

ENVIRONMENTAL ETHICS IN ISLAM AND GREENER SHIFTS AWAY FROM FOSSIL FUEL DEPENDENCE IN THE MIDDLE EAST

-ZAINAB LOKHANDWALA*

ABSTRACT

The Islamic legal tradition contains a wealth of environmental principles that spell out an ideal relationship between humans and nature. Core Islamic principles of tawheed and ubudiyat; and those pertaining to human stewardship; natural resources such as water, soil, plant and animal life; and natural catastrophes are considered sacrosanct by thousands of Muslims across the world. Muslim countries are well equipped to interpret Islamic environmental principles and apply them to current environmental challenges. Yet the potential of Islamic principles remains largely untapped. Legal systems in Muslim countries remain entrenched in colonial and Western influences leaving little room for invoking Islamic environmental principles. In recent years, climate change has catalysed the synthesis of Islamic principles with environmental law and policy. The looming threat of dangerous effects of climate change has pushed states and non-state entities to scout for solutions wherever they can be found. Additionally, religious institutions and leaders have stepped up to also mobilise climate action and create greater environmental awareness. In this respect, the 2015 Islamic Climate Change Symposium is a distinctive moment for Islamic environmental ethics, wherein Muslim leaders and organisations from the world-around congregated in Istanbul to lend an Islamic voice and perspective to the climate movement. The Middle East's unique positionality as a home to the largest concentration of Muslims, and a region with high fossil fuel dependency makes it necessary to assimilate Islamic principles in environmental and climate governance. This chapter explores the possibility of Islamic environmental ethics inspiring greener shifts among Middle Eastern countries.

*PhD Candidate (Department of Law, School of Oriental and African Studies (SOAS), University of London.

CONTENTS

I. Introduction	2
II. Principles of Environmental Law in Islam	5
i. Tawheed.....	6
ii. Ubudiyat.....	6
iii. Human Stewardship: Nobility and Accountability.....	7
iv. Natural Resources and Elements.....	8
v. Wastes, Pollution and Natural Catastrophes	9
III. Application of Islamic Principles in Environmental Law: Potentiality for Fostering Greener Shifts	11
i. In Search of Islamic Principles in Environmental Law of the Middle East	12
ii. Middle East’s Climate Efforts: A Step Towards Seeking Guidance from Islamic Principles	16
IV. Conclusion	20
V. List of References	21

I. INTRODUCTION

“For many of the world’s billion plus Muslims, the solution to this crisis must be an Islamic one - an environmentalist Islam rediscovered from the sources of the faith.”¹

Islam provides a holistic view of nature and the earth as Allah’s creations, and the Quran refers to the relationship between humans and nature on several occasions. Islamic environmental values such as human accountability towards natural resources and conservation of all life forms have been used by burgeoning green movements in the Muslim world to create environmental awareness.² Yet by and large, Muslim countries do not rely on Islamic environmental ethics while framing their respective environmental laws and policies. Countries that occupy a front row seat in the drive towards utilising Islamic principles to solve contemporary environmental challenges have not been entirely successful at doing so. A conceptual analysis of Islamic environmental principles reveals a richness of ecological, eco-

¹ Richard Foltz, ‘Is there an Islamic Environmentalism?’ (2000) 22/1 Environmental Ethics 63, 72.

² Najma Mohamed, ‘Revitalizing Islamic Ecological Ethics Through Education’ in Michael Peters (ed), *Encyclopaedia of Educational Philosophy and Theory* (Springer 2017) i.

juridical, and conservationist themes. While pluralists may argue that the daily lives of Muslims are not guided by state law, as much as they are guided by the Quran, the opposite is true for state law itself.

Islamic environmental ethics are the broad moral principles that can be situated in any of the valid sources of Islamic law and jurisprudence. It is not necessary here to take a deep dive into a general exposition of Islamic legal sources, however a basic understanding of the Islamic legal tradition ought to suffice as a primer for the layers that will follow. The two main sects within Islam are Sunnism and Shi'ism. Sunnis comprise a 85-90% majority among all Muslims. Even though Shias are a minority at a global level, they are a majority in some countries, such as Iran, Iraq, and Lebanon. Owing to this demographic, Islamic legal scholarship relies predominantly on Sunni sources of law, unless stated otherwise.³ Within Sunnism, there are 4 major schools of law: Hanafi, Maliki, Shafi' and Hanbali; whereas under Shi'ism, major schools include Ismaili, Ithna-Ashari, Jafari, Zaidy etc.

A wide range of Islamic schools have co-existed and co-evolved in different temporal and spatial contexts.⁴ For instance, the Islamic legal tradition of Morocco, a North African country that predominantly follows the Maliki school, and has inherited French administrative and judicial law owing to its protectorate status until 1956 starkly contrasts with the Islamic legal tradition of say, Pakistan, a South Asian erstwhile British colonial country. In the quest towards understanding what the Islamic legal tradition *is*, many scholars restrict their focus to only Islamic sources of law, but what *is* Islamic or not, depends heavily on not just the specific Islamic school of law one gives credence to, but also the historical and geographic legal culture of the place itself.

A legal system may be defined as the legal rules, and how they operate procedurally in the legal institutions of any country.⁵ Contemporary comparatists have moved away from this narrow definition, stating that legal systems are the general 'juristic philosophy and techniques

³ For Sunni and Shia Islamic legal scholarship: See Ann Black, Hossein Esmaeili and Nadirsyah Hosen, *Modern Perspectives on Islamic Law* (Edward Elgar 2013) 12-15.

⁴ Intinsar A Rabb, 'Islamic Legal Minimalism: When Jurists and Lawmaking when Jurists Disappear' in Michael Cook, Asma Sayeed and Intinsar Rabb, *Law and Tradition in Classical Islamic Thought: Studies in Honor of Professor Hossein Modarressi* (Palgrave MacMillian 2012) 145.

⁵ Joseph Raz, *The Concept of a Legal System: An Introduction to the Theory of a Legal System* (OUP 2012).

shared by a number of nations with broadly similar legal systems.’⁶ These characteristics range from historical background and development, distinctive institutions, and ideology to predominant and characteristic mode of thought and its sources of law.⁷ A legal tradition, is a legal system in its cultural context.⁸ Given this, the concept and nature of Islamic law, that is, its extensive body of sources and literature are considered by most Muslims to be divine and sacred. Legal principles revealed in the Quran and practiced by Prophet Mohammed (SAW) are immune from critical evaluation. The Islamic legal tradition consists of legal practices, juridical institutions, and determinations, that span a period of over 1400 years and have operated in a wide array of historical, cultural and geographic contexts ranging from Tunisia to Indonesia. This creates a complicated reality of Islamic law which has unfortunately fallen victim to oversimplification and stereotyping.

In the search for Islamic environmental law, it is first pertinent to distinguish Islamic law and Muslim law.⁹ Such differentiation is not very clear in many jurisdictions, however it is still necessary to be made. Islamic law refers to the whole body of religious doctrine deduced from Quran, the Sunnah and other secondary sources. Muslims law on the other hand is a colonial imposition, wherein countries with sizable Muslim populations adopted the British common law system or the French-based civil law system while retaining Islamic law limited to only personal law matters (such as marriage, divorce or inheritance). In the post-colonial context, some Muslim countries tried to Islamicise other branches of law, such as commercial and criminal law.¹⁰ In its current form, the Islamic legal tradition found in Muslim countries is thus an amalgamation of Islamic laws and Islamicised laws borrowed and transplanted from

⁶ George Winterton, ‘Comparative Law Teaching’ (1975) 23 Am J Comp L 69, 70.

⁷ Conrad Zweigert and Hein Koetz, *An Introduction to Comparative Law* (OUP, 2nd ed, 1992).

⁸ John Henry Merryman, *The Civil Law Tradition* (Stanford University Press, 1985) 2: “[Legal traditions] are deeply rooted, historically continued attitudes about the nature of law... role of law in... society and the polity, the proper organisation and operation of a legal system, and about the way law is, or should be made, applied, studied, perfected, and taught. The legal tradition relates the legal system to the culture of which it is a partial expression. It puts the legal system into cultural context.”

⁹ Khaled M Abou El Fadl, ‘The Islamic Legal Tradition: A Comparative Law Perspective’ in Mauru Bussani and Ugo Mattei (eds), *Cambridge Companion to Comparative Law* (Cambridge Univ Press 2012) 296.

¹⁰ For example: Libya (1972-74), Pakistan (1979), Iran (1991-96), Mauritania (1983), Yemen (1994), Brunei (2014).

Western colonisers. Given such degree of diversity, a search for Islamic environmental law runs the risk of essentialising what Islamic law is.¹¹

Some scholars have noted that there is no discipline called ‘Islamic environmental law.’ This is because ‘while Islamic law is proclaimed as a source of the legal system in the constitutions of Muslim countries, it is generally not used for the purpose of nature conservation. However, we can find in Islamic law a theoretical and practical foundation for environmental law.’¹² It is for this reason that this chapter uses the term ‘Islamic environmental ethics’ rather than ‘Islamic environmental law’. Islamic environmental ethics are moral principles on nature and environment that every Muslim must adhere to.¹³ These can guide the actions of law and policymakers, may they be dealing with Islamic or Muslim or Islamicised law in their respective jurisdictions.

II. PRINCIPLES OF ENVIRONMENTAL LAW IN ISLAM

Islamic environmental principles listed below are presumably accepted by all Muslims globally, owing to their explicit articulation in the Quran. As per the Islamic worldview, humans and nature are creations of Allah, and are governed by a fixed order (*fitrah*). In essence, humans cannot detach themselves from the rest of Allah’s creation. Humans are dependent on the natural world for a multitude of reasons. Such interactions between man and nature sustain and reinforce energy cycles, and ergo fulfil the very purpose of creation itself.¹⁴ Islamic environmental ethics can be derived from these set of broad principles and applied in varied contexts. This section throws light on 5 Islamic principles from which environmental ethics can be derived.

¹¹ Mohammed Sulaiman, ‘Between text and Discourse: Re-theorizing Islamic Orthodoxy’ (2018) 3/2 ReOrient 140.

¹² Samira Idllalène, *Rediscovery and Revival in Islamic Environmental Law Back to the Future of Nature's Trust* (Cambridge University Press 2021) 31-53.

¹³ Wael Hallaq, ‘Groundwork of the Moral Law: A New Look at the Qur’an and the Genesis of Shari’a’ (2016) 16 Islamic Law and Society 239.

¹⁴ Kevin Reinhart, ‘Islamic Law as Islamic Ethics’ (1983) 11/2 J Rel Ethics 186, 189-191.

i. TAWHEED

The principle of *tawheed* is a cardinal principle of Islam. *Tawheed* denotes the oneness, monotheism, or singularity of Allah. The utterance of *shahada* (declaration of faith) is to declare that “there is no Allah, but Allah”, which is to declare that there are no other gods, but the real God: Allah, who is the creator, provider and sustainer of the universe.¹⁵ *Tawheed* stands opposed to atheist or agnostic conceptions of the universe, such as, the universe coming into creation by chance, and progressing towards an unknown destiny. All of the substantive content of Islam is based on the foundation of *tawheed*; and several of its principles pertaining specifically to the environment, nature, and biodiversity are entrenched in this foundational belief.

Implicit in the concept of *tawheed* is the idea the entire natural world is Allah’s creation, and it is He who administers, controls, nurtures and sustains all life.¹⁶ Muslims are thus expected to forbear from narrow-mindedness, being prejudicial and self-centred in pursuit of their selfish interests because it is Allah to whom everything in the world belongs, and it is He who looks upon it.¹⁷ Humans are entrusted to live in harmony with nature, such that the world may evince the glory and oneness of Allah.¹⁸

ii. UBUDIYAT

The term *ubudiyat* means a state of enslavement, which connotes extreme humility and extreme love towards Allah. *Ubudiyat* is the essence of worship in Islam, where one surrenders oneself before Allah absolutely. It is only through *ubudiyat* that a person may attain the highest and most praiseworthy condition in this life and the next. The Quran makes many references to this concept and advocates for inculcating humility as character trait.¹⁹ There is hence a

¹⁵ There are several instances in the Quran that argue and expound upon the concept of *tawheed*. For example: Surah-al-Qasas (28: 70-72): “He is Allah. There is no god worthy of worship except Him. All praise belongs to Him in this life and the next. All authority is His. And to Him you will all be returned.”

¹⁶ *The Holy Quran*, Surah-al-Baqarah (2: 255).

¹⁷ Sayed Sikandar Shah Haneef, ‘Principles of Environmental Law in Islam’ (2002) 17/3 Arab Law Quarterly 241, 245.

¹⁸ *The Holy Quran*, Surah-al-Isra (17: 44): “The seven heavens declare His glory and the earth too and those who are therein; and there is not a single thing but glorifies Him with His praise but you do not comprehend their glorification.”

¹⁹ Different words, such as *khashiyyah*, *tadhurru*, *ikhbat*, *inabat*, *khushu*, *khudu* and *qunut* etc have been used to denote extreme humility towards Allah and suggesting humility to be an important virtue to be striven towards.

moral code every Muslim is expected to follow by doing the acts Allah has instructed to be done, and refrain from actions that He has proscribed.²⁰ On the one hand, good deeds are considered *ibadat* (worship) of Allah, and on the other, a good deed is one that is done only for Allah, and not for any worldly pursuit.

Ubudiyat entails one's submission to the Higher Wisdom of Allah, which also includes an obligation to protect and preserve life in all its forms.²¹ Muslims are expected to develop a deeper understanding of Allah's creation, to gain further insight into Allah's Wisdom.²² In pursuit of protection and preservation of Allah's creation humans should avoid wastefulness, destruction, and abuse of natural resources.²³ This integration of physical and spiritual essences of nature fosters sensitivity towards its use and protection, wherein over-exploitation and destruction of nature is seen not just as a physical loss, but also a spiritual one.

iii. HUMAN STEWARDSHIP: NOBILITY AND ACCOUNTABILITY

The Islamic worldview perceives humans as *ashraf-ul-makhlūqat* (noblest of all creatures).²⁴ Humans have been blessed with *aql* (intellect), the possession of which is not a matter of accident but that of Divine Will from a Higher Source.²⁵ Humans have been conferred with the power and responsibility to use their intellect for doing good, and for this purpose, nature's bounties are gifts from Allah such that they may be used judiciously as per the Allah's Will.²⁶ Muslims are expected to appreciate these gifts and be grateful.²⁷ Humans thus are possessed with the power and authority to utilise natural resources as means for righteous ends.

²⁰ Mohammad Hammoud, 'Environment, Ecology and Islam: Insight' (1990) 5/3 New South Wales Islamic Foundation 19, 20.

²¹ *The Holy Quran*, Surah-al-An'am (6: 38).

²² Mawil Izzi Dien, *The Environmental Dimensions of Islam* (Cambridge University Press 2000) 8-10.

²³ Gillian Rice, 'Pro-Environmental Behavior in Egypt: Is There a Role for Islamic Environmental Ethics?' (2000) 65/4 J Business Ethics 373, 380.

²⁴ His Holiness Syedna Mufaddal Saifuddin, '*Allamal Insana Ma'a lam Ya'lam*' Nazam Sharif (Jamea Saifiyah Publications 2016).

²⁵ Yusuf Najmuddin, 'Commentary – '*Fuyuz Falsafat al Aql*' – A Philosophical Discourse' by Dr. Syedna Taher Saifuddin (vol I, 1963) 2.

²⁶ *The Holy Quran*, Surah-al-Luqman (31: 20).

²⁷ *The Holy Quran*, Surah-Ibrahim (14: 32-34).

Such mastery over nature is juxtaposed with a simultaneous obligation of trusteeship (*amanat*), which should not be betrayed.²⁸ An *amanat* is the responsibility to act as a guardian over something with honesty and sincerity. From an environmental perspective, every person is accountable for the benefits bestowed upon them. Human stewardship encompasses a duality of ‘use’ and ‘protection’, one that echoes the principle of ‘sustainable development’ under international law. Where does use end and protection begin is a question that has attracted several interpretations.²⁹

iv. NATURAL RESOURCES AND ELEMENTS

Across different spheres of Islam, may it be literature, architecture, philosophy etc, the use of natural elements and resources has been rife to symbolise a deeper meaning. For instance, the Quran makes references to water, expressing that water is the basis and origin of all life.³⁰ Allah has called on humans to appreciate and value water as an essential source of life.³¹ To use water is a ‘common right’ without monopoly, usurpation or wastage.³² Along with use, protection is vital for the preservation and continuation of life.³³ Air is also referenced in the Quran as a sustainer of life, carriers of moisture-laden clouds and an medium of pollination.³⁴ Similar to water and air, land and soil are essential for perpetuation of life.

The earth finds a recurring mention in the Quran, at times alluding to its purpose as ‘established for living creatures’³⁵ and ‘making land your home and the home for all terrestrial beings’³⁶; or its role in the cycle of life as ‘Allah has made you grow as a plant from earth, then

²⁸ *The Holy Quran*, Surah-al-Ahzab (33:72).

²⁹ See Odeh Rashed Al-Jayyousi, *Islam and Sustainable Development: New Worldviews* (Routledge 2012); Ibrahim Abdul-Matin, *Green Deen: What Islam Teaches about Protecting the Planet* (Berrett-Koehler 2010) 22.

³⁰ *The Holy Quran*, Surah-al-Anbiya’ (21: 30).

³¹ *The Holy Quran*, Surah-al-Waq’iyah (56: 68-70).

³² *The Holy Quran*, Surah-al-Qamar (54: 28).

³³ Abubakr Ahmed Bagade, Abdullatif Tawfik El-Chirazi El-Sabbagh and Mawil Yousuf Izzi-Deen Samarrai, ‘Environmental Protection in Islam’ (1994) 20 IUCN Env Pol and L Paper 2-6.

³⁴ *The Holy Quran*, Surah-al-Hijr (15: 22); Surah-al-Baqarah (2: 164); Surah-al-A’raf (7:57).

³⁵ *The Holy Quran*, Surah-ar-Rahman (55: 10).

³⁶ *The Holy Quran*, Surah-ar-Rum (30: 20).

to it He returns you'³⁷; or derivatives from earth that sustain life as 'He has made the mountains to catch and store rain'³⁸ or 'the earth, We have spread it out, and made it in mountains standing firm, and grown in it everything in balance. And we have provided in it sustenance for you.'³⁹

The importance of plants and animals has been spelt out by referring to their uses to humans, such as, 'Then let man consider his nourishment: that We pour down the rain in showers, and We split the earth in fragments, and therein make the grain to grow, and vines and herbs, and olives and palms, gardens of dense foliage, and fruits and fodder – provision for you and your cattle.'⁴⁰ In other cases, a harmonisation between humans and animals is fostered through explication of their characteristics, social interrelationships and their symbolic importance, as 'There is not an animal on the earth, nor any being that wings its flight, but is a people like unto you.'⁴¹

According to the Islamic ideology, these natural elements and resources are seen through the lenses of *tawheed* and *ubudiyat*, wherein all things, the earth, mountains and different creatures exist to proclaim the glory of Allah and worship him.⁴² From this perspective, an obligation to preserve such elements and use them sustainably can be churned out, as their destruction would impede Allah's plan and purpose. Conservation of life is a fundamental tenet of Islam, and thus destruction of nature can be understood as an attempt to impair or obstruct Allah's Wisdom towards His creation.⁴³

v. WASTES, POLLUTION AND NATURAL CATASTROPHES

Islam not only promotes the protection of natural elements and resources, but also makes umpteen references to the harmfulness of natural imbalances. First, cleanliness as an

³⁷ *The Holy Quran*, Surah-an-Nuh (71: 17-18).

³⁸ *The Holy Quran*, Surah-al-Mursalaat (77: 25-27).

³⁹ *The Holy Quran*, Surah-al-Hijr (15: 19-20).

⁴⁰ *The Holy Quran*, Surah-al-'Abasa (80: 24-32).

⁴¹ *The Holy Quran*, Surah-al-An'am (6: 38).

⁴² *The Holy Quran*, Surah-al-Hajj (22: 18); Surah-al-Isra' (17: 44); Surah-ar-Ra'd (13:15).

⁴³ Islamic jurisprudential principle: whatever is indispensable to fulfil an imperative obligation is itself imperative. Abu al-Su'ud al-Husayni, 'Umdat al-Nazir 'ala al-Ashbah wa'l-Naza'ir' (1759) [a commentary Ibn Nujaym, 'Al-Ashbah wa'l-Naza'ir' (1652)]; Ahmad Cevdet Pasha, *Al-Majalla al-Ahkam al-Adaliyyah* (Civil Code of the Ottoman Empire) (Create Space Independent Publishers 2016).

overarching concept is a mandatory tenet of Islam. Muslims are expected to stay clean, and keep their neighbourhoods, and homes clean. Purity of heart and cleanliness of the body and one's environment relate to another, so much so, that one is reflective of the other.⁴⁴ Cleanliness is a religious requirement and 'Allah loves those who keep themselves clean and pure.'⁴⁵ Polluted and squalid places are to be cleaned, and wastes should be disposed of carefully, such that these areas do not become breeding grounds for disease.

According to the Islamic worldview, all catastrophes befall upon humans due to in part the acts of man. Thus, the occurrence of catastrophic events that cause loss of life, property etc is a time of *istighfaar* (seeking forgiveness) from Allah and observe piety and keep faith.⁴⁶ From a socio-political perspective, Islamic faith was initiated and spread in a desert region where natural resources were limited to begin with. While Islam manifests an anthropocentrism typical to all Abrahamic faiths, it entails a high degree of reverence for nature and natural resources for practical reasons too.⁴⁷ Non-environmental specific verses of the Quran can be referred to in this context, such as the concept of *meezan* (balance). Muslims are expected to pursue a balanced life, developing both the material and non-material dimensions.⁴⁸ Thus, mindless consumerism, wastefulness, and an overly material pursuit that places a pressure on the natural environment is frowned upon.

⁴⁴ Outward cleanliness induces and/or reflects cleanliness of the heart, and vice versa. Its counter is also, where a filthy environment induces and/or reflects an impure heart.

⁴⁵ *The Holy Quran*, Surah-al-Taubah (9: 108).

⁴⁶ Natural disasters may be seen as (1) punishment: "And whatever of misfortune befalls you, it is because of what your hands have earned; and He pardons much." (ash-Shura 42:30), "Evil has appeared on land and sea because of what the hands of men have earned, that Allah may make them taste a part of that which they have done, in order that they may return." (ar-Rum 30:41); (2) warnings: "We will certainly make them taste some of the minor torment (in this life) before the major torment (of the Hereafter), so perhaps they will return." (as-Sajdah 32:21); (3) test for believers: "And certainly, We shall test you with something of fear, hunger, loss of wealth, lives and fruits, but give glad tidings to the patient ones". (al-Baqarah 2:155); "Do you think you will enter the paradise without such (trials) as came to those who passed away before you? They were afflicted with severe poverty and ailments and were so shaken that even the Messenger and those who believed along with him said, "When (will come) the Help of Allah?" Yes! Certainly, the Help of Allah is near!" (al-Baqarah 2:214).

⁴⁷ Saleem Ali, 'Reconciling Environmental Ethics, Fossil Fuel Dependence, and Climate Change in the Middle East' (2015) 50/2 Review of Middle Eastern Studies 172, 174.

⁴⁸ *The Holy Quran*, Surah-as-Shura' (42: 17); Surah-ar-Rahman (55:7-9); Surah-al-Hadid (57: 25) encouraging a balance of *din* and *duniya* (faith and the world/ spiritual and material). In other verses the concept of *hayat-tayyebiyah* (good life) has been expounded, which is a balanced life *inter alia*.

Islamic principles that comprise a rich source for Islamic environmental ethics deal with a wide range of subject areas. These are values that humans ought to cultivate in order to foster spiritual, societal and environmental wellbeing. Yet, there are unresolved questions when one tries to reconcile Islamic principles with the international environmental legal discourse.⁴⁹ When placed against the ‘mainstream’ environmental narrative, several questions arise, such as: is climate change ‘anthropogenic’ or a natural calamity Willed by Allah? Why are humans, ‘the noblest of all creations’ headed towards a mass extinction? How can one escape anthropocentrism (especially when environmental justice now includes concepts such as rights of trees and rivers)?⁵⁰ Can Islamic law reconcile with environmental law that is primarily science-driven and not value driven? Is Islamic law well-equipped for tackling the North/South dimension of environmental law? The practical application of Islamic principles in the environmental legal context poses difficulties, as will be discussed in the next section.

III. APPLICATION OF ISLAMIC PRINCIPLES IN ENVIRONMENTAL LAW: POTENTIALITY FOR FOSTERING GREENER SHIFTS

Islamic environmental law as a body of principles has not been enacted as a legal code or statute in any Muslim country. Islamic law is a key – but not the only source of law in any Muslim state. Even constitutions and laws that clearly state that Islam is the principle source of law, do not rely exclusively on Islamic law, as legal principles have been borrowed from a wide array of jurisdictions over the past centuries and have resulted in mixed legal systems.⁵¹ Owing to the importation and subsequent mixture of non-Islamic legal principles, most

⁴⁹ Robert McKim, ‘On Comparing Religions in the Anthropocene’ (2013) 34/3 Am J Theology and Phil 248.

⁵⁰ Tim Stephens, ‘Carbon Emissions Trading, Compensation for Soil Pollution, Legal Rights for Rivers, Protection of Biodiversity in Forests, Islamic Environmental Law’ (2020) 23 Asia Pac J Env’t L 99.

⁵¹ For instance Saudi Arabia’s Basic Law (constitution-like document) states that the Quran is as the constitution itself and Shari’a is its basic law; in Egypt Shari’a is the basis and source of all legislations; Libya’s constitution states that Islam is the state religion and Shari’a is the source of legislations; Afghanistan declares itself as an Islamic republic, and that in the absence of any constitutional or statutory law over any subject, Hanafi jurisprudence would be applied to the matter; the Iraqi constitution that Islam shall be the state religion and encourages governments to enact Shari’a law. Christie Warren, ‘Constitutions and Islamic Law’ (2017) Oxford Research Encyclopaedia of Religion <<https://oxfordre.com/religion/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-96?rskey=jCzLQm&result=1>> accessed 2 April 2021.

governments do not enforce all Islamic principles as law.⁵² Hence, these principles may have a high degree of influence on the citizenry at large, however for law makers, judges and lawyers in particular, these principles do not bear any special significance.

Islamic environmental principles can be invoked and employed to specific scenarios in several *locations*: one, environmental courts may use Islamic principles; two, Shari'a Courts / Muslim Law Courts may handle disputes with an environmental dimension (for example: land and water sharing disputes); three higher / appellate judiciary may 'Islamicize' state environmental law, or 'environmentalise' state Muslim law; four, environmental law preached / sermonised by religious leaders may include an environmental reinterpretation of Islamic principles; and five, Islamic principles applied in the daily affairs of Muslims and communities.

This section tries to *find* in the *locations* mentioned above, to what extent Muslim countries have harnessed the potential of Islamic environmental principles in framing their environmental law and policy. By and large, Muslim countries have failed to incorporate Islamic principles within their state legal systems. It is hence no surprise that the push towards a deeper inquiry into Islamic environmental ethics has come from non-statal entities, such as environmental non-governmental organisations (NGOs), international organisations, academics, activists and civil society groups.⁵³ Such a trend is evinced by the Middle East's efforts in combating climate change, wherein the integration of Islamic principles in mainstream environmental and climate discourse has only just begun, owing largely to the efforts of non-state actors.

i. IN SEARCH OF ISLAMIC PRINCIPLES IN ENVIRONMENTAL LAW OF THE MIDDLE EAST

Over the centuries, the Muslim world has been ruled by a plethora of kingdoms and governments that have enacted their own laws and legal codes. Environmental law has not featured as a distinct sphere of law among any of these legal systems. The official legal code of the Ottoman Empire, the *Mejelle* is an exception, in terms of its detailed provisions derived

⁵² Othman Abd-ar-Rahman Llewellyn, 'The Basis for a Discipline of Islamic Environmental Law' in Richard Foltz, Frederisk M Denny and Azizan Baharuddin (eds), *Islam and Ecology: A Bestowed Trust* (Harvard University Press 2003) 186.

⁵³ Persons and organisations involved in drafting the Islamic Climate Change Declaration: See <<http://islamicclimatedeclaration.org/>> accessed 2 April 2021.

primarily from the Hanafi school of jurisprudence. Amongst other distinct categories of law, such as law of contracts and property law etc, environmental law does appear via some very interesting provisions.⁵⁴ First, there are rules for the use of community resources, such as grass, fire, water and naturally growing trees which as ‘free to be used by all.’⁵⁵ In case of water, underground streams, naturally occurring springs, wells, lakes and seas, these are water sources available to all as gifts of Allah.⁵⁶

The construction of roads or diversion of naturally flowing water was permissible for the benefit of society, however a decision to do so had to weighed against principles of necessity and proportionality.⁵⁷ The *Mejelle* is also very specific with ways in which one may legally reduce these community resources to private property. The ‘act of acquiring a resource with an intent to make it one’s own’ is a legal means of property acquisition.⁵⁸ For instance, if someone fills a vessel of water from a river, then that water is his/her property; or if one has caused for a tree or grass to grow on his/her land, then such grass or tree is private property. The general principle of one’s individual property rights over common resources has been stated with a caveat, that it should ‘not cause damage to another’ *and* [emphasis added] ‘does not prevent another from taking a community resource’.⁵⁹ For instance, a person owning a piece of land that is adjacent to a water source such as a river / lake cannot block access to the water when the only access point is through the land. Furthermore, with respect to liability for causing destruction, there are clear provisions with respect to damage caused to private property. Such clarity is missing for the nature and extent of liability for causing damage to common resources.⁶⁰

⁵⁴ Herbert J Liebesny, ‘Religious Law and Westernization in the Moslem Near East’ (1953) 2 J Comp L 492, 479.

⁵⁵ *Mejelle Ahkame Adiye* [Islamic Civil Code, hereinafter *Mejelle*] Book 10, Chapter IV (CR Tyser et al, transl 1967, 1901).

⁵⁶ *Ibid*, *Mejelle*, Book 10, Chapter IV, para 1, article 1234. See: Melanne Andromedea Civic, ‘A Comparative Analysis of the Israeli and Arab Water Law Tradition and Insights for Modern Water Sharing Agreements’ (2020) 26/3 Denver J Int’l L & Pol 437, 450. c

⁵⁷ Principles of necessity and proportionality which are now widely recognised as common law legal principles can be traced back to the Hanafi school of law, which was later adopted in the *Mejelle*. *Ibid*, *Mejelle*, Book 10, Chapter IV, para 4, article 1267-68 and 1288.

⁵⁸ *Ibid*, *Mejelle*, Book 10, Chapter IV, para 2, article 1249-50.

⁵⁹ *Ibid*, *Mejelle*, Book 10, Chapter IV, para 3, article 1254.

⁶⁰ *Ibid*, *Mejelle*, Book 8, Chapter II, para 1-3; para 1, articles 912-13 and 917.

More than a century after the *Mejelle* came about, ‘environmental law’ as a distinct branch of law has emerged only a few decades ago, primarily through the efforts of the Global North. This has led to many Muslim countries trying to synthesise Islamic law with Western environmental principles such as ‘common heritage’, ‘precautionary principle’ and ‘intra and inter-generational equity’ through a process of reinvention and reinterpretation.⁶¹ Several Muslim constitutions include a duty (justiciable in some cases) to protect the environment.⁶² A brief description of some Muslim countries as case studies shall highlight how Islamic principles are absent in respective environmental legal regimes.

For instance, the Saudi Arabian legal system, one with little to no colonial influence and one of the most well-documented legal systems in the region, proclaims that is based on Quranic and Shari’a law (as per the Wahabi interpretation). Its constitution-like charter, called the Basic Law of Saudi Arabia (*Al-Nizam-al-Asasi-lil-Hukm*) states in Article 32: Obligations of the state to ‘preserve, protect and improve’ the environment; Saudi statutory environmental law comprises the General Environment Law and Executive Regulations that provides details for implementation of the General Law.⁶³ Much of Saudi environmental law and administration is modelled after the USA.⁶⁴ This is especially true for the Meteorological and Environmental Protection Agency (MEPA), Saudi’s implementing agency, which is very similar to the US’ Environmental Protection Agency (EPA).

Post-colonial and post-protectorate examples also show a stark degree of Westernisation of environmental law and ethics. Countries such as Pakistan, although not an Arab state, is considered part of the Greater Middle East, is a Muslim country that gained independence in 1947 from the British. It has inherited the common law system, and is a unique

⁶¹ Richard Foltz, ‘Islamic Environmentalism: A Matter of Interpretation’, in *Islam and Ecology* (supra n 52) 250, 262.

⁶² David Royd, ‘The Status of Constitutional Protection for the Environment in Other Nations’ (David Suzuki Foundation 2014) <<https://davidsuzuki.org/wp-content/uploads/2013/11/status-constitutional-protection-environment-other-nations.pdf>> accessed 2 April 2021.

⁶³ General Law (Royal Decree No. 34 (24 September 2001) and Regulations (30 September 2003), together referred to as the General Environmental Law and Rules for Implementation (GERRI). New Environmental Laws have recently been passed, replacing some of the older decrees (Royal Decree No.165 (10 July 2020)) entered into force on 13 January 2021. Introduced 9 new laws (mostly on EIA) that increase the scope of EIA over a wider range of sectors and industries. Environmental laws are implemented by the Meteorological and Environmental Protection Agency (MEPA) under Ministry of Defence.

⁶⁴ Magda Lovei, and Charles Weiss, *Environmental Management and Institutions in OECD Countries: Lessons from Experience* (World Bank 1998) 23.

amalgamation of South Asian, Islamic and British colonial influences. Its activist judiciary has a big role to play in developing its environmental law. For instance, it recognized a right to environment under Article 9 Constitution in 1994.⁶⁵ Pakistan has also set up special environmental tribunals that are functional in some provinces, but these operate like civil courts with little to no connection with Islamic principles.⁶⁶ In some instances, higher appellate courts in Pakistan reference Islamic environmental ethics, however the logic of these judgments is based on state constitutional, statutory or regulatory law. In a landmark case, *Sindh Institute of Urology and Transplantation v. Nestle Milkpak Ltd*, the Sindh High Court made a passing reference to Islamic water law principles, but primarily applied human rights law while reasoning through the matter.⁶⁷

Morocco presents a unique mix of legal influences like Pakistan. It is a Muslim country that was a French protectorate state until 1956. It has inherited much of French administrative law and predominantly follows the civil law system. Following the Arab Spring, Morocco adopted a new constitution and made significant changes in its state legal system. Article 31 Constitution 2011 lays down a right to a safe environment and to sustainable development. In terms of statutory law, Law No.11-03 on waste-disposal, air, water, and regulation of dangerous facilities etc make up the environmental law of Morocco. Similar to the Pakistani experience, it adopts a rights-based language for its environmental law. There are Shari'a courts that deal with personal matters and civil courts of Morocco have jurisdiction over environmental matters. Much like is the case in both Saudi Arabia and Pakistan, there is little evidence to show that Islamic principles guide environmental decision-making in any way. One faint exception is the 2009 Moroccan water policy, called the 'National Water Plan (PNE)' which references Islamic principles of protection and sustainable use,⁶⁸ however the new 2016 Water Act (Law No. 36-15) makes no such references and is centered around a rights-based conception of water.

⁶⁵ *Zia v WAPDA PLD* [1994] SC 693 (Pakistan Supreme Court).

⁶⁶ Tribunals set up under the Pakistan Environmental Protection Act (PEPA), 1997. See: Martin Lau, 'The Role of Environmental Tribunals in Pakistan: Challenges and Prospects' (2018) 20/1 Yearbook of Islamic and Middle Eastern Law Online 1.

⁶⁷ 2005 CLC 424, 440 (Sindh High Court at Karachi).

⁶⁸ Syeda Mariya Absar, 'The Future of Water Resource Management in the Muslim World' (2013) 17/3 J Futures Studies 1.

The examples of Saudi Arabia, Pakistan and Morocco show that state lawmakers and judicial officers have not yet incorporated Islamic environmental principles in the overall state philosophy and strategy towards the environment. The environmental legal framework reflects Western juridical features more than it does Islamic features.⁶⁹ Each of these countries' constitutions swear allegiance to the Quran and Shari'a, yet they do not go so far as to reconceptualise Islamic law's applicability in spheres other than personal law. The 'modernisation' of environmental laws in these countries do not reflect a commitment towards seeking guidance from Islamic principles.⁷⁰

A more Islamic-oriented environmental regime would comprise stricter EIA norms that apply Islamic ethical parameters; stronger corporate responsibility to promote social welfare; planned development as per location-specific topography and ecology; environmental accounting for more efficient resource utilisation and avoiding wastage, so on and so forth. With respect incorporating Islamic environmental ethics within the environmental legal frameworks of Muslim countries, the shift from 'concept' to 'concrete' is a long road ahead. One that some countries may have just embarked upon at least with respect to climate change.

ii. MIDDLE EAST'S CLIMATE EFFORTS: A STEP TOWARDS SEEKING GUIDANCE FROM ISLAMIC PRINCIPLES

The Middle East is arguably the most significant regions that sustain the fossil fuel economy. Over the past few decades, environmental voices of concern have grown louder within these countries pushing for a necessary greener shift. The heart of the global oil supply is also home to the holiest of Islamic sites, and a concentration of the largest Muslim population on earth. Middle East's contribution to global greenhouse gas emissions (GHG) is estimated at 4.2%, however this does not include international carbon emissions from oil combustion sourced from the Middle East.⁷¹ Given the importance of the Middle East in the global oil

⁶⁹ Norah bin Hamad, 'Foundations for Sustainable Development: Harmonising Islam, Nature and Law', (SJD Dissertation, Elisabeth Haub School of Law at Pace University, July 2017) <<https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1019&context=lawdissertations>> accessed 2 April 2021.

⁷⁰ For instance, in the making of 'modern' Moroccan water law: Sandrine Simon, 'From Traditional to Modern Water Management Systems: Reflection on the Evolution of a 'Water Ethic' in Semi-Arid Morocco' in Uli Uhlig (ed), *Current Issues of Water Management* (InTech 2011) 229-258.

⁷¹ For example, 96% of power generation in the Middle East comes from fossil fuels. For a break-up on different countries in the region: Hamid Bahrapour, 'Evaluation of Renewable Energies Production Potential in the Middle East: Confronting the World's Energy Crisis' (2020) 14/1 *Frontiers in Energy* 42, 43.

supply chain an energy transition towards cleaner energy has to be both practical and profitable at a rate competitive to oil. Climate approaches are thus inseparable from larger economic and political context within which the Middle East operates.

The advent of the coronavirus in 2020 has further pushed the environmental and climate agenda into the side lines as most countries in the region are utilising emergency sovereign funds or other discretionary resources to recover from the economic blow the pandemic has inflicted. Desperate relief packages, stimulus plans and varied forms of compensation for loss of jobs and salaries are the priority rather than environmental spending.⁷² Some conflict-ridden Middle Eastern countries have become especially fragile due to the pandemic. Countries such as Syria, Yemen, Iraq, Libya and parts of Palestine have seen an exacerbation of existing structural weaknesses.⁷³

The dominance and dependence of oil and fossil fuel-led growth in the Middle Eastern region has seen a slow shift towards diversifying of economic portfolios and greater shares of renewables in the energy mix.⁷⁴ For instance, a leading figure in the UAE, Sheikh Abdul-Aziz-al-Nuaimi who labels himself as the ‘Green Sheikh’, is highly responsive and motivated by environmental issues.⁷⁵ Over the past few decades, the transformation of Dubai from an oil-reliant economy to a service economy can also be seen as a success story for rapid and prudent diversification. Another instance is that of Masdar City in UAE, a low-carbon urban centre developed to spread environmental awareness and act as a model for future projects.

Masdar City is home to the headquarters of the International Renewable Energy Agency (IRENA). In the past decade, several Middle Eastern states have funded and set up projects under IRENA’s aegis. Through such projects, the IRENA continues to be empowered

⁷² Tariq Yousef, ‘Economic Impact of Covid 19 in the Middle East’ *Babel Podcast* (7 April 2020); Dalia Dassa Kaye, ‘COVID-19 Impacts on Strategic Dynamics in the Middle East’ *The Rand Blog* (22 March 2020) <<https://www.rand.org/blog/2020/03/covid-19-impacts-on-strategic-dynamics-in-the-middle.html>> accessed 2 April 2021.

⁷³ Jon Alterman, ‘Add Coronavirus to Other Crises, and the Middle East Faces a Catastrophe’ *The Hill* (22 March 2020).

⁷⁴ Abdunnasser Alshaali, ‘The Middle East Economies Catch the Dutch Disease: Reliance on a Single Export Commodity have Distorted Government Expenditures and Much More’ *The Gulf News* (19 October 2018); ‘Saudi Prince says Oil Markets are in Decline’ *Climate Change News* (29 July 2019) <<http://www.climatechangenews.com/2013/07/29/saudi-prince-says-oil-markets-are-in-decline/>> accessed 2 April 2021.

⁷⁵ *Supra* n 47, Ali at 175.

by Gulf governments in assisting them towards a green transition. Some have tried to argue that Middle Eastern support to IRENA reflects these countries' Islamic energy philosophy.⁷⁶ Yet, this may be a tenuous link of causation that can only be asserted after further inquiry. While there are several positive trends, overall, Middle Eastern energy transition is much slower than is the need of the hour. When measured against the target of limiting dangerous climate change to 2 degrees, Middle Eastern efforts fall short by a fair margin. Climate Action Tracker's (CAT) 'Effort Sharing' study that researches national emissions policies and their effect on the global effort, ranks most Middle Eastern countries' efforts as 'inadequate'.⁷⁷

While a lot more needs to be done, there is no denying that states in the region have shown more interest in playing a role in the climate movement that even before. The 2015 'Islamic Declaration on Climate Change' is testimony to a new kind of commitment, one where climate targets and goals are grounded in Islamic theological context. In August 2015, the coming together of Islamic leaders from 20 countries in Istanbul, Turkey marked a unique moment for Islamic environmental law. This first of its kind 'Islamic Climate Change Symposium' focused on synthesising environmental law principles from within Islamic philosophy and jurisprudence; and it culminated with the adoption of the 'Islamic Declaration on Climate Change'.⁷⁸ The timing of this event most opportune, as it was organised just prior to the 21st Conference of Parties of the UNFCCC (Paris) and followed the famous statement of Pope Francis the same year.⁷⁹ The event can be seen as an attempt to retain relevance at a time when the world, including other religious factions, were pushing for greater climate change.⁸⁰

⁷⁶ Tallal Turfe, *Energy in Islam: A Scientific Approach to Preserving Our Health and the Environment* (Elmhurst 2011).

⁷⁷ CAT is a coalition of four research organizations – Climate Analytics, Ecofys, New Climate Institute and Potsdam Institute for Climate Impact Research. See: CAT, 'Effort Sharing Assessment' <<https://climateactiontracker.org/countries/>> accessed 2 April 2021.

⁷⁸ 'Islamic Declaration on Global Climate Change' (Islamic Climate Change Symposium, 17-18 August 2015 Istanbul), <https://www.ifees.org.uk/wp-content/uploads/2020/01/climate_declarationmmwb.pdf> accessed 2 April 2021.

⁷⁹ Correspondent, 'Pope Francis joins Climate Fight' *UNFCCC News* (19 June 2015) <<https://unfccc.int/news/pope-francis-releases-encyclical-on-climate-and-environment>> accessed 2 April 2021.

⁸⁰ Bill McKibben, 'Climate Change: A Warning from Islam' *New York Review of Books Daily* (2 October 2015), where he describes the Symposium as "an ongoing shift in the zeitgeist." <www.nybooks.com/blogs/nyrblog/2015/aug/24/climate-change-warning-islam> accessed 2 April 2021.

The event was initiated by a coalition of non-profit organisations, civil society groups and academics working on creating environmental awareness and education in Muslim societies.⁸¹ These were led by Islamic Foundation for Ecology and Environmental Science (IFEES/EcoIslam) which is supported by Climate Action Network (CAN), the largest global network of organisations and civil society groups working on climate change. The institutions that were involved in the event along with these groups included the Islamic Scientific Education and Cultural Organisation (ISESCO, an organisation working on the likes of UNESCO for the Muslim world), the Organisation of the Islamic Conference (the largest inter-government organisation of Muslim states), and the International Islamic Fiqh Academy (one of the leading authorities for Islamic philosophy based in Saudi Arabia). Such a high degree of institutional involvement legitimised the message that the Symposium delivered. Subsequently the Declaration was endorsed by the United Nations Environment Programme (UNEP) and UNFCCC.⁸²

This event saw the coming together of Islamic law and philosophy experts, who were united in challenging the fossil fuel economy of the Middle East. They deliberated on Islamic principles that could guide decision-makers in respective Middle Eastern countries to make a rapid yet smooth transition.⁸³ Some government delegations also attended the symposium, whose remarks were predictably reflective of their government's standard policy.⁸⁴ Yet, this should not be read for cynicism. The attendance of state delegates itself is a huge diplomatic step towards more Islam-centric environmentalism. The Symposium attracted over 20 Islamic NGOs, members of government, academia, environmental activists and civil society groups, which resulted in the rolling out of the 'Seven Year Plan for Islamic Action on the Environment'.⁸⁵ Along with a plan a project was launched called the 'Alliance of Religions and Conservation' (ARC) under the leadership of the Earth-Mates Dialogue Centre (EMDC).

⁸¹ Supra n 78.

⁸² UNEP, 'How Islam can Represent a Model for Environmental Stewardship' *Ecosystems and Biodiversity: UNEP News* (21 June 2018) <<https://www.unep.org/news-and-stories/story/how-islam-can-represent-model-environmental-stewardship>> accessed 2 April 2021.

⁸³ Supra n 80.

⁸⁴ Supra n 81.

⁸⁵ 'The Muslim 7-Year Action Plan (M7YAP) To Deal with Global Climate Change' <<http://www.arcworld.org/downloads/Muslim-7YP.pdf>> accessed 2 April 2021.

The 2015 Declaration is primarily a result of efforts of non-state entities, such as NGOs, activist groups, academics that have been working towards greater integration of Islamic principles in environmental law and governance. The urgency and scale of the climate change problem has forced the Muslim world into introspection, such that it may contribute solutions from the Islamic realm. On a more broader front, structural and historical factors limit the ability of legal systems in Muslim countries to incorporate Islamic principles, however this may change in the future if governments are motivated by trends in climate change.

IV. CONCLUSION

Millions of Muslims are guided by Islamic tenets in their daily lives. In the environmental context, Muslims endeavour towards *tawheed*, *ubudiyat*, stewardship and respect for natural elements and resources as gifts from Allah. Muslim societies and states are organised not only on the basis of Islamic law. As a result, Islamic environmental precepts remain in the realm of ‘abstract’ as governments do not have the legal tools to implement them. For more Islam-oriented environmental law, Muslim governments could introduce new Islam-inspired laws; or extant laws could be interpreted Islamically.⁸⁶

This chapter began with a description of relevant terms such as Islamic law, Islamic legal tradition, Islamic environmental law and Islamic environmental ethics. It then highlighted 5 principles recognized widely by all Muslims, from which Islamic environmental ethics can be derived. In the third part, it is shown that these principles have a little role to play in state environmental law making and implementation. Owing to the complicated histories of legal systems in Muslim states, Islamic principles have been relegated to the side lines in the environmental arena. This is arguably a perpetuation of the colonial idea of Islamic law being relevant only to the confined sphere of personal law, while other spheres comprised ‘modern’ and ‘secular’ laws. However recent trends in combating climate change have sparked an increased interest in Islamic environmental principles, which state and non-state entities are willing to adopt while undertaking more ambitious climate targets. This may lead to greater Islamification of environmental law generally in Muslim countries in the future.

⁸⁶ Geoffrey Roughton, ‘The Ancient and the Modern: Environmental Law and Governance in Islam’ (2007) 32 Columbia J Env’tl L 99, 126-131

V. LIST OF REFERENCES

i. ISLAMIC LEGAL TEXTS, CONSTITUTIONS, LEGISLATIONS, POLICIES

(a) Ottoman Empire (Turkey)

Mejelle Ahkame Adiyе [Islamic Civil Code of the Ottoman Empire] (CR Tyser et al, transl 1967, 1901)

(b) Saudi Arabia:

The Basic Law of Saudi Arabia, 1992

Environmental Act No. 193, promulgated by Royal Decree No. M/34 of 2001 (24 September 2001)

General Environmental Regulations and Rules for Implementation, 2001 & Appendices (Appendix 1 - Environmental Protection Standards) (published 30 September 2003)

Environmental Act No. 65, promulgated by Royal Decree No. M/165 of 2020 (10 July 2020)

(c) Morocco

The Constitution of Morocco, 2011

Moroccan Environmental Law, No.11-03 of 2003

Moroccan Water Act, Law No. 36-15 of 2016

National Water Plan, 2015

(d) Pakistan

The Constitution of the Islamic Republic of Pakistan, 1973

Pakistan Environmental Protection Act, Act No.34 of 1997

(e) International

'Islamic Declaration on Climate Change', Islamic Climate Change Symposium (17-18 August 2015, Istanbul) <<https://www.ifees.org.uk/about/islamic-declaration-on-global-climate-change/islamic-climate-change-syposium/>> accessed 2 April 2021

ii. CASES

Sindh Institute of Urology and Transplantation v. Nestle Milkpak Ltd 2005 CLC 424 (Sindh High Court, Karachi)

Zia v WAPDA PLD [1994] SC 693 (Pakistan Supreme Court)

iii. BIBLIOGRAPHY

Abdul-Matin I, *Green Deen: What Islam Teaches about Protecting the Planet* (Berrett-Koehler 2010)

- Abou El Fadl MK, 'The Islamic Legal Tradition: A Comparative Law Perspective' in M Bussani and U Mattei (eds), *Cambridge Companion to Comparative Law* (Cambridge University Press 2012)
- Absar SM, 'The Future of Water Resource Management in the Muslim World' (2013) 17/3 *J Futures Studies* 1
- Ali S, 'Reconciling Environmental Ethics, Fossil Fuel Dependence, and Climate Change in the Middle East' (2015) 50/2 *Review of Middle Eastern Studies* 172
- Al-Jayyousi OR, *Islam and Sustainable Development: New Worldviews* (Routledge 2012)
- Al-Su'ud al-Husayni A, 'Umdat al-Nazir 'ala al-Ashbah wa'l-Naza'ir' (1759) [a commentary Ibn Nujaym, 'Al-Ashbah wa'l-Naza'ir' (1652)]
- Alshaali A, 'The Middle East Economies Catch the Dutch Disease: Reliance on a Single Export Commodity have Distorted Government Expenditures and Much More' *The Gulf News* (19 October 2018)
- Alterman J, 'Add Coronavirus to Other Crises, and the Middle East Faces a Catastrophe' *The Hill* (22 March 2020)
- Bahrampour H, 'Evaluation of Renewable Energies Production Potential in the Middle East: Confronting the World's Energy Crisis' (2020) 14/1 *Frontiers in Energy* 42
- Bagade AA, AT El-Chirazi El-Sabbagh and MY Izzi-Deen Samarrai, 'Environmental Protection in Islam' (1994) 20 *IUCN Env Pol and L Paper*
- Black A, H Esmaceli and N Hosen, *Modern Perspectives on Islamic Law* (Edward Elgar 2013)
- Climate Action Tracker, 'Effort Sharing Assessment' (2021) <<https://climateactiontracker.org/countries/>> accessed 2 April 2021
- Civic MA, 'A Comparative Analysis of the Israeli and Arab Water Law Tradition and Insights for Modern Water Sharing Agreements' (2020) 26/3 *Denver J Int'l L & Pol* 437
- Dien MI, *The Environmental Dimensions of Islam* (Cambridge University Press 2000)
- Foltz R, 'Is there an Islamic Environmentalism?' (2000) 22/1 *Environmental Ethics* 63
- 'Islamic Environmentalism: A Matter of Interpretation', in R Foltz, FM Denny and A Baharuddin (eds), *Islam and Ecology: A Bestowed Trust* (Harvard University Press 2003)
- Hallaq W, 'Groundwork of the Moral Law: A New Look at the Qur'an and the Genesis of Shari'a' (2016) 16 *Islamic Law and Society* 239
- Hamad N, 'Foundations for Sustainable Development: Harmonising Islam, Nature and Law', (SJD Dissertation, Elisabeth Haub School of Law at Pace University, July 2017) <<https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1019&context=lawdissertations>> accessed 2 April 2021
- Hammoud M, 'Environment, Ecology and Islam: Insight' (1990) 5/3 *New South Wales Islamic Foundation* 19
- Haneef SSS, 'Principles of Environmental Law in Islam' (2002) 17/3 *Arab Law Quarterly* 241
- His Holiness, Saifuddin SM, '*Allamal Insana Ma'a lam Ya'lam*' Nazam Sharif (Jamea Saifiyah Publications 2016)
- Idlilalène S, *Rediscovery and Revival in Islamic Environmental Law Back to the Future of Nature's Trust* (Cambridge University Press 2021)
- Kaye DD, 'COVID-19 Impacts on Strategic Dynamics in the Middle East' *The Rand Blog* (22 March 2020) <<https://www.rand.org/blog/2020/03/covid-19-impacts-on-strategic-dynamics-in-the-middle.html>> accessed 2 April 2021

Lau M, 'The Role of Environmental Tribunals in Pakistan: Challenges and Prospects' (2018) 20/1 Yearbook of Islamic and Middle Eastern Law Online 1

Liebesny HJ, 'Religious Law and Westernization in the Moslem Near East' (1953) 2 J Comp L 492

Llewellyn OAR, 'The Basis for a Discipline of Islamic Environmental Law' in R Foltz, FM Denny and A Baharuddin (eds), *Islam and Ecology: A Bestowed Trust* (Harvard University Press 2003)

Lovei M and C Weiss, *Environmental Management and Institutions in OECD Countries: Lessons from Experience* (World Bank 1998)

McKibben B, 'Climate Change: A Warning from Islam' *New York Review of Books Daily* (24 August 2015) <www.nybooks.com/blogs/nyrblog/2015/aug/24/climate-change-warning-islam/> accessed 2 April 2021

McKim R, 'On Comparing Religions in the Anthropocene' (2013) 34/3 Am J Theology and Phil 248

Merryman JH, *The Civil Law Tradition* (Stanford University Press, 1985)

Mohamed N, 'Revitalizing Islamic Ecological Ethics Through Education' in M Peters (ed), *Encyclopaedia of Educational Philosophy and Theory* (Springer 2017)

Najmuddin Y, 'Commentary – 'Fuyuz Falsafat al Aql' – A Philosophical Discourse' by Dr. Syedna Taher Saifuddin (vol I, 1963)

Pasha AC, *Al-Majalla al-Ahkam al-Adaliyyah* [Islamic Civil Code of the Ottoman Empire] (Create Space Independent Publishers 2016)

Rabb IA, 'Islamic Legal Minimalism: When Jurists and Lawmaking when Jurists Disappear' in M Cook, A Sayeed and I Rabb, *Law and Tradition in Classical Islamic Thought: Studies in Honor of Professor Hossein Modarressi* (Palgrave MacMillan 2012)

Raz J, *The Concept of a Legal System: An Introduction to the Theory of a Legal System* (OUP 2012)

Reinhart K, 'Islamic Law as Islamic Ethics' (1983) 11/2 J Rel Ethics 186

Rice G, 'Pro-Environmental Behavior in Egypt: Is There a Role for Islamic Environmental Ethics?' (2000) 65/4 J Business Ethics 373

Roughton G, 'The Ancient and the Modern: Environmental Law and Governance in Islam' (2007) 32 Columbia J Env'tl L 99

Royd D, 'The Status of Constitutional Protection for the Environment in Other Nations' (David Suzuki Foundation 2014) <<https://david Suzuki.org/wp-content/uploads/2013/11/status-constitutional-protection-environment-other-nations.pdf>> accessed 2 April 2021

Simon S, 'From Traditional to Modern Water Management Systems: Reflection on the Evolution of a 'Water Ethic' in Semi-Arid Morocco' in U Uhlig (ed), *Current Issues of Water Management* (InTech 2011)

Stephens T, 'Carbon Emissions Trading, Compensation for Soil Pollution, Legal Rights for Rivers, Protection of Biodiversity in Forests, Islamic Environmental Law' (2020) 23 Asia Pac J Env'tl L 99

Sulaiman M, 'Between text and Discourse: Re-theorizing Islamic Orthodoxy' (2018) 3/2 ReOrient 140

The Muslim 7-Year Action Plan (M7YAP) To Deal with Global Climate Change <<http://www.arcworld.org/downloads/Muslim-7YP.pdf>> accessed 2 April 2021

Turfe T, *Energy in Islam: A Scientific Approach to Preserving Our Health and the Environment* (Elmhurst 2011)

UNEP, 'How Islam can Represent a Model for Environmental Stewardship' *Ecosystems and Biodiversity: UNEP News* (21 June 2018) <<https://www.unep.org/news-and-stories/story/how-islam-can-represent-model-environmental-stewardship>> accessed 2 April 2021

Warren C, 'Constitutions and Islamic Law' (2017) Oxford Research Encyclopaedia of Religion <<https://oxfordre.com/religion/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-96?rskey=jCzLQm&result=1>> accessed 2 April 2021

Winterton G, 'Comparative Law Teaching' (1975) 23 Am J Comp L 69

Yousef T, 'Economic Impact of Covid 19 in the Middle East' *Babel Podcast* (7 April 2020)

Zweigert C and K Hein, *An Introduction to Comparative Law* (OUP, 2nd ed, 1992)