

■ PROGRAM ON ISLAMIC STUDIES

NCMF HAJJ OPERATIONS: A POLICY EVALUATION

Ustadz Abdulhadi T. Daguit¹

INTRODUCTION

Hajj is the fifth pillar of Islam. It is obligatory for every Muslim to practice Hajj at least once in their lifetime. In the Philippines, Hajj pilgrimage was first introduced during the time of the late President Ferdinand E. Marcos. It was then handled by a private entity, the Philippine Pilgrimage Authority (PHILPA). The Office of Muslim Affairs and Cultural Communities (OMACC) was later established through Executive Order No. 969 on June 30, 1984. One of its mandates was to supervise PHILPA. To date, the Hajj pilgrimage has been under government supervision. Currently, it is the National Commission on Muslim Filipinos (NCMF) that oversees the general affairs and welfare of Muslim Filipinos, the Hajj pilgrimage being an important component of this monitoring.

This policy review aims to evaluate select NCMF Hajj policies implemented during the yearly Hajj season and to provide recommendations for correcting any management lapses, if identified. The policies listed below specifically address the recruitment of pilgrims and the roles of pilgrim organizers or Sheikhs. It should be noted that some policies have been rephrased to enhance clarity for a general audience.

THE SHEIKH VIS-À-VIS HAJJ PILGRIMAGE

Sheikhs are the overseers. They are the chiefs of the Hajj pilgrims. They supervise the pre-departure Hajj preparations, monitor all stages of Hajj travel, and manage affairs throughout the pilgrimage.

Before deciding to on Hajj, a Filipino Muslim pilgrim may consult a Sheikh on any aspect of the pilgrimage, including the spiritual, logistical, and financial preparations involved. Once a decision is made, the pilgrim must select a Sheikh to guide them. In doing so, the pilgrim entrusts the Sheikh with managing all Hajj-related arrangements, which include obtaining a passport, registering for a Hajj visa, booking flights and paying related fees, arranging transportation and accommodations before, during, and after Hajj, coordinating Hajj rituals and sacrifices, securing access to essential pilgrim services, and providing spiritual counsel on performing the pilgrimage. Accordingly, the pilgrim entrusts the Sheikh with all the Hajj fees.

It should be noted that Hajj fees vary, as each Sheikh independently determines these amounts based on their estimation of expenses for Hajj management. NCMF typically does not have the authority to set or regulate

¹ Ustadz Abdulhadi T. Daguit works as Legislative Staff Officer IV at the Office of Mohagher M. Iqbal, Member of Parliament, Bangsamoro Transition Authority, Bangsamoro Government Center, Cotabato City. He is also affiliated with the University of the Philippines – Institute of Islamic Studies, where he teaches Arabic Language and other Islamic Studies subjects.

Hajj fees charged by Sheikhs, beyond the specific fees the NCMF itself collects for certain aspects of Hajj administration. The Sheikh thus has principal oversight and accountability for the pilgrims under their care. The guidelines below outline the relationship between the NCMF and the Sheikh, in accordance with agreements between the Philippine government and the Ministry of Hajj and Umrah of the Kingdom of Saudi Arabia.

POLICY ON ORGANIZING AND RECRUITING PILGRIMS

As stated in item a of the Annex of the Minutes of Agreements on rules, instructions, and guidelines or the “Mother Contract” signed between the Kingdom of Saudi Arabia’s (KSA) Ministry of Hajj and Umrah and the Philippines’ NCMF representative:

- The National Commission on Muslim Filipinos is known as the Hajj Affairs Office of Philippine Hajj Mission in charge of recruiting Filipino pilgrims through the Pilgrims Sheikhs or guides, with the following guidelines:
 1. The yearly number of pilgrims’ quota must be approved by the Ministry of Hajj and Umrah of the Kingdom of Saudi Arabia.
 2. As early as possible, NCMF must coordinate with the concerned establishments in the Kingdom of Saudi Arabia for the implementation of what is required to be accomplished via the Hajj e-portal, which is the official platform to entertain requests for Hajj visas in accordance with the service packages and legal procedures for the arrival of the pilgrims.
 3. As early as possible, NCMF must coordinate with the concerned establishments in the Kingdom to obtain essential information such as the e-portal address, user name and password which will be used by the NCMF to register the whereabouts of the pilgrims arriving under its Hajj Mission in accordance with the specified schedules for registration as explained in this annex.
 4. Registration of Hajj organizers/shaykhs based on the following guidelines:
 - The maximum number of pilgrims allotted to every organizer/shaykh is fifty (50) including himself; thus, applications filed by a shaykh indicating less than that number will not be accepted.
 - Any shaykh or his representative penalized with temporary disqualification for some legal ground is barred from registering within the specified period; while those with permanent disqualification have forfeited any opportunity to participate
 - The registration of a new shaykh is allowed provided that he will not represent those shaykh previously barred from organizing pilgrims, as he will be under the responsibility of the NCMF Hajj Mission.
 - Any request for revision of the approved Hajj quota for the shaykh, whether for addition or reduction of slots; revision of vital information on the shaykh can be processed provided that it is requested before the issuance of the shaykh’s identification card from the competent authority or if the registration of the request are within the limitations stated above.
 - The registration of shaykh will be automatically closed on a specified date of every Hajj season. Since shaykh registration after said date is no longer allowed, the Hajj Mission will be liable before the competent authorities in the Kingdom of Saudi Arabia for any delay. The same accountability applies in the event of non-compliance with what has been stipulated above.
 5. The Hajj Mission office will affirm to all accredited shaykhs that they shall be monitored particularly on their compliance to the service contract signed with the pilgrims registered under their care and supervision to ensure implementation of all obligations and serving the rights of pilgrims. The shaykhs, in their capacity as party to the contract, entailing rights, obligations are expected to clearly deliver to pilgrims the content and level of the service package that they are entitled to, submit a copy of each contract to the specified establishment, and faithfully comply with their duties in accordance with the contract received by the Hajj Mission office.

6. The Hajj Mission office is obliged to confirm the accreditation of all shaykhs and subsequently monitor them to ensure that they complete contracts for services provided to their pilgrims through the Hajj e-portal. This ensures that each pilgrim receives a comprehensive service package covering accommodation, transportation, and food in Makkah al-Mukarramah, Madinah al-Munawwarah and the Holy sites, guaranteeing transparency regarding the rights of every pilgrim. Additionally, all supplementary services agreed upon with the National Tawwafah establishment—the agency responsible for the rites of circumambulation around the Kaaba, also known as the Mutawwif—the general car syndicate, and other pilgrim service providers must align with what the stipulation set forth in the Minutes of Agreements and this annex.
7. The Hajj Mission office is responsible for monitoring shaykhs under its supervision to ensure they finalize standard contracts for pilgrims accommodations in Makkah al-Mukarramah and Madinah al-Munawwarah, as well as contracts for services with Tawwafah establishment, the united agents' office, and food services—all of which are required before obtaining Hajj e-visas.
8. The Hajj Mission office should affirm to all shaykhs under its supervision the importance of housing pilgrims in accordance with hotel and housing regulations. Barcodes and Hajj e-visas are issued based on these standards, necessitating close monitoring of each shaykh's compliance on the ground. Should shaykhs violate these regulations, legal sanctions will be applied, potentially leading to the revocation of their license and permanent ban from organizing pilgrimages for Hajj in the future.
9. The Hajj Mission should inform each shaykh that they must designate one authorized representative to act on their absence and to complete all procedures with the relevant establishment.
10. The Hajj Mission should require the shaykhs to comply with the following: the duration of

stay in the Kingdom as specified by the issued e-visa; immediate departure after completing all procedures related to Hajj; and adhere to the rule prohibiting requests for the extension of the e-visa period.

11. The Hajj Mission office should ensure that the shaykhs under its supervision provide the specified establishment and the National Adilla establishment² with copies of the automated service contracts signed between them and the registered pilgrims. In the event of noncompliance by the shaykhs, all complaints and claims from pilgrims regarding accommodation, transportation, and food will be considered valid unless the shaykh provides contrary documentation.
12. The Hajj Mission office should inform the shaykhs of the special compliance requirements outlined in section two of this annex, including the specified deadlines for implementing the Hajj arrival schedules as explained in section three. The office will also monitor the implementation of these schedules before and during the arrival of pilgrims in the Kingdom to complete their procedures. The Hajj Mission office will bear full responsibility in this regard.

OBSERVATIONS

The following are first-hand observations of the author when he was Chief of Hajj Operations and NCMF Commissioner during the interim years of 2016 to 2020.

Non-compliance with pilgrim allocations

The allocation of pilgrims assigned to each shaykh for recruitment is not strictly followed. Some shaykhs have been recorded to have recruited less than 50 pilgrims, while others recruited more than 100. The noncompliance with the pilgrim allocation policy severely hampers oversight and management of the pilgrimage at all stages, including transportation, food, accommodations, medical care, and other essential services. Documented cases have shown pilgrims suffering from overcrowded accommodations with insufficient separation between

² This is the agency responsible for the registration and safekeeping of pilgrims' passports in Madinah, as well as scheduling of transportation and safekeeping of pilgrims' passports to Madinah, as well as scheduling transportation to Makkah.

male and female pilgrims, inadequate board and lodging, and chaotic transportation deployment. In the recent Hajj of 2023, these issues have unfortunately contributed to the deaths of some pilgrims.

The gaps in enforcement and the specific offices and personnel accountable for these failures have yet to be clearly identified. This situation is further exacerbated by the apparent late appointment of the Hajj supervisory team within the NCMF. This team is tasked with supervising, monitoring, and assisting pilgrims alongside the shaykhs. Their duties include organizing and distributing pilgrim passports, transporting pilgrims from the airport to their hotels, and providing medical and general assistance. The last-minute assignment of the Hajj supervisory team hinders the implementation of a comprehensive orientation program that would prepare team members on their respective terms of reference, the specifics of the Hajj pilgrimage, their management workflows, areas of supervision and assistance, logistics, supplies, etc.

Absence of Shaykh service contracts

There is currently no signed contract between the shaykh and the NCMF, nor between the shaykh and pilgrims, as stipulated in the guidelines. The lack of a legal, binding document for such a huge responsibility impedes effective enforcement of service quality, not to mention demands for accountability in the event of poor service. A contract clearly outlining the shaykh's terms of reference, as well as the respective accountabilities of the NCMF and the shaykh regarding Hajj management and corresponding sanctions, would clarify compliance expectations and facilitate a smoother, more systematic process.

The question remains: how has this unfortunate situation come about, and where does the responsibility lie? Who is accountable for drafting and enforcing a service contract? The implications of this oversight for overall Hajj management are dire.

Absence of sanctions on erring shaykhs

No sanctions have been imposed on shaykhs despite their violations of the guidelines issued by the Ministry of Hajj and Umrah and the NCMF. The lack of disciplinary enforcement for erring shaykhs has contributed to a culture of impunity, which is unjust to affected pilgrims and potentially detrimental to future pilgrims. This raises the question of which agency is actually tasked, and should be responsible for enforcing such sanctions. Are disciplinary measures within the scope of NCMF's responsibilities? If so, are the measures appropriate for the violation?

RECOMMENDATIONS

The following recommendations are provided to address the issues outlined above:

1. Adhere strictly to the instructions and guidelines issued by the KSA Ministry of Hajj and Umrah. Ensure that service contracts detailing responsibilities of shaykh and other stakeholders are disseminated, signed, and enforced among all individuals and agencies involved.
2. Identify members of the supervisory team well in advance of the Hajj operation. Provide an orientation program covering the NCMF scope of service, respective accountabilities, pilgrimage management workflows, and the associated logistics, supplies, and assistance required.
3. Incorporate potential challenges that pilgrims may encounter in Mash'ar or Holy Sites such as Arafat,³ Muzdalifa,⁴ and Mina⁵ into the Hajj awareness program, providing separate sessions for shaykh, the NCMP supervisory team, and pilgrims.
4. Require accredited Hajj shaykhs to conduct continuous ongoing Hajj awareness and education to the pilgrims registered under them. If possible,

3 Arafat is the site where pilgrims perform prayers for one whole day as an integral ritual of Hajj. The day of Arafat is a very important part of Hajj, held in the place where Prophet Muhammad s.a.w. gave his last sermon. From Prophetic traditions, this was the place where Adam and Eve met.

4 Muzdalifa is the transit point of pilgrims after spending the day in Arafat. This is also the place where pilgrims collect pebbles for the next ritual.

5 Mina is the place where pilgrims throw pebbles to symbolically reject Satan. This commemorates the time that Satan tried to tempt Prophet Abraham to disobey God's orders to offer his son as sacrifice.

conduct simulations of all Hajj rituals for better familiarization.

5. Implement appropriate sanctions for erring shaykhs. Identify possible violations and assign the corresponding sanctions for each. Clarify which agency or agencies are responsible for enforcing these sanctions and grant them the necessary enforcement powers.
6. Assign focal persons to every relevant office and establishment. If possible, appoint individuals who are fluent in Arabic to avoid language barriers.
7. In light of the NCMF's official capacity, establish a stronger management and accountability system throughout all stages of the Hajj process. Consider limiting the role of shaykhs in the Hajj management process.

We pray to the Almighty Allah to help and guide those involved in the Hajj operation.

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