

# **Regional Seminars on Climate Change and the Protection of the Environment from Islamic and International Humanitarian Law Perspectives**

## **North Africa and Middle East**



**27-28 June and 27-29 November 2022**

وَإِذَا تَوَلَّى سَعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ وَاللَّهُ لَا يُحِبُّ الْفُسَادَ

'When he turns his back, his aim everywhere is to spread mischief through the earth and destroy crops and cattle. But Allah loveth not mischief' (Al-Qur'an, 2:205).

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ مُؤْمِنِينَ

'And do no mischief on the earth after it has been set in order: that will be best for you, if ye have Faith' (Al-Qur'an, 7:85).

وَابْتَغِ فِيمَا آتَاكَ اللَّهُ الدَّارَ الْآخِرَةَ وَلَا تَنْسَ نَصِيبَكَ مِنَ الدُّنْيَا وَأَحْسِنْ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ وَلَا تَبْغِ الْفُسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ

'But seek, with the (wealth) which Allah has bestowed on thee, the Home of the Hereafter, nor forget thy portion in this world: but do thou good, as Allah has been good to thee, and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief' (Al-Qur'an, 28:77).

قال رسول الله: 'إن قامت الساعة وبيد أحدكم فسيلة فإن استطاع أن لا يقوم حتى يغرسها فليفعل'

The Messenger of Allah, peace be upon him, said, 'Even if the Resurrection were established upon one of you while he has in his hand a sapling, let him plant it' (Al-Bukhari).

يحظر استخدام وسائل أو أساليب للقتال، يقصد بها أو قد يتوقع منها أن تلحق بالبيئة الطبيعية أضراراً بالغة واسعة الانتشار وطويلة الأمد

The use of methods or means of warfare that are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment is prohibited (Article 35(3) of Additional Protocol 1 of 1977).

## **Introduction**

Though climate change affects people across the globe, countries affected by armed conflict are particularly vulnerable to its impact as they frequently have limited capacities to adapt to the challenges facing them. Unfortunately, many States in North Africa and the Middle East are in this situation, where problems of deforestation, air pollution, land degradation and habitat fragmentation are on the rise.

Harm caused to the environment during armed conflict can have a lasting impact on people's lives and limit their resilience to climate change. Respect for IHL rules can help reduce the environmental impact and the risk to communities' livelihoods.

## **The ICRC, IHL and Protection of the Environment**

International humanitarian law (IHL) aims to limit the means and methods of warfare to reduce the adverse effects of armed conflict, and includes provisions to protect the natural environment, which is often a silent casualty.

Indeed, the ICRC has integrated the protection of the environment into its action plans for several decades, and has supported the international community's efforts in this regard, participating, for example, in the United Nations Conference on the Human Environment (Stockholm 1972), the Rio Conference on Environment and Development (1992), and the COP27 (Sharm al-sheikh Egypt, 2022). The ICRC also drafted 'Guidelines for Military Manuals and Instructions on the Protection of the Environment in Times of Armed Conflict'<sup>1</sup> in 1996, and an updated commentary in 2020.<sup>2</sup>

## **Islamic Law and Protection of the Environment**



Human societies have developed rules for containing the adverse effects of armed conflicts since antiquity, and examples of such rules can be found in many different cultures and religious traditions. Islam has provided guidance to its followers on the conduct of war since its inception. These are contained in the Qur'an and the Sunna of the holy Prophet Muhammad (PBUH) which were later elaborated upon by Muslim jurists in the light of the conduct of noble Caliphs.

Aware of the important role Muslim religious scholars and academics play in Muslim communities, the ICRC has engaged Islamic circles since many decades to explore correspondences between IHL and Islamic law, thereby raising awareness about common humanitarian rules and values.

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<sup>1</sup> Available at: <https://www.icrc.org/en/doc/resources/documents/article/other/57in38.htm>

<sup>2</sup> Available at: <https://www.icrc.org/en/document/guidelines-protection-natural-environment-armed-conflict-rules-and-recommendations-relating>

	
<p>Therefore, We ordained for the Children of Israel that he who slays a soul unless it be (in punishment) for murder or for spreading mischief on earth shall be as if he had slain all mankind; and he who saves a life shall be as if he had given life to all mankind (Qur'an, 5:32).</p>	<p>Rule 1. The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.</p>

### Dialogue on Islam and IHL to Protect the Environment

In 2022, the ICRC and prominent Muslim scholars in North Africa and the Middle East initiated joint efforts to increase the protection of the environment and mitigate the effects of climate change on communities affected by armed conflicts and other situations of violence. A series of regional seminars was arranged with Muslim scholars from contexts where the ICRC is operational in order to explore convergences between IHL and Islamic rules on the protection of environment.

The ICRC organized two regional seminars in Amman, the Hashemite Kingdom of Jordan, with sixteen renowned Muslim scholars and academics from Egypt, Iraq, Jordan, the occupied territories, and Yemen.



In the first seminar on June 27-28, 2022, participants were introduced to the global issues related to environmental degradation and climate change, and how armed conflicts, especially new types of warfare, contribute to environmental degradation. In-depth discussions were held on correspondences between IHL and Islamic law in this regard, and the scholars were unanimously of the view that IHL rules relating to the protection of the environment are in harmony with *Sharia*.

The assembled scholars also shared personal experiences of the impact of climate change and environmental degradation on their contexts, and how to find ways and means to address these problems at the community level, including the development of key Islamic messages for raising environmental awareness. Following extensive debate, the scholars agreed on the following messages based on *Sharia*, the research papers concerning which will be made available soon:

- Goodness to the environment is goodness to oneself.
- Water is God's blessing, and is the secret of life. To preserve water is to preserve life.
- We share the Earth with animals and plants that also require food and water. We should take them into consideration when exploiting natural resources for our own ends.
- The universe is made by God, and is beautifully diverse. We should strive to preserve it in all its beauty.
- Always remember the rights of future generations to a clean environment and adequate resources.
- Pollution means slow death for ourselves and the environment. Do not be the cause of it.
- Environmental security is inseparable from human security as a whole.
- Avoid unnecessary extravagance, since it impoverishes resources, and depletes and pollutes the environment.
- Cultivate the land and do not be the cause of its desertification.
- Protection of the environment is a civilized value and an elegant gesture that helps the development of the world.
- The Earth is God's covenant with humans. Protect it, for we are all shepherds and responsible for his flock.
- Environmental balance is one of the noble objectives of Islamic law. In the words of the Almighty, 'We have created everything according to a measure.'
- Harming the environment is an attack on the rights of others. According to Islamic rules, 'there shall be no damage and no infliction of damage'. 'There is no harm nor return of harm'.
- The protection of environment is both an individual and collective responsibility of humans.
- Do not be silent about acts of harm to the environment, and speak up when it occurs.
- 'Removing a harmful object from the walkways is an act of charity' (implying that taking care of fellow beings through care for the environment is an act of charity).

- Islam prioritizes public over private interest, and preserving the environment is a public interest.
- Islam exalts environmental protection to an act of worship.
- Islamic law related to Jihad does not allow aggression against non-combatants or environmental resources, only against those engaged in hostilities.
- Aggression against the environment is an attack on the rights of the people, and Allah does not like aggressors.
- Islam forbids cutting down trees and killing animals in wars, except as a necessity. Nor does Islam allow the wanton destruction of civilian infrastructure without any military objective.
- Destruction of the environment is against the noble objectives of *Sharia*. Therefore, the protection of the environment is a religious responsibility.



**Group discussions on developing Islamic messages on the environment**

The second seminar aimed at identifying environmental issues of local and/or regional concerns, and finding collaborative mechanisms to raise awareness of them at State and community level. A number of scholars presented research papers in this regard. One session, jointly facilitated by Dr. Marwan Shehadeh and Dr. Mona Abu Jami' of the Middle East University in Amman, was dedicated to the use of social media for spreading key messages about climate change and the protection of the environment during armed conflict. Scholars agreed that social media and other modern channels of communication could reinforce traditional modes of spreading knowledge and awareness, such as Friday sermons and delivering lectures.



To conclude, scholars agreed that IHL and Islamic law share common ground with respect to the protection of the environment during armed conflict. They were unanimous in their view that an appeal to Islamic law in this regard could have an important role in mitigating the environmental damage caused. Scholars were also of the opinion that cooperation between the ICRC and Muslim scholars and academicians can contribute to generating greater understanding and collaboration in this regard, by providing convincing arguments to influence parties to armed conflict.