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Environmental Sustainability and Legal Liability of Commercial Entity Property

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Abstract

Environmental sustainability refers to the responsible management and conservation of natural resources to ensure their availability for present and future generations, while also maintaining the overall health and integrity of the environment. It involves finding a balance between economic development, social well-being, and environmental protection. Environmental sustainability has become a pressing concern in recent years due to the detrimental impact of human activities on the planet. Commercial entities, as major contributors to environmental degradation, have increasingly faced legal liability for their actions. This essay aims to explore the concept of environmental sustainability and analyze the legal liability of commercial entity property in relation to environmental protection. By examining relevant laws, regulations, and case studies, this essay seeks to shed light on the legal framework governing commercial entities' responsibility towards environmental sustainability. The legal liability of commercial entity property plays a crucial role in ensuring environmental sustainability. Through the analysis of international and national environmental laws, case studies, and enforcement mechanisms, this essay has highlighted the importance of holding commercial entities accountable for their actions. By integrating environmental considerations into their operations, commercial entities can contribute to a sustainable future while avoiding legal liabilities. However, challenges such as jurisdictional issues and the need for stronger legal frameworks remain. It is imperative that governments, regulatory agencies, and commercial entities work together to address these challenges and create a robust legal framework that promotes environmental sustainability.

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Environmental sustainability, cases study, commercial entity property, legal framework, sustainability.

Understanding Environmental Sustainability

1.1 Definition and Scope of Environmental Sustainability

Environmental sustainability [Rio Declaration on Environment and Development, [www](http://www.unep.org)] refers to the responsible management and conservation of natural resources to ensure their availability for present and future generations, while also maintaining the overall health and integrity of the environment. It involves finding a balance between economic development, social well-being, and environmental protection.

The concept of environmental sustainability recognizes that human activities have a significant impact on the Earth's ecosystems, and that these ecosystems are interconnected and interdependent [ibid.]. It emphasizes the need to use resources efficiently and minimize waste and pollution, in order to reduce negative impacts on the environment. Environmental sustainability encompasses a wide range of issues and considerations. Achieving environmental sustainability requires collective action and cooperation at all levels, from individuals and communities to governments and international organizations. It involves making informed choices and adopting sustainable practices in our daily lives, as well as implementing policies and regulations that promote sustainability. It's not just about protecting the environment, but also about ensuring social equity and economic prosperity. It recognizes the interconnections between environmental, social, and economic systems, and seeks to find solutions that benefit all aspects of society.

Environmental sustainability is about finding a balance between meeting our present needs while ensuring that future generations can also meet their needs. It involves responsible resource management, pollution prevention, biodiversity conservation, and the promotion of sustainable practices [ibid.]. Achieving environmental sustainability requires collective action and cooperation at all levels, from individuals to governments, to create a more sustainable future for all.

1.2 Importance of Environmental Sustainability for Commercial Entities

Environmental sustainability is of utmost importance for commercial entities as it helps protect the environment and contributes to their long-term success and profitability. Incorporating sustainable practices into their operations can have numerous benefits for businesses. It leads to cost savings for commercial entities. By reducing energy consumption, minimizing waste, and optimizing resource use, businesses can lower their operational costs [United Nations Framework Convention on Climate Change, 1192]. Moreover, adopting sustainable practices can also enhance the reputation of a business, attracting environmentally conscious consumers who are willing to pay a premium for eco-friendly products and services. It helps businesses comply with regulatory requirements. Governments around the world are increasingly implementing stricter environmental regulations to address climate change and protect natural resources [ibid.]. By proactively adopting sustainable practices, commercial entities

can ensure compliance with these regulations and avoid potential fines or legal issues. This not only mitigates financial risks but also demonstrates their commitment to responsible business practices, enhancing their reputation among stakeholders.

By prioritizing sustainability, businesses are encouraged to seek out new technologies, processes, and products that are more environmentally friendly, which fosters innovation and drive business growth. It can lead to the development of innovative solutions that not only reduce environmental impact but also create new market opportunities. As the global community becomes more aware of environmental issues, businesses that fail to prioritize sustainability may face reputational damage and loss of market share. Consumers are increasingly demanding products and services from companies that demonstrate environmental responsibility. By embracing sustainability, businesses can future-proof themselves and ensure their relevance in a rapidly changing market.

Environmental sustainability is essential for commercial entities as it offers cost savings, regulatory compliance, innovation opportunities, and long-term viability. By integrating sustainable practices into their operations, businesses can not only contribute to the protection of the environment but also enhance their bottom line and reputation. It is imperative for commercial entities to recognize the importance of environmental sustainability and take proactive steps towards incorporating it into their business strategies [Exxon Valdez Oil Spill: Overview, [www](#)].

1.3 Key Principles and Approaches to Achieve Environmental Sustainability

The complexity of Environmental Impact Assessment (EIA) is a critical aspect that must be addressed to strengthen legal frameworks and penalties for environmental disasters. It's a process that evaluates the potential environmental effects of a proposed project or development before it is implemented. Its purpose is to ensure that any potential negative impacts on the environment are identified and mitigated.

One of the complexities of EIA is the need for interdisciplinary expertise and collaboration. Assessing the environmental impacts of a project requires input from various disciplines, such as environmental science, ecology, hydrology, and social sciences [Paris Agreement, 2015]. This interdisciplinary approach ensures that all potential impacts are considered and evaluated comprehensively. However, coordinating and integrating the expertise of different disciplines can be challenging, especially when conflicting interests and priorities arise. Another is the need for accurate and reliable data. Assessing the environmental impacts of a project requires access to relevant and up-to-date data on the affected environment. This includes information on biodiversity, air quality, water resources, and socio-economic factors [ibid.]. Gathering this data can be time-consuming and costly, particularly in cases where the affected environment is remote or poorly studied. Additionally, ensuring the accuracy and reliability of the collected data is essential for making informed decisions.

Furthermore, the complexity of EIA lies in its dynamic nature. The impacts of a project on the environment can change over time, necessitating ongoing monitoring and evaluation. This means that the assessment process should not end once a project is approved or implemented. Regular monitoring and evaluation are necessary to identify and address any unforeseen or cumulative impacts promptly [About EPA, [www](#)]. Addressing the complexity of EIA requires clear guidelines and protocols that provide a standardized approach to the assessment process. These guidelines should outline the required expertise, data collection methods, and evaluation criteria. They should also emphasize the importance of transparency and public participation in the decision-making process.

The complexity of Environmental Impact Assessment highlights the need to strengthen legal frameworks and penalties for environmental disasters. Addressing the interdisciplinary nature of EIA, ensuring access to accurate data, and recognizing the dynamic nature of environmental impacts are

crucial in making informed decisions and mitigating potential negative effects. By addressing these complexities, we can strengthen the effectiveness of EIA and ensure the protection of the environment and affected communities.

Legal Framework for Environmental Protection

2.1 International Environmental Law

International Environmental Law is a crucial framework that governs the interactions between nations and their impact on the environment. It plays a significant role in addressing global environmental challenges and promoting sustainable development [ibid.].

One important aspect of International Environmental Law is the establishment of treaties and agreements among nations [Paris Agreement, 2015]. These agreements serve as a foundation for cooperation and collaboration in addressing environmental issues of global concern. International Environmental Law also promotes the principle of common but differentiated responsibilities. This principle recognizes that developed countries, which have historically contributed more to environmental degradation, have a greater responsibility to take action to protect the environment. It acknowledges the need for developed countries to provide financial and technological support to developing countries in their efforts to address environmental challenges.

Another key aspect of International Environmental Law is the enforcement and compliance mechanisms [Exxon Valdez Oil Spill: Overview, www]. These mechanisms ensure that countries adhere to their obligations under international environmental agreements. The enforcement of international environmental law is essential to hold countries accountable for their actions and ensure the effectiveness of global environmental governance.

In conclusion, International Environmental Law is a vital framework for addressing global environmental challenges. It establishes treaties and agreements, promotes sustainable development, and ensures compliance with environmental obligations. By adhering to International Environmental Law, nations can work together to protect the environment, promote sustainability, and secure a better future for present and future generations.

2.2 National Environmental Laws and Regulations

National Environmental Laws and Regulations are an essential component of environmental governance at the domestic level [Bhopal Gas Tragedy..., www]. These laws serve as a framework for countries to address environmental issues within their own jurisdictions and ensure the protection and conservation of their natural resources. One crucial aspect of National Environmental Laws and Regulations is the establishment of standards and guidelines for pollution control and environmental management [ibid.]. These laws set limits on emissions, waste disposal, and other activities that may harm the environment. They also outline the responsibilities of industries, businesses, and individuals in preventing and mitigating environmental damage.

National Environmental Laws and Regulations also play a role in promoting sustainable development within a country. They encourage the integration of environmental considerations into decision-making processes, ensuring that economic development is pursued in a manner that is environmentally responsible and socially inclusive. Additionally, National Environmental Laws and Regulations often establish mechanisms for monitoring and enforcement. These mechanisms ensure that companies and individuals comply with environmental regulations and face consequences for non-compliance. Furthermore, National Environmental Laws and Regulations can provide a legal framework for public participation and access to information [Chevron vs. Lago Agrio..., www]. These

laws may require public consultations on proposed projects or regulations, giving citizens an opportunity to voice their concerns and contribute to decision-making processes. They may also guarantee access to environmental information held by government agencies, promoting transparency and accountability.

In conclusion, National Environmental Laws and Regulations are crucial tools for countries to protect their environment, promote sustainable development, and ensure compliance with international environmental obligations. By implementing and enforcing these laws, nations can safeguard their natural resources, mitigate pollution and degradation, and create a healthier and more sustainable future for their citizens.

2.3 Corporate Social Responsibility (CSR) and Environmental Sustainability

Corporate Social Responsibility (CSR) is a concept that refers to a company's commitment to operating in an economically, socially, and environmentally responsible manner. One important aspect of CSR is environmental sustainability [Volkswagen Emission Scandal..., www]. This refers to the practice of using resources in a way that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. Environmental sustainability involves minimizing the negative impact of business activities on the environment, conserving natural resources, and promoting the use of renewable energy sources. Companies can demonstrate their commitment to environmental sustainability through various initiatives. These may include reducing greenhouse gas emissions, implementing energy-efficient practices, adopting sustainable production methods, and promoting waste reduction and recycling to mitigate climate change, protecting biodiversity, and preserving ecosystems.

In addition to implementing environmentally sustainable practices, companies can also support environmental conservation initiatives. Furthermore, companies can play a role in raising awareness about environmental issues and promoting sustainable behaviors among their employees, customers, and stakeholders. Corporate Social Responsibility and environmental sustainability go hand in hand [Case Concerning the Application of the International Convention..., www]. By integrating environmental considerations into their business practices, companies can contribute to a more sustainable future. Through initiatives such as reducing emissions, conserving resources, supporting conservation projects and promoting sustainable behaviors, companies can make a positive impact on the environment and society as a whole.

Legal Liability of Commercial Entity Property

3.1 Environmental Impact Assessment (EIA)

EIA is a process that evaluates the potential environmental impacts of a proposed project or development. It's a crucial tool for decision-making, as it helps identify and mitigate any adverse effects on the environment before the project is implemented. The purpose of EIA is to ensure that projects are carried out in a sustainable manner, taking into account the potential impacts on the environment, human health, and natural resources. It involves a systematic analysis of the project's potential impacts, including those on air quality, water resources, biodiversity, and ecosystems [Volkswagen Emission Scandal..., www]. The EIA process typically involves several stages. First, there is scoping, where the scope and boundaries of the assessment are defined. This includes identifying the potential impacts to be assessed and the methods to be used. Next is the baseline study, which involves collecting data on the existing environmental conditions in the project area.

The findings of the EIA are then presented in an Environmental Impact Statement (EIS), which

provides a comprehensive overview of the project's potential impacts and proposed mitigation measures. The EIS is subject to public review and comment, allowing stakeholders and the public to provide input on the project. Based on the findings of the EIA and public input, decision-makers can make informed decisions regarding the project. This may involve approving the project with certain conditions or modifications, rejecting the project, or requiring further studies or assessments.

Overall, EIA plays a vital role in ensuring that development projects are carried out in a sustainable manner. By identifying and mitigating potential environmental impacts early in the planning process, EIA helps protect ecosystems, conserve natural resources, and promote sustainable development.

3.2 Strict Liability and Negligence

Strict liability and negligence are two legal concepts that are often used in cases involving harm or damage caused by a person or entity. While they both deal with the responsibility for causing harm, there are important differences between the two. It refers to a legal doctrine where a person or entity is held responsible for the harm or damage caused, regardless of whether they were negligent or at fault [Case Concerning the Application of the International Convention..., [www](#)]. One common example of strict liability is product liability. If a manufacturer produces a defective product that causes harm to a consumer, they can be held strictly liable for the resulting injuries, even if they took all reasonable precautions and were not negligent in any way. The focus in strict liability cases is on the dangerous nature of the product or activity, rather than the defendant's conduct.

On the other hand, negligence is a legal concept that focuses on the defendant's conduct and whether they failed to exercise reasonable care in a particular situation. Negligence requires proving that the defendant owed a duty of care to the plaintiff, breached that duty, and caused harm as a result of their breach. Unlike strict liability, negligence requires establishing that the defendant acted unreasonably or failed to meet the standard of care expected in the circumstances. This often involves considering factors such as the defendant's knowledge, experience, and the foreseeable risks associated with their actions.

Strict liability imposes liability without fault, based on the inherent risks associated with certain activities or products [Chevron vs. Lago Agrio..., [www](#)]. Negligence, on the other hand, requires proving that the defendant acted unreasonably or failed to meet the standard of care expected in the circumstances. Both concepts play important roles in determining liability and compensating victims in cases involving harm or damage.

3.3 Product Liability and Environmental Harm-Case Study: Volkswagen Emissions Scandal

The Volkswagen emissions scandal, is a prominent case study that exemplifies the need to address the complexity of Environmental Impact Assessment (EIA) and strengthen legal frameworks and penalties for environmental disasters. In this case, Volkswagen deliberately installed software in their diesel vehicles to manipulate emissions tests and deceive regulators. The scandal highlighted the importance of accurate and reliable data in EIA. Volkswagen's manipulation of emissions data not only misled regulators but also resulted in significant negative impacts on air quality and public health. This case emphasizes the need for robust data collection methods and stringent verification processes to ensure the accuracy and reliability of environmental impact assessments [Kiobel vs. Royal Dutch Petroleum Co...., [www](#)].

Additionally, it underscores the dynamic nature of environmental impacts. The manipulation of emissions tests went undetected for years, highlighting the importance of ongoing monitoring and evaluation to identify and address unforeseen or cumulative impacts promptly. Furthermore, the scandal exposed the lack of transparency and public participation in the decision-making process. The deliberate deception by Volkswagen demonstrates the need for clear guidelines and protocols that

emphasize transparency and involve stakeholders in the assessment and decision-making processes.

By examining the Volkswagen emissions scandal as a case study, we can gain valuable insights into the complexities of EIA and understand the critical steps that must be taken to strengthen legal frameworks and penalties for environmental disasters [ibid.]. Product liability and environmental harm are two legal concepts that deal with responsibility for harm or damage caused by a person or entity. It focuses on holding manufacturers, distributors, and sellers responsible for defective products that cause harm to consumers. Environmental harm, on the other hand, deals with damage caused to the environment by human activities and can be determined through strict liability, negligence, or statutory violations. Both concepts play crucial roles in ensuring accountability and compensating victims in cases involving harm or damage.

Enforcement Mechanisms and Penalties

4.1 Regulatory Agencies and Compliance Monitoring

Regulatory agencies play a crucial role in monitoring and enforcing compliance with laws and regulations in various industries. These agencies are responsible for ensuring that businesses and individuals adhere to specific standards and guidelines to protect public health, safety, and the environment. Compliance monitoring is the process through which regulatory agencies assess whether organizations are following the required rules and regulations. It involves conducting inspections, audits, and investigations to identify any violations or non-compliance [Savaresi, Bouwer, 2018]. One of the main functions of regulatory agencies is to establish and enforce standards for product safety. They set guidelines that manufacturers must follow to ensure that their products are safe for consumers.

Regulatory agencies also oversee compliance with environmental regulations. They monitor industrial activities to ensure that companies are not causing harm to the environment through pollution, contamination, or destruction of natural resources. Compliance monitoring in this area may involve conducting site visits, reviewing environmental impact assessments, and imposing penalties on violators. In addition to product safety and environmental regulations, regulatory agencies also monitor compliance with financial and securities laws, healthcare standards, labor laws, other areas of regulation [Love Canal Disaster..., www]. Each industry has its own set of rules and requirements, and regulatory agencies are responsible for ensuring that organizations follow them. Regulatory agencies have the authority to issue warnings, fines, or other penalties for non-compliance, and in severe cases, they may even revoke licenses or shut down businesses.

Overall, regulatory agencies and compliance monitoring are essential for maintaining a level playing field in industries, protecting public interests, and ensuring that businesses operate responsibly. By enforcing compliance with laws and regulations, these agencies help prevent harm, promote fairness, and maintain the integrity of various sectors of the economy.

4.2 Civil Liability and Compensation

Civil liability and compensation are legal concepts that aim to provide justice and financial restitution to individuals who have suffered harm or damage as a result of someone else's actions or negligence [Savaresi, Bouwer, 2018]. Civil liability refers to the legal responsibility that an individual or entity may have for causing harm or damage to another person. To establish civil liability, the plaintiff must prove the defendant owed a duty of care, breached duty, causing harm or damage as a result. The standard of care varies depending on the circumstances and the relationship between the parties involved. For example, a doctor owes a higher standard of care to their patients compared to an ordinary person. Compensation, on the other hand, refers to the monetary or non-monetary payment

that is awarded to the victim of harm or damage in a civil liability case [Kiobel vs. Royal Dutch Petroleum Co..., www]. The purpose of compensation is to restore the victim to the position they were in before the incident occurred, as much as possible.

Compensation can include various types of damages, such as economic damages (e.g., medical expenses, lost wages), non-economic damages, and punitive damages. The amount of compensation awarded is determined by several factors, including the severity of the harm or damage, the impact on the victim's life, and any financial losses incurred.

Civil liability and compensation are legal concepts that address responsibility for harm or damage and aim to provide justice and financial restitution to victims. Civil liability involves proving that a duty of care was breached, resulting in harm or damage, while compensation seeks to restore the victim to their pre-incident position. These concepts are essential in promoting accountability and providing support to individuals who have suffered harm or damage.

4.3 Criminal Liability and Prosecution

Criminal liability and prosecution are legal concepts that focus on holding individuals accountable for committing crimes and seeking justice through the legal system. Criminal liability refers to the legal responsibility that an individual may have for their actions or omissions that violate criminal laws [Ebbesson, Okowa, 2017]. It's based on the principle that individuals should be held accountable for their behavior when it harms others or society as a whole. Criminal liability requires proof beyond a reasonable doubt that the accused committed the crime with the necessary intent or knowledge. The level of mens rea required varies depending on the specific crime.

Prosecution, on the other hand, refers to the process by which the government, through its legal representatives, brings criminal charges against an individual. The purpose of prosecution is to enforce criminal laws, protect society, and seek justice for victims. If the accused is found guilty, they may face various penalties, including imprisonment, fines, probation, or community service. Additionally, criminal cases are brought by the government, while civil cases are typically initiated by individuals seeking compensation.

Criminal liability and prosecution are legal concepts that address accountability for committing crimes and seek justice through the legal system. Criminal liability requires proof of the guilty act and mental state, while prosecution involves bringing charges against the accused and advocating for their guilt. These concepts play a key role in maintaining law and order, protecting society, and ensuring justice for victims of crime.

Case Studies: Successful Legal Actions and Precedents

5.1 Chevron vs. Lago Agrio Plaintiffs

Chevron vs. Lago Agrio Plaintiffs is a highly contentious legal battle that has spanned over two decades and involved multiple jurisdictions. It revolves around allegations of environmental pollution and the resulting health damages in the Ecuadorian Amazon. The case began in 1993 when a group of indigenous Ecuadorian villagers, known as the Lago Agrio Plaintiffs, filed a lawsuit against Texaco, which was later acquired by Chevron [Hennig, O'Donoghue, 2019]. The villagers accused the company of causing extensive environmental contamination through its oil drilling operations in the region from 1964 to 1992. In 2011, the court ruled in favor of the Lago Agrio Plaintiffs and ordered Chevron to pay \$18.2 billion in damages. However, Chevron refused to accept the judgment, alleging fraud and corruption in the Ecuadorian legal system.

Chevron launched a counterattack, accusing the Lago Agrio Plaintiffs and their legal team of

misconduct, bribery, and fabricating evidence.

The *Chevron vs. Lago Agrio Plaintiffs* case highlights the complexity and challenges involved in seeking justice for environmental harm caused by multinational corporations [ibid.]. It also raises questions about the role of jurisdictional issues, corruption allegations, and the ability of affected communities to hold powerful entities accountable for their actions. Ultimately, the case serves as a reminder of the importance of criminal liability and prosecution in addressing environmental crimes and ensuring justice for those affected.

5.2 Shell in Nigeria: Kiobel vs. Royal Dutch Petroleum Co.

Shell in Nigeria: Kiobel vs. Royal Dutch Petroleum Co. is another highly contentious legal battle that has garnered international attention. The case revolves around allegations of human rights abuses and environmental pollution in the Niger Delta region of Nigeria.

The case began in 1996 when Esther Kiobel, the widow of Nigerian activist Barinem Kiobel, filed a lawsuit against Royal Dutch Petroleum Co., also known as Shell, in the United States. Kiobel accused the company of complicity in the torture, execution, and other human rights abuses committed by the Nigerian military during the 1990s. Kiobel argued that Shell had provided support and assistance to the Nigerian military, including transportation, supplies, and personnel, which enabled them to carry out human rights abuses against local communities who were protesting against the company's activities. In 2013, the Supreme Court ruled that the Alien Tort Statute, which had been used by Kiobel to bring the case in U.S. courts, could not be applied extraterritorially [*Kiobel vs. Royal Dutch Petroleum Co.* . . . , [www](#)]. This decision led to a setback for Kiobel and other plaintiffs seeking justice against multinational corporations for human rights abuses committed abroad.

However, the legal battle did not end there. In 2017, the case was revived in the Netherlands after a Dutch court ruled that it had jurisdiction to hear the claims against Shell. The court held that Shell could be held liable for its subsidiary's actions in Nigeria and that it had a duty of care towards the affected communities. The *Kiobel vs. Royal Dutch Petroleum Co.* case has brought attention to the issue of corporate accountability for human rights abuses and environmental harm in developing countries [*Exxon Valdez Oil Spill* . . . , [www](#)]. It highlights the challenges faced by affected communities in seeking justice against powerful multinational corporations and the importance of international legal frameworks in addressing these issues.

It also underscores the need for stronger regulations and oversight to prevent and address environmental pollution and human rights abuses associated with extractive industries. It serves as a reminder of the ongoing struggle for justice and accountability in the face of corporate power and the need for systemic change to protect the rights of affected communities and the environment.

5.3 The Love Canal Disaster and Legal Ramifications

The Love Canal Disaster was a major environmental catastrophe that occurred in the 1970s in Niagara Falls, New York. It involved the illegal dumping of toxic chemicals by the Hooker Chemical Company, which resulted in widespread contamination and health issues for the local community.

In the early 1900s, the Love Canal area was used as a chemical waste disposal site by Hooker Chemical. Investigations revealed that the toxic chemicals from the Love Canal had seeped into basements, backyards, and even school playgrounds [Savaresi, Bouwer, 2018]. The area became a ghost town as residents were forced to evacuate due to the hazardous conditions.

The Love Canal Disaster sparked outrage and led to significant legal ramifications. In 1978, President Jimmy Carter declared a federal emergency at Love Canal, and the government provided funding for the relocation of affected residents. The disaster also prompted the passage of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly

known as Superfund, which established a fund for cleaning up hazardous waste sites across the United States. Legal battles ensued as victims sought compensation for their health issues and property damage. Lawsuits were filed against Hooker Chemical and its parent company, Occidental Petroleum [Kysar, 2010]. In 1980, Occidental agreed to pay \$129 million to settle claims related to the Love Canal Disaster. The Love Canal case set a precedent for holding corporations accountable for environmental harm and establishing liability for toxic waste disposal. It raised awareness about the dangers of hazardous waste and led to stricter regulations on industrial pollution. The incident also highlighted the importance of community involvement and activism in addressing environmental issues.

The Love Canal Disaster serves as a stark reminder of the devastating consequences of negligent waste disposal and the need for stringent regulations, corporate accountability, and community empowerment to prevent similar environmental disasters in the future.

Challenges and Future Directions

6.1 Jurisdictional Issues and Extraterritorial Application of Laws

Jurisdictional issues and the extraterritorial application of laws are complex legal concepts that arise when trying to regulate activities that occur outside a country's borders. These issues become particularly relevant in cases involving environmental disasters like the Love Canal, where the responsible party may be a multinational corporation operating across multiple jurisdictions [Savaresi, Bouwer, 2018]. However, when an environmental disaster occurs, it can be challenging to determine which country has jurisdiction over the responsible party. In the case of Love Canal, the Hooker Chemical Company, which was responsible for the illegal dumping, was a US-based corporation. This made it easier for the US government to assert jurisdiction and hold them accountable for their actions. However, jurisdictional issues become more complicated when the responsible party is based in a different country [Volkswagen Emission Scandal..., www]. In such cases, it becomes necessary to consider the principle of extraterritoriality, which allows a country to apply its laws to activities that occur outside its borders but have an impact within its territory. This principle ensures that corporations cannot evade accountability by simply conducting their harmful activities in countries with lax regulations.

In some cases, countries may enter into bilateral or multilateral agreements to address jurisdictional issues and ensure that responsible parties are held accountable regardless of where the harm occurred. In recent years, there have been efforts to strengthen international cooperation and establish global frameworks for addressing jurisdictional issues in environmental matters. For example, the United Nations has developed conventions and protocols to regulate activities such as hazardous waste disposal and transboundary pollution. While progress has been made, jurisdictional issues and the extraterritorial application of laws remain complex and challenging [Hennig, O'Donoghue, 2019]. It requires collaboration between countries, effective enforcement mechanisms, and a commitment to holding responsible parties accountable for their actions. Only through international cooperation and the development of robust legal frameworks can we effectively address environmental disasters and prevent future occurrences like the Love Canal Disaster.

6.2 Need for Strengthening Legal Frameworks and Penalties

The Love Canal Disaster serves as a stark reminder of the need for strengthening legal frameworks and penalties in addressing environmental disasters. The dumping of toxic waste by Hooker Chemical at Love Canal resulted in severe health issues and property damage for the surrounding community [Bhopal Gas Tragedy..., www]. However, the existing legal framework at the time was not equipped

to adequately address such a disaster.

One of the key aspects that needs to be strengthened is the penalties imposed on corporations responsible for environmental disasters. In the case of Love Canal, Hooker Chemical faced lawsuits seeking compensation for the health issues and property damage caused by their actions. However, the penalties imposed on the company were not sufficient to deter future similar incidents or provide adequate restitution to the affected community. To address this, there is a need for stricter penalties that truly reflect the gravity of the environmental damage caused [Savaresi, Bouwer, 2018]. This could include hefty fines, criminal charges, and even the revocation of licenses or permits for companies found guilty of such offenses. By imposing significant penalties, it would send a strong message that environmental disasters will not be taken lightly and that corporations will be held accountable for their actions.

Additionally, there is a need to strengthen the legal frameworks surrounding environmental disasters, particularly in cases where jurisdictional issues arise. The Love Canal Disaster highlighted the complexities that can arise when a responsible party is based in another state or Clear guidelines and protocols need to be established to determine which jurisdiction has the authority to hold such companies accountable. International cooperation is also crucial in strengthening legal frameworks. Environmental disasters often transcend national borders, making it necessary for countries to work together in addressing these issues. International agreements and treaties can provide a framework for cooperation and coordination in holding responsible parties accountable and mitigating the impacts of such disasters.

The Love Canal Disaster underscores the need for strengthening legal frameworks and penalties in addressing environmental disasters [Kiobel vs. Royal Dutch Petroleum Co..., www]. Stricter penalties and stronger legal frameworks are necessary to deter such incidents, ensure justice for affected communities, and hold corporations accountable for their actions. International cooperation is also vital in addressing environmental disasters that transcend national borders. By strengthening legal frameworks and penalties, we can better protect the environment, prevent future disasters, and safeguard the rights and well-being of communities.

Conclusion

The legal liability of commercial entity property plays a crucial role in ensuring environmental sustainability. Through the analysis of international and national environmental laws, case studies, and enforcement mechanisms, this essay has highlighted the importance of holding commercial entities accountable for their actions. By integrating environmental considerations into their operations, commercial entities can contribute to a sustainable future while avoiding legal liabilities. However, challenges such as jurisdictional issues and the need for stronger legal frameworks remain. It is imperative that governments, regulatory agencies, and commercial entities work together to address these challenges and create a robust legal framework that promotes environmental sustainability.

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Экологическая устойчивость и юридическая ответственность имущества коммерческих субъектов

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Аннотация

Экологическая устойчивость стала насущной проблемой в последние годы из-за пагубного воздействия человеческой деятельности на планету. Коммерческие предприятия, как основные виновники деградации окружающей среды, все чаще сталкиваются с юридической ответственностью за свои действия. Целью данной статьи является изучение концепции экологической устойчивости и проведение анализа юридической ответственности собственности коммерческих предприятий в отношении защиты окружающей среды путем изучения соответствующих законов, постановлений и тематических исследований. Это эссе призвано пролить свет на правовую основу, регулирующую ответственность коммерческих предприятий за экологическую устойчивость. Встраивая экологические соображения в свою деятельность, коммерческие организации могут внести вклад в устойчивое будущее, избегая при этом юридических обязательств. Однако остаются такие проблемы, как юрисдикционные вопросы и необходимость создания более прочных правовых рамок. Крайне важно, чтобы правительства, регулирующие органы и коммерческие организации, работали вместе для решения этих проблем и создания прочной правовой базы, способствующей экологической устойчивости.

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Ключевые слова

Экологическая устойчивость, практический пример, собственность коммерческого субъекта, правовая база, устойчивое развитие.

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