

Journal of Conflict Management & Sustainable Development



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Who Speaks for Nature? Entrenching the Ecocentric Approach in Environmental Management in Kenya

*By: Kariuki Muigua**

Abstract

This paper makes a case for entrenchment of an ecocentric approach in environmental management in Kenya. The main argument is that while sustainable development agenda and its mainly anthropocentric approach is important for the improvement of livelihoods of communities around the world, there is a need for the human race to take care of the earth and its resources mainly because of its own ecological health and not merely because it is the source of the resources necessary for meeting human needs. All the other living species deserve to have the earth maintained in its natural status independent of human beings.

1. Introduction

Much of the debates revolving around sustainable development agenda have evolved around how environmental and natural resources can be harnessed in a way that puts man in the middle of such activities, that is, an anthropocentric approach. An anthropocentric approach focuses mainly on meeting the need of human beings at the expense of a system that values the environment and ecological health, that is, an ecocentric approach. The 2030 Agenda on Sustainable Development focuses mainly on building on the Millennium Development Goals and complete what these did not achieve. They seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.¹

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The human rights-based approaches provide a powerful framework of analysis and basis for action to understand and guide development, as they draw attention to the common root causes of social and ecological injustice.² Human rights standards and principles then guide development to more sustainable outcomes by recognizing the links between ecological and social marginalization, stressing that all rights are embedded in complex ecological systems, and emphasizing provision for need over wealth accumulation.³

While a human rights approach to environmental conservation and protection is useful in meeting the needs of human beings which mainly rely on natural resources, there is the risk of an overemphasis on anthropocentric approach at the expense of an ecocentric approach that puts a greater emphasis on environment and ecological health.

This paper discusses Kenya's approach to environmental conservation and protection and makes a case for a more ecocentric approach. The same is based on a hypothesis that the current approach focuses more on meeting the needs of human beings, a human rights approach, and offers little in terms of an ecocentric approach.

2. Ecocentric Approaches in Environmental Management

Notably, the relationship between development and environment gave birth to the sustainable development concept, whose central idea is that global ecosystems and humanity itself can be threatened by neglecting the environment.⁴ The argument is that since environmental economists are

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¹ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1, Preamble.

² Fisher, A.D., 'A Human Rights Based Approach to the Environment and Climate Change' *A GI-ESCR Practitioner's Guide*, March 2014.

³ Ibid.

⁴ 'Theories of Economic Development,' p. 14. Available at www.springer.com/cda/content/document/cda_downloaddocument/9789812872470-c2.pdf?SGWID=0-0-45-1483317-p177033406 [Accessed on 12/06/2019].

concerned that the long-term neglect of the environmental assets is likely to jeopardize the durability of economic growth, and sustainable development therefore “involves maximizing the net benefits of economic development, subject to maintaining the services and quality of natural resources over time”.⁵ This is a clear indication that ecological health becomes an issue worth considering mainly because its neglect will affect the earth’s ability to meet our needs not necessarily because of its intrinsic value as nature. This is a departure from the approach adopted in the *World Charter for Nature*⁶ whose principles include the recognition that all beings are interdependent and every form of life has value regardless of its worth to human beings. The *Charter* focuses more on environmental conservation rather than meeting the needs of human beings. Human needs are treated as a by-product of well-functioning natural and environmental systems. The *Charter* points out that mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients. Furthermore, civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation.⁷

The *World Charter for Nature*⁸, in its preamble, also recognises that one of the reasons for the adoption of this charter was the conviction that the benefits which could be obtained from nature depends on the maintenance of natural processes and on the diversity of life forms and that those benefits are jeopardized by the excessive exploitation and the destruction of natural habitats.⁹ General Principle 1 thereof is to the effect that nature should be respected and its essential processes should not be impaired.

⁵ Ibid.

⁶ UN General Assembly, *World Charter for Nature*, 28 October 1982, A/RES/37/7.

⁷ Ibid, Preamble.

⁸ UN General Assembly, *World Charter for Nature*, 28 October 1982, A/RES/37/7.

⁹ Ibid, Preamble.

Principle 2 of the *Stockholm Declaration*¹⁰ of 1972 is to the effect that the natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate. Also important to this discussion is Principle 5 which provides that the non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.

Ecocentric approaches to environmental management explores such themes as combating climate change, impact of resource extraction, environmental health, and environmental conservation for the sake of the Mother Nature.¹¹ The ecocentric approach to environmental management and governance advocates for the conservation of the environment as a matter of right and not merely because of the benefits that accrue to the human beings.¹²

Under the ecocentric approach, there is a moral concern for nature. Through it, there is the adoption of a new land ethic, where a thing is right when it intends to preserve the integrity, stability and beauty of the biotic community, and is wrong if it intends to otherwise.¹³

Some scholars have rightly argued that we should give legal rights to forests, oceans, rivers and other so-called "natural objects" in the environment-

¹⁰ U.N. Doc. A/Conf.48/14/Rev. 1(1973); 11 ILM 1416 (1972), Declaration of the United Nations Conference on the Human Environment (*Stockholm Declaration* of 1972), the United Nations Conference on the Human Environment, Stockholm, 5 to 16 June 1972.

¹¹ See generally, Muigua, K., *Nurturing Our Environment for Sustainable Development*, (Glenwood Publishers Limited, 2016).

¹² See generally, 'Species Extinction Is a Great Moral Wrong' (Elsevier Connect). Available at <<https://www.elsevier.com/connect/species-extinction-is-a-great-moral-wrong>> [Accessed on 13/6/2019].

¹³ See Carter, A., "Towards a multidimensional, environmentalist ethic," *Environmental Values* 20, no. 3 (2011): 347-374.

indeed, to the natural environment as a whole.¹⁴ The people to speak on behalf of these natural objects in the face degradation or pollution would arguably be the champions of an ecocentric approach.

Inspired by an ecocentric approach to conservation and management of environmental resources, in 2017 the New Zealand granted some human rights to a river. The local Māori tribe of Whanganui in the North Island had fought for the recognition of their river – the third-largest in New Zealand – as an ancestor for 140 years.¹⁵ The new status of the river means if someone abused or harmed it, the law now sees no differentiation between harming the tribe or harming the river because they are one and the same.¹⁶

Soon after the New Zealand decision, India followed suit by granting the Ganges River and its main tributary, Yamuna, considered sacred by more than 1 billion Indians, the same legal rights as people. A court in the northern Indian state of Uttarakhand ordered on that the Ganges and its main tributary, the Yamuna, be accorded the status of living human entities.¹⁷

In both cases, some officials were appointed to act as legal custodians responsible for conserving and protecting the rivers and their tributaries. These two decisions are part of the evidence that it is possible to push for and fully incorporate ecocentric approaches to environmental conservation and management.

¹⁴ See generally, Stone, C.D., "Should Trees Have Standing--Toward Legal Rights for Natural Objects." *S. CAL. L. REV.* 45 (1972): 450; cf. Varner, G.E., "Do Species Have Standing?" *Environmental Ethics*, Volume 9, Issue 1, Spring 1987, pp. 57-72.

¹⁵ The Guardian, "New Zealand River Granted Same Legal Rights As Human Being," March 2017. Available at <https://www.theguardian.com/world/2017/mar/16/new-zealand-river-granted-same-legal-rights-as-human-being> [Accessed on 14/6/2019].

¹⁶ *Ibid.*

¹⁷ The Guardian, "Ganges and Yamuna rivers granted same legal rights as human beings," available at <https://www.theguardian.com/world/2017/mar/21/ganges-and-yamuna-rivers-granted-same-legal-rights-as-human-beings> [Accessed on 14/6/2019].

In Ecuador, the Constitution's enshrining nature's "right to integral respect"¹⁸ also adopts an ecocentric approach that can go a long way in achieving an ecocentric approach in environmental conservation under domestic laws. This is a departure from Kenya's Constitution which, while it recognises the integral role of environment as part of the heritage of the people of Kenya, it does not extend the same rights to nature as in Ecuador.

3. Environmental Management Approaches in Kenya: Prospects and Challenges

The 2030 Agenda on Sustainable Development is supposed to guide countries around the world in coming up with their sustainable development agenda. The Sustainable Development Goals (SDGs) ought to inform the efforts of member states in achieving sustainable development, poverty eradication, and environmental conservation and protection.¹⁹ They offer an integrated approach, which is environmentally conscious, to combating the various problems that affect the human society as well as the environmental resources. For instance, in September 2016, Kenya came up with its policy framework on achieving sustainable development. The launch of the SDGs in Kenya on 14th September 2016 was meant to create awareness among stakeholders and rally them behind implementation.²⁰ The implementation of these SDGs and their mainstreaming in the Kenyan development agenda focuses more on meeting the goals socio-economic development of its people, such as eradication of poverty, education for all, universal health, peace, which is basically an anthropocentric approach. Arguably, environmental and ecological health is treated as a by-product of the socio-economic development targeted activities and plans.

¹⁸ Tanasescu, M., "The Rights of Nature in Ecuador: The Making of an Idea," *International Journal of Environmental Studies* 70, no. 6 (2013): 846-861.

¹⁹ 2030 Agenda on Sustainable Development.

²⁰ Sustainable development Goals Knowledge Platform, *Voluntary National Review 2017*, available at <https://sustainabledevelopment.un.org/memberstates/kenya> [Accessed on 12/6/2019].

The mainly anthropocentric approach in environmental matters in Kenya is also evidenced by the various legal instruments that puts man at the centre of environment. For instance, the *Environmental Management and Coordination Act (EMCA)*²¹, defines “environment” to include; the physical factors of the surroundings of human beings including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and the built environment.²²

The Constitution of Kenya 2010 outlines the obligations of the State in respect of the environment as including the duty to: ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources²³, and ensure the equitable sharing of the accruing benefits; work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya; protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities; encourage public participation in the management, protection and conservation of the environment; protect genetic resources and biological diversity; establish systems of environmental impact assessment, environmental audit and monitoring of the environment; eliminate processes and activities that are likely to endanger the environment; and utilise the environment and natural resources for the benefit of the people of Kenya.²⁴ Environmental management and governance in the country mainly focuses on achieving sustainable development, where development is interpreted as having several dimensions which include: Economic development, that is,

²¹ *Environmental Management and Coordination Act (EMCA)*, Act No. 8 of 1999, Laws of Kenya; See also *Environmental Management and Coordination (Amendment) Act*, 2015).

²² *Environmental Management and Coordination Act (EMCA)*, Act No. 8 of 1999, Laws of Kenya; See also *Environmental Management and Coordination (Amendment) Act*, 2015), s.2.

²³ The Constitution interprets “natural resources” to mean the physical non-human factors and components, whether renewable or non-renewable, including—sunlight; surface and groundwater; forests, biodiversity and genetic resources; and rocks, minerals, fossil fuels and other sources of energy (Article 260).

²⁴ Constitution of Kenya, Article 69(1).

improvement of the way endowments and goods and services are used within (or by) the system to generate new goods and services in order to provide additional consumption and/or investment possibilities to the members of the system; Human development, that is, people-centred development, where the focus is put on the improvement of the various dimensions affecting the well-being of individuals and their relationships with the society (health, education, entitlements, capabilities, empowerment etc.); Sustainable development, that is, development which considers the long term perspectives of the socio-economic system, to ensure that improvements occurring in the short term will not be detrimental to the future status or development potential of the system.²⁵

It is thus evident that while there are attempts aimed at conserving the environment, much of the efforts seems to be directed at anthropocentric approach that seeks to meet the needs of human beings and the general developmental needs of the country.

4. Entrenching the Ecocentric Approach in Environmental Management in Kenya

The anthropocentric approach mostly adopted by most of the existing legal instruments in Kenya and indeed much of the sustainable development agenda debates create the false impression that the environment should only be protected for the convenience of human beings.²⁶ However, a better approach should incorporate both anthropocentric and ecocentric ideals for better incentives.

²⁵ Bellù, L.G., 'Development and Development Paradigms: A (Reasoned) Review of Prevailing Visions,' (Food and Agriculture Organization of the United Nations, May 2011), p.3. Available at http://www.fao.org/docs/up/easypol/882/defining_development_paradigms_102EN.pdf [Accessed on 12/06/2019].

²⁶ They focus on eliminating poverty and other social ills afflicting the human society in Kenya.

There is a need for more emphasis while coming up with laws to ensure that there are measures that are geared towards protecting the aspects of nature whose benefits are not obvious to the human beings, if at all.

Some of the challenges that the country is experiencing such as degradation of natural forests and dwindling water catchment areas would become a thing of the past if people understand that the earth has intrinsic value and right to be protected from climate change and degradation.

If human beings view themselves as part of the nature, and not merely as conquerors of the nature with a right to use or even plunder the earth resources, then respect for the environment is likely to increase as well as entrenchment of environmental ethics where people take care of the environment without necessarily doing it as a reaction to laws on environment in the country.²⁷

It is important that the country integrates both anthropocentric and ecocentric approaches to environmental conservation and protection. However, a bigger emphasis should be placed on the ecocentric approach as the current trends in the country have been concentrating more on an anthropocentric approach with little or no regard for an ecocentric approach. This will ensure that the environment is not only secure for the sake of satisfying human needs, but also ensuring that it is healthy for the animals and plants.²⁸

As already pointed out, this approach is envisaged in the *World Charter for Nature*²⁹ which calls for respect for the Earth and life in all its diversity in recognition of the fact that all beings are interdependent and every form of life has value regardless of its worth to human beings.³⁰ For instance, without the bees, pollination of plants would be almost impossible, and without plants animal lives would be jeopardized. A sustained and secure

²⁷ Ojomo, P.A., "Environmental Ethics: An African Understanding," *African Journal of Environmental Science and Technology* 5, no. 8 (2011): 572-578.

²⁸ See generally, Oksanen M, 'Should Trees Have Standing? Law, Morality, and the Environment' 174.

²⁹ UN General Assembly, *World Charter for Nature*, 28 October 1982, A/RES/37/7.

³⁰ *World Charter for Nature*, Principle 1.

environment is also useful for the regeneration of resources. The Charter calls for rights with responsibilities and states that there should be care for the community of life with understanding, compassion, and love.³¹

These organisms may not talk for themselves and it is important that human beings take them into consideration when exploiting environmental and natural resources. They should be a voice for the voiceless. There is an increased need for the policy makers and legislators to ensure that any laws, plans, policies and other legal instruments are geared more towards ensuring that environmental conservation and management efforts reflect ecocentric approaches.

Communities should also be sensitized more on the need to ensure that all aspects of the environment and nature in general are taken care of regardless of any potential benefits that are likely to accrue to them. In addition, they ought to be made conscious of the fact that there are many living organisms that rely on nature for their survival away from the human needs. This is the only way that the challenges of wanton destruction of forests, rivers and other aspects of the environment currently being experienced in the country will be stopped.

5. Conclusion

It is imperative that human beings recognise that nature and all its aspects need protection away from their usual tying to satisfaction of human needs purely on the basis of their own health. Ecological health is important even when not tied to human needs. The current laws and policies in Kenya and the sustainable development debate revolves mostly around an anthropocentric approach. There is a need to ensure that these laws reflect an ecocentric approach as much as they do with anthropocentric approach, if not more.

³¹ Ibid, Principle 2.

The Mother Nature has rights on its own and these rights can best be safeguarded only when ecocentric approaches feature more in the environmental laws of Kenya and the globe at large.

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(2023) *Journal of EMSD* Volume 10(2)

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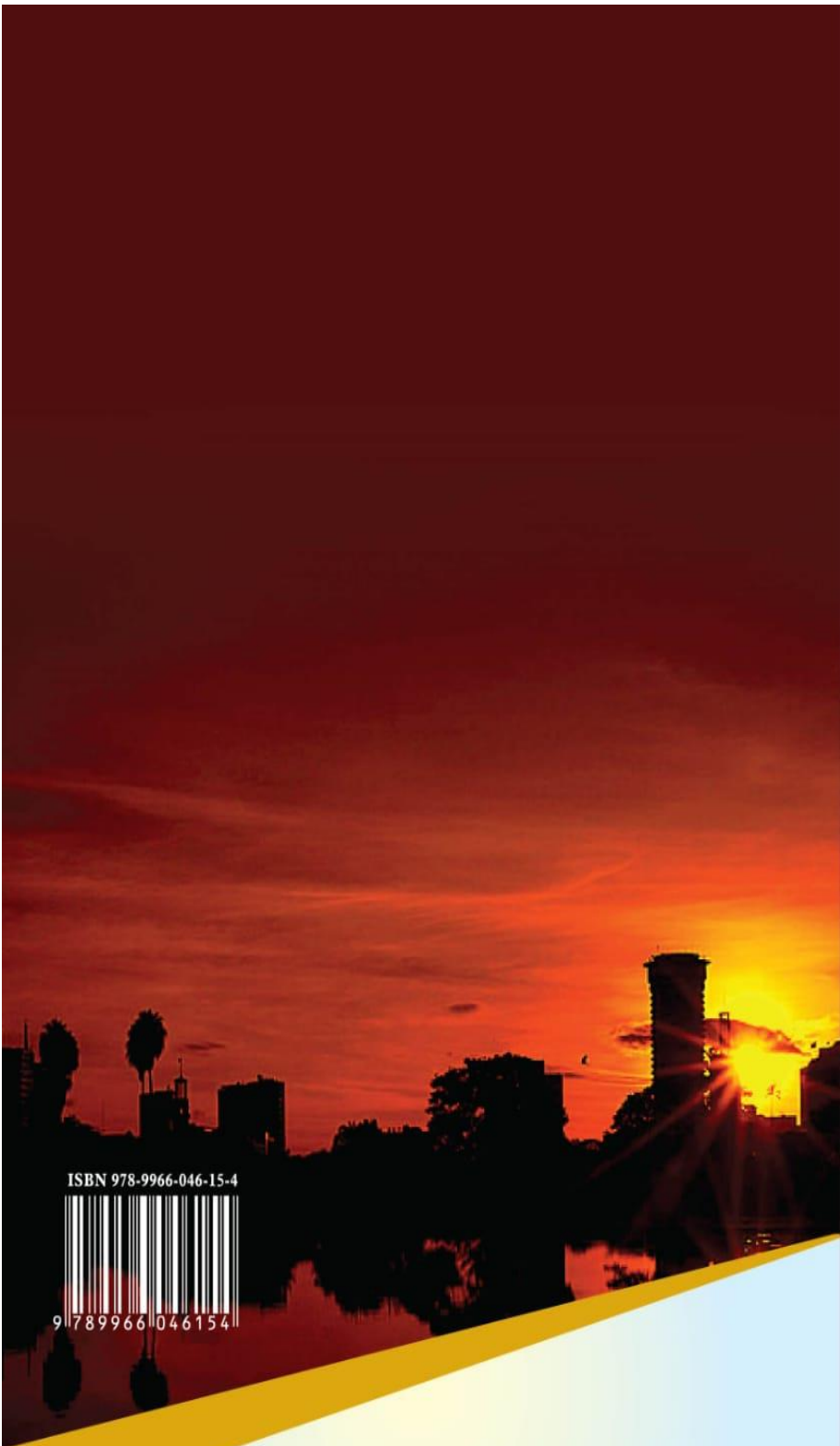
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ISBN 978-9966-046-15-4



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