

Law and Climate Change in Nigeria



for him

Edited by:

Wahab Olasupo Egbewole

Muhtar Adeiza Etudaiye

Olugbenga Ajani Olatunji

LIST OF CONTRIBUTORS

1. Mallam Yusuf Olaolu Ali, SAN
Principal Partner
Ghalib Chambers, Ilorin
2. Prof. Isaac Olawale Albert
Peace and Conflict Studies Programme
Institute of African Studies, University of Ibadan
3. Prof. Olanrewaju Fagbohun
Nigerian Institute of Advanced Legal Studies
University of Lagos, Akoka
4. Prof. Abdul-Qadir Zubair
Head of Department/Lecturer
Department of Islamic Law
Faculty of Law, University of Ilorin
5. Dr Wahab Olasupo Egbewole
Acting Dean/Lecturer
Faculty of Law, University of Ilorin
6. Dr Muhammed Mustapha Akanbi
Head of Department/Lecturer
Department of Business Law
Faculty of Law, University of Ilorin
7. Dr Muhtar Adeiza Etudaiye
Sub-Dean/Lecturer
Faculty of Law, University of Ilorin

8. Dr Ibrahim Abikan Abdulqadir
Lecturer
Department of Islamic Law
Faculty of Law, University of Ilorin
9. Dr (Mrs) Abdulraheem Nimah Modupe
Lecturer
Department of Jurisprudence & International Law
Faculty of Law, University of Ilorin
10. Dr.(Mrs) Francisca E. Nlerum
Nigerian Institute of Advanced Legal Studies
University of Lagos, Akoka
11. Dr H. I. Jimoh
Lecturer
Department of Geography
Faculty of Business & Social Sciences, University of Ilorin
12. Dr Abdullateef Usman
Lecturer
Department of Economics
Faculty of Business & Social Sciences, University of Ilorin
13. Dr U. A. Ajidagba
Lecturer
Department of Arts & Social Sciences Education
University of Ilorin
14. Mr Hakeem Ijaiya
Head of Department/Lecturer
Department of Private & Property Law
Faculty of Law, University of Ilorin

15. Mr Ibrahim Imam
Lecturer
Department of Public Law
Faculty of Law, University of Ilorin
16. Mrs M. A. Abdulraheem-Mustapha
Lecturer,
Department of Public Law
Faculty of Law, University of Ilorin
17. Mr S. M. Olokooba
Lecturer
Department of Business Law
Faculty of Law, University of Ilorin
18. Mr B. A Usman
Lecturer
Department of Geography
Faculty of Business & Social Sciences, University of Ilorin
19. Mr A. M. Tunde
Lecturer
Department of Geography
Faculty of Business & Social Sciences, University of Ilorin
20. Mrs Hasfat Iyabo Saadu
Lecturer
Department of Business Law
Faculty of Law, University of Ilorin
21. Mr Ismail Adua Mustapha
Lecturer
Department of Business Law
Faculty of Law, University of Ilorin

22. Mrs Khairat Oluwakemi Akanbi
Lecturer
Department of Business Law
Faculty of Law, University of Ilorin
23. Mr A. A. Adeloye
Lecturer
Department of Animal Production
Faculty of Agriculture, University of Ilorin
24. Mr K. M. Okukpe
Lecturer
Department of Animal Production
Faculty of Agriculture, University of Ilorin
25. Mr Raphael Adeoye
Partner
Lawbright Solicitors, Abuja.
26. Prof. I. E. Ofoezie
Institute of Ecology and Environmental Studies
Obafemi Awolowo University, Ile-Ife
27. Mr O. J. Matthew
Institute of Ecology and Environmental Studies
Obafemi Awolowo University, Ile-Ife
28. Prof. A. T. Salami
Institute of Ecology and Environmental Studies
Obafemi Awolowo University, Ile-Ife
29. Mr Hamzah Adesola Dawood
Lecturer
Department of Business Law
Faculty of Law, University of Ilorin

30. Mr Ridwan Ibrahim Olagunju
Lecturer
Department of Islamic Law
Faculty of Law, University of Ilorin
31. Mr Orire Ismaila Oloyede
Lecturer
Department of Geography & Environmental Management
University of Ilorin
32. Mr Muhammad Kamaldeen Imam-Tamim
Lecturer
Department of Private & Property Law
Faculty of Law, University of Ilorin
33. Mr Kadir Owolabi Razak
Lecturer
Department of Private & Property Law
Faculty of Law, University of Ilorin
34. Mr Jonathan A. Ehusani
Lecturer
Department of Public & International Law
Faculty of Law, University of Ilorin
35. Mr Mohammed E. Etudaiye
Lecturer
Department of Public & International Law
Faculty of Law, University of Abuja
36. Mr Abdulkadir Bolaji Abdulkadir
Lecturer
Department of Public Law
Faculty of Law, University of Ilorin

37. Mr Abdulfatai Oladapo Sambo
Lecturer
Department of Public Law
Faculty of Law, University of Ilorin
38. Mr Dauda Adeyemi Ariyoosu
Lecturer
Department of Business Law
Faculty of Law, University of Ilorin
39. Mr Mubarak Tijani Adekilekun
Lecturer
Department of Business Law
Faculty of Law, University of Ilorin.
40. Abdul-lateef Adekunle Owoade
Lecturer
Department of Islamic Law
Faculty of Law, University of Ilorin.
41. Yahaya Tayo Iyanda
Lecturer
Department of Geography
Federal University of Technology, Minna

CHAPTER TWENTY ONE

UNIVERSAL DECEPTION OF ENVIRONMENTAL DESTRUCTION

BY

ABDUL-QADIR ZUBAIR*

RIDWAN IBRAHIM OLAGUNJU**

ABSTRACT

The Quran being a revelation from the Almighty Allah details and provides for all that is needed for man, HIS creation, to successfully live in a world HE himself has created. A part of what that hallowed book provided for is a complete environmental regime. In over 700 verses in the Quran, Allah details how the environment should be treated to avoid havoc being wrecked to it. Since the Quran provides man with a complete environmental regime, we contend in this paper that the term 'climate change' is a deception as the climate does not change; rather, it is man that destroys the environment through his numerous selfish activities.

INTRODUCTION

Mischief has appeared on land and in the sea because of what the hands of men have earned, that (Allah) may give them a taste of some of their deeds, in order that they may turn back (from evil).¹¹⁹²

When this verse was revealed fifteen century ago, the first interpretation that came to the mind of man centered on morale decadence; not very mindful of physical destruction of our environment. Alas! We are now facing the reality of our mischief not only to ourselves in terms of morale decadence but also to our environment. The gravity of our mischief is lumped up in the destruction we are making to our

*

Professor and Head of Department of Islamic Law, Faculty of Law, University of Ilorin.

**

Lecturer, Department of Islamic Law, Faculty of Law, University of Ilorin

1192

Qur'an 30:41

environments which Allah has created for our habitation on this earth. Sciences confirm that our actions induce global warming and climate change. Trees are cut down every second ignoring their vital role in the survival of all living things on the earth. Our lifestyles demand high consumption of energy that produces millions of tons of pollutants every day. We emit into the air poisons that constitute serious health hazard to all who breathe them and fall back acid rains that devastate life in the forests, mountains, lakes and rivers. We dump into the sea waste water that contains a lethal mixture of viruses, bacteria, chemical, metals and oils. This causes a serious health hazard to every living thing that has contact with it including human being. As stressed in the Holy Qur'an, Allah created the heavens and the earth and all that are between them far before the creation of man.¹¹⁹³ But within the brief time we have spent on this earth we are causing the extinction of species that have lived on it far longer than us and we are creating conditions that put the survival of the human species itself at great risk. Everything points to the fact that mankind has neglected his responsibilities as vicegerent of Allah on this planet the way he is destroying the natural world. In order to free ourselves from blame and liability we coin the slogan of "Climate Change" instead of the proper words of "Environmental Destruction". We shall see in this treatise whether it is the climate that changes by itself or we are the causes of its changing. The result of our destruction is so obvious and it has touched every continent and affected every living thing. Drought and deserts are spreading, while floods and hurricanes become frequent now. Except something is done urgently, we may bring a whole range of our fellow species to near or total extinction.

THE CREATION OF EARTH

Say (O Muhammad): "Do you verily disbelieve in Him Who created the earth in two Days? And set up rivals (in worship) with Him? That is the Lord of the Alamin (Mankind, jinn and all that exists). He placed therein (i.e. the earth) firm mountains from above it, and He blessed it, and measured therein its sustenance (for its dwellers) in four Days equal (i.e. all these four days are equal in the length of time) for all those who ask (about its creation). Then, He rose over towards the heaven when it was smoke, and said to it and to the earth: "Come both of you willingly

1193 See Qur'an 25:59; 41:9-10.

or unwillingly". "They both said: We come willingly. Then He completed and finished from their creation (as) seven heavens in two Days and He made in each heaven its affair. And We adorned the nearest (lowest) heaven with lamps (stars) to be an adornment as well as to guard (from the devils by using them as missiles against the devils). Such is the Decree of Him the All-Mighty, the All-Knower."¹¹⁹⁴

In the above verses of the Qur'an, Allah succinctly explains the creation of our planet and its environment. The creation of the earth itself took two days while its environment took another two days making four days. Mountains and other uncountable blessings were created. Above all the sustenance for all its dwellers, have been placed there before the creation of Mankind. Allah then created the seven heavens and revealed in each heaven its affairs accordingly. Allah adorned our sky with stars as an adornment and guards. Such is the Decree of the All-Mighty Allah, All-Knower. In the above verses we see the commandment of Allah to the heaven and earth and we see their reply: "We come willingly". This buttresses the fact that the whole of creation works because it follows the commandments of the Creator willingly and without any hesitation. The only creature that can act contrary to its preordained pattern and upset the balance is the human being.

Our planet with its environment is very unique. Allah has given its creation four Days out of the six Days dedicated for the creation of heaven and earth. He endowed it with a climate suited to the promotion and sustenance of life. Nothing is comparable to its self-organizing, self-adjusting and self-replenishing ecological system in the whole of the known universe. Forest worldwide absorbs millions of tons of carbon dioxide being spewed into the atmosphere by cars and industries until man started destroying the forest with little or no replacement.

There is an inherent balance towards stability in the natural order. Allah asserts in the Quran:

The most Gracious (Allah)! He has taught (you mankind) the Quran (by His Mercy). He created man. He taught him eloquent speech. The sun and the moon run on fixed courses (exactly) calculated with measured out stages for each (for reckoning). And

*the stars and the trees both prostrate themselves (to Allah). And the heaven: He has raised it high, and He has set up the Balance in order that you may not transgress (due) balance. And observed the weight with equity and do not make the balance deficient. And the earth: He has put down for the creatures. Therein are fruits and date-palms producing sheathed fruit-stalks (enclosing dates). And also corn, with leaves and stalk for fodder, and sweet-scented plant. Then, which of the Blessings of your Lord will you both (Jinn and men) deny?*¹¹⁹⁵

These verses deal with two cases. First, the concept of Balance and its import in the process of natural order. Second the purpose of the creation of earth. Our planet is a speck in an unfathomable ocean, spinning around on its tilted axis and its creation contains the elements of order, balance and proportion. The life in this planet is based on fine balance that any alteration to this balance may cause the inhabitants a great calamity as we are witnessing now. In this aspect of the above Qur'anic verses Allah confirmed that He originated creation, He created the earth and the heavens and their contained creatures. He then created mankind within the earth. We are by this, subjected to Allah's unchangeable laws like the rest of the creation, making us, at the biological level, equal partners. The second aspect is the purpose of creation of the earth. He asserts: "And the earth, He has put down for the creatures". This is an indication that the earth is not our own alone. It is created for all creatures in which mankind is a nation among nations of the planet. Allah says:

*No creature is there crawling on the earth, no bird flying with its wings but they are nations like unto yourselves. We have neglected nothing in the Book; then to their Lord they shall be mustered.*¹¹⁹⁶

Communities on this planet are numerous only Allah knows them. Animals and all other living things including mankind are under the control of Allah and they are held within the limits of His decrees. They are accountable to Him and will stand before Him on the Day of Judgment.

1195. Qur'an 55: 1-13.

1196 Qur'an 6:38

ISLAMIC ECOLOGICAL SYSTEM FROM CONCEPT TO PRACTICAL

There are about 759 verses in the Qur'an deliberating on the importance of ecology and nature. These verses serve as Islamic perspectives on environment. According to the Qur'an, a true Muslim should maintain and respect the sacredness of earth which contains signs of Allah. He must look after the environment and not to damage it.¹¹⁹⁸ He must promote preservations of natural resources which include water, seas, air, etc., and refrain from acts that may damage the ecological system, from a personal level.¹¹⁹⁹

The unity of creation is one segment of *Tawhid*, i.e oneness of Allah, in Islam. The Quran, in many of its verses, confirms the oneness of Allah and the interdependence of humanity and nature.¹²⁰⁰ The strong spiritual dimensions associated with nature call for its care and respect. *Israf* (wastefulness) has a wider scope in Islam. It connotes that Allah is behind the diversity of nature; thus humans must not waste the natural produce. A Muslim is not allowed to waste water in his performance of *wudu'* (ritual abolition for prayers), even if he is near a flowing river.¹²⁰¹ Unnecessary wealth, production and accumulation are discouraged in the Qur'an because they will demand resource-use such of which affect the ecology and cause the climate change's problems that we are facing now. An example of this is massive industrialization which created toxic waste that became a problem upon man to manage.

The vital function of water, air and land to our perpetual existence are frequently emphasized in Quran. Water is made the basis and origin of life: "We made from the water every living thing".¹²⁰² The continual survival of all living things and vegetable is also on water. We breathe in the air and it is also made to pollinate our crops.¹²⁰³ Land is preserved for the use of humans and other creatures. The Qur'an asserts:

1197 See Qur'an 2:164

1198 Qur'an 7:54-56

1199 Qur'an 28:77

1200 Qur'an 2:164

1201 Abu-Da'ud, (1959), *Sunan Abi-Da'ud*, Halabi Press, Cairo, Vol. I, p.25; See also Mujahid al-

Sawwaf (1980), *Water in Islam*, Muslim World League, N. America, p.7.

1202 Qur'an 21:30

1203 Qur'an 15:22

"And the earth He has established for living creatures"¹²⁰⁴ In the same vein, other creatures have their shares in all the natural produces.

Above all, natural environment performs religious function as an evidence of its Creator's presence. In its service to man and other living beings social functions are attainable. Thus, the destruction, abuse, over exploitation and pollution of natural resources are *haram* and punishable under the *Shari'ah*. The Quran is very explicit on this, when it says:

Allah is He Who has created the heavens and the earth and sends down water (rain) from the sky, and thereby brought forth fruits as provision for you; and He has made the ships to be of service to you, that they may sail through the sea by His Command; and He has made rivers (also) to be of service to you. And He has made the sun and the moon, both constantly pursuing their courses, to be of service to you, and He has made the night and the day, to be of service to you. And He gave you of all that you asked from Him, and if you count the Blessings of Allah, never will you be able to count them. Verily, man is indeed an extreme wrong-doer, a disbeliever (an extreme ingrate).¹²⁰⁵

From the foregoing, the concept of oneness of Allah with His creation; the general concept of Creation itself; and the concept of balance and proportion have been vividly entrenched in the Quran.

But for practical purpose, institutions and legislative principles were developed under the *Shari'ah*.¹²⁰⁶ Land and its attachments have institutions that regulate their utilization; and Water and its resources have institutions of their own. The protection of their substance and usufruct are found under Islamic Law of Crime and Tort,¹²⁰⁷ while the enforcement of their rules and regulations are under the sway of three major institutions of divine justice. They are the Judiciary; *Mazalim* (Institution of Inequity) and *Hisbah* (Institution for the Promotion of Good Acts and Prohibition of

1204 Qur'an 55:10

1205 Qur'an 14: 32-34

1206 See Zubair, A., *Islamic Legal Doctrine and Interests in Land*, (Al-Madinah Heritage Publications, Lagos 1996)

1207 Zubair, A., *An Outline of Islamic Law of Tort, Islamic International Contact*, Lagos 1990.

Wrong Acts).¹²⁰⁸ These institutions had been in existence since the time of the Prophet (S.A.W.) and his *Sahabah* (Disciples) fifteen centuries ago. There is no vacuum under the *Shari'ah* concerning environmental law. We shall summarize some of the principles under this environmental law.

Starting from definition, property is defined as "all what its possession, acquisition and usufruct in a normal way are possible".¹²⁰⁹ The jurists elaborated largely on this definition which time will not permit to illustrate,¹²¹⁰ but one point is very germane to our discussion. The jurists agree unanimously that whatever Allah has proscribed its usufruct for mankind cannot be considered a property even though man may possess or make use of its usufruct at times, like carrion.¹²¹¹ The ordinance of Allah is so important to be considered. Therefore, the monetary nature of a property is based on the rule of *Shari'ah*.¹²¹²

Land, also, is part of property because it can be possessed, and it has its own meaning and concept under *Shari'ah*. Land is classified under the division of property, as *al-Aqar*, i.e. immovable property. *Al-Aqar* denotes a thing that is stationary and immovable from its natural position.¹²¹³ There is controversy among the jurists, on whether the term applied only to the surface of the earth or it extends to include all the sub-jacent and super-jacent things attached to land such as buildings, trees and minerals. Additionally, exceptions crept into the general rule of possession on cases related to land for the purpose of public interest. An example of these exceptions is the *hadith* which says: "People are partners in the ownership of three things: water, fire and pasture".¹²¹⁴ Thus, the landlord of the land which contains water or pasture has limited ownership. In the institution of *ard al-Mawat*, i.e. virgin land, many restrictions are also placed on it. The Imam's control over virgin land for the public interest is more than individual acquisition of it.¹²¹⁵ The Imam, (in the modern time, the State) has the monopoly of the proprietary right on the following: i. *Unwah* land

1208 Zubair, A., *An Introduction to Islamic Constitutional and Administrative Law*, (Da'wah Foresight Publications, Lagos 2011) pp. 301-332.

1209 Zubair, A., *Op cit.*, pp. 2-3.

1210 *Ibid.*, pp. 1-13.

1211 See *Qur'an* 5:3

1212 Zubair, A., *Op cit.*, pp. 5-6.

1213 See Muhammad Yusuf, M., *Al-Amwal wa nazariyyah al-'aqd fi al-fiqh al-Islami*, Cairo, 1962 p. 163.

1214 Al-Amir, M. I., *Subl al-Salam sharh bulugh al-maram*, Dar Ihya' al-turath al-'arabi, 1960 Vol. III, p. 86.

1215 See Zubair, A., *Op cit.*, pp. 50-59.

which is occupied through the process of *Jihad*; ii. *Sulh* land which is acquired under treaty; iii Abandoned land of the unknown people which is to be inherited by the State; iv. *Hima* is the reserved area for public use. The Imam or his deputies in the provinces are the only authority that can declare an area as a *hima* for the practical public needs.¹²¹⁶ *Al-Ma'adin* (minerals), *al-Kunuz* (treasures), and *Iqta* (act of granting land) are institutions perfectly under the control of Imam.¹²¹⁷

Apart from all afore-mentioned, *haq al-irtifaq* (Rights of Easements) and *al-Shuf'ah* (Pre-emption) are other institutions attached to the utilization of Land.¹²¹⁸ With these elaborate institutions Muslims are not in need of looking outside world for regulations to cater for their environment. Like the case of Financial Institutions which have got to borrow from Islamic Financial System, the world has got to borrow from Islamic Environmental Law which has been in development since the beginning of revelation of the Qur'an fifteen centuries ago.

CAUSES OF GLOBAL WARMING

The need in this write up to delve, at this juncture, into a discourse on the causes of global warming could, among others, be found warranted for two major reasons. First, the earlier assertion in this paper on the deception inherent in the reference to man's induced destruction of environment as climate change (instead of environmental destruction) would sound more equivocal and become more manifest with the mention of causes of global warming.

The second reason is hinged on the need to have a successful attempt at checkmating the entire mess called global warming. For success of this attempt, it is unarguably pertinent to identify the causes of global warming. A disease known, they say, is half-cured.

However, these causes are engaging and multitudinous. Analysis of just four out of these causes shall preoccupy our attention here. First and foremost man, by a

1216 *Al-Mawardi, Al-Ahkam al-Sultaniyyah*, (Halabi Press, Cairo 1966) pp. 177-178.

1217 *Al-Sarakhsi, (1324 H.), Al-Mabsut sharh al-Kafi, Al-Sa'adah Press, Cairo, Vol. II, p. 211.*

1218 *Al-Khafif, A., Al-Ahkam al-Mu'amalat al-Shari'iyah, (Ansar al-Sunnah al-Muhammadiyah Press, Cairo 1947) p. 62.*

number of his activities, can be said to be the brain behind emission of green house gases into the atmospheres. The rapid technological growth in any given society certainly has fallout in the complexity of causes and effects of environmental pollution. It is common knowledge that many types of pollution exist,¹²¹⁹ and they all affect human life in varying degrees. For instance, by the phrase "land pollution" it is meant land degradation by man's harmful waste materials like chemical inputs which portend danger to vegetation and agricultural production. As observed,¹²²⁰ the major cause of land pollution in the modern age is the industrialization which led to urbanization, and the over concentration of the world population in particular areas of the landmass.

The industrialization has the propensity of inspiring the emission of harmful substances into the atmosphere. The same consequence is associated with air pollution which is described as the contamination of the atmosphere by gases and solids produced in the burning of natural fuels, chemical and in nuclear explosions.

It has been said¹²²¹ that motor vehicles account for roughly half of the air pollution, while digging or tilling and burning of fires when cooking or clearing bushes account for the other half. The burning of oil and other local produces create sulphur IV oxide, a pollutant of serious danger that causes most of the recent air pollution hazards to man.

The depletion of the ozone layer which results from the release of chlorofluorocarbons (CFCS) into the atmosphere with the consequent increased ability for harmful ultra-violet radiation from the sun to penetrate the earth's atmosphere and get to the earth's surface, leading to a high incidence of skin cancer in humans is a major consequence of air pollution.¹²²²

At the National level here in our country, Nigeria, we do contribute too, as observed by the Delta State Government, Dr. Emmanuel Uduaghan, to the pollution that

¹²¹⁹ These are water, air, land and noise pollutions.

¹²²⁰ Lawrence Atsegbua, Vincent Akpotare and Folarin Dimowo, *Environmental Law in Nigeria: Theory and Practice*, (Ababa Press Ltd., Lagos 2004) p. 77.

¹²²¹ *Ibid.*, p. 75.

¹²²² Hesketh, H. E., "Air Pollution: A Moral Issue Air Clear", in *Environmental Administration*, (1970) Vol. 2, No 3, pp. 19-20.

depletes the ozone layer.¹²²³ Omorogbe¹²²⁴ also asserts that one of the major causes of pollution (which in turn inspires emission of green house gasses into the atmosphere) is the prospecting activities of oil companies which include blow-out and oil spills; and constant gas flaring. Further, it is reported¹²²⁵ that about one quarter of the land available in delta area of the former Bendel State has been rendered barren due to the spillages and leakages. The beaches at the mouth of the big rivers have been polluted by oil deposits from nearby off-shore platforms. These indeed, have a great impact on the drastic increase in the global warming. The Nigerian Meteorological Agency office reported that:

*The cloud being formed is supposed to be shed to the earth in form of rain, but this is not happening. Consequently, the earth could not emit back the heat it absorbs during the day. The heat is being blocked down here by the cloud, which has refused to shed. It is as if the heat is trapped.*¹²²⁶

Deforestation can also be mentioned as another cause of global warming. The Amazon, which is known as the world's largest tropical forest, spreads over nine countries, but most of it lies within Brazil. Rainforests are enormous carbon storage sinks. When they are cleared or burned, carbon dioxide or other green house gases are released into the atmosphere. These have been found to contribute to global warming.

According to the United Nations framework convention on climate change (UNFCCC),¹²²⁷ when emissions from land-use change and forestry estimation (LUCF) are included, Brazil emissions amount to 12.3 percent of the total of the 151 non-Annex 1 parties to the UNFCCC, primarily developing countries that have no emissions reduction targets according to the Kyoto protocol.

1223 See *This Day Newspaper* (Nigeria 22 October 2009) p. 23.

1224 Omorogbe, Y., "Regulation of Oil Industry Pollution in Nigeria," in *New Frontiers in Law*, Azinge (ed.), (Oliz Publishers, Benin 1993)

1225 Bendel State Government, (1987), *Hazards of Oil Exploration in Bendel State*, Government Press, p. 6

1226 *Sunday Tribune* (Nigeria 21 February 2010) p.2

1227 See *Climate Change Perspectives Journal*, U.S.A., p.8, *passim*. Available at <http://america.gov/publicatios/ejournalusa.html>

To tackle Brazil's largest source of green house gas emissions, deforestation, the Brazilian Government launched in 2008 the national plan for climate change, which envisions diminishing the deforestation of the Amazon by 70 percent in relation to the estimates from 1996-2005, by 2017.¹²²⁸ This initiative is a major strategy to mitigate global climate change by preserving the forest. It has also opened possibilities for funding and political cooperation. At the U.N. climate change conference in Bali (December 2007), the nations agreed to include payments for Reduced Emissions from Deforestation and Degradation within the frame-work of Kyoto protocol.

Another serious cause for global warming is over concentration of reliance on an economy rich in natural but often finite resources. Despite growing sparks of leadership in solar and wind power, promotion of development in underground oil reserve continues. The Province of Nova Scotia still depends on coal, and Ontario continues to develop non-renewable nuclear energy.¹²²⁹ Yet, according to Zoe Caron, while treating the issue in his country, Canada, he said:

*Yet we have a tremendous opportunity to enjoy an economy that can thrive from today forward. Waste can thrive from today forward. Waste from Canada's agricultural sector can provide for biomass derived fuels. Wind across the prairies and off the east coast of Nova Scotia can generate electricity. Solar energy potential exists across many parts of the country. The possibilities for building the infrastructure for this could start in our own towns, creating new green jobs for our country.*¹²³⁰

The fourth cause of global warming is what evolves from the problem of trans-boundary movements of hazardous wastes. In the past few years, many African countries have served as convenient havens for the dumping of nuclear and industrial wastes. These countries (dumping grounds) have not been innocent victims, and in most cases, contractual arrangements between their governments and foreign multi-national corporations have served as lubricants for the possibility of this dumping.¹²³¹

1228 *Ibid.*, p. 9.

1229 *Ibid.*, p. 11

1230 *Ibid.*, p. 12

1231 The other mode of the toxic dumping was done illegally by individuals privately contracting with firms from the exporting countries. See Peter C. M., "Taking Environment Seriously: The Africa Charter on Human and Peoples Rights and Environment", in *Revue Africaine des Droits de l'Homme*, 1993 Vol. 3, p. 42.

Official knowledge of toxic waste export to Africa was in 1988. This was following the discovery of containers of toxic waste imported by a Nigerian peasant living near the small port of Koko, a coastal community located in Delta State, Nigeria, which lies south of the former Bendel State close to the Atlantic ocean.¹²³² Though, this ugly action of turning Africa into dumping grounds, which manifested then, had since been immediately condemned from all sides with a lot of bitterness, the threat posed by it has to be checkmated.¹²³³

With this above, it is certain that we are through with the four causes of global warming which we earlier hinted of delving into. Nevertheless, there is need to debunk the point of upward growth of human population which environmentalists have added as another cause of global warming. Though, we do agree that other causes apart from the ones explained above do exist, we vehemently disagree that upward growth in human population is a contributor to climate change by reason of increase in the production of carbon dioxide in breathing.

The landmass and human beings thereon are both creatures of Allah, the Almighty, whose works are so perfect that they give no room for the mildest of contradictions. To say that human population is becoming over and above what the available landmass can accommodate is, to say the least, an assumption of diminishing in divine might. Allah, the Most High, has plans for everything and so, He can never be caught by surprise. Whatever He sends down is with a known and definite measure. Allah says in the Quran:

*And the earth have we spread out, and set therein firm mountains and caused everything to grow therein in proper proportion. And We have provided therein means of living, for you and for those whom you provide not. And there is not a thing but with us are the treasures thereof and we send it not down except in a known measure.*¹²³⁴

The above Qur'anic verses are points in support of our view that upward growth in human population, as it is, still falls within the accommodative capacity of the planet.

1232 Ibid., p. 42.

1233 Popoola, A., (1998), "International Law and The Protection of The Marine Environment: Problems and Challenges for Africa in The 21st Century", in *Environmental Law and Policy*, Simpson and Fagbon (ed.), Lagos: Law Centre, Lagos State University, p. 413, *passim*.

1234 Qur'an 15:19-21.

As Muslims, we should always be conscious of our religion's concept of family planning. To toe the path of environmentalists on their baseless proposition of overpopulation factor, is to give a nod of approval to the age-long foreign calls for the implementation of the Western concept of family planning which is birth control or birth limitation proposed long ago by people like Thomas Robert Malthus and others.¹²³⁵

Nevertheless, it is not the intention of the writers to be understood as saying that there is no planning for procreation in Islam. Of course, in Islam, there is family planning, but this exists in a special class of its own,¹²³⁶ not the Western type which is being canvassed here and there by the Planned Parenthood Federation of Nigeria.¹²³⁷

SUGGESTED SOLUTIONS

According to Uduaghan, global warming had been known for about 100 years, but it was not until 1997 in Kyoto, Japan, (now referred to as Kyoto protocol) did the world decide it needs to make a joint effort at addressing these problems especially carbon dioxide emissions as well as other gases like methane, nitrogen oxides, carbon monoxide etc.¹²³⁸

There is indeed a great need on our part both collectively and individually to be prepared to tackle the effects of global warming by proffering solutions to stem its tide. Though, some scientists liken climate change to a tidal wave that can no longer be held at bay, we are of the opinion that it is not too late to prevent the worst effects of the warming. This will be to avoid the most catastrophic effect of those changes.

The first antidote is to strive hard and cut down fossil fuel emission globally. One way of course, is to consume less. Another is to develop new types of fuel that will not tax our environment. In the United States, people like Craig Venter, who directed the team that won the race to sequence human genome, are now working on

1235 See the exposition of this concept in Malthus, T. R., *An Essay on Population*, (J. M. Dent & Sons Ltd., London 1798) 2 Volumes. See also, Margaret Sanger, *The Pivot of Civilization*, London 1922.

1236 See Zubair, A., *Shari'ah Views on The Bases and Means of Family Planning*, (Plamic International Contact, Lagos 1992)

1237 *Ibid.*, pp. 5-6.

1238 See *This Day* (Nigeria 22 October 2009) p. 23.

engineering microbes that could help move the United States away from addiction to oil while drastically cutting down green house emissions.

In California, for example, Amyris Biotechnology which had already manufactured a synthetic malaria drug has now engineered three microbes that can transform sugar into fuel, including one that turns yeast and sugar into a viable form of diesel. Interestingly, the Obama administration has signaled with words and with money that such endeavours will be fully supported.

Another solution is reforestation. While encouraging people to walk up to the challenges of global warming, Babtunde Fashola, Governor of Lagos State of Nigeria, indicated that threat posed by global warming on lives and properties could be better fought if the culture of tree planting becomes institutionalized. On the benefits derivable from tree planting, Fashola says:

*Trees are known to be very useful in reducing carbon dioxide, a major contribution to green house gases and replenishing the air with oxygen. Apart from the above, trees improve the aesthetic value of the environment. Trees also provide shade, prevent erosion, help minimize flooding and act as wind breakers.*¹²³⁹

Marching the above words with action, the Lagos State Governor, since the commencement of his administration in 2007, has caused the Lagos State Government to embark on an intensive tree-planting advocacy campaign. In 2008 when the campaign was launched, about 250,000 trees were planted. The 2009 tree-planting campaign witnessed the planting of over one million trees across all communities in the state.¹²⁴⁰

In Kano State of Nigeria, a similar development is currently making the rounds. According to the state's Commissioner for Environment, Alhaji Garuba Abubakar, 36 out of the 44 local government areas of the State are facing the threat of desertification, adding that state government procured and planted 26 million trees to solve the problem.¹²⁴¹

1239 Ibid., p.24.

1240 Ibid., p. 24.

1241 The Nation (Nigeria 2 November 2009) p. 6.

On the ailment of heat rash, a possible fallout of the excessive heat identified with global warming, it has been suggested that to stay healthy, people should keep their environment as cool as possible. This may be by leaving doors and windows wide open for good ventilation. The use and wearing of light textured materials, especially when at home, has also been encouraged. Using thick materials, such as blanket, to cover children around this time should be avoided. It is also advisable to wear white materials for the belief that the white materials reflect the sun rays while the dark ones collect the rays.

CONCLUSION

The safety of our planet is not a choice but an obligatory duty upon us for which we will be accountable on the Day of Judgment. As vicegerents of Allah on earth, we have responsibility to behave justly and actively acknowledge the balance and orderliness that surround us. Muslims should be at forefront of taking action on protecting the earth.

In the past, there had been a broad balance between people and their environment. But industrialization has upset this basis of human society. People in cities often lose all connection with nature. Many of them are scarcely aware of the origin of products, including food, on which they depended.

Islam is a religion of community and Muslims are collectively responsible to ensure that governments did not follow policies of selfishness, greed and resource depletion. The governors should not be allowed to distort the law in the so-called national interests. The Quran reminds us that: "Allah will not change the state of affairs of any community until they first change that which is within themselves".¹²⁴² In this crisis of environmental destruction, a greater emphasis should be placed on bottom-up and community led initiatives. Individual should be made responsible rather than blaming institutions. Sometimes, small things can have big effects. We ask people to buy less, consume less, reduce their shower by five minutes and install more energy efficient appliances in their homes as it was enshrined in Islam.

1242 See *Qur'an* 13:11

On the other hand, Muslims are to be awakening to the challenge of preserving the global ecosystem. Modern Islamic Scholars must expatiate on the ecological principles in the Qur'an as they apply to contemporary environmental issues. We need to rethink the whole human relationship with nature and its resources, and above all, to take account of the spiritual dimension as enshrined in Islam.