



Applied Specific Legal Sustainability Structure Services

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Abstract

An enormous but not fully characterized problem is the extent to which the law now works against sustainability. Environmental laws are easy to identify because they are usually labelled as such. By contrast, there are few if any explicitly anti-environmental or anti-sustainability laws.

Keywords: Sustainability; Vulnerability; Ecological; Degradation; Drought

Introduction

Instead, such laws deserve to be included in the law of unsustainable development because of their effects. The articles in this special issue provide ample evidence of the existence of such laws. United States land use law encourages cities not to constrain residential and commercial land-use choices but to expand the range of these choices by favouring low density, suburban urbanization characterized by economic, racial and social segregation. Similarly, existing legal regimes address drought in a largely reactive way, fail to promote sustainable systems and practices that might help to mitigate or prevent drought impacts, and in some ways actually decrease sustainability and hence increase society vulnerability to drought. Ashford and Hall argue, more strongly, that the unsustainable beneficiaries of the present system are supported and encouraged by a variety of laws, and that they use these laws and existing legal institutions to resist change. The importance of climate change to sustainability has grown rapidly in recent years. The articles in this special issue reflect this fact. They focus on the impact of local decisions on climate change, and the need to reduce greenhouse gas emissions that would otherwise result from those decisions. Of equal importance, but much less understood, is a need to modify pre-existing laws to adapt to climate change. Laws relating to drought a recurring issue in human history will likely need to be examined in light of the more frequent and severe droughts that are projected to occur because of human-induced climate change. An increased focus on sustainability could improve the ability of affected communities to anticipate, cope with, and even prevent drought impacts, he says [1]. This increased focus on sustainability would include a new legal approach to drought based on several factors, including a social decision about how the risk of water shortages should be distributed, legal promotion of the sustainability of water supplies and allocation of water to places where it is most needed, integration of drought planning into water resources law and policy, and economic and other incentives for sustainable water use. However, changes to water law by themselves are not enough.

Discussion

A truly sustainable approach to water policy will also need to evaluate and amend laws and policies that drive important underlying economic decisions by the agriculture industry and others. While sustainable development is commonly understood as involving the relationship between the social, environmental, and economic domains of human existence, insists on the primacy of protecting and restoring ecological sustainability [2]. There needs to be an ecological bottom line, he argues, because the ecological basis for human survival is at risk. Environmental law has not prevented the continuation of widespread environmental degradation around the world; the global commons climate, diversity the oceans are in rapid decline and the human ecological footprint both in absolute terms and per capita is getting

larger. Amending New Zealand well-known Resource Management Act so that its purpose would be to achieve ecological sustainability in New Zealand. While changes such as this would not automatically set us on a sustainable path, he argues, they could at least provide the direction for such a path. The protection and restoration of ecosystems is also a subtext of a number of the other articles [3]. For example, proposal to use the law of common-interest communities on lands that are now devoted primarily to livestock grazing is specifically intended to increase biodiversity conservation on those lands. Sustainable development requires public participation and effective access to the courts. Without an engaged public and an independent judiciary, laws on the books may not be implemented or enforced.

The articles in this special issue provide evidence of the importance of nongovernmental organizations. The California litigation that ultimately forced local governments to consider their climate change impacts was originally brought by a nongovernmental organization. Although the case was settled rather than decided by a court, the availability of an effective court system provided impetus for the settlement. Advance the work of the World Future Council, the non-governmental organization for which she works. Her article, which itself builds on the work of the International Law Association, another nongovernmental organization, illustrates the importance of such organizations in developing, refining, and advocating legal and policy tools for sustainability. While the vagueness of sustainable development is widely lamented, the international agreements on which sustainability is based as well as a growing body of scholarship and experience have set out basic legal principles for sustainability. The polluter pays principle, the use of best available science, the precautionary principle, intergenerational sustainability, transnational sustainability, accounting for ecosystem services, integrated decision-making, and adaptive management. They explain how those principles can be applied to the sustainable management of coastal ecosystems. Somewhat similarly, necessity of ecological sustainability as a bedrock sustainability principle for law. He would define ecological sustainability as preservation or restoration of the integrity of any ecosystem in the biosphere, and would define ecological integrity as the ability of an ecosystem to recover from disturbance and re-establish its stability. There also have been formal

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efforts to state principles of national governance that could be applied to sustainability. A project by the International Law Association to set out seven specific principles. These principles can also be applied to national governance [4]. Ross explains that the United Kingdom's Sustainable Development Commission has used three broad criteria that are essential to make sustainable development happen at the national level. These are public understanding of the big picture, a comprehensive framework for integrating conflicting priorities. The sustainable development commitments that nations made at the United Nations Conference on the Environment and Development in, are, of course, national commitments. The cross-cutting nature of sustainability means that it is not confined to a single subject or a single administrative agency, department, or ministry. Rather, national commitments require the engagement of the federal or national government as a whole [5]. Two of the articles in this special issue focus on law for sustainability at the national level one in the United Kingdom, and the other in the United States. The United Kingdom has had a national sustainable development strategy since 1994, the content of which has evolved over time. Nonetheless, that strategy lacks a strong legal foundation. Kingdoms strategy is progressive in tone and substance, according to Ross. However it has not been particularly effective at delivering the three criteria that the Sustainable Development Commission says must be met. The biggest problem, as Ross sees it, is that there seems to be very little understanding or coherent thought about what exactly sustainable development means and its role in governance. Three models for legislation are available, a procedural model, a law that explicitly establishes a sustainable development strategy as the point of reference for all decision-making and a law that makes sustainable development the organizing principle for national governance. Although she prefers the third model, Ross advocates that the adoption of legislation be staged over time, beginning with the procedural model, because the implementation of sustainable development in the United Kingdom since 1994 has also evolved in stages [6]. Whichever legal approach is used, she concludes, will cause sustainability to be taken more seriously, create legally enforceable obligations. At least five mechanisms are available in the United States to institutionalize a national approach to sustainability. These are an executive order requiring federal agencies to work broadly toward sustainability, a sustainability impact Assessment process that would include analysis of the effect of agency policies and programs, a nonpartisan Congressional Joint Committee on Sustainability to assist Congress in examining the effect of laws and recommending reforms, a federal Sustainability Commission modelled on the United Kingdom Sustainable Development Commission that would advise the government and advocate and monitor sustainability activities, and an independent Sustainability Law Reform Commission that would be tasked with reviewing existing federal law from the perspective of sustainability and recommending amendments, enactments and repeals [7]. These mechanisms, they say, illustrate a reasonable range of possible approaches that could be used in the United States to foster sustainability. It is not enough, of course, to simply throw laws at a problem. Laws must be designed and drafted with care to achieve particular results, and they must be evaluated carefully afterwards to see if they have actually achieved the desired results [8]. For sustainability laws, the availability of credible and widely applicable assessment tools and institutions is especially important. These tools can include existing social science research methodologies. For example, many social science

studies evaluating the effectiveness of environmental regulations that are combined with community-based social marketing. Nevertheless, new tools are also required [9]. Using security laws as an example described how the International Law Associations seven principles can be used to assess the sustainability of particular legal measures. The assessment methodology that favours translates these seven principles into interview questions to be posed to government officials, members of nongovernmental organizations, and academic and other experts. The methodology that she recommends is empirical, not theoretical, and qualitative, rather than quantitative. After using this method to evaluate food security laws in Tuscany, Italy; urban Cuba; and Belo Horizonte, Brazil, concludes that the seven principles, even though originally defined for international law, have the potential to serve as an ideal norm that is universal and yet flexible enough to guide the drafting and amendment of laws and policies on any governance level. Assessment tools are not enough, however. Without some institutional mechanism to assess laws from a sustainability perspective before and after they are adopted, sustainability assessment is likely to be sporadic and ineffectual [10].

Conclusion

The purpose of many of the mechanisms identified by Abbott and Merchant is to assess laws from a sustainability perspective on an on-going basis both before and after these laws are adopted. At the same time however, those authors recognize that, standing alone, institutions for assessment would be insufficient without more precisely defined principles that can form the basis for assessment.

Acknowledgement

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Conflict of Interest

None

References

1. Calavita K, Tillman R, Pontell HN (1997) The savings and loan debacle, financial crime, and the state. *Annu Rev Sociol* 23: 19-38.
2. Perri FS (2011). White-collar criminals: The 'kinder, gentler'offender?.*J Investig Psychol Offender Profiling USA* 8:217-241.
3. Omar N, Koya RK, Sanusi ZM, Shafie NA (2014) Financial statement fraud: A case examination using Beneish Model and ratio analysis.*IJTEF USA* 5: 2-4.
4. Zahra SA, Priem RL, Rasheed AA (2007) Understanding the causes and effects of top management fraud. *Organ Dyn UK* 36: 122-139.
5. Ostay DT (2007) When fraud pays: Executive self-dealing and the failure of self-restraint.*Am Bus Law J USA* 44: 571-601.
6. Vido SD (2020) A Quest for an Eco-centric Approach to International Law: the COVID-19 Pandemic as Game Changer. *Jus Cognos US* 3:105-117.
7. Maseiro S, Bailur S (2020) Digital identity for development: The quest for justice and a research agenda. *Inf Technol Dev US*: 1-12.
8. Zaremba A, Kizys R, Tzouvanas P, Aharone DY (2021) The quest for multidimensional financial immunity to the COVID-19 pandemic: Evidence from international stock markets.*71*: 1-61.
9. Delone WH, McLean ER (1992) Information systems success: The quest for the dependent variable. *Inf Syst Res USA* 3: 1-95.
10. Lee CS, Jang A (2021) Questioning for Justice on Twitter: Topic Modeling of Stop Asian Hate Discourses in the Wake of Atlanta Shooting. *Crime Delinq CA*: 1-21.