

# SYMPOSIUM 9<sup>th</sup> of October 2023

## BIODIVERSITY AND ANIMAL LAW: CHALLENGES AND SYNERGIES

Organized by  
Helsinki Animal Law Centre  
 &  
Research Group on Rights of Nature and Animals

### FINAL PROGRAMME

Keynote by Afshin Akhtar-Khavari (Queensland University of Technology): Law, Animals, and More-Than-Human Societies 09.15 - 10.00 EEST		
<b>Rights-based Approaches</b> 10.00 - 12.00 EEST	<b>Ecosystem v Individual Animals</b> 13.00 - 14.45 EEST	<b>Large Carnivore Protection</b> 15.15 - 17.15 EEST
Yaffa Epstein University of Uppsala	Simo Kyllönen University of Helsinki	Hendrik Schoukens Ghent University
Laura Burgers University of Amsterdam	Mihnea Tănăsescu University of Brussels	Werner Scholtz University of Southampton
Visa Kurki University of Helsinki	Eva Bernet Kempers University of Antwerp	Gustav Stenseke Arup Karlstad University
Patrik Baard University of Oslo		Outi Ratamäki University of Eastern Finland

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FORMAS



## RIGHTS-BASED APPROACHES

Yaffa Epstein (comment by Patrik Baard)	Towards a Unified Rights-based Approach to Animal and Nature Protection in the EU
Laura Burgers (comment by Yaffa Epstein)	Do Rights of Nature Lead to Stronger Environmental Protection? A Comparative Private Law Perspective
Visa Kurki (comment by Laura Burgers)	Theory or Deference? On the Methodology of Rights of Nature
Patrik Baard (comment by Visa Kurki)	A Legal Expressivist Defence of Rights of Nature

### Panel description:

Both animal and environmental lawyers have in the recent decades found use of rights and legal personhood as a means to protect nonhuman animals or larger nonhuman entities such as species, ecosystems, or the nature as a whole. Legal developments towards nonhuman rights have already happened in many jurisdictions all over the world, and it has been argued that animals and ecosystems can also hold legal rights in some legal systems that do not explicitly recognize them.

Many scholars have seen animal rights and rights of nature as ways to shift the exploitative relations that humans have with other entities to a balanced coexistence of all beings on the Earth. It is hard to deny the power of rights in articulating claims and bringing the interests of their holders to the equation in legal proceedings - to hold rights make "a thing *count jurally*", as Christopher Stone put it already in 1972 in his famous article "Should trees have standing?". Moreover, the language of rights holds a strong symbolic value. To accord animals and nature with legal rights has often been seen as a way of recognizing their intrinsic value and eroding the anthropocentrism of the Western legal systems.

On the other hand, the rights-based approach to animal and environmental protection has raised many legal and philosophical questions and uncertainties. How far can the scope of legal rights be extended? What kind of entities actually can and do hold rights? And is using the framework of rights the best approach to protect these entities? These and other similar questions will be discussed in this panel concerning rights-based approaches.

## ECOSYSTEM V INDIVIDUAL ANIMALS

<b>Simo Kyllönen (comment by Eva Bernet Kempers)</b>	<b>What makes Species Extinction a Moral Wrong? An Answer based on Two Kinds of Respect: One for Individuals and One for Natural Species</b>
<b>Mihnea Tănăsescu (comment by Simo Kyllönen)</b>	<b>The Evolution of Moral Concern and the Application of the Rights of Nature to Individual Animals</b>
<b>Eva Bernet Kempers (comment by Mihnea Tănăsescu)</b>	<b>Reconciling between the System and the Individual: Estrellita and the Possibility of Nature-Based Animal Rights</b>

### Panel description:

In animal ethics and environmental ethics exists an age-old debate of the circle of morally considerable entities. Animal ethics has tended to lean towards sentiocentrism, where the centre of moral consideration is an individual sentient being. Environmental ethics, on the other hand, consists predominantly of holistic (or ecocentric) accounts, with a focus on the interaction between entities.

This debate is also in the centre of the difficulties and discrepancies between the disciplines of animal law and environmental law - the former tends to focus primarily on examining and advancing the legal status of individual animals, whereas the aim of environmental law scholars and practitioners has traditionally been to protect the nature on the species or ecosystem level. For instance, from the perspective traditionally prevailing in environmental law, individuals belonging to invasive species are a threat to the wellbeing of an ecosystem and its biodiversity, which legitimizes their management and eradication, as stipulated e.g. in the EU Invasive Alien Species Regulation. From the animal law point of view, this "management" is often just a euphemism for killing an individual animal for anthropocentric needs to conserve "the nature".

These differences both in the understandings of ethics as well as in views on what kind of legal frameworks should be adopted to protect the vulnerable nonhuman entities tend to create gaps between the disciplines of both animal and environmental law and ethics. In this panel we are taking a closer look to these discrepancies, but also aim to find synergies and build a bridge between the two seemingly polarized disciplines to find solutions that can help protect the dignity and rights of individual animals as well as fight against the global biodiversity loss.

## LARGE CARNIVORE PROTECTION

Hendrik Schoukens (comment by Outi Ratamäki)	Cull or save? Some Legal Reflections on the Fate of 'JJ4', the Italian Brown Bear that Killed a Jogger in the Alps
Werner Scholtz (comment by Hendrik Schoukens)	Blood Lions: Rewriting Myths of Conservation through Ethical and Humane Use
Gustav Stenseke Arup (comment by Werner Scholtz)	The Entanglement of Wolves, Humans, and Law in Swedish Landscapes
Outi Ratamäki (comment by Gustav Stenseke Arup)	Legitimacy of Large Carnivore Regulation - Socio-Legal Perspectives

### Panel description:

The protection of rare animal species is often seen as a synergy between animal law and environmental law. In Europe, animals that belong to rare species often enjoy a high level of legal protection under conservation law. The killing, capture or disturbance of protected animals is prohibited, unless strict conditions are met. With the success of conservation laws, more wild animals are roaming the continent. The increase in certain animal species, however, is leading to human-wildlife conflicts, especially in the case of large predators such as lynxes, wolves, and bears.

The wolf provides an example of these issues in Western and Northern Europe. Although many celebrate the rise in wolf numbers, others have concerns about the idea of wolves in their backyard. Wolves have been found to kill sheep, and there is an ingrained fear that attacks of humans might be imminent. In Eastern and Southern Europe, bears are causing similar issues, and a fatal bear attack has occurred recently in Italy. Large carnivores can dominate media and politics as their numbers grow and encounters become more likely. They entice fear and prey on other animals, and there is a growing insecurity on how to deal with them. Many arguing for increased management and culling, whereas others call on strict conservation laws and the animals' right to life. This panel on large carnivore protection focuses on these issues, and how the law should regulate co-existence with wild predators.