenous for centuries in the present-day Muslim world—can continue to flourish there.

The Marrakesh Declaration has the potential for significant impact in addressing a pressing human rights issue. Indeed, the acknowledgement of the problem and the need for collective and resolute action by key authorities is itself an important step forward. Led by the respected intellectual Sheikh Abdullah bin Bayyah and affirmed by forty-two governments represented at the gathering, the Declaration sets a new political and legal precedent for minority rights. Unfortunately, however, though the Declaration is grounded in scholarship and encapsulates a sophisticated and cogent conversation between (religious) tradition and modernity, it has received little attention in the Muslim world, and has been viewed largely as an elite, idealistic initiative. If it is to be impactful and transformative, dedicated and coordinated efforts for broad implementation across Muslim-majority contexts—which are themselves extraordinarily diverse—will be required. Western states and the non-Muslim actors for whom the Declaration is particularly urgent must carefully calibrate how they relate to and encourage the Declaration's implementation to ensure their efforts do not undermine the initiative's very virtue and strength as a Muslim-led effort. This paper offers background about the Marrakesh Declaration, the lead-up to its articulation, its participants, its content, and the plans currently underway for its implementation. Recommendations to support the Declaration's implementation are also presented.

Background

The Challenge

Although minority rights form a key component of international human rights law—indeed, it was the effort to protect minorities from mass atrocity that led to the creation of the Universal Declaration of Human Rights in the aftermath of World War II—minority populations around the globe face new existential threats in 2016. At the same time, the forces of globalization, which reduce historic barriers between diverse global communities, and new waves of migrants escaping hardship and violence have led to the formation of increasingly diverse societies that demand greater attention to minority rights to ensure peaceful coexistence.

According to the Pew Research Center, religious hostilities peaked around the world in 2012, with the sharpest increases and highest levels in the Middle East and North Africa. Government restrictions on religion saw similar upticks (with Europe outpacing all other regions). The Pew Research Center stated that nearly half the world's countries—43 percent of them—were experiencing high or very high levels of restrictions on religious freedom,

affecting 76 percent of the world's population.² These restrictions were not limited to minority populations. In many cases, governments around the world have in recent years demonstrated an increased willingness to regulate religious expression and practice for majority as well as minority populations. This has sometimes been done in the context of “countering violent extremism.” However, in many cases, restrictions on religious freedom and the harshest forms of social hostility were felt most acutely by minority populations.

Adherents of all religions and inhabitants of all regions have faced restrictions and discrimination as minorities. Over the past several years, the plight of religious minorities in Myanmar (formerly Burma) and Sri Lanka—particularly Muslims—has drawn international condemnation. In Europe and the United States, Muslim, Sikh, and other religious and racial minorities report increases in social and institutional discrimination, heightened during electoral campaigns and in response to the prospect or reality of increased immigration and refugee flows. China, Russia, and North Korea are often listed among countries where restrictions on religious freedoms are felt acutely by ethnic and religious minorities.

Minority groups in areas plagued by violent extremists, including al-Qaeda affiliations and, more recently, Daesh (also known as ISIS or ISIL), have faced particular threats in recent years. These minority communities have suffered from forced displacement, sexual violence and enslavement, trafficking, forced conversion, extrajudicial killing, and the imposition of draconian laws and restrictions. Moreover, their cultural heritage—including places of worship and ancient sacred sites—has been destroyed. The systematic targeting of minority religious groups, especially the Yazidi in Iraq (deemed by the U.S. government in early 2016 to be an act of genocide³), constitutes an unprecedented state of crisis for minority rights as a prevailing global legal and moral norm.

In the context of these realities, and in response to them, more than three hundred Muslim scholars, activists, and politicians, joined by multifaith clergy from around the world, gathered in Marrakesh in January 2016 to affirm the rights of minorities living in Muslim-majority contexts.

The Lead-Up

The path to Marrakesh began four years earlier, in the aftermath of the Arab Spring uprisings when Sheikh Abdullah bin Bayyah held a series of seminars in Nouakchott, Mauritania, followed by a large forum in Tunisia in 2013. The impetus for those gatherings was a perception that the protests of the Arab Spring were starting to “depart from the path of rationality, nobility, wisdom, virtue, and benefit,” according to Sheikh bin Bayyah.⁴ These gatherings, encompassing Islamic scholars and ministers of religion, sought to advance inclusive forms of governance across the Muslim world. The discussions in Tunisia fed into the drafting of the country's constitution. As Daesh gathered momentum and increasingly sought to justify its atrocities against minority groups with reference to Islam, Sheikh bin Bayyah sought to convene a more global and visible forum to respond to the crisis in the Muslim world. The conference in Marrakesh was hosted by King Muhammad VI and was supported by the Moroccan government, which had participated in the earliest gatherings in Mauritania. The co-organizer was the United Arab Emirates (UAE)–based organization, the Forum for Promoting Peace in Muslim Societies, established by Sheikh bin Bayyah in 2014 under the patronage of Sheikh Abdullah bin Zayed, UAE's current foreign minister.

For many Muslim societies, it is crucial that international and domestic legal norms and practices be supported within Islamic tradition. Sources for legal jurisprudence include the Quran, the hadith (sayings of the Prophet), practices of the early Islamic community under the Prophet and caliphs, and the interpretation and practice of rightly inspired sacred law (or sharia). In preparation for the gathering, Sheikh bin Bayyah formulated a legal framework for equal

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citizenship with protections for minorities that was based on the Charter of Medina (described in detail below). This was a significant departure from the dominant tradition. In the modern era, Islamic societies have often drawn on interpretations of sharia law and jurisprudence (*fiqh*) to determine just treatment of non-Muslims. Traditionally, this has meant reference to *dhimmi* laws, which apply to non-Muslims living under Muslim rule (originally dhimmi were “people of the book”—Jews, Christians, Sabians—but as Islam spread, many major schools of jurisprudence extended dhimmi law to Zoroastrians, Hindus, and others). Dhimmi laws protect some freedoms of religious practice and allow autonomy on personal status laws within one’s own religious legal framework and system but do not guarantee equal political treatment or rights. For example, there are restrictions within dhimmi laws preventing non-Muslims from holding high political office. Because of such restrictions, some scholars and activists argue there is no equivalent understanding of equal citizenship in sharia law in accordance with modern human rights law. Thus, while there are protections to ensure different categories of people—namely, Muslims or non-Muslims (men or women)—are treated equally among themselves, there is no affirmation of equal treatment across these categories.⁵ Although dhimmi laws have become largely obsolete, some modern militant Islamist groups, particularly Daesh, have recently sought to resurrect components of these laws, particularly the imposition of a special tax on non-Muslims (*jizyah*) or other such practices that impose boundaries between Muslims and non-Muslims and assert the superiority of the former.

The Declaration and Its Framework

The Framework

As noted, the legal framework of the Marrakesh Declaration, crafted by Sheikh Abdullah bin Bayyah, draws especially from the Charter of Medina, a document forged by Prophet Muhammad in 622 CE as a social contract to govern relations and responsibilities in the multicultural society of Medina—the first establishment of the Muslim community, or *ummah*.⁶ According to a census drawn by the Prophet, the Jewish and other non-Muslim Arab communities in Medina at that time vastly outnumbered the Muslim population. Hence, the Charter of Medina sought to ensure certain rights, including religious freedom, for all living under the rule of the Prophet in Medina. According to historical sources, the Prophet was summoned to Medina to serve as a neutral arbiter and end communal fighting, and this charter created the roadmap for establishing peaceful coexistence, rights and responsibilities and internal autonomy for different tribes and religions, and a process for the nonviolent resolution of disputes with the Prophet as supreme arbiter.

In the legal framework of the Declaration, Sheikh bin Bayyah connects the vision and provisions in the Charter of Medina with international human rights law to present a model of equal, contractual citizenship as an Islamic principle and authoritative model of governance. Quoting Nietzsche’s words that “civilizations get sick, and their doctors are philosophers,” Sheikh bin Bayyah asserts that religious scholars must “descend from their ivory towers” to help diagnose and treat societal diseases, such as extremism in the Muslim world.⁷ A cure to one symptom of the disease—the brutalization of minorities—is found in the application of the Charter of Medina, argues Sheikh bin Bayyah. The Charter accords with Islamic scripture and law and secures the commonwealth, and thus peace for all. Further, Sheikh bin Bayyah argues that in the modern world, as Muslim societies operate as “nation states” and adopt international legal frameworks to govern relations within and between themselves, the Charter of Medina is the most appropriate model from Islamic tradition to guide relations in diverse societies. The values enshrined in the Charter and its practices, based on mutual recognition of rights and responsibilities between groups, and its ability to

In the legal framework of the Declaration, Sheikh bin Bayyah connects the vision and provisions in the Charter of Medina with international human rights law to present a model of equal, contractual citizenship as an Islamic principle and authoritative model of governance.

ensure processes and mechanisms for peaceful relations in multicultural societies underscore its applicability. Framed as such, the legal framework for the Marrakesh Declaration cogently illustrates that centuries-old religious sources can be drawn upon to support and entrench modern human rights norms and challenges those—both Muslim and non-Muslim—who claim Islam is incompatible with modern international law.

Gathering in Marrakesh

The Concept Note for the conference stated that during such a time of exceptional crisis, when violent actors are drawing on Islamic teachings to justify “heinous” acts against minority communities, it is imperative for Muslim jurists, philosophers, and intellectuals to “engage in a serious study of such egregious departure from normative Islam using a sound and methodical scholarship.”⁸ Going further, conference organizers insisted that these deconstructions of extremist rhetoric must go beyond earlier efforts and truly challenge and undermine the acts and their spurious justifications. Conference participants pledged such an in-depth exploration and critique, rooting their discussion in sacred law, to explore historical dimensions and contexts and to examine the impact of domestic and international rights. In this way, the conference proclaimed its goal to initiate a “modern revival of the Charter of Medina.”⁹

Three-hundred forty people gathered in Marrakesh in late January 2016, including ministers of religion from Muslim-majority areas, Sunni and Shia Islamic scholars and activists, muftis, minorities from the Islamic world (including the Ahmadiyya), and religious scholars representing the world’s diverse religious traditions. Several government officials from non-Muslim-majority regions, including the United States and Europe, also attended. Over the course of two days, many participants offered reflections on these themes in plenary sessions. In separate break-out sessions, non-Muslim participants gathered to reflect on the proceedings and the Declaration taking shape, while Muslim colleagues met to debate the framework and language for the Declaration.

Many participants, particularly from the minority communities, stressed that action must accompany the initiative. Several Muslim speakers noted growing concerns about social and institutional injustice faced by Muslim minorities around the world, but noted that Muslims could not demand protections and rights for Muslim minorities unless those same standards were guaranteed for minorities in Muslim-majority states.

Declaration

The Declaration was debated and refined by the participants over the course of two days, and a final version was adopted at the conclusion of the conference. The Declaration begins with recognition of the prevalent use of violence to “impose viewpoints” and settle disputes in various parts of the Muslim world and notes the particularly egregious suffering of minority communities that have existed in these regions for centuries. An extended version of the Declaration quotes Quranic passages that highlight fundamental Islamic values and teachings that comport with protection for minorities—prohibition of religious compulsion (2:256), essential bonds of humanity between different tribes and races (13:49), the need for kindness in dealing with others (60:8), and the duty to honor contracts and covenants (16:91). At the heart of the Declaration is the assertion of the essential relevance of the Charter of Medina as a model for contractual citizenship to ensure equal rights under the law for all, in keeping with international legal standards, and the call to Muslim scholars and authorities to use the Charter as the basis for developing contractual citizenship models in their national constitutions.

Recognizing the importance not just of legal and political standards and mechanisms to ensure the well-being of minorities in Muslim-majority settings, the Declaration goes further to call on artists, intellectuals, and others to uphold and entrench values, attitudes,

and behaviors that underscore and advance respect for diversity. Activists are called on to advance a movement for the just treatment of minorities. Reference to historical periods of peaceful religious coexistence are offered as precedent and form the vision for the Declaration's aim. And finally, all are called on to address and challenge religious bigotry, vilification, and denigration in speech and action.¹⁰

Responses

The Marrakesh Declaration has received far more attention from religious minorities and media outside the Muslim world than it has within it. This is not surprising, since this is an issue of existential import to many minorities and to Western countries that seek Muslim allies for the battle against violent extremist movements in the Muslim world. Minorities from Muslim-majority areas, and their compatriots worldwide, lauded the effort to advance a movement and set of activities that would help preserve and protect them—and appreciated that this initiative was formulated and led by Muslims. The recognition of a pressing human rights problem and of the atrocities committed against minorities in recent years, as well as the assertion of contractual citizenship ensuring equal status under the law, affirmed the minority experience of dislocation, injustice, and loss, as well as the hope for a more stable and equitable future. Proponents of the Declaration noted the importance of the indigenous effort (that is, not one orchestrated by the West or non-Muslims) led by figures with theological and political authority, grounded in sound Islamic legal argument, and illustrating a persuasive and deft marriage of tradition with modernity.

However, the effort was not universally embraced. Critics noted the self-congratulatory statements of representatives of countries where minorities continue to face legally sanctioned discrimination, including Saudi Arabia, Iran, and Pakistan. They characterized the participants as primarily government-backed clerics who represent, and are invested in maintaining, the status quo. Further, critics dismissed the Declaration as hypocritical political theater, exploited by these and other countries to project a positive image and win accolades from the international community without any sincere motivation or commitment to implement the Declaration's provisions and vision. They pointed to the lack of media attention in the Muslim world as verification of the participants' lack of interest in drawing attention to the very standards to which they might subsequently be held. Some responded to the initiative by citing similar initiatives in the past that had produced little direct impact in staving off extremism—suggesting the Marrakesh Declaration too would be just another declaration of ideals and a vague call for action that would never materialize.

Indeed, there have been many attempts to organize the greater ummah to find points of consensus among the religion's diverse followers and advance peace and reduce sectarianism. For example, the Amman Message, drafted in 2004 and signed by hundreds of Muslim leaders, called for tolerance and unity within the ummah.¹¹ The 2010 Mardin Conference convened over a dozen Sunni scholars to methodically examine a fatwa issued in the fourteenth century by Islamic theologian Ibn Taymiyah that is often cited by militant jihadists as justification for violence against nonbelievers. The scholars' investigation showed that jihadists were relying on a corrupted interpretation of the fatwa, which ran counter to its original wording and meaning and called for non-Muslims to be treated according to their rights.¹² Gatherings and statements such as these will continue to be significant moments of response in the Islamic world to the current global context. However, the criticism addresses the failure of such platforms to organize and mobilize action that transforms the underlying drivers of violent extremism.

Some fiercely committed to secular ideals rejected the effort as too Islamic in nature, and saw it as advancing the premise that modern laws must be grounded in, or framed by, reference to religion, which they consider retrograde and ultimately problematic. Although

these critics might agree with the vision and objectives of the Declaration to advance equal, contractual citizenship, the means of getting there could set back their broader objective to limit religious justification as a necessary basis for domestic or international law.

Finally, a third response to the Declaration was of a wait-and-see nature, marked by muted praise for the initiative. In this case, it was felt that the initiative's true impact and utility could be judged only in the coming months and years, and determined finally by the degree to which the Declaration is implemented in practice.

Implementation and Next Steps

Throughout the two-day conference, there was a clear tension between the positions taken by activists and government authorities. The latter's concern was that the Declaration should be crafted on the basis of historical and theological considerations. Many activists, meanwhile, sought to direct the conversation to implementation, stressing that the Declaration was a "call to action." Some conference organizers, noting the anxiety of the activists, stressed the importance of the deliberative process and of securing the buy-in of all participants as a prerequisite for the success of any subsequent action-oriented movement. At the conclusion of the gathering, when non-Muslim representatives asked Sheikh bin Bayyah how he would move forward to ensure the Declaration's implementation, he responded he would share it with *ulema* (Muslim scholars) across the Muslim world through scholarship, his own teaching, conversations, and seminars. However, he was quick to acknowledge that as a scholar his role would be limited and that he would look to the peace activists and organizations to help turn ideals into on-the-ground realities. Essentially, he noted that he had lent his authority and intellectual argument to the cause and that this foundation might now be used by activists to ensure their efforts have greater legitimacy and impact.

The Forum for Promoting Peace in Muslim Societies is leading an effort with partner organizations, including the Network for Religious and Traditional Peacemakers, to advance implementation across several priority countries: Egypt, Indonesia, Nigeria, Pakistan, Senegal, Sudan, and Tunisia. The work is divided into four separate channels that include religious engagement, civil society, legislative and policy change, and education. Of course, these "sectors" are not mutually exclusive and efforts should be coordinated and mutually reinforced across channels. The U.S. government and the U.S.-based organization Freedom House have provided some funding for these efforts.

Meanwhile, at its April 2016 summit in Istanbul, the Organization of Islamic Cooperation (OIC) acknowledged and praised the Marrakesh Declaration in its final communiqué.¹³ OIC encouraged all member states to establish intrastate bodies to advance intrasocial tolerance and security, in line with the Declaration.

Recommendations

- **Ensure greater visibility and awareness of the Declaration in the Muslim world.** To successfully advance its goal, the Declaration must first be known. The fact that it has received so little media attention in the Muslim world does not bode well. Thus, as an initial step to further any of the additional recommendations named below, there must be support for awareness-raising campaigns—through various forms of media, national- and local-level conversations, and direct engagement. Importantly, this awareness-raising cannot be done by only Western or non-Muslim figures; it must also be undertaken by the Muslim community so that the initiative's important and authoritative status as an indigenous, Muslim-led effort is not undermined.

To successfully advance its goal, the Declaration must first be known.

- **Encourage the creation of, and buy-in for, a more specific roadmap for implementation.** At present, the Declaration is rather vague and idealistic. Although it calls for some actions to support the implementation of its vision, there is little specific direction on achieving its aims. This lack of specificity feeds pessimism about the Declaration as a whole and raises concerns, even among its supporters, about the commitment of those who have signed on. A possible solution might be to have one overall roadmap for implementation and then to encourage the representatives of various countries to submit their own national action plans for implementation that include the coordinated efforts of their own governments and civil society.
- **Ensure that the Declaration is associated with a movement.** For the Declaration to have any impact, it must be viewed as more than an elite initiative, and one that is associated with more than one (Sunni, Saudi-based and UAE-supported) figure. The initiative is little known and certainly little felt by many within the Muslim-majority world, yet it is the wider Muslim society that will play the most important role in ensuring the Marrakesh Declaration truly is socially and institutionally transformative across the Muslim world. This will require a broad and visible platform, with actions and messages coordinated across regional, sectarian, and racial borders and advanced virtually and on-the-ground, demonstrating inclusive, representative leadership across genders, generations, and social class. Youth can and must play an important role in these efforts, particularly in advancing an online movement. It is worth noting that similar efforts that have been too closely associated with any one government or figure in the past have had limited impact.
- **Support indigenous organizations' efforts to use the Declaration as a tool for advocacy.** The Declaration has the potential to serve as a powerful tool for local activists seeking to promote and advance minority rights; many high-level political and religious figures have signed on to the Declaration. Although, in practice, domestic laws and social norms may not comport with the Declaration's standards, it can now be used as a tool for accountability—as a means to hold states and public figures to the standards they themselves have set. Islamic intellectuals, young scholars, and activists can stand on the shoulders of preeminent legal scholar Sheikh bin Bayyah by referring to this Declaration and its framework in advancing their own efforts to advance the goals of minority rights, respect for religious difference and religious freedom, and to defend themselves against those who accuse them of diverting from Islamic tradition.
- **Support efforts by indigenous Muslim organizations and actors to use the Declaration as a tool for education.** The Declaration, and especially its accompanying legal framework, is a remarkable set of documents that can be used to advance the understanding of Islamic history, Islamic theology and law, and international human rights norms. Efforts to integrate the Declaration's contents into school and university curricula can be advanced to normalize its content, and to revive the Charter of Medina as a key source of authority—above and beyond dhimmi law practices—to determine proper Islamic treatment of minorities. Working with formal and informal educational institutions and settings (including Ministries of Education, universities, sharia colleges, and madrassas), the Declaration and its framework can be incorporated into curricula and extended and debated through scholarship.
- **Non-Muslim states and organizations must play a supporting, rather than leading, role.** The issue of minority rights is weighted with postcolonial resonance. As European influence in the Muslim world, especially in the Middle East, increased in the modern era, European traders and political rulers wrested greater authority to protect expatriate and Christian communities. Allegations of mistreatment of religious minorities were

used as pretext to assert greater influence over local politics, and colonial rulers often gave preferential treatment to minority populations in a strategy of divide and rule. Moreover, issues of minority rights, particularly as these relate to religious freedom, have been perceived in Muslim countries as a means to protect the advancement of Christian groups with proselytizing agendas. Following the retreat of colonial European rule in the Middle East, the creation of Israel and the perception of a hypocritical lack of concern for Palestinian Muslims under Israeli occupation became the new and persistent bone of contention. In this context, criticism of Muslim states' treatment of minorities is seen as a political effort to undermine sharia, and Islam more broadly, and often creates a defensive backlash.

Conclusion

There is no doubt that the present moment is one of exceptional crisis for the world at large, and for the Muslim world in particular. But this moment of crisis is also one of opportunity, creating motivation as never before for those involved in peacebuilding in the Muslim world to come together across sectarian, ethnic, and national lines. So gathered, those committed to peace can affirm, renew, and strengthen positive teachings and relationships within the tradition, address historical points of disagreement that have divided the greater Muslim community, and draw from the many Islamic sources available to transform the underlying drivers of violent extremism in the Muslim world and beyond. The Marrakesh Declaration initiative is one such effort to transform a moment of crisis into one of opportunity. To date, its impact has been indeterminate. But a seed has been planted, which, with careful tending, could bear fruit that goes beyond the laudable cause of advancing minority rights and extends to building peace universally.

Appendixes

Marrakesh Declaration

In the Name of God, the All-Merciful, the All-Compassionate

WHEREAS, conditions in various parts of the Muslim World have deteriorated dangerously due to the use of violence and armed struggle as a tool for settling conflicts and imposing one's point of view;

WHEREAS, this situation has also weakened the authority of legitimate governments and enabled criminal groups to issue edicts attributed to Islam, but which, in fact, alarmingly distort its fundamental principles and goals in ways that have seriously harmed the population as a whole;

WHEREAS, this year marks the 1,400th anniversary of the Charter of Medina, a constitutional contract between the Prophet Muhammad, God's peace and blessings be upon him, and the people of Medina, which guaranteed the religious liberty of all, regardless of faith;

WHEREAS, hundreds of Muslim scholars and intellectuals from over 120 countries, along with representatives of Islamic and international organizations, as well as leaders from diverse religious groups and nationalities, gathered in Marrakesh on this date to reaffirm the principles of the Charter of Medina at a major conference;

WHEREAS, this conference was held under the auspices of His Majesty, King Mohammed VI of Morocco, and organized jointly by the Ministry of Endowment and Islamic Affairs in the Kingdom of Morocco and the Forum for Promoting Peace in Muslim Societies based in the United Arab Emirates;

A seed has been planted, which, with careful tending, could bear fruit that goes beyond the laudable cause of advancing minority rights and extends to building peace universally.

AND NOTING the gravity of this situation afflicting Muslims as well as peoples of other faiths throughout the world, and after thorough deliberation and discussion, the convened Muslim scholars and intellectuals:

DECLARE HEREBY our firm commitment to the principles articulated in the Charter of Medina, whose provisions contained a number of the principles of constitutional contractual citizenship, such as freedom of movement, property ownership, mutual solidarity and defense, as well as principles of justice and equality before the law; and that,

The objectives of the Charter of Medina provide a suitable framework for national constitutions in countries with Muslim majorities, and the United Nations Charter and related documents, such as the Universal Declaration of Human Rights, are in harmony with the Charter of Medina, including consideration for public order.

NOTING FURTHER that deep reflection upon the various crises afflicting humanity underscores the inevitable and urgent need for cooperation among all religious groups, we

AFFIRM HEREBY that such cooperation must be based on a “Common Word,” requiring that such cooperation must go beyond mutual tolerance and respect, to providing full protection for the rights and liberties to all religious groups in a civilized manner that eschews coercion, bias, and arrogance.

BASED ON ALL OF THE ABOVE, we hereby:

Call upon Muslim scholars and intellectuals around the world to develop a jurisprudence of the concept of “citizenship,” which is inclusive of diverse groups. Such jurisprudence shall be rooted in Islamic tradition and principles and mindful of global changes.

Urge Muslim educational institutions and authorities to conduct a courageous review of educational curricula that addresses honestly and effectively any material that instigates aggression and extremism, leads to war and chaos, and results in the destruction of our shared societies;

Call upon politicians and decision makers to take the political and legal steps necessary to establish a constitutional contractual relationship among its citizens, and to support all formulations and initiatives that aim to fortify relations and understanding among the various religious groups in the Muslim World;

Call upon the educated, artistic, and creative members of our societies, as well as organizations of civil society, to establish a broad movement for the just treatment of religious minorities in Muslim countries and to raise awareness as to their rights, and to work together to ensure the success of these efforts.

Call upon the various religious groups bound by the same national fabric to address their mutual state of selective amnesia that blocks memories of centuries of joint and shared living on the same land; we call upon them to rebuild the past by reviving this tradition of conviviality, and restoring our shared trust that has been eroded by extremists using acts of terror and aggression;

Call upon representatives of the various religions, sects, and denominations to confront all forms of religious bigotry, vilification, and denigration of what people hold sacred, as well as all speech that promotes hatred and bigotry; AND FINALLY,

AFFIRM that it is unconscionable to employ religion for the purpose of aggressing upon the rights of religious minorities in Muslim countries.

The Charter of Medina¹⁴

In the name of God the Compassionate, the Merciful.

(1) This is a document from Muhammad the prophet (governing the relations) between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined them and labored with them.

(2) They are one community (ummah) to the exclusion of all men.

(3) The Quraysh emigrants according to their present custom shall pay the bloodwit within their number and shall redeem their prisoners with the kindness and justice common among believers.

(4-8) The B. 'Auf according to their present custom shall pay the bloodwit...; every section shall redeem its prisoners with the kindness and justice common among believers. The B. Saï'idah the B. al-Harith, and the B. Jusham, and the B. al-Najjar likewise.

(9-11) The B. 'Amr b. 'Auf, the B. al-Nabit and the B. al-'Aus likewise.

(12)(a) Believers shall not leave anyone destitute among them by not paying his redemption money or bloodwit in kindness.

(12)(b) A believer shall not take as an ally the freedman of another Muslim against him.

(13) The God-fearing believers shall be against the rebellious or him who seeks to spread injustice, or sin or animosity, or corruption between believers; the hand of every man shall be against him even if he be a son of one of them.

(14) A believer shall not slay a believer for the sake of an unbeliever, nor shall he aid an unbeliever against a believer.

(15) God's protection is one; the least of them may give protection to a stranger on their behalf. Believers are friends one to the other to the exclusion of outsiders.

(16) To the Jew who follows us belong help and equality. He shall not be wronged nor shall his enemies be aided.

(17) The peace of the believers is indivisible. No separate peace shall be made when believers are fighting in the way of God. Conditions must be fair and equitable to all.

(18) In every foray a rider must take another behind him.

(19) The believers must avenge the blood of one another shed in the way of God.

(20)(a) The God-fearing believers enjoy the best and most upright guidance.

(20)(b) No polytheist shall take the property of person of Quraysh under his protection nor shall he intervene against a believer.

(21) Whoever is convicted of killing a believer without good reason shall be subject to retaliation unless the next of kin is satisfied (with blood-money), and the believers shall be against him as one man, and they are bound to take action against him.

(22) It shall not be lawful to a believer who holds by what is in this document and believes in God and the last day to help an evil-doer or to shelter him. The curse of God and His anger on the day of resurrection will be upon him if he does, and neither repentance nor ransom will be received from him.

(23) Whenever you differ about a matter it must be referred to God and to Muhammad.

(24) The Jews shall contribute to the cost of war so long as they are fighting alongside the believers.

(25) The Jews of the B. 'Auf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons, except those who behave unjustly and sinfully, for they hurt but themselves and their families.

(26-35) The same applies to the Jews of the B. al-Najjar, B. al-Harith, B. Saï'idah, B. Jusham, B. al-'Aus, B. Tha'laba, and the Jafna, a clan of the Tha'laba and the B. al-Shutayba. Loyalty is a protection against treachery. The freedmen of Tha'laba are as themselves. The close friends of the Jews are as themselves.

(36) None of them shall go out to war save the permission of Muhammad, but he shall not be prevented from taking revenge for a wound. He who slays a man without warning slays himself and his household, unless it be one who has wronged him, for God will accept that.

(37) The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the people of this document. They must seek mutual advice and consultation, and loyalty is a protection against treachery. A man is not liable for his ally's misdeeds. The wronged must be helped.

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- (38) The Jews must pay with the believers so long as war lasts.
- (39) Yathrib shall be a sanctuary for the people of this document.
- (40) A stranger under protection shall be as his host doing no harm and committing no crime.
- (41) A woman shall only be given protection with the consent of her family.
- (42) If any dispute or controversy likely to cause trouble should arise, it must be referred to God and to Muhammad the apostle of God. God accepts what is nearest to piety and goodness in this document.
- (43) Quraysh and their helpers shall not be given protection.
- (44) The contracting parties are bound to help one another against any attack on Yathrib.
- (45)(a) If they are called to make peace and maintain it they must do so; and if they make a similar demand on the Muslims it must be carried out except in the case of a holy war.
- (45)(b) Every one shall have his portion from the side to which he belongs.
- (46) The Jews of al-Aus, their freedmen and themselves have the same standing with the people of this document in purely loyalty from the people of this document. Loyalty is a protection against treachery. He who acquires ought acquire it for himself. God approves of this document.
- (47) This deed will not protect the unjust and the sinner. The man who goes forth to fight and the man who stays at home in the city is safe unless he has been unjust and sinned. God is the protector of the good and God-fearing man and Muhammad is the apostle of God.

Notes

1. For the sake of space and simplicity, subsequent references to Prophet Muhammad in this report will not be followed by this common blessing, though it should be implied in recognition of, and out of respect for, his special status for Muslims.
2. Pew Research Center, "Religious Hostilities Reach Six-Year High," January 2014.
3. Secretary of State John Kerry, "Remarks on Daesh and Genocide," March 17, 2016, accessed June 7, 2016, www.state.gov/secretary/remarks/2016/03/254782.htm.
4. "The Marrakesh Declaration: On the Rights of Religious Minorities in Predominantly Muslim Majority Communities," Information brochure (Abu Dhabi: Forum for Promoting Peace in Muslim Societies, 2016), 34. (Much of this material can also be found at www.marrakeshdeclaration.org).
5. Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder, CO: Westview, 1999), 90.
6. David Waines, *An Introduction to Islam* (Cambridge, UK: Cambridge University Press, 1995), 18. Some argue that the Charter of Medina included Jews living in the region in the ummah.
7. "The Marrakesh Declaration," 34.
8. *Ibid.*, 15.
9. *Ibid.*, 17.
10. There was debate among the Muslim participants in Marrakesh about this particular statement in the Declaration, and that debate has continued even after the conference's conclusion. Some fear it justifies so-called blasphemy or defamation laws that restrict freedom of expression and religion and have been used to persecute minorities in particular. At the same time, there was wide recognition of the importance of acknowledging the proliferation of "hate speech" around the world, as a danger to peaceful coexistence.
11. More about the Amman Message can be found at www.ammanmessage.com.
12. Tom Henegan, "Muslim Scholars Recast Jihadists' Favorite Fatwa," Reuters News Service, March 31, 2010, accessed June 9, 2016, www.reuters.com/article/2010/03/31/us-islam-fatwa-violence-idUSTRE62U0VU20100331.
13. Final Communiqué of the 13th Islamic Summit of the Heads of State/Government of the OIC Member States, (Istanbul), April 2016, accessed June 11, 2016, www.oic-oci.org/oicv3/upload/conferences/is/13/en/13_is_final_com_en.pdf.
14. This text is taken from A. Guillaume, *The Life of Muhammad—A Translation of Ibn Ishaq's "Sirat Rasul Allah"* (Oxford, UK: Oxford University Press, 2002).



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