

The regulation of MNEs overseas pollution from different subjects

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Abstract. Before the 1900s, the busted economic balance blurred the eyes of the governments in developing commonwealths, which took heed of pursuing finical impartiality instead of addressing environmental complications. Admitting a considerable number of MNEs into their land without strict examination of their environmental-friendly credibility, the nature scenes of these countries are irreversibly damaged. The turning point arrived in 1984 when the deleterious chemicals of the subsidiary of Union Carbide in India seeped. However, all these rampant pollution activities have only slightly abated, not eradicated. This essay will examine the current situation and how to deactivate the illegal contamination in the host countries using the analysis of legal norms and case studies to proffer reference to various political, legal, and commercial interested herd. The cardinal mentioned solutions include promoting nature-related education through social media and compulsory education system, establishing monitor departments to monitor the track of exotic companies, and so on. Putting the environmental problems in the spotlight, countries with a copious budget and human resources started to manage their natural situation. MNEs from the sophisticated areas which are required strictly by their government to reduce the pollution on their land, naturally turn to the emergent countries, where they may not expect the heavy cost of the environmental damage. This essay will analyze how MNEs spread pollution in the host states, and how the host states should take actions to prevent their ecosystem from obtaining harm.

Keywords: Multinational enterprises; pollution; censorship.

1. Introduction

From time to time, the animal society has followed the law of jungle food. Human beings, as intelligent animals, seem to have fled to such a fate. Since world war ii, industrialized countries have been at the forefront of the world. Whether from international status, economic strength, or national defense power, necessitous countries seem to be nowhere to turn. At the same time, human beings, as a species of living means, are still pursuing equal rights. An appropriate natural environment seems to be the only capital in a realm that has not participated in the industrial revolution. However, the developing countries are losing their only strength in the lack of a bottom line for rich companies from developed countries. The turning point arrived on December 3, 1984, an agricultural pharmaceutical American factory leaked 45 tons of noxious chemicals out of underground gas storage tanks in Bhopal, India. [1] After the incident, the Supreme Court declared that environmental issues must be taken up by the Supreme Court. In *Subhash Kumar v. Bihar* 1991 AIR 420, the Sc stated that the right to life is a fundamental right under Article 21 of the Constitution, which includes the right to unpolluted water and AIR for the full enjoyment of life. This point of interest Incomparable Court elucidation sets the organization for an extended rights-based approach to challenging the natural effect of development. [2] With the increasing awareness of environmental protection, the public also cast a look at this solemn issue.

2. The impact of pollution

While MNEs which conduct illegal contamination behavior may seem to boost the host country's gross national income in the short term, they undermine only or at least one of the most vital attractions of the host countries. Developing countries' affluent natural resources dexterously attract more multinational companies to invest in them, because these countries are not as advanced as

progressive countries in machinery and they can only rely on the environment and cheap labor as a bargain. In this case, losing environmental benefits undoubtedly and suicidally weaken their competitiveness. Therefore, the by-product of absorbing an MNE which does not obey the environment protection-related laws could be the risk of mislaying a more profitable future. What is more, the potential physical damage to the president's health stands on the opposite side of humanitarianism. Speaking of the Pabor incident in India again, many innocent Indian children became deformed, unable to work normally, get married, and have prosperity. From an international perspective, MNEs damage the only global competitiveness of the host nation, which will inevitably lead to the continuous tilt of the global economy and comprehensive national strength, rather than the national equality that everyone is committed to. MNEs are selfishly reserving the ecological environment of the home country. This may explain why developed countries such as the United States and Germany have strict environmental protection requirements and force companies to move to pollute factories that own higher air quality than most of the unprosperous countries. The delightful natural environment not only shields both the mental and corporeal robustness of the local multitude, but also promotes domestic tourism and maintains an appealing national image. With bottomless exploitation by transnational corporations, the division between the poor and the foremost regions will only increase day by day, which is not conducive to the development of a multi-polar world. In conclusion, a backlash against MNE's pollution transcription is a must.

3. Current situation and shortages.

3.1 Current situation

It is precise that the mass has already hearkened the diabolical pollution of MNEs, but all these rampant pollution activities have only been slightly abated rather than averted. As an illustration, in China, which is known as the "External contracting plant", Japanese-owned Shanghai Kao Co., Ltd. was included in Shanghai's "2005 second batch of illegal enterprises investigated in the city's environmental protection system" because of "arbitrary discharge of excessive wastewater. [3] The list also included the joint venture of American Standard Corporation, which is one of "the top ten sanitary ceramic companies in the world", and The Shanghai Pizza Hut affiliated with Yum Brands. In Fujian, Germany Noel Crane Equipment Co., Ltd. was listed as unqualified enterprises because of its unauthorized equipment. In Zhejiang, the subsidiary of British Puro-lite Group was listed as one of Zhejiang provincial key pollution enterprises in 2005. In Hunan, a wholly-owned subsidiary of Yamaha Engine Co., Ltd. of Japan became one of the 20 polluters under supervision in Zhuzhou due to "serious environmental safety risks in electroplating production lines". The pollution caused by FDI in China cannot be underestimated. [4] In addition to this eloquent register, it is obligated to note that China is now a formidable country in terms of international status and economy. Even so, in the face of MNEs, China still has to bear a significant amount of environmental pollution. It is arduous to envisage how abysmal the predicaments are in Africa, Southeast Asia, and other bankrupt regions.

3.2 Shortages

3.2.1 Loosen, imperfect laws and mild punishments

Although a collection of countries has gradually introduced relevant laws on MNEs' environmental pollution, most of the legislation does not possess veritable values. Most of these laws were enacted more than a decade ago. With rapid progress in Third World countries, however, laws and regulations that were reasonable 10 years ago had already been backward and loose and cannot efficaciously function anymore. For instance, *the Marine Living Resources Act: Regulations amendment (G 32699-GoNI42)* of South Africa was established in 2010, but it has not been updated in recent 12 years. [5] Taking a look at South America, there were two Mexican Official Guidelines (NOMs) that set up the most extreme passable levels of soil defilement, hydrocarbons, and overwhelming metals. [5]. None of the legal effects, repetitive regulation, or operability are sturdy enough to advance with the times.

Only with good laws can environmental protection be carried out, it behooves to further refine these covenants. Admittedly, some developed countries have strong and effective measures against pollution. However, in developing countries, they are relatively mild. For example, only nine days after last year's oil spill in the Gulf of Mexico, the US authorities and justice system were fully involved in the situation. Meanwhile, a presidential commission was formed to investigate the spill. In contrast, it took more than two months for China to form a joint investigation team of the ConocoPhillips oil spill accident jointly organized by the State Oceanic Administration and six ministries and commissions. [6] Although the Ministry of Agriculture of China signed a compensation agreement of 1.35 billion yuan for fishery resources with Conocophillips and Cnooc, at last, there still was a lack of specific compensation basis and standard. This has not disclosed details of how the final compensation figure was calculated. Professor Wang Yamin of Marine College of Shandong University believed that this claim might be based on the loss of Marine living resources represented by fisheries. He clearly stated that the Chinese marine quality had not reached inflection points. [7] Compared with the past, there is no clear definition of the real "ecological money".

3.2.2 the standards of mulcts are too low

In developing countries, Environmental-friendly approved standards in the regulation departments are too low and fines are too chintzy to be a deterrent to fabulously wealthy MNEs. On the other hand, in developed countries, a minority of excessive index penalties may go as soaring as millions of dollars, which only become demanding for the mega-companies to bear the consequences fulsome times. Most under opulent countries are in the early stage of industrialization, which is too scrawny for the block to surge fines and put forward stern stipulations for their environment. For instance, Chen Yang, a Chinese architecture researcher, stated that China's soil standards are lagging and need to be improved as soon as possible. [8] As a result, the MNEs have capacious room to manipulate the local natural resources without concerns. To attract investment, developing countries do not have the capacity to ensconce amercements similar to those of monied countries, but only when the sanctions have moderate deterrence, the intense syndicates will not throw their weight about it.

3.2.3 National enlightenment and environmental awareness

Citizens in indigent nations generally receive less advanced education, and the public is far less concerned about environmental pollution than in developed countries. In upscale countries, many citizens scrutinize labels on clothes to see if their ingredients are environmentally friendly. Many citizens of developed countries, especially in Europe and North America, refuse to shop online because shopping bags waste trees. Nonetheless, Khalid Ahmed Awan stated a Pakistani Factory she used to visit was awfully environmentally careless: "In 1994, I happened to visit a Pakistani garments factory with my father who was working there. He took me with him to take a tour of the factory. I visited different sections of the factory and came to know that the working class was not aware of the safety and hygienic measures, even the factory did not have many advanced environment-friendly measures to protect the local environment from different modes of pollution." She mentioned that the workers have not been professionally trained as in the Emergent countries. [8] Similarly, Monsanto, one of the world's leading dreadful polluters, churns out PCBs that are not only hard to break down but also lead to fetal deformities. [9] Its syndicates even use DDT which once nearly cause the extinction of the bald eagle, the national bird of the United States frequently. It has even been found among penguins in Antarctica. There is no doubt that DDT damaged the global ecological system irreversibly, which leads to wide-ranging backlash. In this case, America firstly boycotted such companies with serious environmental pollution. It should be noted that the backlash was initially by the citizens instead of the officials. Nonetheless, losing the support of developed countries, Monsanto moved to underdeveloped areas that have weak environmentally friendly mindfulness. The offish, careless citizens of the third world countries, who continue to allow development on their home soil, encourage MNEs to be even more brazen not abiding by environmental rules. Although the central government has set up environmental department, many local government agencies still have brought in a large number of multinational companies for the sake of economic performance. These

irresponsible local governments choose to ignore the illegal environmental pollution of MNEs. In some areas without strict regulations, local governments even do not set up standard for the outsider companies. For officials who does not own environmental awareness, enforcement of laws and regulations is woefully inadequate. This also corresponds to the mentioned point, that is to say, citizens' environmental awareness is weak. Government officials may not have been taught the importance of the environment since childhood, thus obstructing environmental protection efforts.

4. The solutions

4.1 The solutions for the host country

To support the global pandemic response, the host countries can take the following steps to contribute to their pollution prevention. Firstly, host countries should include environmental indicators as part of local government performance to make local leaders pay attention to the environment. For example, holding environmental contests, such as the city with the best air quality in the country, may promote the dimensional government to reduce the amount of PM2.5. At the same time, many central leaders have raided the audit, leaving no room for superficial efforts by local governments. Secondly, the host country should strictly examine the imported multinational corporation, carefully check its pollution emissions in other underdeveloped localities, and whether it complies with the pollution-related laws and regulations of another co. Only MNEs that guarantee a good reputation and meet targets can be introduced. At the same time, if a multinational is developing a highly polluting industry, it must ensure that it has the environmental protection capabilities to match its strength. Since many multinational companies are from developed territories, where clean energy and other green industry technologies are already mature, these companies can use these technologies to clean up the pollution they cause. In this way, host countries will also take inspiration and guidance from their approach to environmental governance.

At the same time, the host country should also pay attention to the specific and detailed legislation, not let the law stay in words. For example, after setting relevant pollution targets, it should also stipulate how often the environmental safety department inspects multinational companies under its jurisdiction. It is also important to make the environmental safety sector independent and invest enough money in it, or it will be restricted by the local economic sector, which may reduce the funds of the environmental department. Redundant procedures should be reduced too in order to prevent layers of progressive capital transmission. Illegal companies should also be severely cracked down on, directly publish the relevant list, and remove the convenient policies for relevant illegal multinational companies. The host country should also do a good job in the domestic environmental pollution-related publicity, and improve the national awareness of environmental protection, so that citizens can spontaneously boycott the products developed by transnational corporations that illegally pollute their land, forcing the transnational corporations to choose between the market and the cost of environmental pollution. Such an approach is more effective in countries with large markets, such as China and India.

From the point of view of international organizations, a system about the reputation system of transnational corporations should be established. This corresponds to what I mentioned in the host country are looking at the reputation records of multinational companies. Companies like Monsta, which used DDT and Agent Orange, polluted the Environment in the United States and then went to other precincts and made billions of dollars. If a reputation system is established, and a detailed description of the chemical components used in Monsta is harmful to the environment, many countries may find the bad behavior of the corporations and reject its domestic development request, so that the environmentally unfriendly company falls into bankruptcy sooner. Establishing such a reputation system would not only make it easier for home countries but also make multinationals pay more attention to their environmental performance. The list can also be viewed online to guide the public to buy products from environmentally friendly companies rather than those with poor pollution control.

4.2 The solutions for the home country

The United States, one of the most powerful developed countries, introduced the McKinney Act. [11] Although the law is not aimed at environmental protection and does not impose high standards on multinational companies, it surely has implications for the home countries. Each home country should introduce policies that include the definition of multinational enterprises that achieved the standard of regulation and impose requirements on its subsidiaries, such as limiting the amount of sewage discharged in the host country to no more than a certain amount in one year. It's worth noting that the McKinney act may not make much sense to require the same of any company that employs more than 20 people abroad. Companies should be graded according to their size, global need, and urgency, with different indicators. Companies that make a lot of masks in the penurious district, for example, may be able to lower their standards a bit. In addition to receiving the reports of multinational companies, the home country can also set up overseas companies' pollution regulation team. The home country can send messengers to survey the actual condition, ensuring the overseas companies are not giving out fake data. For reputable companies, the home country should commend them. For example, an overseas company that has maintained a low pollution level for five years in a row can be awarded a report, medal, etc. On the other hand, if a company seriously damages the ecological environment of another country, the home country should report the shameless behavior of the company through the domestic media and fine the company.

4.3 The solutions for the international companies

In 2000, Zhu Sumei, a professor at Peking University, made it clear that multinationals ought to play a driving part in worldwide natural administration. [12] However, how can multinational companies solve the problem of environmental pollution internally and win a favorable reputation? Firstly, an environmental safety department should be set up within multinational conglomerates to monitor the pollutants produced by the syndicate in a given quarter. If the result presents that the firm's pollutants are excess, the company will have to adjust its policies to try to produce less pollution in the next quarter to keep emissions below the target for the whole year. At the same time, experts within the company should analyze how to produce products in a way that strikes a good balance between economic benefits and environmental burdens. It is also an option to introduce home-grown clean energy technologies to balance pollution, but the current application of these high-tech devices may lack technical support in underdeveloped regions. Developing clean products such as electric cars neutralizes pollution. Dupont, for example, is committed to making environmentally friendly products. [13] Most companies, however, take advantage of lax environmental policies when they go to developing countries to develop more pollution-intensive industries. The first three methods are more practical. As long as the various actors take action, it is widely believed that the problem of excessive pollution by subsidiaries of multinational companies in host countries will be able to be greatly improved. By optimizing the allotment of worldwide assets to its branches around the world, multinational companies can decrease generation and operation costs and extend deal markets. The focal points of co-management with multinational companies are reflected in the following two aspects. Firstly, multinational companies have an expansive scale of generation and operation, progressed innovation, endowments from nearby governments, and moderately steady money-related bolster. Furthermore, they have the preferences brought by transnational operations. This advantage is known as the "co-managed economy", which can not only diminish the taken toll on product exchange, but also viably ensure mental property rights and anticipate government obstructions.

5. Conclusions

To sum up, this essay canvases several solutions to contemporary international syndicate's pollution for the host countries including education, monitor departments, examination standard laws. It also mentioned raising internal environmental-friendly awareness in multinational enterprises.

The earth pollution is getting increasingly severe, and the crime culprit is the multinational firms with benefits-tracing conceptions. For the human Community with a Shared Future and our homeland, this essay will also provide some humble opinions on pollution management. At the same time, it is hoped that the scholars, international companies, and environmental departments cast the value of this essay.

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