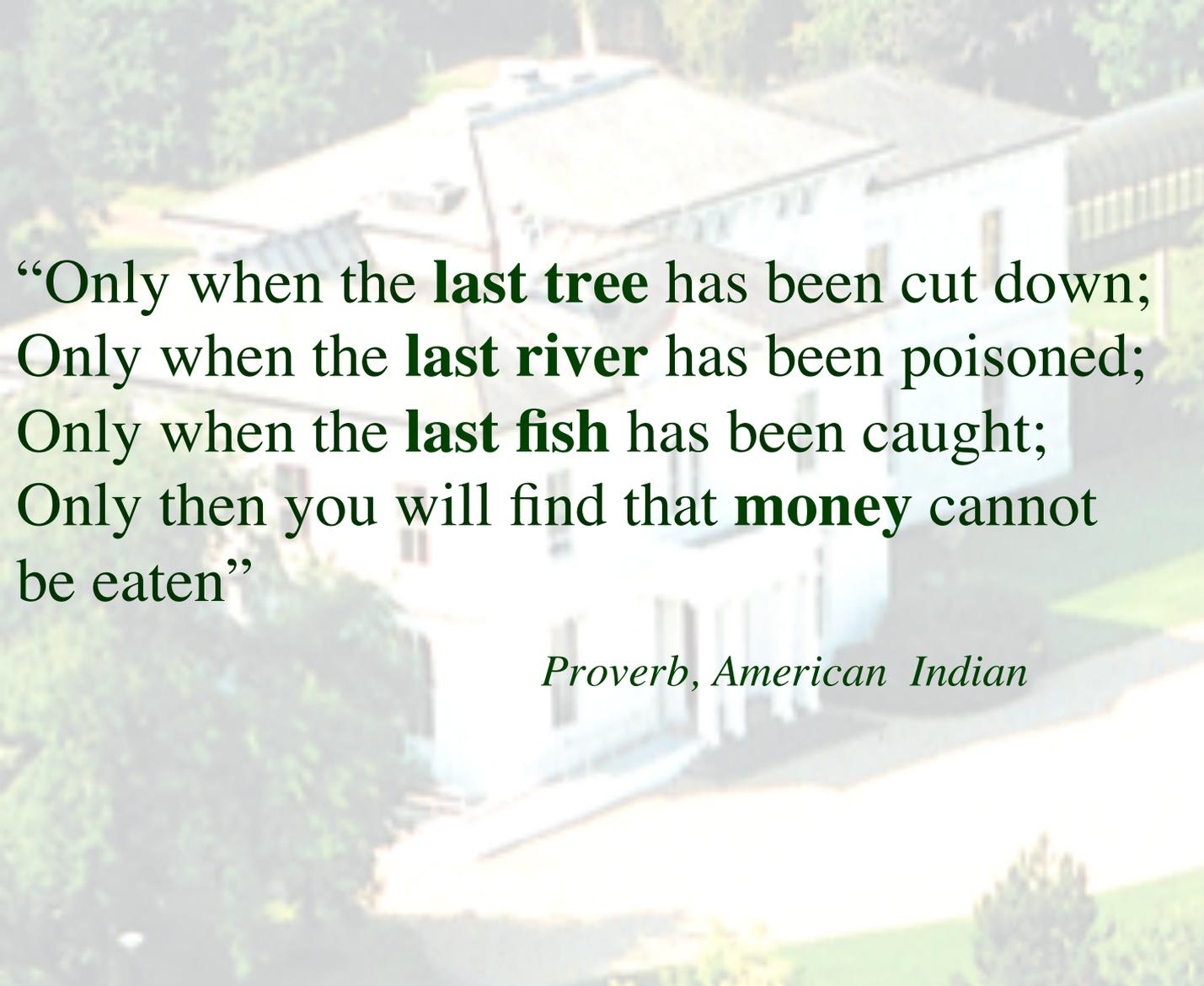


Anthropocentrism & Ecocentrism:

finding balance for
environmental protection
purposes





“Only when the **last tree** has been cut down;
Only when the **last river** has been poisoned;
Only when the **last fish** has been caught;
Only then you will find that **money** cannot
be eaten”

Proverb, American Indian



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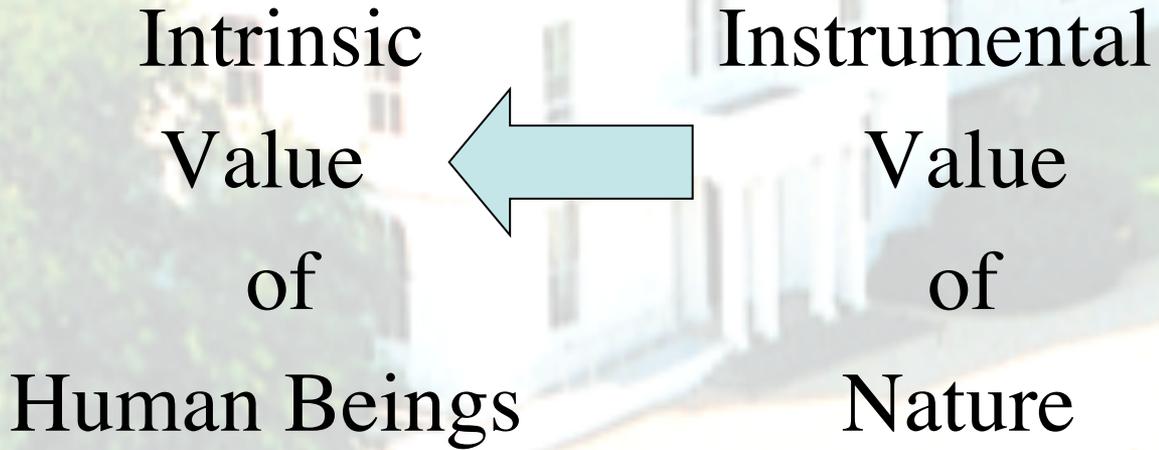
Overview

- Anthropocentric approach
- Ecocentric approach
- Change of values in the law-making process
- Reconsideration...
- Dual balanced rights-based approach to environmental protection?



Anthropocentric Approach

Objective:



Anthropocentric Approach

Theoretical Foundations:

- The Ancient World
- The Renaissance
- The Enlightenment
- The Modern Era

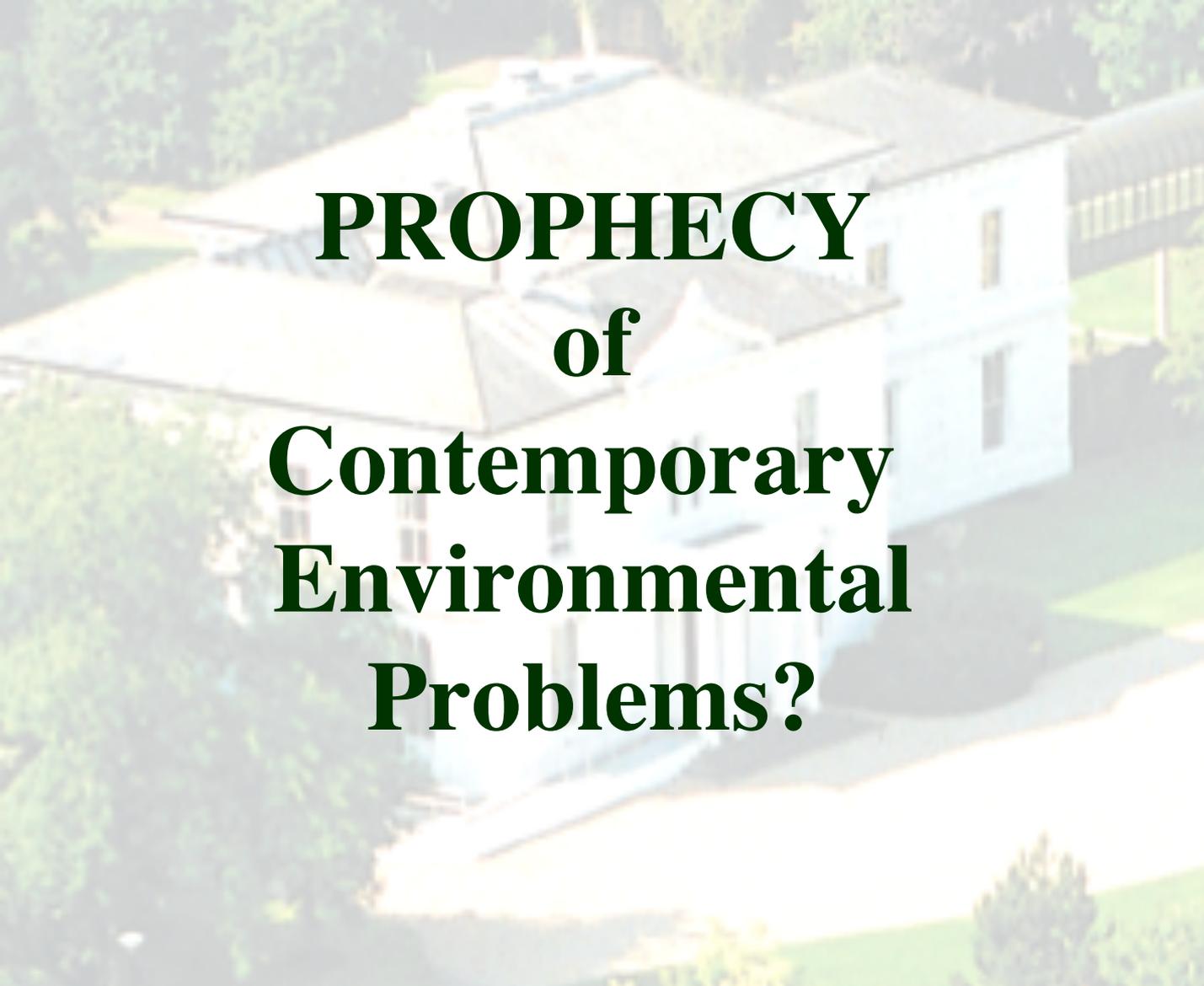


Anthropocentric Approach

Theoretical Foundations:

- Marx: “...The earth is not the product of labour and has no value. Production ahead of environmental controls.”
- Value of natural resources in proportion with their economic value.
- Engels: “...**let us not, however, be very hopeful about our human conquest over nature. For each such victory nature manages to take her revenge.**”
- Chernobyl
- Ex.1960 Russian Republic Conservation Law
- “It is forbidden to destroy non-commercial wild animals if they do not harm the economy or public health”





PROPHECY of Contemporary Environmental Problems?

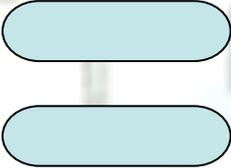


Ecocentric Approach

Objective:

Intrinsic Value of Human Beings

~~Instrumental~~ Value of Nature



Ecocentric Approach

Theoretical Foundations:

A. Moral concern for nature

- It includes responsibility to nature as well as responsibility for nature (P. Curry)
- Adoption of a new land ethic, whereby ‘a thing is right when it intends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it intends otherwise’.
- New ethical criterion to fill the gap. (A. Leopold)
- The moral rules governing the relation between humans have been established, whereas humans’ relation to land and its habitats was not ethically framed. (Leopold)
- ‘Last Man’ situation. (R. Routley)



Ecocentric Approach

Theoretical Foundations:

B. Legal rights for nature

- Introducing legal rights for nature as opposed to mere moral concern for nature. (Stone)
- Environmental protection can be attained in other ways, but a rights-based approach is an appropriate mechanism to create a coherent body of law to improve environmental protection (Stone)
- The concept of nature's rights was nearly destined to be confined to the idealistic portrayal.
- Critique (D. Paul Emond)
- “...there is nothing concrete that will persuade legislators or judges,...lawmakers will need more than principles to guide them...the next step...is to translate principles into legal concepts”



Ecocentric Approach

Theoretical Foundations:

C. Earth Jurisprudence

- The transformation of the above-mentioned ideas into the legally based concepts was heralded by the emergence of a new field of law – Earth Jurisprudence, and later led to the creation of idea of wild laws by Cormac Cullinan.
- “When we use the term ‘rights’ we mean the freedom of humans to fulfil their duties, responsibilities and essential nature and by analogy, the principle that other natural entities are entitled to fulfil their role within the Earth Community”.
- Radical departure from our contemporary legal thought.
- Nature’s inherent worth is gaining recognition in our legal systems



Change of Values in the Law- Making Process

Human's Intrinsic Value

- The 1902 Paris Convention for the Protection of Birds Useful to Agriculture

The title itself distinguishes between birds that can serve the needs of humanity and those that cannot (Shelton)

- The 1933 Convention Relative for the Preservation of Fauna and Flora in their Natural State

The identification of national park as an area, “set aside for the benefit, advantage, and enjoyment of the general public”

- The 1972 Stockholm Declaration
 - The 1992 Rio Declaration
- Concept of sustainable development
Concept of Intergenerational Equity



**Is human benefit
the only reason
to protect environment?**



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Change of Values in the Law-Making Process

Nature's Intrinsic Value

- The 1972 World Heritage Convention
- The 1979 Bern Convention on the Conservation of European Wildlife and Natural Habitats

The first multilateral treaty to adopt non-anthropocentric attitude towards environmental protection

- The 1982 World Charter for Nature.

Specifically recognize the intrinsic value of nature.

“Every form of life is unique...regardless of its worth to man”.

- The 1992 Convention on Biological Diversity

The division between “the intrinsic value of biological diversity and of ecological, genetic, social, economic, educational values...”



Reconsideration of anthropocentric and ecocentric approaches



Dual rights-based approach

- Domination of the anthropocentric rights-based approach to tackle the problems of environmental protection, in so far as there is a violation of any existing human right
 - Ecocentric nature's rights-based approach - valid counterpart
 - Suggestion: coexistence of both in the interconnected manner
 - Reason: different types of the consequences of environmentally harmful activities
1. Imminent impact – is cured by the human rights approach (**response measure**)
 2. Delayed impact – Is cured by the nature's rights approach (**preventive measure**)



Dual rights-based approach

- Explanation: Ex, Environmental cataclysm of climate change

Affects nature - severe droughts, land degradation, floods, tropical cyclones

Affects humans – lack of food and liveable conditions

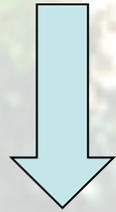
- Primary effect rests on nature
- Inability of the human rights based approach to serve as a preventive measure to tackle the pollution of environment itself and subsequently the humans.



Dual rights-based approach

Nature's Rights

Human Rights



**Conflict of
interests**



**Pyramidal
development**



**Political
regime**

**from local to
regional and global**



Dual rights-based approach

“ Humankind is no longer the sole yardstick against which the utility of environmental protection can be measured” (Emmenegger, Tschetscher)

