

Legal challenges and frameworks for implementing wilderness laws in urban environments: case studies of Toledo and Santa Monica

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Abstract

This article explores the concept of Wild Law, a legal philosophy that advocates for nature to be recognized as having inherent rights within legal systems. First proposed by South African lawyer Cormac Cullinan, Wild Law seeks to shift the legal framework from an anthropocentric view to one that respects the rights of nature. The article delves into the theoretical foundations of Wild Law, comparing it to traditional environmental and property laws, and discusses its application in real-world case studies, including Toledo's Lake Erie Bill of Rights (LEBOR) and Santa Monica's Rights of Sustainability Ordinance. These cases demonstrate the challenges and legal implications of granting legal rights to natural entities, such as ecosystems and bodies of water, within the existing legal framework. The article also discusses the constitutional conflicts, implementation hurdles, and the future potential of Wild Law in promoting ecological justice and sustainable urban development. While legal frameworks may need significant reform to accommodate Wild Law, the cases of Toledo and Santa Monica offer insight into how these principles could be practically implemented to protect the environment while balancing urban development.

Keywords: Wild Law, Environmental Rights, Legal Systems

Introduction

As the process of urban development advances, wild law is increasingly being applied. Wild Law is a legal philosophy that pushes for nature to have rights within our legal systems. This idea was introduced by South African attorney Cormac Cullinan in his book "Wild Law: A Manifesto for Earth Justice".¹ Essentially, it argues that Earth and its natural elements shouldn't just be seen as resources for the purpose of development. Essentially, it argues that Earth and its natural elements shouldn't just be seen as resources for us to use—they should have their own legal rights. The use of land, the management of natural resources, and even the rights of Aboriginal people are all relevant to wild law.

¹ Cullinan, Cormac. *Wild law: A manifesto for earth justice*. Bloomsbury Publishing, [2011]

For this essay, I will incorporate the foundations of wild law, as well as the case studies of Toledo and Santa Monica, both of which have already implemented wild law, to examine what problems remain, what challenges they face, and what broad legal implications they will have in the future implementation process.

Theoretical and legal foundations of wildlife law

Definition and Philosophy

Wild law is a branch of Earth Jurisprudence, first proposed by South African environmental lawyer Cormac Cullinan. Its core idea is to incorporate the rights of nature into the legal system, giving natural entities such as rivers, forests and mountains the same legal rights as humans.² The Law of the Wild asserts that nature has inherent values and rights, emphasises the wholeness and interconnectedness of ecosystems, advocates harmonious coexistence between humans and nature, and opposes anthropocentrism.

Philosophical foundations and historical development

The philosophical basis of Wild Law is derived from Earth Jurisprudence, proposed by ecotheologian Thomas Berry,³ which asserts that the inherent rights of nature should be incorporated into the legal system, emphasises the wholeness and interconnectedness of ecosystems, and rejects anthropocentrism. Historically, ecological thinking has its roots in Aboriginal cultures, with the ecological movement of the mid-20th century and Rachel Carson's *Silent Spring* pushing for environmental protection legislation, and Thomas Berry's writings at the end of the 20th century deepening the concept of Earth Law.⁴ In 2002, South African environmental lawyer Cormac Cullinan, in his book *Wild Law: A Manifesto for Earth Justice*, systematically elaborated on the law of the wild, calling for an ecological turn in the legal system.⁵

legal principle

Wild Law is based on the Earth Jurisprudence, and its legal principles include: recognising the inherent rights of nature, emphasising the holistic and interconnected nature of ecosystems, stressing the moral responsibility and legal obligations of humans towards the natural world, and promoting an ecological shift in the legal system. that promotes sustainability and ecological balance. This law asserts that natural entities (e.g., rivers, forests, mountains, etc.) should have the

² Stone, Christopher D. "Should trees have standing?—Toward legal rights for natural objects." *Environmental rights*. Routledge, [2017].283-334.

³ Van Rooyen, Carla. *Incorporating an Earth Jurisprudence approach into South African environmental law for the protection of endangered species: Options and challenges*. Diss. Stellenbosch: Stellenbosch University, [2016]

⁴ Berry, Thomas. *Evening thoughts: Reflecting on earth as a sacred community*. Catapult, [2010].

⁵ Cullinan, Cormac. *Wild law: A manifesto for earth justice*. Bloomsbury Publishing, [2011].

right to exist, reproduce, evolve and maintain ecological integrity. The law should incorporate ecological values and rights of nature by amending environmental, land, and resource laws, and ensuring public participation and transparency to achieve ecological justice and fairness. These principles aim to redefine the relationship between humans and nature and promote a comprehensive reform of the legal framework to promote the health and sustainable development of ecological systems.

Comparison with traditional environmental law and property law theory

Wild law explores the integrated and multifold relationships of the earth and assumes that the natural entities have the right to exist, propagate, modify, and carry on the ecosystems. Moreover, these legal norms go beyond the existing law and pave the way to ecologise legislative systems to put into nature concepts of rights.

Conventional environmental legislation of Australia relies on the implementation of licensing and regulatory frameworks to manage and control the effect of human activities on the environment. Its foremost goal may be to protect the environment and to prevent and remedy the adverse impact by specific laws and regulations, such as the Environment Protection and Biodiversity Conservation Act. Classical environmental legislation functions by using the platform of government as well as delegation, command, and control to impose environmental safety standards on human behavior.⁶ However, the regulatory approach of traditional property law in Australia does not do this. Instead, it is oriented towards the relationship between people, including, most often, land ownership and the right to use water resources. The most common outlook is that resources found in nature are individual possessions by humans, companies, or governments. Property law works in a manner of not only safeguarding disputes on which people have a right to the use and direction of natural assets but also guarantee the preservation of the legitimate properties of the owners of such assets.

The process of transformation from the existing Australian environmental law to the Wild Law regime entails theoretical and practical distinctions here. The precepts of Wild Law, which aims to impart legal status on the natural world and affirms the interconnectedness of ecosystems and the protection of natural laws through the reform of legal systems, serve as its departure from the traditional law⁷. However, in the case of traditional Australian environmental law, the human or human activities have to be ruled through the parliament and follow the rules and regulations, where the environmental concerns take the form of government oversight and special legislation. The reason for these differences is mostly in the system of their principles and the way they are applied.

⁶ De Roo, Gert. *Environmental planning in the Netherlands: too good to be true: from command-and-control planning to shared governance*. Routledge, [2017].

⁷ Zelle, Anthony R., et al. *Earth Law: Emerging Ecocentric Law--A Guide for Practitioners*. Aspen Publishing, [2020]

The position of natural resources, in terms of legal status, is of a totally different nature within the Wild Law framework due to its unique concerns regarding earthperson⁸. The Wild Law proposes a law that gives the natural world the right to act by itself as a non-human legal person and which is beyond the current legal framework treating natural entities as just human property. While traditional property law is interested in protection of human property rights, rights protected by the Wilderness Act belong to the nature and will be reorganized to reflect the new rights that the nature has.

The statute of the wild advocates for rethinking the jurisprudential approach to the modern legal system by adopting a system that appreciates that nature is a legal entity with both inherent legal rights and legal subject status. In contrast, the Australian traditional environmental and property laws concern themselves more with minimizing the impacts of humans on the environmental systems and on the other hand, the traditional environmental laws look at the protection of free access to humans to natural resources. By considering these laws as hybrid systems, traditional approaches to conservation and legal progressiveness are differentiated, illustrating the added value of wilderness legislation to ecological preservation and legal innovation.⁹

Case study: legal analysis of Toledo, Ohio

Lake Erie Bill of Rights (LEBOR)

The Lake Erie Bill of Rights (LEBOR) is a local ordinance passed by the residents of Toledo by referendum in 2019 that grants the lake and the ecosystem associated with it, the legal standing to represent their interest in court. ¹⁰The rights provided for in the LEBOR include recognizing Lake Erie as a living ecosystem of Earth, with the right to naturally evolve with other fellow beings, and the continuing health of its environment. Although LEBOR found itself in a legal quagmire as soon as it was voted in, the ruling in a federal court in 2019 that the Ordinance is unconstitutional has marked the situation as deeply disturbing, and up to now, it has been held reluctantly under the decision.¹¹ However, the LEBOR remains as a solemn message at the cross of law and environment safeguard urging an immediate update of the existing environmental law and environmental judicial environmentalists with more legal materials that can be argued in courts under the “rights of nature”.

Legal provisions and purposes

⁸ Cullinan, Cormac. *Wild law: A manifesto for earth justice*. Bloomsbury Publishing, [2011].

⁹ Kotzé, Louis J. *Global environmental governance: Law and regulation for the 21st century*. Edward Elgar Publishing, [2012].

¹⁰ Mannard, Kathleen M. "Lake Erie Bill of Rights Struck Down: Why the Rights of Nature Movement Is a Nonviable Legislative Strategy for Municipalities Plagued by Pollution." *Buff. Envtl. LJ* 28 [2020]: 39.

¹¹ LaBeau, Meredith B., et al. "Effects of future urban and biofuel crop expansions on the riverine export of phosphorus to the Laurentian Great Lakes." *Ecological Modelling* 277 (2014): 27-37.

The Lake Erie Bill of Rights (LEBOR) endeavors to fortify environmental conservation efforts for Lake Erie and the ecosystem with a view to awarding them collective legal personality.¹² They aim to achieve this through recognizing the right of Lake Erie to existence, growth, and being healthy to make sure that it is free from damage and pollution; by appointing as Lake Erie and its ecosystem as the legal person, so that they can be the plaintiff in the court and directly seek the legal compensation; by giving the Toledoans the power of lawsuit on the behalf of the Lake Erie to enhance public involvement and legal protective measures; and by encouraging the involvement of the public and legal protection of Lake Erie's environmental shield. LEBOR offers is an opportunity to apply ecological norms in the case of Lake Erie's protection. And it is a highly likely option to trigger a broader conversation on the rights of nature, as well as on the legislation and policy on the level of lawmaking and policymakers.

Enforcement mechanisms

The mechanism operation of the Lake Erie Bill of Rights (LEBOR) is created with the sole intention of providing security to the rights of Lake Erie and its ecosystem; granting Lake Erie and its ecosystem the status of legal subject while sending it to the court to protect the environment from further degradation. The LEBOR amends the City Charter of Toledo and says that any residents may lodge a lawsuit contesting their pollution of Lake Erie, and seeking to have them mandated to carry out environmental repair works. Also, local governments need to team up with other committees or other administrative bodies to ensure that laws are complied with and rights of people or nature groups are protected. To this end, LEBOR will also need to establish a comprehensive legal safeguards mechanism, including specific enforcement rules, a specialised environmental protection agency, and professional enforcement resources, to achieve its legal protection objectives and ensure that the rights of Lake Erie and its ecosystem are effectively upheld.

Analysis of Constitutional Challenges: The Ohio Constitution and the U.S. Constitution

Ohio Constitution

The Ohio Constitution grants local governments a degree of autonomy, but local ordinances may not conflict with the state constitution and state laws. While the state constitution contains provisions for environmental protection, the specific implementing regulations and enforcement powers are largely determined by the state legislature and the branches of government.¹³ Therefore, the City of Toledo exceeded its statutory authority and violated the state constitution in granting LEBOR status to Lake Erie as a subject of law.

US Constitution

¹² Cullinan, Cormac. *Wild law: A manifesto for earth justice*. Bloomsbury Publishing, [2011].

¹³ Devlin, John. "Toward a State Constitutional Analysis of Allocation of Powers: Legislators and Legislative Appointees Performing Administrative Functions." *Temple L. Rev.* 66 [1993]: 1205.

The United States Constitution, through the Fourteenth and Tenth Amendments, establishes a division of powers between the federal and state governments, ensuring that states may not infringe on individual rights guaranteed by the federal Constitution, while reserving to the states or the people powers not delegated to the federal government. ¹⁴While the area of environmental protection may be legislated and enforced by the states, the federal government retains the power to regulate interstate environmental issues. The Federal Court held that LEBOR was unconstitutional as it blurred and interfered with the established environmental regulatory framework.

comparative analysis

Neither the Ohio Constitution nor the U.S. Constitution gives local governments broad powers to create new subjects of law or change the established environmental legal framework. LEBOR attempts to give Lake Erie independent subject matter status, but local governments do not have this power under the existing legal system. The Ohio Constitution focuses on the balance of power between local and state governments, while the U.S. Constitution emphasises the division of power between federal and state governments and the protection of individual rights.

Wild Law's Relationships and Conflicts

LEBOR attempts to introduce the concept of wild law, which grants legal rights to natural entities so that they can protect their interests in judicial proceedings. However, neither the Ohio Constitution nor the U.S. Constitution explicitly recognises the status of natural entities as independent subjects of law, and LEBOR, without the support of superior law, conflicts with the existing legal system and fails to achieve its goal of granting rights to nature. The Ohio Constitution restricts local legislative authority and the U.S. Constitution ensures environmental regulatory uniformity, both of which pose legal barriers to LEBOR's wild law innovation.

Important Legal Arguments from State Officials and Businesses

Important Legal Arguments from State Officials

State officials believe the Lake Erie Bill of Rights (LEBOR) exceeds the legislative authority of the City of Toledo and violates the division of powers principles of the Ohio and U.S. Constitutions.¹⁵ The law needs specific terms and definite regulations of implementation to make it work in practice. Furthermore, the company emphasizes that LEBOR presents a foreign body that breaks the established state and federal environmental protection frameworks and bears the possibility of conflict of laws and disputes during the enforcement process.

The Law's Pros and Cons from Commerce Perspective

Businesses believe that the adoption of LEBOR will rather subvert local economies and the

¹⁴ Bailey, Nick, et al. *Partnership agencies in British urban policy*. Vol. 6. Taylor & Francis, [1995].

¹⁵ Finkelman, Paul, and Roberta Sue Alexander, eds. *Justice and Legal Change on the Shores of Lake Erie: A History of the United States District Court for the Northern District of Ohio*. Ohio University Press, [2012].

business ecosystem, adding additional operational costs and legal risks. General wording of the law, which leads to unclear definition of responsibility and subsequent confusion of business owners regarding compliance rules, will result in the extensive number of environmental lawsuits, thereby increasing legal risks and operational costs.

Wild Law Theory Practices Source

Lake Erie Bill of Rights has made an attempt to give Wild Law its own place in local legislation through allowing control over the Lake to certain extent. But, the Ohio and the United States Constitutions have not yet mentioned the setting of any natural entities as legal subjects, so LEBOR cannot be justified and maintains to be a chimera at the moment. The injunction of the rights of nature that Wild Law advocates would not fit in the current legal system and LEBOR's working out will be against the existing environmental regulations. This may lead to a law becoming unstable and less effective in general.¹⁶

Federal Court Decision

In 2019, a federal court ruled against the Lake Erie Bill of Rights (LEBOR), finding it unconstitutional. The court's ruling was based primarily on the following legal arguments

Local government competence is exceeded

The federal court held that LEBOR exceeded the statutory authority of the City of Toledo. Under the Ohio Constitution and related laws, the legislative powers of local governments must be exercised within the limits of state law and state constitutional authority. The City of Toledo did not have the authority to grant legal subject matter status to natural entities, such as Lake Erie, because such innovative legislation was not authorised by the state or federal constitutions and was therefore found to be invalid.

Ambiguity of legal provisions

The court noted that LEBOR's provisions were too vague and lacked clear legal definitions and implementing regulations, and that LEBOR conferred on Lake Erie vague concepts such as the "right to exist" and the "right to evolve naturally," and that the specifics and legal boundaries of these rights were not clear, leading to uncertainty and potential abuse in the implementation of the law. The specifics and legal boundaries of these rights are unclear, leading to uncertainty and potential abuse in the implementation of the law. The law requires clarity to ensure operability and fairness in enforcement and judicial decisions.

Conflicts with existing environmental protection frameworks

The Court found that LEBOR interferes with the established state and federal environmental

¹⁶ Devins, Neal, and Louis Fisher. "Judicial exclusivity and political instability." *Virginia Law Review* [1998]: 83-106.

protection mechanism. Ohio and the federal government have established systematic environmental protection regulations. Compliance with LEBOR could conflict with the provision of the established laws, worsening the legal basis of the law, negatively affecting the established environmental laws and regulation, and causing chaos in the field of environmental protection.¹⁷

Alternatively, a Federal Court ruled that the LEBOR was null and void due to unconstitutional provisions. These observations targeted the overstepping of the powers of local governments, vagueness of the legal wording, and aggravation of the existing environmental regulation. However, although LEBOR attempts to introduce the idea of granting legal rights to natural entities, it lacks a clear legal basis and practical feasibility in the current legal system.

Impact of the judgement on wild law

The federal court's decision declaring LEBOR unconstitutional means that the concept of wildlife law and its conceptual function do not exist in the American legal system. In the statement, the ruling noted the clarity and enforceability of the provisions of the law, while LEBOR failed to provide for immediate enforcement by interpreting them as ambiguous and failing to describe implementation. In addition, it acknowledges that LEBOR is not in harmony with current state and federal environmental protection regimes. The court's outcome provides a road map for supporters of "wild law" to refine the legal details, clarify the meaning behind the law, and incorporate it into the legal system in the future.

Case Study: Legal Analysis of Santa Monica, California

Santa Monica took a more structured approach. In 2013, Santa Monica introduced the Rights of Sustainability Ordinance under The Government Codes of Santa Monica Municipal Chapters as detox to their souls, recognizing the rights of natural communities to clean air, water, and soil without any worry about pollution. In addition, they even set up an Office of Sustainability and the Environment (Santa Monica, M. C. Chapter 2.56) to make sure the law was enforced. Santa Monica didn't just write this law on paper; it actually put it into practice! Looking at the plans, we can infer that this method was the city's most powerful tool to develop sustainably.

Regulation on the Right to Sustainable Development

The city of Santa Monica has developed different ordinances and programs, one of which is the Sustainable City Plan, first adopted in 1994, to promote sustainable development. Recently, a Carbon Avoid law was issued requiring the use of low-carbon concrete in all new buildings, swimming pools and spas. The rules, which aim to curb the carbon footprint of making concrete traditionally, are part of the city's overall effort to reduce greenhouse gas emissions in line with carbon-neutral goals. The city also boosts sustainability at the grass-root level by undertaking a

¹⁷ Percival, Robert V., et al. *Environmental regulation: Law, science, and policy [connected EBook with study center]*. Aspen Publishing, [2021].

multitude of community and economic developmental projects, for example, green business programmes and transportation demand management, which reduce traffic, emissions.¹⁸

Legal provisions and purposes

City of Santa Monica in the strategy adopted gives Sustainable City Plan as implementation mechanism where a set of legal requirements have in place that are geared towards promoting the environment, economy, and social sustainability. The law also mandates all new constructions, swimming pools, and spa premises to use low-carbon concrete to help combat the sustainability by reducing the carbon emission rates and ensures that they achieve the carbon neutral goals. Moreover, the plan cell for specific objectives, including water self-sufficiency, zero waste, and the conservation of ecology. Conversely, the Transport Demand Management Regulations target the reduction of congestion and emissions by popularizing public transport, cycling, and walking. The broad goal of these regulations is to maintain an ecological system that fulfils various needs, provision of wealth and equity, as well as prevention of the effect of climate change within the city.¹⁹ This law is supposed to guide the efforts aimed at sustainable development in a systematic manner, through an innovations approach, as formulated in the city of Santa Monica.

Implementation mechanisms: role of the Office of Sustainable Development and Environment Committee.

In Santa Monica, the Office of Sustainability and Environment has undertaken a series of measures to link the work related to the environmental protection of different departments of the city and to draw up and implement appropriate environmental policies and measures, monitor environmental indexes and report to the public to raise their awareness to environmental protection, finance and distribute environmentally friendly technologies and innovations, make sure functioning and controlling of the regulations, as well as to establish coordination between various agencies. The perceptions of the City are about following this protocol to pursue the achievement of proper environmental protection and build a livable planet for the future. Its comprehensive goal is to ensure that environmental protection and sustainable development are taken seriously and integrated in the city's development agenda, with specific and operational action plans implemented.²⁰

Review of the local legal framework in support of the Ordinance

In the process of turning Wild Law into everyday practice, the case of Santa Monica, California, is a good example of how it all fits in well. Invested in an eco-centric and environmentally sustainable development approach, Santa Monica has taken a series of measures, such as

¹⁸ Meyer, Michael D. "Demand management as an element of transportation policy: using carrots and sticks to influence travel behavior." *Transportation Research Part A: Policy and Practice* 33.7-8 [1999]: 575-599.

¹⁹ Sandhu, Sonia Chand. "Enabling GrEEEn cities: An operational framework for integrated urban development in Southeast Asia." [2014].

²⁰ de Roo, Gert, and Donald Miller. *Integrating city planning and environmental improvement: Practicable strategies for sustainable urban development*. Routledge, [2017].

low-carbon concrete, green buildings, transport demand management and the creation of the sustainable city plan.²¹ Through environmental protection, it would seem that other related goals included effective public education as well as the use of technology to increase public awareness and knowledge about the environment. The adoption of the environmental protection approach, aimed primarily to protect and defend the right to existence of natural beings in the harmoniously integrated environment with man and with all other beings, through wild law, was put in place and was implemented, and is an expression of legal consciousness and responsibility of the system to the environment and to the integrity of the health of the ecosystem.

Legal and administrative factors in the success of the regulations.

Legal factors

In the end, technicalities of law and tough implementation constitute the backbone behind the successful Santa Monica's ordinance of sustainable development. There exists a set of laws and regulations addressing the issues of environmental sustainability. The Sustainable City Plan with a particular emphasis on the utilization of low-carbon concrete has been drafted where the principles found are a legal validity and will serve as the guide for our sustainable development.²² Thirdly, the law has become more effectual as the frequency of inspections and the severity of punishment employed in the administration have both been enhanced to ensure that the law provisions are faithfully adhered to. Prime among these are the legal protective mechanisms which provide for the tracking and prosecution of social environmental offenders in order to validate the effectiveness of environmental management ordinances.

Administrative factors

From an administrative point of view, the City of Santa Monica has entrusted the newly created Office of Sustainability and Environment with responsibility for all sustainability-related issues, which includes coordinating the work of all relevant stakeholders, making policies coherent and creating synergies in implementation across all departments. At the same time, effective resource management and allocation ensures the financial, human and technical support needed for sustainable development projects²³. Promoting the research and application of environmentally friendly technologies and innovative solutions, such as low-carbon building materials and intelligent transport systems, also enhances the city's environmental efficiency and technology. Finally, through the establishment of continuous monitoring and evaluation mechanisms, policy measures were adjusted and improved in a timely manner to ensure their effectiveness and flexibility.

²¹ Tabb, Phillip James. *Biophilic urbanism: Designing resilient communities for the future*. Routledge, [2020].

²² Giesekam, Jannik, John R. Barrett, and Peter Taylor. "Construction sector views on low carbon building materials." *Building research & information* 44.4 [2016]: 423-444.

²³ Dalal-Clayton, Barry, and Stephen Bass. *Sustainable development strategies: a resource book*. Routledge, [2012].

Comparative methodological analysis

Methods of legislation

Legal factors

The success of Santa Monica's sustainable development ordinance is due to a clear legal framework and strong enforcement mechanisms. Firstly, detailed sustainable development laws and regulations, such as the Sustainable City Plan and the regulations on the use of low-carbon concrete, have been formulated, providing a legal basis and a guide for action for the city's sustainable development. Secondly, the deterrent and enforcement power of the law has been enhanced through a strict legal enforcement and monitoring mechanism to ensure that the relevant provisions are effectively implemented. In addition, legal protection measures are provided to monitor and penalise violations of environmental protection regulations, ensuring the effective implementation of environmental protection regulations.²⁴

Administrative factors

At the administrative level, the City of Santa Monica has established a dedicated Office of Sustainable Development and the Environment, which is responsible for coordinating, managing and overseeing the implementation of all sustainable development policies and measures, ensuring policy coherence and synergy. Close co-operation and co-ordination between the various departments ensures that the policies are fully supported and implemented in all aspects of the city. ²⁵The municipal government encourages broad public participation. At the same time, effective resource management and allocation ensure the financial, human and technical support required for sustainable development projects. Promote research and application of environmentally friendly technologies and innovative solutions. Finally, through the establishment of continuous monitoring and evaluation mechanism, timely adjustment and improvement of policy measures to ensure the effectiveness and flexibility of policy measures.

Constitutional and legal conflicts

Lake Erie Bill of Rights

The passage of the Lake Erie Bill of Rights in 2019 made Lake Erie a separate legal subject that could stand on its own in the judicial system, and this act of empowering subjects opened the door to multiple legal and constitutional conflicts. First, there is a conflict between federal law and state law because federal law and environmental regulations take into account human interests rather than the interests of actual ecosystems. Ruhl, John B., Stephen E. Craft, Christopher L. Rand. Law and policy on ecosystem services. Island Publishing House, [2013].

²⁴ Cullinan, Cormac. *Wild law: A manifesto for earth justice*. Bloomsbury Publishing, [2011].

²⁵ Leck, Hayley, and David Simon. "Fostering multiscale collaboration and co-operation for effective governance of climate change adaptation." *Urban Studies* 50.6 [2013]: 1221-1238.

Second, a step like granting a lake legal personality could be considered unconstitutional, since the Constitution grants subjectivity only to natural and legal persons. Therefore, the last right, including the right to the lake, can lead to property disputes between users of the land or water on the lake, resulting in conflict.

Environments Case

In Santa Monica, California, for example, they have taken a very aggressive stance on environmental issues. The city has also created an Office of Sustainability and the Environment to oversee the development of these policies and help put them into practice.. These constraints continue to raise significant questions in terms of legality and constitutionality.²⁶ First, local government environmental regulations may conflict with California state or federal regulations and environmental standards, involving the question of the division of local government power from state or federal power. Second, stringent environmental regulations may have an impact on the property rights of developers and landowners, increasing construction costs and raising legal challenges to the protection of property rights. In addition, these policies present a tension between balancing environmental protection and economic interests, which may lead to legal conflicts and challenges.

Conflict with existing laws

Lake Erie Bill of Rights

The Lake Erie Bill of Rights grants Lake Erie legal personhood, enabling it to sue in the judicial system to protect its ecological health. However, the bill creates conflicts with existing laws, including conflicts between federal and state laws, as existing environmental laws are primarily centred on human interests; constitutional issues, such as the granting of legal personality to natural bodies, which may be in violation of traditional legal subject matter; and conflicts over property rights, which may affect the rights and interests of users of the surrounding land and water resources and lead to legal disputes.

Santa Monica Case

The City of Santa Monica has established clear environmental goals through the implementation of the Sustainable City Plan and regulations for the use of low-carbon concrete, and has established a dedicated office for policy implementation and oversight. These measures create conflicts with existing laws, including the possibility that local government environmental regulations may be inconsistent with state or federal statutes, raising questions about the division of powers; the impact that stringent environmental regulations may have on the property rights of developers and landowners, increasing the cost of construction; and the contradiction in balancing environmental protection with economic interests, which may lead to legal challenges by stakeholders.

When it comes to making legal judgments in Australia, an array of elements can be influential,

²⁶ Kloppenberg, Lisa A. "Avoiding constitutional questions." *BCL Rev.* 35 (1993): 1003.

including the text of the law, personal preferences of judges, the case's specific facts, cultural context, and the legal process itself. Through the above-stated instances, it can be viewed that these major determinants of judgements are concurrently at play. As the Law of Rights and Responsibilities changes in Lake Erie, it grants this lake a legal personhood.²⁷ This can be seen as an indication of serious efforts aimed at environmental protection and restoration. Furthermore, in the case that took place in Santa Monica, California, the court ruled out of considerations of environmental protection, public policies, and legal positions.²⁸ Such would reflect the obvious influence of natural law on environmental protection, especially equity, justice, and morality, on judicial judgments.

In Australian law, environmental protection cases have to also look at the legal case and the social background behind it. In this line of judiciary, when delivering decisions, judges will have to follow the guidelines in the case in point, the text of the law and principles of natural law to ensure that judgment that is after the Constitution but also satisfy the requirements of justice and fairness in the society of people. By the same token, the Australian judges in the environmental cases will make reference to the nuclei of principle and expose to the experiences of international cases to make sure that the judgment would be ecologically protective and sustainable develop. These presentations of cases detail how important these basic laws principles are in not only determining but also deciding the jurisdictional rulings on the protection and preservation of the environment.

Other key legal implications and further development

Providing a Platform for Success in Imposing the Wilderness Act. The Wilderness Act can be implemented more successfully by legal reforms that are large-scale allowing for the real meaning and essence of the definitions of the law and the legal safety standards to be clarified, giving legal entities the right to nature, setting up environmental courts for specific purposes, implementation of inspector and enforcement agencies activities properly, public involvement rights, and carrying out some forms of awareness programs in order to alert the society and communities on conservation of the environment. These reforms shall also ensure effective protection of wilderness areas as given in the legislation, thus productive ecological use of resources is preserved, the priority of ecological protection in development is followed, the protection of ecological areas through the implementation of textiles and other monetary fines is reinforced in the environment sector.²⁹ To undertake the Central Legal Initiative in an Urban Environment, law enforcement officials have a number of strategies that they must engage in.

Responsibilities of wildlife law judges as well as wildlife law administration

Represented by the court and the police, the judiciary and the executive play synchronized roles

²⁷ Zartner, Dana. "Watching Whanganui & the Lessons of Lake Erie: Effective Realization of Rights of Nature Laws." *Vt. J. Env't L.* 22 [2021]: 1.

²⁸ Leventhal, Harold. "Environmental Decisionmaking and the Role of the Courts." *U. Pa. L. Rev.* 122 [1973]: 509.

²⁹ de Oliveira, Carlos Rafael Silva, et al. "Textile Re-Engineering: Eco-responsible solutions for a more sustainable industry." *Sustainable Production and Consumption* 28 [2021]: 1232-1248.

in exercising the Wilderness Act. The judiciary shall assume responsibility for the interpretation and application of wilderness reservation laws, on the one hand, by bringing authorities to order and ensuring environment rights advocacy in case of environmental litigation or, on the other hand, by overseeing and more so supervising actions of authorities to ensure enacting legal and every decision is either for reasons of law or just for god's purpose. The administrative authorities, too, are entrusted with formulating and executing specific laws, ensuring that the legal norms are clear, and regulating and enforcing the laws to effect the preventive measures. Moreover, the administrative bodies are expected to establish the heart of environmental control - special wildlife protection law enforcement agencies, supervision and management measures, and timely measures to tackle malpractices. In addition, the role of the executive authorities involves the authorisation for environmental impact assessment and scientific planification, with the aim of preventing environmental hazards and promoting the realisation of wilderness national parks in a sustainable manner as well as fostering enlightenment about the Wilderness Act so as to create a public interest- participation by promoting public education and community participation campaigns. The coordination of legal activities by the judiciary and the executive leads to compliance, effectiveness and the enforcement of the Wilderness Act in Australia.

Conclusion

The Lake Erie Bill of Rights stresses on the ecological safety in granting legal rights to the Lake Erie ecosystem, then the question of legal standing and the subjectivity of natural objects. This was an approach to the conflict between an ecologically pristine environment and development that is from human influence through the promotion of the Sustainable Cities Plan through a set of policies and mechanisms of community participation. Incorporation of Wild Law into an urban legislative system has the benefits of ensuring better protection for urban ecosystems, promoting a balance between development and ecological upkeep, and ultimately, elevating community participation. ³⁰Yet the current legal system must be effectively harmonized so that no clashes between the objectives of environmental preservation and urbanization come about, and types of legal frameworks and their implementation shall only be shifted on an effective foundation.

Through the effect of Wild Law, nature and the issues of its protection become a major policy focus of constitutional texts and public debate, the idea of nature as a normative pattern of human development attains a new level of dissemination, contestations over the more-than-human world as well as fluency in the more-than-human realm emerge more frequently in modern societies. This programming is a principal tool that complements Wild Law, and the next step would be to develop detailed suggestions for policy measures, as well as participation in the whole process of implementing the Wild Law concept in the urban context.

³⁰ Cullinan, Cormac. *Wild law: A manifesto for earth justice*. Bloomsbury Publishing, [2011].