

Part 10

Are we part of nature?

By Ian Cox

DEA's [Draft Biodiversity Offset Policy](#) that was published for comment recently described the polluter pays principle in terms that posit that all human use of natural resources is polluting.

This is not what the law says but it is what the South African government wants. The National Environmental Management Act, 1998 or [NEMA](#) defines pollution in broad terms as emissions which adversely affect human health and wellbeing or ecosystems to the extent that this compromises ecosystem services. The mankind as polluter approach is preferred by government because allows government to demand that we pay the state for access to and use of natural resources.

This is an important driver of the ANC's party before country approach to government. Firstly it places the country's resources under the control of the state and thus fulfils one of the key principles set out in the ANC's [Freedom Charter](#). Secondly it enables the ANC and those who exercise power to enrich and entrench themselves by extracting rents from resources ostensible held by the state in public trust.

This is relevant in the broader environmental sense because DEA defends this approach on the basis that it is science based. The so called science they rely on is an extreme form of biocentrism known as invasion ecology.

Anthropocentrism and biocentrism are both ideological concepts rather than scientific ones. Both deal with the value we place on human existence when compared to other living things. Whereas anthropocentrism in its purest form places humans first, biocentrism does the opposite. It perceives humankind as just another species.

The idea that we are just another species is scientifically unassailable. Biblical notions of humankind as something distinct from nature are irreconcilable with recent discoveries concerning the human genome and human evolution. Biblical notions on these issues are also not universally held. Buddhists and Hindus, for example, believe that animals are sentient beings and as such have souls.

Paradoxically extreme versions of anthropocentrism and biocentrism converge around the idea of humankind as an exception to nature. This convergence has its nexus in the Christian concept of man as the child of God and original sin. Thus the anthropocentric biblical notion of man as a fallen, sic sinful child of God, finds common cause with extreme notions of biocentrism, sic left biocentrism and deep ecology, which see human beings as a threat to nature.

The left biocentric idea of human activity as polluting in DEA's draft Biodiversity Offset Policy sits right on top of this nexus. It speaks to powerful taboos that perceive man as alien to nature and which awaken nascent and pejorative instincts around otherness that resonate powerfully in South African society. The South African roots of these instincts are inherently national socialist in character even when expressed from a socialist or communist or even environmental perspective. They can be traced back far too easily to powerful but fallacious ideas around scientific racism.

The South African Constitution is essentially anthropocentric in nature requiring, as NEMA says, for people and their needs at the forefront of its concern. However it would be wrong to assume that the environmental right set out in the Constitution is not also biocentric.

National Environmental Management Laws do not distinguish humankind from the animal kingdom when referring to the environment in terms of the influence animal life has on human health or to animals as being part of a dynamic system that also includes plant or and micro-organism communities. The Constitution and national environmental laws are silent on what the word “animal” means.

Constitutional rules of interpretation require a purposive approach that requires a court to eschew a blinkered approach that peers at a provision in isolation in favour of a broader perspective that looks at language in the context of the mischief that one is seeking to remedy. That mischief identifies generally in South African as the oppressive discriminatory laws and practices of the Apartheid regime that were built on pejorative notions of otherness that denied human beings equal rights to resources freedom and dignity.

The purpose of the environmental right seeks to correct this mischief by securing everyone an environment that is not harmful to their health and wellbeing.

The idea that the reference to animal in the definition of environment or ecosystem can be construed in terms that can exclude human beings may appear superficially attractive to anyone raised in the Abrahamic, sic Judaic Christian or Islamic, tradition. Neither this nor the fact that such perspectives invoke powerful taboos legitimises a dichotomous “them and us” approach to existence.

Mankind is an animal as the terms is ordinarily defined. We are also part of the animal kingdom as a matter of indisputable scientific fact. An environment that is not harmful to our health and wellbeing is not just a national objective. It is a global one. It follows that it must be expressed and pursued in terms that find unity in our diversity if it is to be achieved. This means broader more diverse ethical and ideological constructs are required than ones that see humankind as separate from or alien to nature.

In the South African context, the idea of humankind as alien to nature ignores NEMA environmental principles in favour of the perpetuation a painful past where human rights and dignity were subjugated to the needs of an all-powerful corrupt and discriminatory state. This is neither decent nor lawful.
