

PROTECTION OF THE ENVIRONMENT DURING ARMED CONFLICT: A REVIEW OF INTERNATIONAL HUMANITARIAN LAW AND ISLAMIC LAWS OF WAR

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ABSTRACT

The natural environment, fundamental to human survival and intergenerational equity, faces irreversible degradation during armed conflict, despite growing international recognition of its protection. While International Humanitarian Law (IHL) and Islamic Laws of War (ILOW) both offer frameworks to mitigate wartime environmental harm, existing provisions remain insufficient to address the scale of destruction. This paper employs a qualitative review to analyze the scope, strengths, and limitations of environmental safeguards under these legal systems. Findings reveal that while IHL prohibits excessive environmental damage through principles like proportionality and distinction, its enforcement remains inconsistent, and its protections are often conditional on military necessity. Similarly, ILOW emphasizes ethical restraints on warfare, including prohibitions against poisoning water sources and deforestation, rooted in Islamic principles of *maslaha* (public welfare) and *himā* (protected zones). Despite areas of convergence, such as shared commitments to minimizing harm, divergent interpretations, legal ambiguities, and enforcement gaps hinder coherent application. To bridge these shortcomings, this paper advocates for a harmonized legal framework integrating complementary principles from IHL and ILOW. Such a system could enhance accountability, clarify thresholds for permissible environmental harm, and foster cross-cultural dialogue. The study concludes with a call for collaborative action among states, Islamic scholars, and international bodies to prioritize environmental conservation as a humanitarian imperative, transcending legal and cultural divides during armed conflict.

Keywords - International Humanitarian Law, Islamic Law,
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