Law, Religion and the Environment in Africa

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11 “WE MUST TAKE THE BLOOD OUT OF THE CITY”: LAW, RELIGION AND BUTCHERS’ REVOLT IN SOUTHWEST NIGERIA

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Corruption has appeared in the land and the sea on account of what the hands of men have wrought, that He may make them taste a part of that which they have done, so that they may return.²

The worst of shepherds is the ungentle, who causes the beasts to crush or bruise one another.³

INTRODUCTION

Since its establishment in 1987, Bodija Market in the cosmopolitan city of Ibadan, southwest Nigeria, has achieved renown as a regional hub for trading and business transactions, particularly in cattle and goats, some of which are often imported from Chad and Niger Republic. Operation of municipal abattoirs within the market has over the years generated fundamental issues of animal welfare, environmental degradation and public health. On 28 June 2018, a government directive for relocation of the abattoir to a new site outside the city, which was meant to correct these anomalies, led to violence in the market between butchers, the majority of whom were Muslims, and the police. In exploring this incident, this chapter traces the history and operation of abattoirs across cultures particularly in southwest Nigeria. It examines the extant legal provisions, in both Islamic and common law, which are supposed to guide the activities of butchers in municipal abattoirs in the city. The focus is on the legal and cultural background to the conflict, which eventually led to destruction of lives and properties in the city. The chapter situates the butcher’s revolt in the context of insights furnished by experts from both Islamic and Western environmentalists.

Prior to 1964,⁴ the city of Ibadan, which is populated by the Yoruba ethnic group (95%)⁵ and has a Muslim majority, lacked any organised or centralised abattoir system. Instead, slaughtering of animals was carried out at the major markets in the

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2 Yusuf A. n.d. *The Noble Qur’an: English Translation of the meanings and commentary* (K.S.A: King Fahd Glorious Quran Complex), 30:41. This version of the Quran is used for citations throughout this chapter.

3 *Sahih Muslim*, hadith 1830.

4 Lasisi KO. 1999. *Location and Environmental Effects of Abattoirs in Ibadan*, Master's dissertation, University of Ibadan, Ibadan, Nigeria.

5 Bascom WR. 1962. “Some Aspects of Yoruba Urbanism”, *American Anthropologist*, 64(4) [https://doi.org/10.1525/aa.1962.64.4.02a00010].

city centres. By locating abattoirs within the city, butchers had extra advantage of being very close to their respective homes and stalls and were in easy reach of their customers. However, the advantages they enjoyed in locating their abattoirs within built environments were accompanied by poor sanitary conditions, inadequate supervision by public health workers and veterinary divisions. Little or no concern was given to ways in which the environment was being impacted negatively by blood and feces of slaughtered animals. A visit to an abattoir during those days revealed the complete disregard for or ignorance of the law on environmental sanitation. There was arrant display of lack of awareness of or wilful disregard for the ethical codes guiding slaughtering and processing of animals for human consumption on the part of the butchers, the majority of whom were Muslims.

Until recently, the abattoir at the Bodija Market in Ibadan constituted a considerable menace to the environment and the people in the marketplace, as well as to the occupants of surrounding houses. The waste disposal system, drainage and the general look of the slaughter slabs were all clearly substandard. Over the years, the butchers had developed an attitude of neglect towards the environment and the health of the people within and around the market space. It is against this background that this chapter situates the butchers' revolt that took place in Ibadan in 2018.

FRAMING THE ENVIRONMENT

At the Conference on the Human Environment held in Stockholm in 1972, the word environment was defined as "a set of natural, social and cultural factors in which man and other beings live and from which they derive their living and exert their energies".⁶ It can be further defined as everything that surrounds human beings or affects their health and well-being. This includes cities, homes, streets, rivers, wells, beaches and other natural elements to which human life adapts.⁷ This also includes the air within buildings and the air within other natural or man-made structures above or below the ground.⁸ Whenever mention is made of environment, attention must be paid to the necessity to conserve the natural habitats and the ecosystem.⁹ Environment educators John Fein and Annette Gough further posit that the concept refers to "a set of interrelated systems – biophysical, social and economic and political which man transforms to meet his needs".¹⁰

6 Thabet AAA and Mohd YZB. 2017. "The role of the *Maqāṣidal-Sharī'ah* in Preserving the Environment", *Humanomics* 33(2):4 [https://doi.org/10.1108/H-12-2016-0105].

7 Thabet and Mohd, "The role of the *Maqāṣidal-Sharī'ah* in Preserving the Environment", *Humanomics*, 4.

8 Environmental Protection Act, (EPA), 1990, s 1(2).

9 Wolf S, White A and Stanley. N 2002. *Principles of Environmental Law*. Third Edition. London, Sydney: Cavendish Publishing Limited, 5.

10 Fein J and Gough A. 1996. "Environmental Education", in Gilbert R (ed). *Studying Society and the Environment: A Handbook for Teachers*. Melbourne: Macmillan Education, 200-216 (cited in Ekpo CG and Ishaq AB. 2019. "Islam and the Environment: Implications of Islamic

Contemporary discourses on the environment have gained strength due to global concerns over increasing risks and threats the earth now faces, particularly from various forms of pollution. Environmental pollution and climate change are now considered to be the greatest threats to survival of humans and other creatures. The challenge in the field is not just from the increasing incidence of threats to the environment and climate change all around the world. Rather, it is unarguably the lack of consensus amongst peoples and nations on exactly what constitutes environmental pollution or degradation. The latter, it must be borne in mind, has often been defined as "the contamination of the physical and biological components of the earth or the atmospheric system to such an extent that normal environmental processes are adversely affected."¹¹

Whereas some corporate and business groups rest in complete denial of the threats facing humanity in this regard, others hold that existing levels of threat or damage to humans are not significant enough to trigger a recognition or an alarm that environment is at risk. What constitutes environmental pollution consequently varies with the values and risk perception of different individuals, groups or societies.¹² Perhaps, the variances in what constitute environmental pollution within human societies can be easily ascribed to people's value systems and cultural orientation. For instance, a society that does not consider the health conditions of its people and the preservation of the environment very important may like not be able to discover the risks involved in environmental pollution or degradation let alone institute actions to preserve or conserve it. The violent clashes that took place at Bodija Market in 2018 exemplify this assertion.

THE VIOLENT CLASHES AT BODIJA ABATTOIR

Bodija Market is located at a district in Ibadan North local government of Oyo State, Nigeria. The market is known to be the hub for the sale and distribution of cattle and livestock in the state. It is populated mainly by Hausa and Yoruba traders. It was established in 1987 as solution to infrastructural needs of the old Orita-Merin foodstuff market, which the Ibadan municipal council could not meet. As soon as the Bodija Market was opened, the Oyo State government quickly relocated many foodstuff traders from the old Orita-Merin market to the new Bodija Market. Along

Funeral Practice on Environmental Sustainability", *IOSR Journal of Research & Method in Education (IOSR-JRME)* 6(1):58-63 [<https://bit.ly/35o1fR5>].

- 11 Muralikrishna IV and Valli Manickam V (eds). 2017. *Environmental Management: Science and Engineering for Industry*. Oxford: Butterworth-Heinemann. Again, the contributions of Nigerian authors in this direction are very important to the existing discourses on this topic. See Akinwumi IO, Oyeibisi TO and Salami AT. 2001. "Environmental Degradation in Nigeria: Implications and Policy Issues: A viewpoint", *International Journal of Environmental Studies* 58(5):585-595 [<https://doi.org/10.1080/00207230108711352>]. See also Omofonwan SI and Osa-Edoh GI. 2008. "The Challenges of Environmental Problems", *Journal of Human Ecology* 23(1) [<https://doi.org/10.1080/09709274.2008.11906054>].
- 12 Wolf, White, and Stanley, *Principles of Environmental Law*, 3.

with produce traders, cattle sellers from Sango, another suburb in the city of Ibadan were also relocated to the market.

Unlike others before it, Bodija Market enjoys a number of advantages. For example, its location is close to Ogbomoso-Ilorin interstate road network. This usually affords produce farmers from northern parts of Nigeria and those from other parts of Oyo State easier access to the market. The market operates an admixture of market styles, including open-space trading and concrete and wooden stalls.¹³ Amidst these advantages and amenities, the pertinent question is: But exactly what was the cause of the violent clashes that took place between the security agents of Oyo State government and members of the butchers association at the Bodija Market in 2018?

On 22 June 2018, violence broke out between the officers of the Nigerian police and members of the butchers association in Bodija Market over the decision of the state government to implement the relocation order of the abattoir from Bodija to a new abattoir established by the government at Amosun village under the Akinyele local government on the outskirts of the city of Ibadan. As is usually the case in intra-city conflicts, different reasons have been adduced for the violent conflict. According to members of the butchers association, the violence resulted from government's refusal to comply with valid court orders preventing the relocation of the abattoir from Bodija to Amosun village. One of them said:

We rejected the move. To cut it short, last Friday, some people came with a court order that they wanted to seal the abattoir. We called our lawyer, Femi Johnson, who spoke to them, he quoted the law for them and they all left and told us that they were sent to the market to seal it. We were surprised that they came on the early morning of Sunday and demolished the abattoir. Later, the DPO of Bodija called us and said the Commissioner of Police wanted to see us. Some of our members including Mr Najeem Balogun, Mr Idowu Adebayo, and Mr Ismail Iware went there; they were later detained and charged to court on Tuesday. They were arraigned at Magistrate court. The court said they did not commit any offence and we bailed them. The case was adjourned to July 16, 2018. The court told us to go back and continue our businesses. The police even said that they were not the ones that came to demolish the abattoir. There are two other cases that are still pending in the court. The one called by the state government and the private company against the butchers in Court 2 at High Court, it was mentioned on Tuesday and it was adjourned to October 24. The court said that the status quo should be maintained, that we should go back to our various locations; that all parties should remain calm.¹⁴

The respondent also averred that the violence that occurred in the month of June 2018 marked a watershed in the struggle by members of the butchers association against forces of oppression and repression within the hierarchy of the association.

13 Bodija International Market. Online at: <https://bit.ly/2zoYMda>

14 Ajay O. "Bodija Market Violence: Butchers accuse government of flouting court order", *Vanguard*, 2 July.

It is the latter, they contended, who worked in cahoots with government and facilitated introduction of policies that were perceived as inimical to the progress and welfare of the association.¹⁵

Other members of the association opined that their refusal or unwillingness to move to the new abattoir was borne out of the fear of the unknown. In other words, while they acknowledged that the new abattoir provided by government was equipped with modern-day facilities and that it would make their work easier, they were not sure of what its immediate impacts would be on customers' patronage and, by implication, their fortune and daily return from their businesses.¹⁶

However, representatives of the Ministry of Local Government, the agency in charge of administering public utilities, contended that two major reasons informed the decision to relocate the abattoir to the new site outside Ibadan and through that process "take the blood out of the city". These were, first, the necessity to protect the citizens' health and welfare through the provision of modern facilities for food processing and, second, the need to reduce environmental pollution and thereby promote healthy living for all. Officers of the ministry equally argued that the relocation of the abattoir to the new site was backed by law and that government was unaware of any court injunction preventing it from effecting its plans.¹⁷ Government officials contended, further, that the directive for relocation of the Bodija Abattoir had been given long before June 2018, but that the butchers had over the years taken the government of the state for granted despite all warnings and notices of relocation.¹⁸ By the time the violence was quelled, however, at least five members of the butchers association had lost their lives.¹⁹

At this point two questions emerge: Exactly what does the Nigerian Constitution say on environmental pollution and how does that divert from or intersect with provisions of Islamic law on environmental protection? Of what effect has the relocation of the abattoir been on environmental conservation in the state? These questions are the substantive focus of this chapter.

15 Interview with Idris Agboluaeje by H Oladosu-Uthman at new abattoir, 19 July 2019.

16 Interview with Alhaj Mukaila Ajadi by H Oladosu-Uthman at new abattoir, 23 July 2019.

17 Ajay, "Bodija Market Violence".

18 Interview with Alhaj Hammed Olayiwola by H Oladosu-Uthman at new abattoir on 23 July 2019. Some of the respondents averred that the reason government directives which are meant to be implemented by agencies such as the Ministry of Water Resources and Environment, Ministry of Health and Allied Departments, the Veterinary Department as well as the Nigerian Police Force (NPF) are, not implemented is corruption". "As soon as they take bribe, it becomes impossible for them to implement the law". This response is typical of all my interviewees.

19 Interview with Alhaj Hammed Olayiwola by H Oladosu-Uthman, 23 July 2019.

LAW AND RELIGION ON THE ENVIRONMENT IN NIGERIA

According to legal scholar Adebola Ogunba,²⁰ the development of environmental law in Nigeria can be broadly divided into four distinct periods. The first stage is the Colonial Period (1900-1956). This stage is known for its dearth of environmental legislation, except for brief provisions in public health legislation and in torts and nuisance law. The second stage is the Petroleum Focused Environmental Legislation Period (1957 to early-1970s). This stage followed the discovery of crude oil, the commercialisation of that discovery, and sector-specific legislation that reflected a national preoccupation. The third stage is the Rudimentary and Perfunctory Legislation Period (1970s to pre-1987 crisis). The final stage, according to Ogunba, is the Contemporary Period (post-1987 to present). This stage has seen the start of serious legislation and is characterised by increased environmental awareness and sophistication. The regulatory scheme is by no means perfect, and much work has yet to be done.²¹

While Ogunba's four-part division is apt, it fails to account for ways Africans related to the environment before the advent of colonialism. To remedy this deficit, in this chapter, I propose a more streamlined three-phase account of development of environmental law in Nigeria, including: traditional or precolonial, colonial and postcolonial framework.²² But to understand the development and impact of environmental law in Nigeria, it is necessary to take a brief excursus through religion, particularly the religion of the Yoruba people who populate Ibadan and the area around the Bodija Market.

Environment in Yoruba folklore and religion

Though largely unknown and undocumented, Ogunade Raymond, a scholar of Yoruba literature and traditions, has contended that indigenous peoples of Africa have a rich repertoire of tradition and customs all of which seek the preservation of the environment.²³ For example, the Yoruba oral tradition is replete with different accounts on how its deity, *Orunmila*, sees nature and the environment as elements and pointers to the awesomeness of the Almighty God. *Orunmila* was reported to have therefore mused as follows:

*Orunmila fehinti o wo titi,
Oni, "Eyin ero okun, Eyin ero osa
Eyin o mo pe, ise Olodumare tobi?*

20 Ogunba A. 2004. "Environmental Legislation in Nigeria", *Vermont Law Review* 40:673-694.

21 Ogunba, "Environmental Legislation in Nigeria".

22 Amokaye GO. 2004. *Environmental Law and Practice in Nigeria*. Lagos: University of Lagos Press, 18.

23 Ogunade R. 2005. "Environmental Issues in Yoruba Religion: Implications for Leadership and Society in Nigeria", paper presented to a Conference on "Science and Religion: Global Perspectives", 4-8 June in Philadelphia, United States. Online at: http://www.obafemio.com/uploads/5/1/4/2/5142021/environmental_issues_in_yoruba_religion.pdf [Accessed 28 September 2019].

Translation:

Orunmila leaned back, gazing contemplatively
He said, "You travelers to the sea,
You travelers to the lagoon,
Don't you perceive that the works of God are
marvelous?"²⁴

Thus, the Yoruba approach to the environment is usually tempered by the necessity to preserve it even in instances when their profession involves exploration and exploitation of nature such as that of the blacksmith. Yoruba blacksmiths are known for their care and reverence for nature even while producing farming and hunting instruments. In particular, the goldsmiths of Ghana devised ingenious ways by which they produced false gold at a time in Western industrialisation when environmental degradation had not yet become the issue of concern.²⁵

Perhaps more interesting is that the Yoruba acknowledge the interdependence of humans and animals in the environment. The Yoruba recognise the agency of other entities in nature and accord them rights to life in the environment. For example, the tiniest of insects is referred to as *aafo inu igbo* (the cleric of the forest).²⁶ In large parts of the region occupied by the Yoruba, it is common to see motorists press their brakes whenever they come across ducks on the road in order that they may not be killed. This is particularly true of the Yoruba mythology of appeasing to the "god of iron" (*ogun*) to avert "evil" or any form of accident on the road. This is clearly corroborated by Awolalu and Dopamu in their article on West Africa tradition by saying: "If by accident, a motorist runs over an animal, he or she must stop and put some money and other items on the dead animal, based on the belief that failure to do so may attract an automobile accident."²⁷ The necessity to preserve the environment and other entities therein, particularly the lower animals, is equally evident in the Yoruba folklore that is taught to Yoruba children right from the cradle. The following lines from the *Orunmila* corpus buttress this assertion:

*Yi ese re si apakan,
Ma se te kokoro ni
Kokoro ti iwo ko naani ni
Olorun lo le da a*

Translation:

Side-step your feet
Do not kill that insect
That insect you do not regard
It is God alone who could create it.²⁸

24 Awolalu JO and Dopamu PA. 1979. *West African Traditional Religion*. Ibadan: Onibonjo Publishers.

25 Awolalu and Dopamu, *West African Traditional Religion*.

26 Awolalu and Dopamu, *West African Traditional Religion*, 4.

27 Awolalu and Dopamu, *West African Traditional Religion*, 5.

28 Awolalu and Dopamu, *West African Traditional Religion*, 5.

The above lines are highly instructive, first, on the Yoruba cosmogonic beliefs and, second, on their traditions and customs within which environmental conservation and preservation find patronage. In other words, while it is true that the Yoruba had no written legal tradition or codified system of law on the environment, it is evident that their traditions and beliefs are replete with cultural writs, aphorisms and axioms that figure the environment as sacred. By saying “do not kill that insect”, therefore, the Yoruba tradition not only recognises the existence of other creatures, it also equally affirms the necessity to make conscious efforts to protect the latter as the first step towards the preservation of the environment.

It is equally axiomatic from the above lines, particularly the one that reads: “it is God alone who could create it”, that the Yoruba also consider the environment not as a self-generating and self-subsisting entity, but rather as one that manifests the inimitable wonders of God. Contemporary legal provisions on environmental conservation and preservation, including that of Islam, consequently find in the Yoruba milieu a receptacle. Conventional and Islamic prescriptions that forbid environmental pollution, such as noisemaking, indiscriminate bush-burning, deforestation, ill-treatment of animals, were readily accepted.

Development of environmental law in Nigeria

It is thus evident that parts of Africa’s traditional customs, particularly that of the Yoruba, which predated colonialism, are full of regulations that promote environmental conservation and prevention of pollution. These include taboos, beliefs and aphorisms within which their notions of self and other are inscribed.²⁹ These precolonial Yoruba traditions have withstood foreign incursions into Yorubaland for eons and ages.

The colonial period, as Adebola Ogunba correctly observed, therefore had little to show with reference to the development of laws and regulations for the protection and preservation of nature. Whenever laws were promulgated, including statutes regulating usage of forestry and other natural resources,³⁰ they were circumscribed by the need to guarantee the prosperity of the British Empire, not necessarily to prevent environmental degradation or promote welfare of the natives. In other words, the British colonial power was not necessarily interested in what happened to the Nigerian environment, but rather in what they stood to gain from it, and that was why there were no sanctions or any promulgated law to stop people from mismanaging the environment during this period.

The third phase, the postcolonial or post-independence era, coincided with the discovery of oil in the Niger Delta. The period marked the beginning of the strong awareness of threats to the environment caused by oil exploration. The critical point in the promulgation of laws for the protection of the environment in Nigeria during this period was reached in 1988 with the discovery of five shiploads of toxic waste at

29 Awolalu and Dopamu, *West African Traditional Religion*, 1.

30 Ordinance No. 3 of 1863, Interpretation Act, 1964, s 45(1).

the small port town of Koko in southern Nigeria.³¹ The event led to disquiet locally and globally. The military junta headed by President Ibrahim Babangida rose up to the occasion by promulgating the Harmful Toxic Waste (Special Criminal Provision) Decree. The federal government also established the Federal Environmental Protection Agency (FEPA) to monitor the implementation of the decree.³²

The above decree marked a watershed in the development in Nigeria of several stringent statutory laws on the environment, the sole purpose of which are protection of the environment against the negative effects of industrialisation and modernisation. FEPA became a corporate body with perpetual succession and a common seal and may sue or be sued as a corporate entity. FEPA is vested, amongst other tasks, with the responsibility for the protection and development and initiation of policies in relation to environmental research and technology. Aside from this general function, FEPA is also saddled with the following additional specific functions:

- Advising the Federal Government on national environmental policies and priorities and on scientific and technological activities affecting the environment;
- Preparing periodic master plans for the development of environmental science and technology and advise the Federal Government on the financial requirement for the implementation of such plans;
- Promoting cooperation in environmental science and technology with similar bodies in other countries and with international bodies connected with the protection of the environment;
- Cooperating with Federal and State Ministries, Local Government councils, Statutory Bodies and research agencies on matters and facilities relating to environmental protection; and
- Carrying out such other activities as are necessary or expedient for the full discharge of the function of the Agency under the Act.³³

FEPA is also empowered to make grants, to collect and make available scientific data and information pertaining to pollution and environmental matters and, in turn, to establish such environmental criteria, guidelines, specifications or standards for the protection of the nation's air, interstate waters as may be necessary to protect the health and welfare of the population from environmental degradation.³⁴ The struggle to protect the environment continues to gain traction through collaboration of international and intergovernmental agencies including that of the United Nations. It is along this line that the exploration of perspectives to nature from Islamic law and culture becomes apposite.

31 This is with reference to environmental/water pollution through dumping of five shiploads of toxic waste at the Koko town (southern part of Nigeria) in 1987 that resulted in a crisis.

32 Ikhariale M. 1988. "The Koko Incident, The Environment and the Law", in Shyllon F (ed). *The Law and Environment in Nigeria*. No publisher, 73-80.

33 Godwin UO and Gaskiya J (eds). 2003. *Environmental Laws of Nigeria: A Critical Review*. Nigeria: ERA, 561.

34 Godwin and Gaskiya, *Environmental Laws of Nigeria: A Critical Review*. Nigeria: ERA, 561.

Environment in Islamic culture

In exploring notions of environment in Islamic culture in this section, it is relevant to bear in mind that the subgroup of Yoruba populace that is of particular interest to this chapter are those who are residents of Ibadan and who self-identify as Muslims. To the latter, Islam partakes of their dual religio-spiritual heritage, a heritage in which traditional worship enjoys large patronage. Thus, Yoruba Muslim butchers could not in any way claim ignorance of the eternal provisions of Islam on environmental conservation and preservation. This bears more exploration.

The word for environment in Islamic terminology is *al-bi'ah*.³⁵ According to Ibn Manzoor, environment is a place where one prepares to spend the night or take residence. It is also defined as the area in which humans interact with other creatures in the whole task of life and living.³⁶ Textual traditions on what may be referred to as “Islamic” ecology are highly eclectic. It encompasses Quranic injunctions,³⁷ prophetic traditions³⁸ and perspectival positions of classical³⁹ and contemporary scholars⁴⁰ on the environment. In fact, it is arguable to say that much of the subject of interest to Islam is the environment, given the preponderance of references to nature in Quranic discourses.

In other words, a careful perusal of the Quran, which is the most important source of law in Islam, shows that there are 750 verses in the Quran that are related to nature. The “Quranic” ecology features fourteen chapters, some named after animals and natural incidents. Here mention may be made of “the Cow”, “the Cattle”, “the Thunder”, “the Bee”, “the Ant”, “the Daybreak”, “the Sun”, “the Night”, “the Fig” and “the Elephant” amongst many others. Besides the naming style, studies of the Quran pay attention to what is known as oaths and adjurations – portions of the book in which the Almighty God swears with portents in nature or the natural phenomena. Thus, we read, for example, of oaths that begin with: “By the dawn”,⁴¹ “By the night”⁴² and “By the fig and olive”.⁴³ In the Quranic framework, therefore,

35 Hussein A. 2013. *Islam wa al-Bi'ah* [Islam and the Environment]. Cairo: Dar al-Fikr al-Muasir, 19.

36 Hussein, *Islam wa al-Bi'ah*, 19.

37 Quranic injunctions.

38 Traditions of the Prophet on the environment are extremely engaging. “Preserve the earth because it is your *mother* ...”

39 Ibn Khaldūn, Ibn Taimiyyah et.c.

40 Contemporary Muslims scholars have equally explored the nexus between Islamic law and the environment. See for example: Bagir ZA and Martiam N. 2017. “Islam”, in Jenkins WJ, Tucker ME and Grim J (eds). *Routledge Handbook of Religion and Ecology*. New York: Routledge, 79-87; Foltz RC. 2006. “Islam”, in *The Oxford Handbook of Religion and Ecology*. Gottlieb RS (ed). New York: Oxford University Press, 207-219; Foltz RC (ed). 2008. *Worldviews, Religion, and the Environment: A Global Anthology*. Belmont, CA: Wadsworth.

41 Quran, 89:1.

42 Quran, 92:1.

43 Quran, 95:1.

the environment consists of a range of entities – entities that are independent and self-conscious, entities that are imbued with intuition, entities that are aware of God and in fact glorify Him. As the Quran states: "And We made the mountains and the birds to celebrate our praise along with David; And there is not a thing but that it glorifies Him with His praise but you do not understand their glorification."⁴⁴

Given this patronage of nature in its discourses, it becomes a necessity that Islamic law prescribes rules, regulations and principles that are capable of preventing environmental degradation and promoting sustainability. The very first of these principles is that God is the owner of the environment and all things in it and that He has made them subservient to humankind from the very first day He taught Prophet Adam the names of all entities in nature.⁴⁵ Allah says in the Quran: "Let man reflect on the food he eats. We pour down rainwater in abundance and cleave the soil asunder. We bring forth grain, grapes, and nutritious vegetation, olives and dates, lush gardens, fruits, and fodder as a means of sustenance for you and your cattle."⁴⁶

The second principle of "Islamic ecology", an ethical one for that matter, provides that humanity relate to the environment as trustees. This therefore means that they are required to use the environment with high sense of responsibility and in the full knowledge that they shall be responsible for its preservation and sustainability. The whole notion of trust intersects with that of vicegerency in Islamic theosophy – that humankind are representatives of the Almighty on earth⁴⁷ that man, after God, is second in authority in nature. The protection and preservation of the environment is a trust for which he is accountable.⁴⁸

The third principle guiding the ecosystem in Islamic law flows from the above – that all actions that are capable of leading to environmental degradation are forbidden in Islam, that all forms of extravagance and wastefulness in nature must be avoided,⁴⁹ and that actions that could lead to environmental pollution are infractions of the divine will in nature.⁵⁰ This principle is derived from the Prophet Muhammad's statement: "There shall be no injury, and no infliction of injury."⁵¹ This implies

44 Quran, 38:18.

45 Quran, 2:32.

46 Quran, 80:24-32.

47 Quran, 2:30; 6:165; 35:39; 33:72.

48 "Truly, We did offer *al-Amanah* (the trust or moral responsibilities ...) to the heavens and earth, and the mountains, but they declined to bear it and were afraid of it. But man bore it. Verily, he was unjust (to himself) and ignorant (of its result)." Quran 33:72.

49 "... and eat and drink but waste not by extravagance, certainly He (Allah) likes not *Al-Musrifun* (those who waste by extravagance)." Quran 7: 31.

50 Kamaruzaman J and Siti AAS. 2011. "Environmental Sustainability: what Islam propagates", *World Applied Science Journal* (special Issue on creating a knowledge-based society) 12:46-53.

51 *Maqasid al-sharia* implies the purpose and the intent of the *sharia* law. This explains that *sharia* is based on wisdom and achieving people's welfare in this life and the hereafter. It

that while the environment may be explored, such may be embarked upon only for the realisation of those ends granted to humanity by the Almighty and that the exercise of those rights and privileges become illegal and nugatory when it leads to injury to others, to nature, or to the cosmos. Of equal importance to the *sharia* is the welfare of the animals. The welfare of the animals begins with animal care, feeding, shelter, healthcare, as well as care during slaughtering to reduce pain. On this, the Prophet of Islam was reported to have said that, “verily Allah has prescribed (*ihsan*) kindness for everything; so when you kill, you must make the killing in the best manner, when you slaughter, make your slaughter in the best manner, let one of you sharpen his knife and give ease to his animal (in order to reduce the pain).”⁵² These principles, which are at the core of what is known in Islamic law and jurisprudence as *maqasid al-sharia*⁵³ and to which Muslim butchers in Oyo State are and should be beholden makes a return visit to the topic of the new abattoir in Amosun Village very relevant.

The new abattoir at Amosun Village

Visits to the newly opened abattoir at Amosun Village revealed that to a large extent, there has been an increase in the fortunes of the butchers both as a group and as individuals.⁵⁴ This is contrary to the initial concern expressed by members of the butchers association prior to their forced relocation to the place. Aside from the improvement in the economic fortunes of the butchers, a visitor to the new abattoir would be pleased with the beauty, serenity and general sanitation of the complex. The butchers now have access to new tools for their work and are generally happy with the waste disposal system put in place in the complex. Unlike before, feces of cattle and other animals, smoke from burnt animals and putrid odour which were signifiers of the polluted environment of old Bodija Market have become things of the past. Both the butchers and their customers have imbibed the new culture and are now generally alert to the necessity to maintain proper sanitation and management of the area and avoid environmental degradation. The “fear of the unknown”,⁵⁵ which had partly led to the violence of 2018, has now been replaced with “the lust for fortune”.⁵⁶

is all about justice, mercy, wisdom, and good. Thus, any ruling that replaces justice with injustice, mercy with its opposite, common good with mischief, or wisdom with nonsense, is a ruling that does not belong to the *sharia*. For more on this, see Auda J. 2008. *Maqāsid al-Shari’ah as Philosophy of Islamic Law – A Systems Approach*. London: International Institute of Islamic Thought [<https://doi.org/10.2307/j.ctvkc67tg>].

52 *Sahih Muslim*, bk 1, hadith 640.

53 Auda, *Maqāsid al-Shari’ah as Philosophy of Islamic Law*.

54 Series of visits were paid to both the new and old abattoirs between November 2018 and July 2019.

55 Interview with Hammed Olayiwola by H Oladosu-Uthman at the new abattoir, 15 February 2019.

56 Interview with Alhaj Ismaila Adeleke by H Oladosu-Uthman at the new abattoir on 20 November 2018.

It is gratifying to note that Oyo State's veterinary department is now more active in the discharge of its statutory duties of inspection of animals that are brought to the slaughter area. Unlike before, when animals were slaughtered without certification from health officers, today animals brought to the new abattoir are subjected to tests before and after slaughtering. Lack of care for sanitation and underhanded dealings between health workers and butchers have almost disappeared. It is equally evident that government may have to expand slaughter slab in the abattoir. Muslim members of the butchers association have expressed their preparedness to abide by the law, both secular and Islamic, in order to protect the environment and health and in accordance with Islamic laws that make it obligatory for them to treat animals with care and to avoid infractions in their dealings with their customers.

CONCLUSION

It is arguable that there is no more urgent question confronting the world today than environmental preservation and conservation. This chapter has attempted to explore ways by which Nigerian religion and law have addressed these questions in the area of animal slaughter even in the face of violent resistance from the citizenry. This chapter has examined the history of environmental law and regulations in Nigeria and has explored the slippages in the notions of the environment amongst the inhabitants of the city of Ibadan, the majority of whom are Muslims.

In this context, the Islamic legal provisions on the environment and the negative effects of butchers' noncompliance with these laws and regulations on the environment at the old Bodija Abattoir are especially relevant. Evidences of noncompliance includes improper waste disposal, air pollution, illegal and unapproved housing development, blockade of waterways and incidents of flooding that have resulted, in recent times, in loss of lives and property. It was to avoid such natural and human disasters that led the Oyo State government to relocate the old Bodija Abattoir to Amosun Village in 2018. Ironically, it was the same decision that led to the violent protest of 28 June 2018 in the city of Ibadan.

While the butchers initially resisted the government decision to relocate the old abattoir to Amosun village, it proved to be a positive decision, after all. Now the butchers not only have modern facilities in the abattoir, but the initial apprehension that they would lose their customer base has been largely dispelled. The new abattoir has become the preferred source of beef for consumers in the city. It is evident, however, that more still needs to be done not only to strengthen and enforce regulations against environmental pollution and degradation around the new abattoir, but also to awakening the entire citizenry to their responsibilities as far as environmental conservation and preservation are concerned.

In order to achieve the objectives and goals set by the government of Oyo State, especially as concerns the abattoir in the city of Ibadan, the government and its agencies need to be more proactive and responsive to the needs of butchers and their customers. More efforts should be made to expand existing facilities in the

new complex, particularly now that there is an increase in its patronage, as the current area is not expansive enough. Given the zeal and zest amongst the butchers to work in the new abattoir, and in light of the increased patronage, it is evident that existing laws on environmental conservation and preservation are not defective after all. Rather, it is the weak resolve on the part of government to put effect to them that has, over the years, been the bane of society's development.

There are aspects of existing laws which provide for the establishment of environmental standards on water quality, air quality, atmosphere protection and protection from noise and hazardous substances,⁵⁷ which remain largely unknown to the populace. In other words, it is important that government embark upon advocacy programmes towards sustainable environment amongst the populace. Community participation in resource and environmental management therefore needs to become statutorily compulsory.⁵⁸ When citizens become more aware of the importance of the environment to their lives and welfare, they become attentive to forces, both natural and human, that may threaten and degrade it.

57 Godwin and Gaskiya, *Environmental Laws of Nigeria*, 563.

58 Godwin and Gaskiya, *Environmental Laws of Nigeria*, 563.