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Wildlife Jurisprudence: A Legal and Ethical Evolution in the Rights of Nature and Non-Human Species

Chandrani Chakraborty
Under the Guidance of Dr. Haricharan Singh Yadava
Department of Legal Studies
Motherhood University

Abstract

Wildlife jurisprudence is a transformative and interdisciplinary legal philosophy that challenges the anthropocentric underpinnings of modern legal systems. By advancing the idea that non-human animals and ecosystems possess intrinsic value and, in some cases, legal rights, this field reshapes the contours of environmental and animal law. Through philosophical inquiry, statutory analysis, and case law review, this thesis explores the emergence, application, and implications of wildlife jurisprudence across multiple jurisdictions. Special emphasis is placed on how courts in India, Ecuador, and Colombia have reinterpreted constitutional and environmental protections to recognize wildlife rights, setting legal precedents that align with ecocentric ethics. The work concludes with recommendations for deepening wildlife jurisprudence through rights-based legal reforms, institutional mechanisms, and cultural shifts.

1. Introduction

The sixth mass extinction is no longer a prediction but a present reality. According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), over 1 million species face extinction due to human activities.[1] Yet, modern legal frameworks largely fail to recognize non-human animals and ecosystems as rights-bearing entities. Instead, wildlife is often viewed as property, natural capital, or a resource for regulated use.

Wildlife jurisprudence challenges this status quo by introducing ecocentric principles into legal discourse, aiming to establish enforceable rights for wild animals and ecosystems. It shifts the focus from utilitarian conservation to legal recognition of inherent worth. This thesis investigates the origins, scope, and potential of wildlife jurisprudence to reshape environmental and constitutional law.

2. Philosophical Foundations of Wildlife Jurisprudence

2.1 Ecocentrism vs. Anthropocentrism

Modern legal systems are largely anthropocentric, privileging human needs above ecological balance. Philosophers such as Aldo Leopold, through his *Land Ethic*, argued that ecosystems have moral worth independent of human interests.[2] Christopher Stone's seminal work, *Should Trees Have Standing?*, introduced the notion of legal rights for nature and has influenced landmark court rulings globally.[3]

Ecocentric jurisprudence demands a reconceptualization of the legal subject. It challenges the human monopoly on legal personhood and seeks to embed nature within the realm of justice rather than mere policy.

2.2 Legal Personhood and Moral Agency

Legal personhood is a status typically reserved for humans and corporations. Extending it to wildlife involves a dual inquiry: (a) whether animals have interests worth protecting, and (b) whether legal systems can enforce those interests. The recognition of animal sentience—now affirmed by many scientific bodies—strengthens the argument for personhood or at least guardian-represented legal standing.

3. International Legal Frameworks and Instruments

3.1 Convention on Biological Diversity (CBD)

The CBD, signed in 1992, marked a shift toward biodiversity protection as a matter of global concern. It encourages states to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities." While the CBD promotes conservation, it falls short of granting legal rights to wildlife.

3.2 CITES

The Convention on International Trade in Endangered Species (CITES) regulates the trade of wildlife but is criticized for its species-specific, utilitarian approach that does not address broader habitat or ethical concerns.

3.3 Rights of Nature Declarations

International soft law has moved toward ecocentrism. The Universal Declaration on the Rights of Mother Earth (2010), though non-binding, articulates nature's right to life, regeneration, and restoration.

4. Comparative Jurisprudence: Case Studies

4.1 India: Animal Welfare and Legal Personhood

4.1.1 *Animal Welfare Board of India v. A. Nagaraja* (2014)

In a historic ruling, the Supreme Court of India banned the bull-taming sport of *Jallikattu* and held that animals are entitled to dignity and protection under Article 21 of the Constitution (Right to Life).[7] The court employed the doctrine of *parens patriae*, positioning the state as the guardian of animals.

4.1.2 High Court Declarations

- Uttarakhand High Court (2018) declared animals as legal entities with corresponding rights and duties of humans as guardians.
- Punjab and Haryana High Court held that "entire animal kingdom including avian and aquatic" species are "legal entities."

These rulings, though progressive, lack legislative backing and raise questions about enforcement.

4.2 Ecuador: Constitutional Rights of Nature

Ecuador became the first country to constitutionally recognize the rights of nature in 2008. Article 71 states that nature has the "right to exist, persist, maintain and regenerate its vital cycles."

In *Vilcabamba River Case* (2011), a local river was granted standing to sue a government agency for damage caused by road construction. The court ruled in favor of the river, ordering restoration.

4.3 Colombia: Legal Rights for the Amazon and Beyond

Colombia's Constitutional Court ruled in 2018 that the Amazon Rainforest is a "subject of rights" and ordered the government to halt deforestation. Courts have also granted rights to the Atrato River and used constitutional tools such as the *Tutela* to protect environmental and animal rights.

5. Challenges in Operationalizing Wildlife Rights

5.1 Procedural Representation

Wild animals cannot speak or act in court. Mechanisms like wildlife ombudsmen, legal guardians, and NGO representation are essential. However, standing doctrines vary by jurisdiction, often hindering access to justice for wildlife.

5.2 Enforcement and Penalties

While rights-based judgments are symbolically powerful, many lack concrete enforcement mechanisms. Penalties for wildlife crimes remain low in many countries, and cross-border coordination is weak.

5.3 Conflicting Legal Interests

Granting rights to wildlife can clash with property rights, development interests, and cultural practices. Legal systems must navigate these tensions through case-by-case balancing tests or constitutional interpretation.

6. Reimagining Legal Systems: Toward a Wildlife-Centric Jurisprudence

6.1 Legislative Reforms

Laws should incorporate:

- Legal standing for animals through appointed representatives.
- Sentience-based protections.
- Statutory recognition of animal personhood for keystone and endangered species.

6.2 Institutional Mechanisms

- Establishment of Wildlife Rights Commissions.
- Integration of wildlife jurisprudence into environmental impact assessments.
- Cross-border wildlife courts in regions with shared ecosystems.

6.3 Cultural and Educational Shifts

Legal reform must be paired with public education. Incorporating indigenous ecological knowledge and ethical frameworks can reinforce wildlife-centric legal principles.

7. Conclusion

Wildlife jurisprudence marks a shift from legal utility to legal dignity for non-human life. It offers a blueprint for rethinking our legal obligations in a time of ecological crisis. While significant legal and philosophical hurdles remain, the evolution of wildlife law toward a rights-based model is both a legal necessity and a moral imperative. Courts, legislatures, and communities must collaborate to bring this vision into legal and ethical reality.

8. References

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