



AN EXAMINATION OF THE PROTECTION OF THE ENVIRONMENT DURING ARMED CONFLICT: AN ISLAMIC PERSPECTIVE

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Abstract

There are ongoing armed conflicts across the globe that has caused devastating humanitarian consequences. These consequences include environmental degradation. Arguably, these armed conflicts are religious based, the religion that takes centre stage according to the actors of the conflict is Islam. With environmental degradation caused by these conflicts and Islam being at the centre of most of these conflicts, this paper seeks to analyze different sources of Islamic law and determine whether there are principles in these provisions that protect the environment in an armed conflict situation. Scattered in Quranic text in different chapters and also some ahadith of the prophet Muhammad (SAW), this paper examined and discussed some of these provisions and made a slight comparison between the said provisions and contemporary laws of armed conflict. This area lacked proper research and may be the reason for lack of implementation of the provisions, which circles back to the first issue that the conflicts cause the humanitarian disaster that is associated with environmental degradation. It is recommended that scholars should conduct more in depth research in the area as this might, not in totality, resolve the issue or at least get the conversation started on an issue that has become a major concern.

Keyword: *Islamic Law of War, Laws of Armed Conflict, Environmental degradation, Quran, Hadith*

1.0 Introduction

In armed conflict situations, conventional rules of armed conflict contained in the Geneva Conventions and their Additional Protocols exist to regulate the conduct of the parties involved in the conflict. Within the framework of the rules of armed conflict, also exist Customary rules of armed conflict. They are state practices that have become dense and they provide principles which fill the gaps of conventional laws and are applicable to states with varying conventional commitments¹. Islamic Law of war is regarded as forming part of international customary rules of armed conflict according to the International Committee of the Red Cross and both the International Criminal court of Former Yugoslavia (ICTY) and International Criminal Court of Rwanda (ICTR)². Quranic revelations, which were revealed thousands of years ago and Prophetic hadith are considered as sources of conventional

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¹ Melzer N., (2016), International Humanitarian Law: A Comprehensive Introduction, International Committee of the Red Cross, Geneva Switzerland p.96.

² Maybee L.P Custom as a Source of International Humanitarian Law (2006), Proceedings of the Conference to Mark the Publication of the ICRC Study "Customary International Humanitarian Law" held in New Delhi, 8–9 December 2005, New Delhi, p.37
ICRC New Delhi



rules of armed conflict and a basis or a source of inspiration for developing new fields related to armed conflict laws³.

The environment, during ongoing wars, is well preserved and protected by conventional rules of armed conflict as contained in the Geneva Conventions, their Additional Protocols and customary laws of armed conflict⁴. Parties to the conflict, whether armed forces of a State or an organized armed group are required to adhere to the provisions of these rules of armed conflict⁵.

Studies have shown arguably, that, most armed conflicts around the world today involves Muslims in the Middle East and Africa who are non-state actors⁶. These non-state actors or organized armed groups like Boko haram, ISWAP or ISIS, justify their acts of hostility by referring to certain rules of Islamic Law of war⁷. These armed conflicts that these groups engage in contribute 80% of the humanitarian crises affecting the world population⁸, including environmental degradation⁹, causing a global humanitarian disaster as the effects of the conflict have the capacity to spill over to other regions¹⁰. For example, in Syria, the ongoing armed conflict within the country has caused numerous environmental degradation¹¹. In, Nigeria, Water wells have been polluted, crops torched, forests cut down, soils poisoned, and animals killed to gain military advantage. Professor Daniel Gwary of the Department of Crop Protection, University of Maiduguri, said that each party in the conflict directly or indirectly exploited environmental resources in the area to subsidize the cost of their operations¹²

The aforementioned organized armed groups are bound by these rules of armed conflict either because the parent state has accepted the laws of conventional armed conflict, therefore through the doctrine of legislative jurisdiction, these armed groups are bound even if they take up arms against the state, or the armed groups are bound by customary laws of armed conflict by virtue of their international legal personality¹³. They are also particularly bound by the Islamic legal system of which they justify their acts of hostility¹⁴

³ ibid

⁴ibid

⁵ ibid

⁶ ibid

⁷ Al-Dawoody A. et al, (2020) Islamic Law and International Humanitarian Law, In: Conflict in Syria, International Review of the Red Cross, Geneva, Switzerland, ICRC. vol.99, p.966

⁸ ibid

⁹ United Nations Security Council Resolution 2349, Peace and security in Africa, Adopted by the Security Council at its 7911th meeting, on 31 March 2017

¹⁰ibid

¹¹ Environmental Consequences of Syria Crisis, The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Environment Programme (UNEP) jointly organized coordination workshop in Geneva, Switzerland on 25 January 2016, p. 3

¹²Cleaning up the Environment North East after the Insurgency Retrieved from <https://www.nigerianobservernews.com> last visited on 26th April 2018

¹³ Kleffner J.K (2011) The Applicability of International Humanitarian Law to Organized Armed Groups In: Understanding Armed Groups and the Applicable Law, International Review of the Red Cross, Humanitarian Debate: Law Policy Action Cambridge University Press, Vol. 93, p.454

¹⁴ Al-Dawoody et al (2020) Islamic Law and International Humanitarian Law, In: Conflict in Syria, International Review of the Red Cross, Geneva, Switzerland, ICRC. vol.99, p.966

However, despite the existence of these guiding principles or rules of war, either conventional rules or customary rules like Islamic law of armed conflict, as mentioned above, they contribute to humanitarian disasters especially towards environmental degradation and destruction as aforementioned.

This paper examines the principles of Islamic law of war, its views the environment and if there are any provisions for preserving and protecting the environment during armed conflict. It also discusses the challenges of implementing them and to the extent of which they align with conventional rules of armed conflict. This will be achieved by analyzing provisions of the Quran and hadith on the issue and also considered the writings of scholars of Islamic law and their perspective on Islam and war and the principles of protecting and preserving the environment even during armed conflict.

Islamic law plays a significant role in influencing the behaviors of these groups, therefore from the academic perspective, this research is quite apt because it has explored ways in which the Islamic legal system could help limit devastation caused by armed conflicts in areas it is applicable. This could greatly reduce the plight of victims of armed conflict, especially the silent victim, which is the environment. In addition, customary laws of armed conflict are still being developed by the international committee of the Red Cross¹⁵, discussing Islamic law of war especially principles that protect the environment during armed conflict will aid in further development of this area.

2.0 Regulation of war under Islamic Law

Prior to Islamic Law, there was no formal regulation on armed conflict in the Arab world¹⁶. It was in Madinah (the city the Prophet SAW migrated to from Makkah) that the first instruction came as revelation. The Prophet SAW received instruction from Allah (God), as seen in several verses of the holy Quran like 23:39, these instruction was the first permission to fight or engage in armed conflict and that was the beginning of Islamic Law of war which underwent several developmental changes¹⁷.

This truly reflects the unique aspect of Islamic law and what truly distinguishes it from other legal system which is the fact that it provides rules on all aspects of life including war, it is all encompassing.¹⁸ It is argued that Islam law has an elaborate set of rules concerning the resort to war (this reflects the concept of *jus ad bellum*), For Instance, the *Quran* states: ‘And fight in the way of Allah with those who fight with you, do not exceed the limit, surely Allah does not love those who exceed the limit’¹⁹. It also contains rules regarding the conduct of war (this reflects the concept of *jus in bello*), especially who should not be killed during the course of war, what objects should be protected, rights of prisoners of war (POWs), termination of their captivity, and the effects of war.²⁰

¹⁵ Melzer N., (2016), International Humanitarian Law: A Comprehensive Introduction, International Committee of the Red Cross, Geneva Switzerland, p.23.

¹⁶ Mahboub M.M (2010), War and the Protection of the rights of Individuals: An Examination of Islamic and International Humanitarian Laws, Triumph Publishing, Kano, p. 10

¹⁷ Ibid, p.13

¹⁸ Al-Dawoody A. et al (2020) Islamic Law and International Humanitarian Law, In: Conflict in Syria, International Review of the Red Cross, Geneva, Switzerland, ICRC. vol.99, p.966

¹⁹ Qur'an 2 :190 Abdullah Yusuf Ali, (1946) The holy Qur'an: translation & commentary by Abdullah Yusuf Ali., Birmingham: Islamic Propagation Centre International.

²⁰ Munir M., (2016), International Humanitarian Law: A Comprehensive Introduction, International Committee of the Red Cross, Geneva Switzerland, p.96.



The philosophy of Islamic law in relation to war and violence can first be traced from the origin of man himself²¹. The Quran states; “Behold, thy Lord said to the angels: ‘I will create a vicegerent on earth’²² (i.e.) (human beings as successors). They said “will you place therein one who will make (“*fasada*”) mischief therein and shed blood?²³’

In his commentary on this verse, Ibn Katheer, one of the most authoritative commentators on the holy *Quran* in the Muslim world, in interpreting this verse said: ‘And certainly the angels knew from knowledge of God (bestowed) that nothing is as bad to Allah as shedding of blood and mischief on earth’²⁴. Here, the angels pointed out a peculiar feature that mankind possess which is to shed blood. Shedding of blood could occur in many instances, however, most scholars, like Ibn Katheer state that, shedding blood in this verse means blood shedding during war or as a result of war. This is especially since, it was applied within the same context as spreading corruption and they are things associated with misconduct. Therefore, from his creation, mankind has a natural instinct to engage in conflict, armed or otherwise, but these are acts that the Almighty Himself abhors, why make it an intrinsic nature or character of His Vicegerent? It is the last part of the verse mentioned above that answers this question or might even be an indication of regulating such a character. In His usual manner of speaking succinctly the verse ends with Allah replying to the angels when he said “...indeed I know that which you do not know”²⁵. In the same book, the Quran, that recounted the above discussion above between Allah and His angels upon creation of mankind, is seen to contain several other verses that regulate armed conflict.

In Islamic Law, the general rule is, warfare is prohibited but it is only permitted under certain circumstances or for some reasons, for example as self-defense or when covenants are broken²⁶. Permission (to fight) is given to those (believers) who are fought against, because they have been wronged; and surely, Allah is able to give them victory.²⁷ This was the first time, immediately after the Prophet Muhammad (SAW) migrated from Makkah to Madina in 622 AD, that the Qur’an (Q23:39) gave permission to use force in self-defense.²⁸ This verse has been translated by scholars to be written in the passive tense, ‘against whom fighting is launched’, and therefore indicates that permission is given when Muslims are ‘wronged’, i.e., attacked²⁹. This provision of the Quran sheds some light on what the Qur’an means by wronging: ‘they are the ones who were expelled from their homes without any just reason, except that they say “Our Lord is Allah”’³⁰. Permission to use force is therefore predicated on ‘wronging’ Muslims. This position is reinforced by this verse:

²¹Suleiman, A.J, Critical Historical Perspectives on The Relationship Between IHL And Islam, A Paper Presented at the International Humanitarian Law Workshop for University Teachers, Abuja, 18-20th June 2019

²² Chapter 2 :30

²³ ibid

²⁴ Ali, A.Y. (1989) The Holy Quran, Text Translation and Commentary New Revised Edition, Amana corporation, Maryland, USA p.360

²⁵ Quran 2:30

²⁶ Qur’an 23: 39

²⁷ ibid

²⁸ Daryabadi A.M, (2002) The Glorious Quran: Text, Translation and Commentary, Darul Ishaat, Pakistan p. 603

²⁹ Shah N.A, (2013) The Use of Force under Islamic Law, European Journal of International Law, Volume 24, Issue 1, pp. 343–365, <https://doi.org/10.1093/ejil/cht013> last visited, 11th September, 2021, at 5:15pm

³⁰ Quran 22:40,

‘Fight in the way of Allah against those who fight you, and do not transgress. Verily, Allah does not like the transgressors.’³¹

This verse was revealed one year after the Prophet Muhammad migrated from Mecca to Medina. ‘Fight in the way of Allah against those who fight you’ has two meanings. First, it allows Muslims to fight those who fight them, a reflection of the permission given in the foregoing verse. The phrase ‘who fight you’ shows that Muslims cannot be aggressors³². This verse prohibits aggression but allows the use of force in self-defense as an exception. Secondly, it refers only to fighting combatants during actual combat (*qital*)³³. ‘And do not transgress’ means that mankind has been given permission to fight but there are limits set by Allah in the course of fighting³⁴.

The issue of self-defense mentioned above has similarity with Article 2 (4) of the United Nations charter which prohibits use of force³⁵ and Article 51 which permits use of force by member states of the United Nations as self-defense. It could also be pointed out that it is in line with the concept of *jus ad bellum*(right to war or reason to go to war).

There are other verses in the Quran that mention war and rules of war or its limitations in Islamic law. Some of these verses can be found in Suratul Taubah. The first part of the surah was revealed to the Prophet (SAW) when he returned from the battle of Tabuk, the other verses were revealed either before or during the war of Tabuk³⁶.

The first verse to discuss here is when Allah (SWT) says:

‘Fight against those who believe not in Allah, nor in the Last Day, nor forbid that which has been forbidden by Allah and His Messenger, and those who acknowledge not the religion of truth among the People of the Scripture, until they pay the Jizyah with willing submission, and feel themselves subdued’³⁷

According to Ibn Katheer, this verse was revealed with the order to fight the People of the Book. This instruction came after the pagans were defeated and because of this defeat, a large number of people converted to Islam. The Arabian Peninsula was mostly within the control of Muslims'. It was at this moment, Allah commanded the Prophet (SAW) to fight the People of the Scriptures, Jews and Christians, on the ninth year of Hijrah, and he prepared his army to fight the Romans and called the people to Jihad announcing his intent and destination³⁸. The Prophet (SAW) sent his intent to various areas around Al-Madinah to gather forces, and he collected an army of 30,000 men. Some people from Madinah and some hypocrites, were reluctant, for that year was a year of drought and intense heat. The Prophet (SAW) marched, heading towards Ash-Sham (now Syria) to fight the Romans until he reached

³¹ Quran 2:190

³² Daryabadi A.M (2002) The Glorious Quran: Text, Translation and Commentary, Darul Ishaat, Pakistan p. 603

³³ ibid

³⁴ ibid

³⁵ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, retrieved from : <https://www.refworld.org/docid/3ae6b3930.html> ,accessed 4 December 2021, at 7:00am

³⁶ Quran 9:29

³⁷ ibid

³⁸ Al-Mubarakpuri, S. (2003), Tafsir Ibn Katheer (Abridged) Vol. 4. Darussalam Publishers & Distributors, Saudi Arabia p.405

Tabuk, where he set camp for about twenty days next to its sources of water.³⁹ This campaign to Tabuk was necessary as some series of events which included killing of prominent Muslims sent to that area, made the Prophet realize that it may not be safe for the Muslims living adjacent to the area occupied by the Roman empire and decided to change that upon this revelation⁴⁰. The verse went further to state a condition upon which the Romans will not be fought. This condition was the payment of *jizyah*, a tax which non-Muslims pay within the territory secured by Muslims which entitles them to protection from the Muslims and exempts them from military service⁴¹. This verse is a regulation of war as it is seen to prescribe a belligerent or a legitimate target of war, distinguishing it from illegitimate target, and it also creates an avenue for surrender. The legitimate target was the Roman empire's army only. This means anyone outside the army should not be fought, anyone that is not armed. This is the first regulation to deduce from this verse. Asking for payment of *jizyah* is a form of subjugation to the Islamic state⁴². It is a form of surrender, not compulsion to religion of course, but a way to continue in their ways while enjoying security and basic amenities from the Islamic state. Accepting this is a way to surrender to the movement, and the Muslims will have succeeded in taking over the territory without shedding a single drop of blood, which was exactly what transpired⁴³.

The second verse to consider in this *surah* are verses that state thus:

‘Will you not fight a people who have violated their oaths and intended to expel the Messenger while they did attack you first? Do you fear them? Allah has more right that you should fear Him if you are believers⁴⁴ Fight against them so that Allah will punish them by your hands, and disgrace them and give you victory over them, and heal the breasts of a believing people⁴⁵ And remove the anger of their (believers') hearts. Allah accepts the repentance of whom He wills. Allah is All-Knowing, All-Wise⁴⁶

These verses encourage and recommend fighting against those who breach the terms of their covenants and those who tried to expel the Prophet (SAW) from Makkah. It was also said that these verses refer to those breaking the peace agreement with Muslims and aiding Bani Bakr, their allies, against Khuza'ah, the ally of the Prophet (SAW). This is why he marched to Makkah in the year of the victory (The conquest of Makkah, 10th–20th Ramadan, 8 AH.) , thus conquering it⁴⁷. This is a verse that speaks to fighting the idol worshipers on the basis of breaking the agreement they had with the Prophet SAW. By way of regulation, the three verses, creates a justification to go to war, to fight, to take up arms. The regulation here being breach of terms of an agreement, a fundamental agreement in this case.

³⁹ *ibid*

⁴⁰ The Quran with surah introduction and appendices (2014), Saheeh international translation, edited by: Al Mehri A.B, The Quran Project, Birmingham, United Kingdom, p.156

⁴¹ *Ibid* ,p.162

⁴² *Ibid* p.158

⁴³ *ibid*

⁴⁴ Quran 9:13 Abdullah Yusuf Ali, (1946) The holy Qur'an : translation & commentary by Abdullah Yusuf Ali., Birmingham : Islamic Propagation Centre International, 1946

⁴⁵ Quran 9:14

⁴⁶ Quran 9:15

⁴⁷ Al-Mubarakpuri, S. (2003), Tafsir Ibn Katheer (Abridged) Vol. 4. Darussalam Publishers & Distributors, Saudi Arabia pp. 384-385



Another verse in this chapter that speaks about war in Islam is the verse that states:

‘So when the Sacred Months have passed, then fight the Mushrikin wherever you find them, and capture them and besiege them, and lie in wait for them in each and every ambush. But if they repent and perform the Salah, and give the Zakah, then leave their way free. Verily, Allah is Oft-Forgiving, Most Merciful’⁴⁸

This verse is called the verse of the Sword and according to Ibn Katheer, Ad-Dahhak bin Muzahim said, "It abrogated every agreement of peace between the Prophet (SAW) and any idol worshipers, every treaty, and every term." The four months, in addition to, all peace treaties conducted was revealed and announced had ended by the tenth of the month of Rabi' Al-Akhir." Abu Bakr As-Siddiq used this and other verses as proof for fighting those who refrained from paying the Zakah⁴⁹. This verse sets out methods of warfare. Use of the words ‘capture’ ‘besiege’ ‘ambush’ is a demonstration of some methods to be employed against the idol worshipers during the war. It went further to set out conduct of warfare in the area of capture of the enemy, in conventional terms a prisoner of war. Once a prisoner of war repents, establishes fundamental acts of worship from among the pillars of the religion, it is the obligation of the believers to set that prisoner of war free. The regulation under this verse is regarding strategy and conduct or etiquette of war.

The last verse to be discussed in Taubah that relates to the discourse of this paper states that:

‘Do you think that you shall be left alone while Allah has not yet tested those among you who have striven hard and fought, and have not taken Walijah besides Allah and His Messenger, and the believers. Allah is well-acquainted with what you do’⁵⁰

According to Ibn Katheer, Allah legislated Jihad for His servants, He explained that the wisdom behind doing so includes testing His servants, distinguishing between those who obey Him and those who disobey Him. There could be several reasons to go to war, but this ultimately is the reason for fighting in Islam, especially if ordained by Allah through his messengers⁵¹.

The Quranic provisions mentioned above shows that Islamic law allows taking up of arms, Islamic law has made provisions for Muslims to fight. In several places in these provisions, the use of the word ‘fight’ is the basis for this conclusion. However, the arms to be used was not specified. The means (weapons) of warfare, unlike in contemporary rules of war where the means of warfare are regulated⁵², here it is not. It could be argued that it depends on the time and the type of weapon used in that era, therefore reference would be made to the technology at that period.

⁴⁸ Quran 9:5

⁴⁹ Al-Mubarakpuri, S. (2003), Tafsir Ibn Katheer (Abridged) Vol. 4. Darussalam Publishers & Distributors, Saudi Arabia pp.375-377

⁵⁰ Quran 9:16

⁵¹ Al-Mubarakpuri, S. (2003), Tafsir Ibn Katheer (Abridged) Vol. 4. Darussalam Publishers & Distributors, Saudi Arabia pp.387-388

⁵² Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight. Saint Petersburg, 29 November / 11 December 1868.

Secondly, in as much as they are asked to fight, they were also warned not to ‘transgress’. The use of this word denotes a cautionary word of command (‘Do not transgress’) and it also conveys a stern warning of the consequence of transgression (Truly, Allah likes not the transgressors) which ultimately is incurring the wrath of Allah. Here, transgression, according to scholars like Ibn Katheer, includes mutilating the dead, theft (from the captured goods), killing women, children and old people who do not participate in warfare, killing priests and residents of houses of worship, burning down trees and killing animals without real benefit⁵³. These prohibitions protect a category of persons that are not participating in armed conflict, it protects places of worship even if they are not places of worship for Muslims, trees and animals are also protected from unnecessary destruction and killing, even the dead bodies are protected. The protection of the aforementioned are similar to the protection accorded to them in the treaties regulating contemporary armed conflict⁵⁴.

Thirdly, the verses above seem to give reasons for Muslims to take up arms or to ‘fight’. The first reason deduced from the verses above is that of self-defense, were Muslims were permitted to take up arms and fight. Self-defense here could be for a number of things, for example, oppression, attack etc. As mentioned earlier, this is in line with the rule of contemporary rules of armed conflict known as *Jus ad bellum* which has been reflected in the United Nations Charter. In addition, it is the first indication of limitation or regulation of war in Islam. By providing reasons to take up arms and fight it points to the fact that there is no room for unreasonable or unnecessary fighting, there must be a reason to justify acts of hostility. Other reasons as stated in the verses is breach of any oath or agreement made between the Muslims and the unbelievers at that time. The unbelievers are the ones that break the oath or agreement; thus, the Muslims have been given the permission in the Quran to fight them as a consequence for breaking an oath or agreement. Under Islamic law, breaking an oath or agreement especially of peace could be a basis to initiate war.

Another fundamental deduction that could be made from the verses above is the issue of time. There is an instance in one of the provisions above that states fighting should commence after the four sacred months. According to scholars like Ibn katheer, this period of four months grace period, meaning, those that break an oath or any term of agreement will be given time which will enable them to either realize their breach or reverse the breach once they realize it, either way this grace period reflects an underlining tone of benefit of doubt and mercy. This will usher us into the next line of deduction which is that most of the verses ask the Muslims to stop fighting once a certain condition is fulfilled or once the enemy stops what initially instigated the fight. After requesting them to stop fighting, the verses gave a reason, which simply says that, the Lord that asked you to fight in the first place is ‘merciful’ and forgiving at the same time. This could also be viewed as a regulation to war in Islam. The time to fight and when to stop are an apparent indication of controlling and limiting any act of hostility, when the attributes of Allah are added to these limitations, it is an inclination of favoring peace over hostility.

Lastly, the reason for the command to fight was revealed, ultimately it is to test the Muslims. The test could be to see how they respond to the command of the Creator, or how they will restrain themselves during warfare and abide by restrictions of war revealed in the Quran or whether they can fight in the

⁵³ Al- Mubarakpuri s. (2003), *Tafsir Ibn Katheer (Abridged)* Vol. 4. Darussalam Publishers & Distributors, Saudi Arabia pp.387-388

⁵⁴ Geneva Conventions and their additional protocols

name of their Lord which will reflect their level of faith or all of the aforementioned. Either way, like every other act of worship, the believers are tested with war. The point here is that, the Quran has made provisions for Muslims to fight for a number of reasons, under restrictions and limitations which are quite similar to contemporary laws of armed conflict.

At this point, to elucidate the issue of war in Islamic law further, the traditions of the Prophet (SAW) will be discussed.

- i. Muhammad (ibn al-Hassan al-Shaybani) narrates from Abu Hanifah, on the authority of Alqamah ibn Marthad from Ad Allah ibn Buraydah, from his father who reports: 'Whenever the Messenger of Allah, (SAW) sent an army or a group of troops, he use to admonish its leader to fear Allah in his personal behavior and to be pleasant to the Muslims who accompanied him', then he would say: 'Fight in the name of Allah and in the way of Allah; Fight only those who disbelieve in Allah. Do not misappropriate, do not commit treachery; do not mutilate the dead; and do not kill a child...' ⁵⁵
- ii. 'Advance in the name of Allah and with the assistance of Allah and under the religion of Islam, but you should not kill aged persons, children, infant, women...' ⁵⁶
- iii. Narrated Abdullah bin Masud: I asked Allah's Apostle, "O Allah's Apostle! What is the best deed?" He replied, "To offer the prayers at their early stated fixed times." I asked, "What is next in goodness?" He replied, "To be good and dutiful to your parents." I further asked, what is next in goodness?" He replied, "To participate in Jihad in Allah's Cause." I did not ask Allah's Apostle anymore and if I had asked him more, he would have told me more. ⁵⁷
- iv. Narrated Ibn 'Abbas: Allah's Apostle said, "There is no Hijra (i.e. migration) (from Mecca to Medina) after the Conquest (of Mecca), but Jihad and good intention remain; and if you are called (by the Muslim ruler) for fighting, go forth immediately. ⁵⁸
- v. Narrated Ar-Rabi' bint Mu'auwidh: We used to take part in holy battles with the Prophet by providing the people with water and serving them and bringing the killed and the wounded back to Medina. ⁵⁹
- vi. Narrated Anas: Whenever Allah's Apostle attacked some people, he would never attack them till it was dawn. If he heard the Adhan (i.e., call for prayer) he would delay the fight, and if he did not hear the Adhan, he would attack them immediately after dawn. We reached Khaibar at night. ⁶⁰
- vii. Narrated Jabir bin 'Abdullah: When it was the day (of the battle) of Badr, prisoners of war were brought including Al-Abbas who was undressed. The Prophet looked for a shirt for

⁵⁵ Al-Shaybani M.A (2005), *The Shorter Book on Muslim International Law*, Adam Publishers and Distributors, New Delhi, p.43

⁵⁶ Mahboub M.M (2010), *War and the Protection of the rights of Individuals: An Examination of Islamic and International Humanitarian Laws*, Triump Publishing, Kano, p.26

⁵⁷ Ahmad M.I & Ali M. (1956) *English Translation of Sahih Al-Bukhari* Lahore,; Ahmadiyya Anjuman Isha'at-i-islam, Beirut, vol. 4, p.643

⁵⁸ Ibid, p.643

⁵⁹ Ibid, p.664

⁶⁰ Ibid, p.679

- him. It was found that the shirt of 'Abdullah bin Ubai would do, so the Prophet let him wear it. That was the reason why the Prophet took off and gave his own shirt to 'Abdullah.⁶¹
- viii. 'They (prisoners of war) are your brothers, so feed them from the food you are eating and cloth them from the cloth you are wearing'⁶²
- ix. Narrated 'Abdullah: During some of the Ghazawat (Any of the battles in which the Islamic prophet Muhammad personally participated) of the Prophet a woman was found killed. Allah's Apostle disapproved the killing of women and children.⁶³

The ahadith's mentioned above, though not exhaustive on the subject matter, if compared with what was discussed in the foregoing regarding the provisions of the Quran on armed conflict, it is indeed playing its role as the second source of Islamic law that details and explains the Quran. Firstly, the Prophet (SAW) reiterates the provision of the Quran that states that Muslims are allowed to fight. He adds by saying they should fight in the way of Allah, this could be seen as another reminder not to transgress in the limits set in the Quran discussed above, although the exact words were not used but it can be deduced that 'the way of Allah' as mentioned by the Prophet (SAW) is the way in which He has allowed wars to be fought and most importantly to avoid what He has prohibited during warfare.

Secondly, the same set of persons protected in the Quran during armed conflict are still being protected through the ahadith of the Prophet (SAW). These include; women, children, old persons and even the dead. This lays emphasis on the importance of them not being legitimate targets of attack. At this point we can comfortably call them protected persons. The Prophet (SAW) gave rights to another category of persons during war and they are Prisoners of War (POW). Just like conventional armed conflict⁶⁴, POW's have rights in Islam, from the foregoing, these rights are; rights to good food, shelter and clothing. They are also entitled to be released once they fulfil certain conditions.

Another category of persons mentioned in the ahadith are the wounded and the sick. The Prophet (SAW) demonstrates the care and attention given to the wounded and the sick. In that very hadith, it did not state if which side the wounded or the sick is, thus it can be assumed that it does not matter what side, whether on the side of the Muslims or the enemy, as long as a person is wounded or sick on the battle field, they should be cared for. This, again, is in line with conventional practice⁶⁵.

Some strategies employed by the prophet during armed conflict could form restrictions or limitations of armed conflict in Islamic Law. For instance, attacking at dawn and not attacking when he hears the adhan (call for prayer) reveal an etiquette in armed conflict. This also reiterate the importance of time during armed conflict in Islam and how it is used, as discussed above, to limit warfare. Whether as a time frame with which to give benefit of the doubt, or whether as an indication on when to attack the enemy, time is definitely a regulation of armed conflict in Islamic Law.

⁶¹Ibid, p.692

⁶² Mahboub M.M (2010), War and the Protection of the rights of Individuals: An Examination of Islamic and International Humanitarian Laws, Triump Publishing, Kano.p.36

⁶³Ahmad M.I & Ali M. (1956) English Translation of Sahih Al-Bukhari Lahore: Ahmadiyya Anjuman Isha'at-i-islam, Beirut, vol.4, p.352

⁶⁴ Geneva convention III

⁶⁵ Geneva conventions I and II

In conclusion, this part of the paper discussed the regulations of war in Islam, albeit very brief. Both the Quran and the sunnah were used in this discussion and stemming from both sources, it is clear that Islamic Law has certain principles of war, some of which are; Protection of protected persons,, Protection of property, Prohibition of mutilation of bodies, and Treatment of Prisoners⁶⁶

In addition, It is also worth mentioning here, that in order to properly understand what Islam says about war and in an attempt to disseminate the knowledge of Islamic law, in 2020, the International Committee of the Red cross (ICRC), had a conference in Bosnia with scholars of Islamic jurisprudence and produced a book that refers to guidelines or the conduct of war in Islam as ‘Islamic humanitarian Law’ having similitude with contemporary International humanitarian Law (IHL)-contemporary rules armed conflict and some have argued the Islamic Humanitarian Law is a source among many sources of contemporary IHL. This book also details the principles of Islamic humanitarian law according to the Quran, sunnah and the writings of scholars of Islam.⁶⁷

3.0 Protection of the Environment under Islamic regulation of war

The focus of this paper, as aforementioned, is to discuss how Islamic Law of war protects the environment in times of armed conflict. This section of the paper will discuss Islam and the environment generally, and then move on to discuss Islamic law of war and the environment.

3.1 Islamic law and the Environment

Conceptualization of the environment in Islam is a rational understanding of the messages that lie in both the Quran and Sunnah. In the Quran, there are many verses that speak about the obligation to maintain the environment. For instance; "... And do not make mischief on earth after repair. That will be better for you if you are indeed those who believe "⁶⁸. According to Raghib, this verse carries a command of abstention from mischief on the earth after it has been set in order. Here, the ordering of the earth may be taken in two senses. Firstly, the outward propriety that it was made arable and capable of growing trees with rains made to come from clouds resulting in flowers and fruits as gifts from plants and trees - and that the earth was made the source of life support for human beings and animals⁶⁹.

Accordingly, recall that man was created as a vicegerent (Khalifah) on earth and the natural environment was created for him⁷⁰. To buttress this point further, there is a hadith of the Prophet (SAW) that states ‘The world is a green and pleasant thing, Allah has left you in charge and looks at how you behave’⁷¹. These two points, create a certain angle or perspective on the relationship between Islam and the environment. This perspective is one of action and behavior. Mankind has been saddled with the responsibility of taking care of the environment because he is an earthly representative of God. This

⁶⁶ These principles mentioned are not exhaustive. There quite a number that have not been discussed. The principles mentioned here were deduced from the provisions of the Quran and Sunnah mentioned.

⁶⁷ Dr Ahmed Al-Dawoody et al (2020), Islamic Law and International Humanitarian Law, ICRC, Faculty of Islamic Studies, Sarajevo.

⁶⁸ Quran 7:56

⁶⁹ Al-Asfahani R. (2012) Mufradat Fi Gharib Al Qur'an, Dar Ebnelgawzy Publishers. p.12

⁷⁰ Hobson I. (1998) Islams guiding Principle for a solution to environmental Problems, In: Haleem H. A Islam and the Environment , Ta-Ha Publishers, London p.47

⁷¹ Abd al- Mu'ti Amin Qal'aji(ed), Sahih Muslim bi-sharih an Nawawi, Dar al-Ghad al-'Arabi Publishers, Cairo, No. 6814,p. 78



perspective can be regarded as an ethical point of view⁷² that connotes good treatment and good relationship towards the environment.

Secondly, another perspective this relationship can be perceived is that of utilization. From the Islamic perspective, use of the environment is one of right and utilizing natural resources can be achieved through a functioning political framework⁷³. This framework can be found in Fiqh under the section that discusses hunting, agriculture, animal husbandry, land and water rights etc.⁷⁴The natural environment including land, water, animals and plants, and all that is on and in the bowels of the earth is God's creation for the benefits of mankind for their survival. In enjoying or utilizing the natural environment, man is still cautioned that he should treat all things created in his environment with respect because all things created praise and glorify Allah⁷⁵.

Thirdly, Islamic law also makes mention of a characteristics of nature that creates another perspective of Islamic law and the environment. This characteristic is that of order and balance⁷⁶. This can be seen as an ecological theory that emphasizes the importance of preserving the ecosystem⁷⁷. Preservation of the ecosystem is important because it provides goods services and sustenance in the form of natural resources, raw materials etc.⁷⁸ The issue of order and balance can be seen in the verse previously mentioned, i.e., Do not spread corruption on earth after it has been well ordered⁷⁹. It denotes wariness for mankind to heed after the earth has been arranged perfectly in a delicate balance, how it should be, each ecosystem as fragile as the next, not to disrupt this order by evil human forces⁸⁰. Once the order and natural structure(ecosystem) is not disrupted, there will be sustainability and preservation⁸¹

More so, in Islamic law, the preservation of the environment is not solely due to the demands of economic, political, or demands of national development programs, it is seen as a religious obligation to gain reward and it is a sign for man to be conscious of Allah.⁸²Example of this can be seen in some of the ahadith of the Prophet (SAW). He classified people who plant trees as giving Charity (*Sadaqah*), it was narrated that he said:

⁷² Dutton Y.(1998) Islam and the Environment: A Framework for Enquiry, In: Haleem H. A Islam and the Environment , Ta-Ha Publishers, London p.57

⁷³Ibid

⁷⁴ ibid

⁷⁵ Hobson I. (1998) Islam's guiding Principle for a solution to environmental Problems, In: Haleem H. A Islam and the Environment, Ta-Ha Publishers, London p.47

⁷⁶Baker I. (1998) The Flight of Time, Ecology and Islam, In: Haleem H. A Islam and the Environment, Ta-Ha Publishers, London p.80

⁷⁷ An ecosystem is an assemblage of associated species of plants and animals together with the physical features of their habitat, this could range from the whole earth, biosphere, a forest or even a pond. Baker I. The Flight of Time, Ecology and Islam, In: Haleem H. A (1998) Islam and the Environment, Ta-Ha Publishers, London p.77

⁷⁸ Baker I. (1998) The Flight of Time, Ecology and Islam, In: Haleem H. A. Islam and the Environment, Ta-Ha Publishers, London p.80

⁷⁹ Quran 7:56

⁸⁰ Baker I. (1998) The Flight of Time, Ecology and Islam, In: Haleem H. A Islam and the Environment, Ta-Ha Publishers, London p.80

⁸¹ Ibid, p. 80

⁸² Dutton Y.(1998) Islam and the environment: A Framework for Enquiry, In: Haleem H. A Islam and the Environment, Ta-Ha Publishers, London p.57



".... He said: "If any Muslim plants any plant and a human being or an animal eats of it, he will be rewarded as if he had given that much in charity (*sadaqah*). "⁸³

He was also reported to have said:

‘Avoid the three actions that are cursed; defecating in water sources, along the road, and under a shady tree’.⁸⁴

The first hadith, apart from encouraging Muslims to plant trees as an act of *ibadat*, it also adds an incentive that will encourage the act of planting trees. The incentive is of course the reward a Muslim will get reward equivalent to the reward of giving charity when the plant or tree benefits another human being or animal. Encouraging Muslims to plant trees reflects how Islam promotes environmental protection, preservation and sustainability. This point is made for the simple reason of the benefits of planting trees. Planting trees reduces air pollution (through the scientific method of photosynthesis) which leads to a reduction of climate change, it is known as ‘decentralized green infrastructure’ which has the ability to sustain life in water or on land thereby promoting sustainability⁸⁵. This in turn helps countries to meet their United Nations Sustainable Development Goals⁸⁶.

The second hadith also threads along the line of sustainability and strongly along the lines of the Principle of Environmental Protection. The strong wording of the hadith by using ‘curse’ as a consequence for desecrating under a tree, along the road or in water shows a clear disdain against degradation of the environment by man through his actions and also a clear objective and importance attached by the religion to keep the environment clean from human activities that may jeopardize this intent.

In summary, there is an existing framework regarding protection and preserving the environment in Islam, which is contained in both the Quran and Sunnah. The framework dwells on different perception of the environment which include: Protecting and preserving the environment as a representative of Allah on earth, Protecting and preserving the environment to enjoy its benefit, Protecting and preserving the environment to conserve the natural order and balance of the ecosystem as it was created, this will make the latter easier to achieve, Protecting and preserving the environment as an act of worship and an as a symbol of remembrance of Allah for in what He has created there indeed lies His signs.

3.2 Islamic Law, the environment and warfare

Firstly, as discussed in the foregoing, the following verses proves that there are laws of armed conflict in Islamic law:

“And fight in the way of Allah those who fight you, but transgress not the limits. Truly, Allah likes not the transgressors... But if they cease, then Allah is Oft-Forgiving, Most Merciful”

⁸³ Ahmad M.I & Ali M. (1956) English Translation of Sahih Al-Bukhari Lahore: Ahmadiyya Anjuman Isha’at-i-islam, Beirut, p.1339

⁸⁴Imam Hafiz Abu Dawud and Sulaiman Bin Ash’ath (2008), English Translation of Sunna Abu Dawud, Book of Purification, Darussalam, KSA Darussalam, Riyadh, Book 1, Vol. I, p.39

⁸⁵ Turner-Skoff et al, The benefits of trees for livable and sustainable communities, retrieved from <https://doi.org/10.1002/ppp3.39> , last visited 14th February, 2022, 4:44pm

⁸⁶ ibid

The relationship between the verse above and Islamic principles on protecting the environment in armed conflict situations is in the use of the word 'transgress'. "Transgression includes mutilating the dead, theft (from the captured goods), killing women, children and old people who do not participate in warfare, killing priests and residents of houses of worship, burning down trees and killing animals without real benefit"

Abubakar (the first Khalifah after the death of the Prophet SAW) also had his own instructions during war, and some of his instructions, just like the verse above, seem to move towards protection of the environment. These instructions include; do not cut down trees, do not demolish houses/buildings, do not kill an animal except for food. Prohibition of poisoning, of polluting water sources and of destruction of houses were also among regulations of armed conflict in Islam. He also instructed that You must not mutilate dead bodies, do not kill a woman, a child, or an aged man, do not cut down fruitful trees, do not destroy inhabited areas, do not slaughter any of the enemies' sheep, cow or camel except for food, do not burn date palms, nor inundate them, do not embezzle (e.g., no misappropriation of booty or spoils of war) nor be guilty of cowardliness⁸⁷. Protecting trees, water and killing of animals as aforementioned is a clear indication of protection of the environment during armed conflict in Islam.

Among the 7-commandments distilled from the Prophet directives that would buttress the point above are:

- i. "Do not destroy the villages and towns, do not spoil the cultivated fields and gardens, and do not slaughter the cattle".⁸⁸
- ii. destruction of fruit-trees and tilled lands in enemy territories⁸⁹.

The above instructions from both the Prophet (SAW) and Abu Bakr is a clear indication that Muslims are strictly forbidden from harming the environment, felling trees, burning crops, demolishing houses and settlements, polluting drinking water and the like – things that are often done by armed forces even when they are not legitimate military objectives⁹⁰.

Destruction of the animal and phyto-worlds, such as burning or drowning bees, as well as the use of weapons of mass destruction, are prohibited as per Islamic teachings as these could harm private or public good without which human life is unsustainable. It is not recorded by the Prophet SAW., that he Never killed an animal⁹¹, except for feeding⁹².

The destruction of religious sites during armed conflict is forbidden, according to Islamic teachings. Abubakar was aware of this when he commanded Yazīd ibn Abū Sufyān, one of the commanders he sent to Shām, that: "You will come across people who claim to have dedicated their lives to

⁸⁷ Related by al-Byhaqi (according to Malik ibn Anas), retrieved from The Shafi'i Fiqh www.shafiifiqh.com/maktabat-shafi-i-fiqh/books-of-hadith/ 11 March 2013, at 4:31pm

⁸⁸ Qaradāwī Y, (2013) Jihad: Types and implications, Translation: Fikret Pašanović et al. Editor: Mustafa Prljača, Centar za dijalog – Vesatijja and El-Kalem, Sarajevo, pp. 486–489.

⁸⁹ ibid

⁹⁰ ibid

⁹¹ Mālik ibn Anas, (1994) Al-Mudawwanaal-kubrā, Dāral-kutub al-'ilmiyya, Beirut, p. 1–499.

⁹² Muḥammad ibn Idrīs al-Šāfi'ī (1993), Al-Umm, Dāral-Kutub al-'ilmiyya, Beirut, p. 7–375.



God(monks), so leave them and what they think they have dedicated themselves to (shrines which are considered as places of worship or religious sites)....”⁹³.

The foregoing are extracts of the Quran and sunnah. It is clear that the provisions state components of the environment, both living and non-living. At this point it is important these provisions are discussed in details especially according to how the *ulamas* (scholars) interpreted them.

3.3 Protection of animals

Birds and animals are an integral part of the environment. Science has classified them as the living things in the environment⁹⁴. When it comes to animals, taking away animals of the enemy during war unnecessarily is not allowed⁹⁵. As for killing them, the first Khalifah, as mentioned above advised Yazid ibn Abu Sufyan when he sent him on military detachment, that he should not slaughter a goat or a cow or camel except for food. Stating further, and justifying the reason why animals should not be slaughtered, he added that the Prophet (SAW) said, prohibition of slaughtering of animals, even during war is because animals have sanctity⁹⁶.

Abu Hanifa and Imam Malik consider frightening the enemy or weakening their influences by taking away or killing their animals as necessary⁹⁷. This simply means that snatching the animals of the enemy to weaken them or as a strategy of war is permissible according to the two scholars. Secondly, regarding killing of animals during war, killing them to eat is a necessity, therefore permissible. Ibn Qudamah has the opinion that during war, the killing of enemy's animal can lead to their defeat, hence it is considered a necessity⁹⁸.

Carefully analyzing the above, it seems that in Islamic Law of war, when it comes to the issue of animals, there are two notable scenarios. The first being taking or snatching of animals of the enemy. This is relevant to the environment because animals that are snatched could be integral to the ecosystem of the place. Taking them away might destabilize the ever-fragile ecosystem. The second scenario is killing during war. Indeed, just like the first scenario, killing of animals can negatively affect the environment. It could lead to extinction of these animals, as an organic matter and considering the manner in which they might be killed during war, it could lead to pollution of the environment. These two scenarios mentioned have both been prohibited in Islam during warfare except if they are carried out as a necessity. As discussed earlier, necessity means either a strategy of war or a means of survival.

In addition, to emphasize the point or to show the extent Islamic law goes to protect and preserve animals during armed conflict, there are provisions that protect even one of the smallest insects, that is the bees. Awza'I Layth and Shafii are of the opinion that destroying of bees and burning their honeycomb is not allowed in war time⁹⁹. These two scholars rely on what Abubakr told Yazid bin Abi

⁹³ Al-Dawoody A. et al, (2020) Islamic Law and International Humanitarian Law, ICRC.

⁹⁴ What is nature? Environment and Ecology, retrieved from <http://environment-ecology.com/what-is-nature/108-what-is-nature.html> last visited 11th November 2021, at 5:22pm.

⁹⁵ Ibn Qudamah (1999) Al Mughni, Dar Alimal Kutab, Kingdom of Saudi Arabia, p. 84

⁹⁶ *ibid*

⁹⁷ *ibid*

⁹⁸ Ibn Qudamah (2017) Kitab Al-Jihad in Al-Mughni, Pro quest LLC, Michigan, United States, pp 84-85

⁹⁹ *ibid*



Sufyan when he was advising him at the time of his sudden departure to a military detachment. He advised him not to burn bees and not to destroy them¹⁰⁰. It was reported that the Prophet (SAW) prohibits killing of bees¹⁰¹ and overall mutilation of animals¹⁰².

Overall, Allah (SWT) dislikes mischief and destroying of crops and cattle is considered mischief¹⁰³. More so, the Prophet (SAW) has given a reason for protection of animals during war by saying that they are of ultimate importance and inviolable. Ibn Qudamah says animals have souls and their killing, just to instigate the enemy during war is not right¹⁰⁴.

3.4 Protection of Trees, Plants and Crops

Ibn Qudamah, in his statement¹⁰⁵, describes three different scenarios when discussing protection of trees and agriculture during war. The first category or type of trees or agriculture that by their location or use are obstacle to the Muslim army in advancing forward for a military operation, or they close to the camp of the adversary that they shield or cover them. He went further to state that if the land which the trees are on is required for an access road or used to mount weapons, clearing the field of trees and vegetation is allowed¹⁰⁶.

The second category of trees are trees useful for Muslims, they benefit from the trees and crops. It gives Muslim shelter and food, cutting or burning them during war is prohibited. In addition, trees that may likely be attacked as reprisal from the adversary is similar trees fall in this category. The latter is a third category and it is prohibited because it is not a strategy of war and neither is it beneficial to military operations, it only angers the adversary and serve as a loss to them, it serves no purpose nor does it harm the Muslim army. On this category, there are two notable opinions. The first opinion is that it is not permissible to destroy them. This is based on the advice of Abubakar and the PropheT (SAW), they both see it as a waste. Awzai, Laiyth & Abu Thawr are of this opinion¹⁰⁷. The second opinion is that these trees can be destroyed. The scholars that hold this view justify this postulation with the provision of the Holy Quran which states ‘What you (O Muslim) cut down of the palm trees (of the enemy) or you left them standing on their stems, it was by the leave of Allah and in order that He might disgrace their *Fasiq* (the disobedient)’¹⁰⁸. Their interpretation of this verse is that any tree belonging to the enemy can be destroyed. Does this also mean trees belonging to the enemies but are not legitimate objects of attack, meaning destroying them is not necessary, can be destroyed? Surely the scholars do not condone waste, as waste is prohibited in Islam. This paper leans towards the idea that these scholars might have been of this view in the spirit or with the objective of weakening the adversary, rather than unnecessary destruction or waste as their views might suggest.

¹⁰⁰ ibid

¹⁰¹ ibid

¹⁰² ibid

¹⁰³ Quran 2: 205

¹⁰⁴ Ibn Qudamah (2017) *Kitab Al-Jihad in Al-Mughni*, Pro quest LLC, Michigan, United States, p. 87

¹⁰⁵ Ibn Qudamah (1999) *Al Mughni*, Dar Alimal Kutab, Kingdom of Saudi Arabia, p.13

¹⁰⁶ ibid

¹⁰⁷ Ibid p.13

¹⁰⁸ Quran 59: 5

The Quran and Sunnah are considered divine laws, it is considered word of God and man must obey. If there is any law that would protect the environment it will be the Law of the Being that created the heavens and the earth. Therefore, for those who vehemently say they fight in His name, protecting the environment should be automatic or by default. However, we are yet to see such acts of obedience and consideration from them.

4.0 Conclusion

International humanitarian law seeks to regulate armed conflict, this regulation is necessary and based on the principle of humanity. It seeks to reduce the adverse effect of war- suffering. The same can be said about Islamic law of armed conflict, this is divine law and might even be inferred that it goes just beyond humanity, it is an act of worship not to cause unnecessary suffering to both humans, animals and the environment. If this act of worship is transgressed, surely there are divine consequences which the worst might be the wrath of the Almighty. Protection under Islamic law goes beyond human beings it applies to both animals and the environment. This is what this paper has discussed and has made recommendations that will resonate with what the provisions of foregoing Islamic law of armed conflict.

There are several principles on armed conflict in Islam, Islam and the Environment and protecting the environment during armed conflict. These principles were deduced and discussed from regulations as provided in the Quran and sunnah and have led to the following as findings of this paper:

- i. **There are provisions that regulate armed conflict in Islamic law:** This can be found in both the Quran and sunnah on war and how to fight them. The regulations, rules or limitation on the warfare involves chiefly the methods of warfare and protection of those that are not taking part in hostilities and those who are no longer taking part in hostility (women, children, wounded and sick respectively). Some of these regulations also involve etiquettes of war, for instance when to attack the adversary, how to treat the property of the enemy etc. Therefore, for these armed groups that justify their hostilities on Islamic rulings and whose activities constitute 80% of the humanitarian crises like environmental degradation seem to either refuse to implement these rulings on protecting the environment during armed conflict or they simply lack the knowledge in this area.
- ii. **There are provisions under Islamic law on protecting the environment during armed conflict:** One of said rules on warfare in Islamic law as a protective measure include protecting the environment. As seen above, this protection could be direct or the provision could be indirect protection of the environment. However, while conducting this research, there was sparse literature on the issue of protecting and preserving the environment during armed conflict in Islamic law. The existing literature on this issue does not also go into detail, it does not discuss the applicability of the regulations especially in today's armed conflict.
- iii. **There is much similarity between Islamic law of war and contemporary rules of armed conflict or IHL:** This explains why the former is seen as a source of the latter. There however differ in some areas, chief of which is Islamic Law of armed conflict is not codified like Contemporary International Humanitarian Law, meaning it is not codified like



the Geneva conventions and their additional protocol, it can only be found in the Quran and sunnah. This subjects it to different forms of interpretation, which some might be misleading.

Based on the findings in this paper stipulated above, the following recommendations are made:

- i. Dissemination of the rules of war in Islam cannot be overemphasized. It is indeed a commendable effort by the ICRC in trying to embark on dissemination of this knowledge. However, this paper recommends that scholars and teachers of Islamic law of jurisprudence should make it a point to disseminate this knowledge. The reason is simple, those fighting in the name of the religion might relate better with the scholars than they would with humanitarian workers. This will curb misinterpretations and lack of sufficient knowledge of the Islamic law of war especially in specific areas like protection of the environment during war.
- ii. More research and academic study should be conducted in the area of Islamic Law of armed conflict. This could be done through, for example, encouraging the teaching of both IHL and Islamic Law of war at tertiary institutions at both undergraduate and postgraduate level. This will increase research, translating into development of the principles of Islamic law of armed conflict, thus creating sufficient literature in protection of the environment in armed conflict situation from the Islamic perspective.
- iii. Recommending codification of Islamic laws of armed conflict here might be too premature, fantasy-based and maybe a bit out of line. However, this paper will definitely recommend the inclusion of Islamic scholars and clerics to partake in the development of conventional laws of war. The two areas, as suggested, have similitude, therefore, considering the statistics that most wars today are fought 'in the name of Allah', those that have Islamic knowledge will contribute and help stir the conversation towards understanding the principles and guidelines as contained in the Quran and sunnah. This will help in understanding the armed groups, develop and possibly create laws that they will understand and implement using strategies as recommended by Islamic scholars and clerics involved in the process.