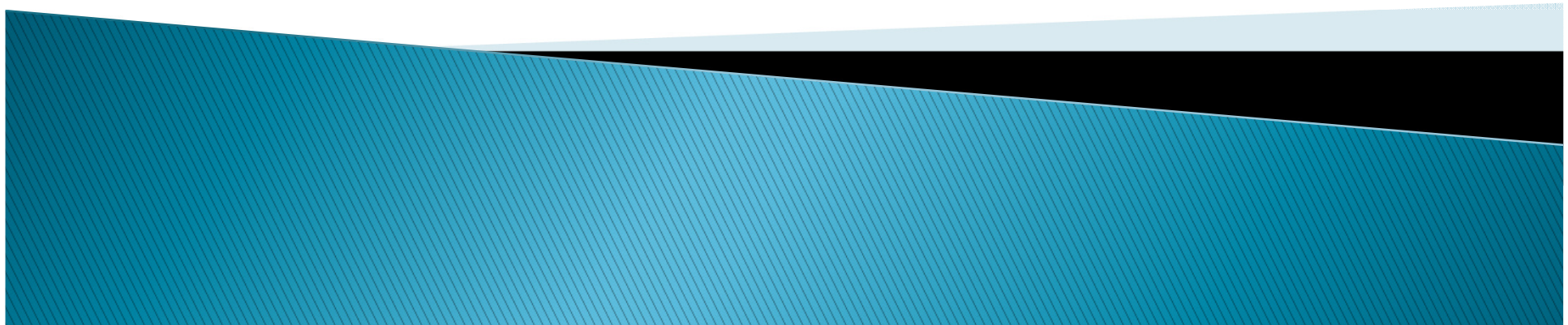


Application of the ecosystem approach in the light of different value systems: legal implications for achieving the aims of the EU Marine Strategy Framework Directive

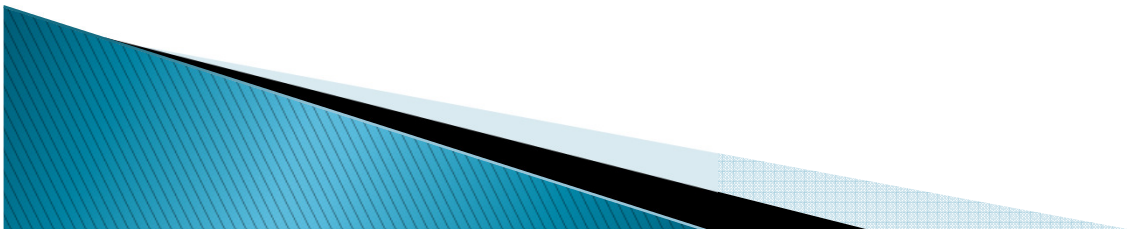
Katrin Broks
University of Tartu
Faculty of law

15 November 2012, MARMONI/BEF workshop



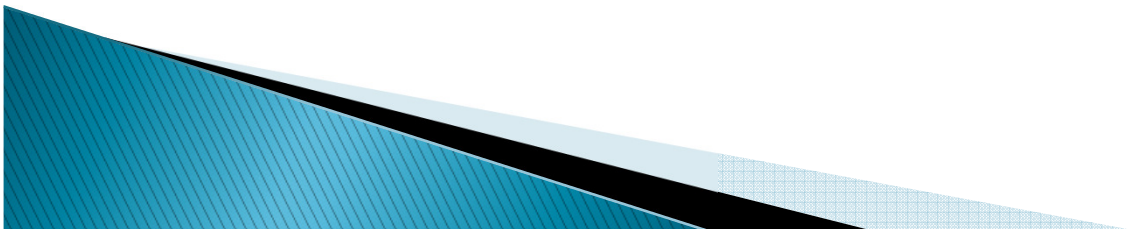
Aim of presentation

- ▶ Stakeholder involvement as a means to achieve Good Environmental Status (GES) by 2020
- ▶ Stakeholder involvement as an end in itself?
- ▶ Role of values



Science and values

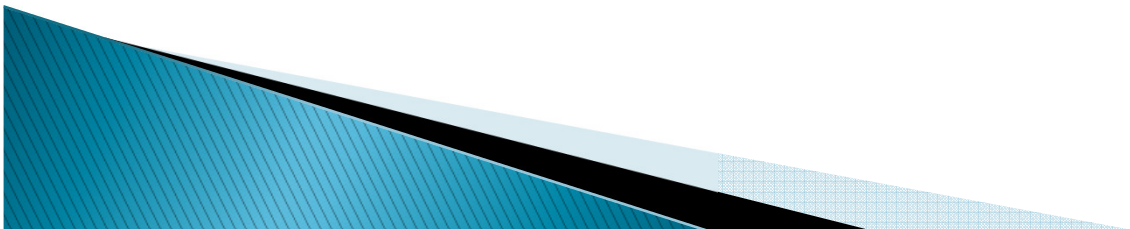
- ▶ Values – important to us, worth protecting
- ▶ Monetary and non-monetary – income, material welfare / recreational opportunities
- ▶ Tangible and intangible – wildlife / spiritual experiences
- ▶ Values and worldviews



Ecosystem approach

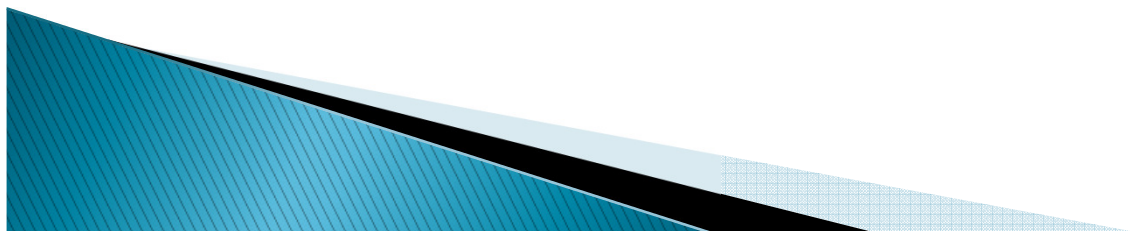
- ▶ Grumbine, 1994 – ecosystem management ...

“integrates scientific knowledge of ecological relationships within a complex sociopolitical and values framework towards the general goal of protecting native ecosystem integrity over the long term”.



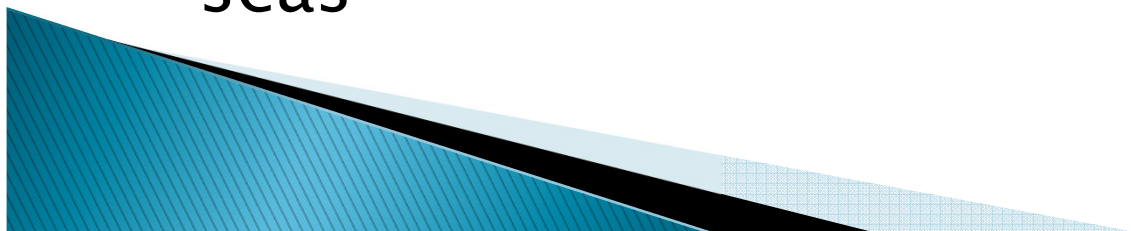
Ecosystem approach & values

- ▶ Human as an ethical being – what we value?
- ▶ Inconsistency in ecological understanding and in values –
“ ... ecological holism at the metaphysical level,
and human exceptionalism at the ethical level ...”
(Russell & Moore, “Ecosystem-Based Management for the Oceans, ch. 18, p 334)
- ▶ Invitation to engage in self-reflection – how we relate to Nature, what importance it has to us?



Costs and benefits

- ▶ Ecosystem-based management of the oceans is an “*invitation to (re)consider how membership in thriving bio-cultural communities is an essential element of what it means to thrive as a human being*” (Russell & Moore, p 338)
- ▶ Precautionary approach
- ▶ Sea as a living organism
- ▶ More balanced view, humility in using the seas



Cost of degradation (MSFD, Art 8 (1) c))

- ▶ Klain & Chan, *Ecological Economics*, 2012:
- ▶ Out of 30 people interviewed, 25 identified areas important for non-monetary values: wildlife, natural beauty, recreation, ceremonial site, spiritual experience, inspiration, sense of place, education, etc.
- ▶ Problems quantifying these values
- ▶ Deliberative component necessary



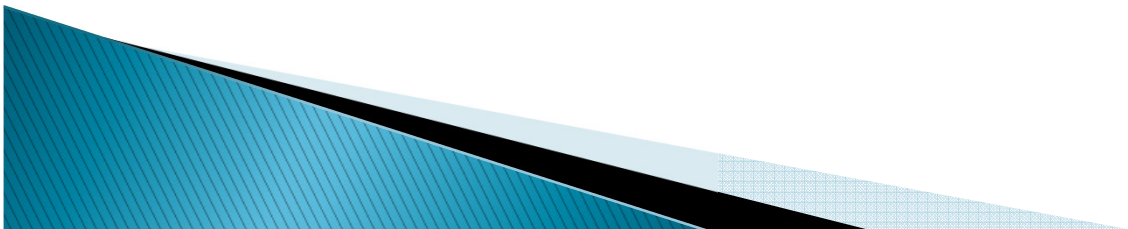
Good Environmental Status

- ▶ GES is a value-laden concept, based on scientific findings
- ▶ What is good? How good is good?
- ▶ “ ... *“goodness” is not a property that is intrinsic to nature but an extension of human value system. ... Inasmuch as it involves value judgements, GES could be regarded as an ethical concept, highly dependent on collective worldviews*” (Mee et. Al, Marine Pollution Bulletin 56 (2008), p 190)



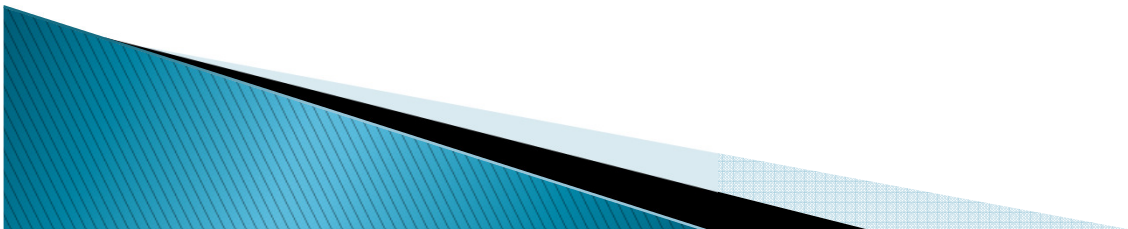
GES

- ▶ Dynamic concept, changes also in values
- ▶ Need to become aware of our value systems
- ▶ Making choices → responsibility



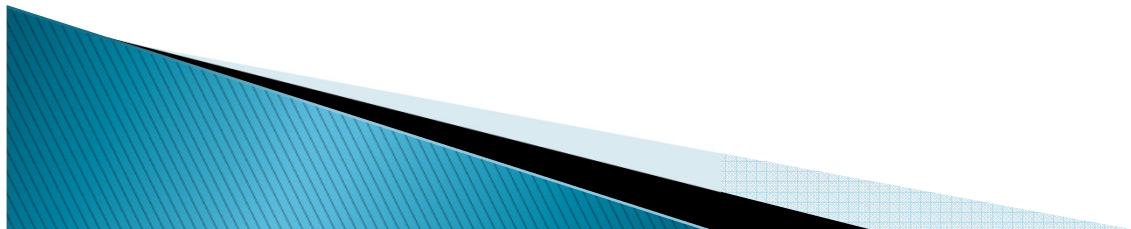
Stakeholder involvement

- ▶ Part of the solution, because of social learning, changing behaviour → facilitating GES
- ▶ Bring in a diverse scale of values
- ▶ *“Nature is a continuous theatre in which things and species (eventually man) are destined to enter and exit. In the meantime, co-existence of man and his environment means that each is going to have to compromise for the better of both”* (Christopher D. Stone, “Should Trees Have Standing? – Towards Legal Rights for Natural Objects”, pp 33–34)



Role of law

- ▶ Material and procedural aspects
- ▶ Protection of the ecological base as a priority
- ▶ Provide structure for moving towards GES
- ▶ Procedural rules to engage stakeholders in meaningful ways



Stakeholder involvement

- ▶ Ambitious end requires ambitious tools
- ▶ Thank you for being involved!

