

Accountability for Environmental Human Rights Responsibilities of MNEs: The Case of Enterprises in China

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Abstract: In recent years, the role of MNEs in China's economic development has been significant, yet their activities have also led to environmental degradation and human rights abuses. This paper delves into the intricate issue of environmental human rights accountability of multinational enterprises (MNEs) operating in China and examines the theoretical underpinnings and practical challenges in holding MNEs accountable for their environmental human rights impacts. It begins by outlining the basic concepts of MNEs' environmental human rights responsibilities, drawing upon international and domestic legal frameworks. Subsequently, it analyzes the common areas of environmental degradation and human rights violations committed by MNEs in China, highlighting the complexities of jurisdiction and enforcement. The article further explores the difficulties in determining accountability and selecting appropriate jurisdictions for legal redress. Through a comparative analysis of existing legal mechanisms and international practices, the paper proposes recommendations for China and the international community to strengthen accountability mechanisms and enhance regulatory frameworks. Ultimately, the paper aims to contribute to the discourse on ensuring that MNEs operating in China fulfill their environmental human rights responsibilities.

Keywords: Multinational Enterprises (MNEs), Environmental Human Rights, Accountability, Legal Frameworks.

1. Introduction

The rapid globalization of the past few decades has significantly increased the influence and operations of multinational enterprises (MNEs) across the globe. These enterprises, characterized by their extensive networks and substantial economic power, have become pivotal players in the global economy. Among the countries that have experienced the profound impact of MNEs is China. China's economic landscape has been markedly transformed by the presence of these global giants, contributing to its growth and development. However, this economic benefit has not come without significant costs, particularly concerning environmental human rights abuses.

The accountability of MNEs for their environmental human rights impacts has emerged as a critical issue, especially in developing countries like China. The complex interplay between economic benefits and adverse impacts necessitates a thorough examination of the responsibilities and accountabilities of these enterprises. This paper delves into the multifaceted issue of environmental human rights accountability of MNEs operating in China. It aims to explore the theoretical

foundations and practical challenges in holding MNEs accountable for their impacts, drawing upon both international and domestic legal frameworks.

The significance of this research lies in its potential to contribute to the ongoing discourse on corporate accountability and sustainable development. By examining the environmental human rights responsibilities of MNEs in the context of China, this paper seeks to shed light on the existing gaps in the regulatory frameworks and propose viable solutions for enhancing accountability mechanisms. The research is driven by the objective to understand the complexities of jurisdiction and enforcement in holding MNEs accountable and to provide recommendations for strengthening these mechanisms in China and beyond.

In this research, first, it seeks to clarify the fundamental concepts of MNEs' environmental human rights responsibilities within the framework of both international and domestic laws. Second, it aims to identify and examine the prevalent areas of environmental human rights violations by MNEs in China, highlighting the complexities related to jurisdiction and enforcement. Thirdly, the research endeavors to explore the practical challenges in determining accountability and selecting appropriate jurisdictions for legal redress. Lastly, through a comparative analysis of existing legal mechanisms and international practices, the paper proposes actionable recommendations for China and the global community to fortify accountability mechanisms and improve regulatory frameworks.

2. Literature Review

2.1. Current Research on MNEs' Environmental Human Rights Responsibilities Globally and in China

The body of literature on MNEs' environmental human rights responsibilities is extensive. Globally, scholars have explored various dimensions of MNEs' impacts on environmental human rights, emphasizing the need for robust accountability mechanisms [1]. Key studies highlight the detrimental effects of MNEs' operations, including pollution, resource depletion, and adverse health impacts on local communities [2]. These studies underscore the importance of regulatory frameworks and corporate social responsibility (CSR) initiatives in mitigating negative impacts and promoting sustainable practices [3].

One of the seminal works in this area is John Ruggie's formulation of the United Nations Guiding Principles on Business and Human Rights (UNGPs). Ruggie's framework, which has gained wide acceptance, outlines the "Protect, Respect and Remedy" approach, emphasizing that states must protect against human rights abuses by third parties, including businesses, and that businesses must respect human rights by avoiding infringing on the rights of others. Furthermore, effective remedies must be accessible for those affected. This framework has been instrumental in shaping both international discourse and national policies regarding business and human rights, particularly in the context of environmental human rights [4].

The study on MNEs' environmental human rights obligations has attracted attention in China. China offers a unique setting to examine these questions, as China is one of the most important host countries for MNEs. Two parallel narratives in the writing: MNEs have played a fundamental role in China's economic expansion and thriving, however, by their same token they are frequently responsible of substantial ecological mutilation as well as human being rights offences. There is documentation from studies that paint a picture of air and water pollution, unsafe working conditions, substandard compensation for impacted communities demonstrating the pressing need for accountability [5].

2.2. Overview of Relevant Legal Frameworks and International Standards

The framework of the law and international standards that make binding MNEs' actions on environmental human rights obligations can significantly influence their responsibility. At the international level, these duties are based on a number of principal instruments. The UNGPs require MNEs to carry out due diligence, identify risks and provide remedies for those harmed. The Organisation for Economic Cooperation and Development (OECD) Guidelines for MNEs, or the OECD Responsible Business Conduct Guidance provides extensive legal advice. They promote the incorporation of sustainability into operations and also transparency within reporting for MNEs.

China has also engaged in international environmental agreements, such as the Paris Agreement, which commits nations to reduce greenhouse gas emissions and address climate change. These commitments reflect China's growing recognition of the need to balance economic development with environmental sustainability [6]. However, translating these international commitments into effective domestic policies and practices remains an ongoing challenge [6].

3. MNEs' Environmental Human Rights Responsibilities in China

3.1. Current Status: Performance and Practices

3.1.1. Case Study 1: An Instance of Environmental Infringement by an MNE in China

On 4 and 7 June 2011, oil spills occurred at Platforms B and C of the Penglai 19-3 oil field in Bohai Bay, and ConocoPhillips China Limited (hereinafter referred to as ConocoPhillips), which was the operator, reported the situation to the State Oceanic Administration (SOA) Beihai Branch [7]. For a long time afterwards, there was no way of knowing whether ConocoPhillips had taken measures to actively plug the oil spills after they had occurred, whether the emergency response mechanism for oil spills was activated by the relevant state authorities, and the progress of the ConocoPhillips oil spills [8]. China National Offshore Oil Corporation (hereinafter referred to as CNOOC) and ConocoPhillips jointly developed the Penglai 19-3 oilfield, and after the oil spill incident, there were no relevant reports about CNOOC taking some actions in response to the oil spill [8]. It was not until 1 July, the 27th day after the oil spill, that CNOOC formally responded to the oil spill. The State Oceanic Administration (SOA), which received the oil pollution report, first announced the oil spill to the public one month after the spill occurred. 13 July, SOA instructed ConocoPhillips to suspend the production operations of Platform B and Platform C. During this period, ConocoPhillips suspended the production operations of Platform B and Platform C, which was the first time that ConocoPhillips was operating in the area. During this period, the Penglai 19-3 oil field operated by ConocoPhillips had been in operation, and the oil spill point of the oil spill accident had not been sealed at all. After that, the North Sea Branch of the State Oceanic Administration formulated a special oil spill contingency plan, requiring ConocoPhillips to formulate a response plan to completely block the source of the oil spill under the disadvantage of decompression and well abandonment measures, to complete the blocking of the oil spill platform, and to request that the final blocking effect be evaluated and appraised. At the same time, the State Oceanic Administration (SOA) took the lead in setting up a joint investigation team to thoroughly investigate the cause of the oil spill accident at the Penglai 19-3 oilfield and to assess the impacts and losses caused by the accident.

After the disclosure of the ConocoPhillips oil spill incident, ConocoPhillips has not indicated its attitude towards the oil spill incident. It was only under the pressure of the community's great concern and the Government's attention that ConocoPhillips belatedly indicated that it would take responsibility for the oil spill. Ironically, the day after ConocoPhillips' senior management stated that the source of the oil spill at the Penglai 19-3 oil field had been permanently sealed, new oil seepage points were found in the vicinity of the oil field's Platform C. Subsequent reports also confirmed that

new oil leaks were still occurring at the Penglai 19-3 oil field [9]. 3 June 2012, one year after the Penglai oil field spilled oil, ConocoPhillips claimed that the spill was not related to the former one.

Within a short period of one year, two oil spills occurred consecutively in Penglai 19-3 oilfield, where ConocoPhillips is the operator, damaging the local marine ecosystem and causing huge losses to the relevant farmers. In this incident, the attitude and response of the State Oceanic Administration as well as our government, CNOOC and ConocoPhillips in handling the whole incident have made the handling of the ConocoPhillips oil spill quite a cause for concern. At present, the damaged fishermen and farmers in China have 3 filed lawsuits in court for compensation. Previously, ConocoPhillips and CNOOC had promised to pay RMB 3.033 billion in compensation and indemnity for the oil spill [9]. However, the aggrieved parties who suffered losses as a result of the accident have so far not been able to receive full compensation [9].

3.1.2. Case Study 2: Successful Implementation of Environmental Responsibilities by an MNE in China

In contrast, Shell's operations in China provide an exemplary case of successful environmental responsibility. Especially in the wake of the 2011 ConocoPhillips oil spill, Shell took proactive measures to prevent similar incidents from occurring. It developed comprehensive and effective oil spill contingency plans, which not only received approval from the Chinese government but were also publicly disclosed on Shell's official website, demonstrating the company's commitment to transparency and accountability [10].

Shell's contingency plans included several critical measures. Firstly, in the event of an oil spill, the company would immediately shut down production facilities to prevent the spread of pollution. Secondly, each spill incident would be investigated by a joint team composed of company representatives, regulatory agencies, and local officials. This multi-party investigation mechanism not only ensured transparency in uncovering the facts but also facilitated the swift resolution of the issues. Shell also placed particular emphasis on the safety of the affected area, ensuring that secure access routes were provided for residents and workers, thus preventing further harm to local communities during the incident response.

Moreover, Shell demonstrated a high level of responsibility in terms of information disclosure. The company published weekly progress reports on its website, detailing the handling of the oil spill, investigation findings, and response measures [11]. This continuous transparent communication not only kept the public informed about the latest developments but also helped to build societal confidence in Shell's environmental stewardship.

3.2. Legal Frameworks and Regulatory Mechanisms

3.2.1. Domestic Legal Environment in China

3.2.1.1. Constitutional Provisions

China's environmental law is based on the constitutional provisions on environmental protection and consists of the basic law on environmental protection as well as specific normative standards. Article 26, paragraph 1, of the Constitution states: "The State shall protect and improve the living and ecological environments and prevent pollution and other public hazards." Although the constitutional provisions do not explicitly stipulate the environmental responsibilities of MNEs and lack detailed operational guidelines, as the fundamental law of the land, the provisions of the Constitution relating to the protection of the environment are the legislative basis for various environmental laws, rules and regulations, and have a programmatic role, and it is these provisions that provide the template for the design of other legal norms.

3.2.1.2. Statutory Laws and Regulations

China has enacted several laws related to environmental protection and corporate social responsibility. The Law of the People's Republic of China on Environmental Protection is the basic law on environmental protection in China. Article 24 of the Law provides, "Units that generate environmental pollution and other public hazards must incorporate environmental protection into their plans and establish a system of responsibility for environmental protection; take effective measures to prevent and control pollution and environmental hazards caused by waste gases, waste water, waste residue, dust, foul-smelling gases, radioactive substances, as well as noise, vibration, and electromagnetic wave radiation generated in the course of production and construction or other activities. hazards." This law establishes the basic principles of environmental protection in economic construction.

In addition, China has enacted individual environmental protection laws for each specific and detailed environmental protection object, such as the Marine Environmental Protection Law, Water Pollution Prevention and Control Law, Air Pollution Prevention and Control Law, etc. In other laws, including civil law and criminal law, there are special chapters on environmental pollution liability. For example, the Criminal Law provides for the "crime of destroying environmental resources" in a special section, and the Supreme People's Court and the Supreme People's Procuratorate have canceled the original "crime of major environmental pollution accidents" and replaced it with the "crime of polluting the environment".

The State Council has also promulgated a series of administrative regulations to protect the environment and prevent pollution and other public hazards, such as the Regulations on the Prevention and Control of Noise Pollution, the Measures for the Administration of Forest Harvesting and Renewal, among other environmental protection regulations. They outline the environmental obligations and responsibilities of enterprises.

3.2.1.3. Local Regulations and Rules

Because many environmental problems arise as a result of pollution from local companies, local regulations on environmental protection are closely related to the environmental problems generated by locally owned companies. For example, the Shanghai Municipality Sewage Charges and Fines Management Measures stipulates that all enterprises and institutions, including Sino-foreign joint ventures, that discharge pollutants in excess of the standard should pay sewage charges on a monthly basis. From the local environmental protection legislation, in terms of environmental protection legislation, China has been gradually improving the domestic environmental legal system, but there is still a lack of specialised legislation on the environmental responsibility of companies, and even fewer provisions relating to the environmental protection of MNEs.

3.2.2. Application and Impact of International Legal Frameworks

3.2.2.1. International Multilateral Environmental Agreements

China is a party to several international multilateral environmental agreements which set international standards for the environmental behavior of MNEs. At present, there are more than 100 international conventions on environmental protection, many of which involve the regulation of the environmental liability of MNEs, and to a certain extent, international multilateral environmental conventions will force the domestic law to use international conventions with higher specifications and standards to be directly applicable in the country's domestic law, which has the same legal efficiency and status as the national legislation.

For example, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which regulates the disposal of marine wastes that cause marine pollution. As far as the drilling platforms for the exploitation of offshore oil resources are concerned, although technological innovation has made it possible to strengthen the safety, the oil leakage accidents on the offshore drilling platforms have not been eliminated from time to time, and the hazards caused by the leakage are far beyond human control, and it is impossible for the multilateral environmental conventions to make exhaustive provisions for all environmental infringements in a clear and coherent manner, and the environmental responsibilities of some MNEs will not be directly embodied in the conventions. Some MNEs' environmental liabilities are not directly reflected in the conventions. With regard to international conventions that do not directly regulate the liability of MNEs, the Montreal Protocol provides for a certain period of time to stop the production and use of ODS (ozone depleting substances, mainly Freon) in the contracting parties. In the countries of the parties, MNEs are thus obliged to stop the production and sale of ODS, which is called indirect regulation. In the second phase of the Kyoto Protocol, which was agreed in 2011, there is a clear commitment to reduce greenhouse gas emissions. Developed countries have pledged to reduce greenhouse gas emissions by 25-40 per cent by 2020, compared to 1990 levels; China has also made a commitment to reduce carbon dioxide emissions per unit of GDP by 40-45 per cent by 2020, compared to 2005 levels. The national emission reduction measures are put into concrete implementation, that is, macro-control of the total amount of emissions from various domestic production activities, which inevitably prompts MNEs to better fulfil their environmental responsibilities, and improve their technologies and reduce their emissions, so as to achieve the overall emission reduction of the host country's self-targets.

MNEs are not directly regulated by the protocol, which is aimed at the behaviour of the state, but MNEs investing and operating activities in the host country should be subject to the laws of the country, and the international conventions signed by the host country have a contractual effect in the host country, so MNEs should consciously comply with its provisions to achieve the goal of environmental protection.

3.2.2.2. Environmental Provisions in Regional Investment Agreements

Beyond the constraints of multilateral environmental agreements, regional free trade agreements are gradually incorporating environmental protection into their cooperation agendas to promote the harmonious development of both the economy and the environment.

For example, the North American Free Trade Agreement (NAFTA) between the United States, Canada, and Mexico set a new template for other international agreements. During NAFTA negotiations, special attention was given to environmental protection, which was formalized through an additional agreement, the North American Agreement on Environmental Cooperation (NAAEC). This agreement became part of NAFTA and took effect simultaneously. NAFTA's focus on environmental issues, by incorporating them into the multilateral trade system and investment legislation, broke the traditional separation between international environmental treaties and trade and investment treaties. This shift reflects the growing importance placed on environmental issues in international investment law and has significant implications for global legislation, including in China.

NAFTA's environmental provisions include several key aspects. Firstly, NAFTA's preamble explicitly states that member countries are committed to “ensuring a predictable framework for business and investment in a manner consistent with environmental protection and preservation.” While this statement is not binding, it serves as a warning and support in dispute resolution, emphasizing the importance of environmental protection.

Secondly, in Chapter 11 of NAFTA, Article 1106 establishes an “environmental exception.” This provision allows member countries to take necessary restrictive measures to protect human, animal, or plant life and to conserve exhaustible natural resources. Even if these measures negatively impact

investors, they are not subject to significant legal risks as long as they serve a legitimate public welfare purpose. This clause provides host countries with a legal defense against claims from MNEs, preventing the abuse of litigation rights.

Finally, Article 1114 is one of the most important environmental provisions in NAFTA, stating that member countries can take environmental measures to protect their national interests, as long as these measures do not conflict with other provisions in Chapter 11. Additionally, the article introduces the principle of “not lowering environmental standards,” which entered an investment agreement for the first time and has since been used as a model in subsequent bilateral or multilateral investment agreements.

Moreover, NAFTA member countries strengthened their environmental awareness and protection levels by signing the NAAEC supplementary agreement. Through these initiatives, NAFTA aims to resolve the conflict between investment and environmental protection.

3.2.2.3. Documents from International Organizations

Due to their cross-border operations, MNEs are challenging to regulate comprehensively by any single country. While a country can control an MNEs' activities within its own borders, it struggles to address the environmental harm caused by the MNEs' operations across multiple countries. Various international organizations have made significant efforts to regulate MNEs' environmental responsibilities, which is crucial for research in this field.

The Organization for Economic Co-operation and Development (OECD), comprising 34 primarily developed nations, is one of the key organizations working on this issue. As early as 2006, the OECD released the "OECD Guidelines for Multinational Enterprises," a document aimed specifically at MNEs. These guidelines emphasize the importance of sustainable development, urging MNEs to harmonize their social, economic, and environmental practices. Key provisions include avoiding exemptions from environmental regulations, adhering to host country laws, considering international environmental treaties, and maintaining transparency by disclosing potential environmental risks.

Furthermore, the guidelines encourage MNEs to establish internal management systems that align with external regulations and to conduct regular environmental assessments. They stress the importance of sustainability not only for environmental and social progress but also for the long-term viability of the business itself.

These guidelines, while broad, serve as a framework for MNEs to achieve sustainable development. MNEs must not only comply with legal and regulatory standards but also proactively manage potential risks to the environment, health, and individual rights. By integrating these practices into national law and aligning them with international standards, countries like China can better protect their environment while maintaining their attractiveness to foreign investors.

4. Challenges and Issues: Identifying Key Obstacles

4.1. Insufficient Binding Force of Existing International Legal Rules

The existing rules on the environmental responsibility of MNEs, whether indirect or direct, are of a "soft law" nature and are not mandatory and binding on individual countries. In the face of the current complex international economic situation, international investment treaties containing environmental rules based on negotiated agreements among countries cannot meet the needs of the international community for an environmental legal system.

The unique supply pattern of the current international economic legal system has increased the difficulty of creating international legislation. From the above BITs and FTAs involving environmental protection issues, the content involving environmental protection is mainly manifested in the following: one is the preamble clause, such as the preamble of the U.S.-Uruguay BIT, which

reads, "It is hoped that these objectives will be achieved in a manner consistent with the protection of health, safety, and the environment" "Another is the entity-specific environmental clause, and another is the environmental exceptions and exemptions clause. Firstly, while preambular environmental protection clauses may, to some extent, serve as a basis for interpreting the purpose of the treaty, they are not legally binding because they do not specify substantive rights and obligations and legal liabilities [1]. Secondly, BIT environmental protection provisions are mostly soft law in nature, and it is uncertain how the enforceability and effectiveness of the environmental provisions can be ensured, as most investment treaties have a "Subject to this agreement" clause, meaning that if the BIT provisions are inconsistent with the host country's domestic environmental protection law, the BIT provisions will not be binding on the host country [1]. The reason for this is that most investment treaties have a "Subject to this agreement" clause, meaning that if the BIT provisions are inconsistent or even in conflict with the host country's domestic environmental protection laws, then the host country's domestic law cannot govern the obligations to be performed under the BIT.

4.2. Weaknesses in International Cooperation

The strength of international cooperation determines, to a certain extent, the effectiveness of environmental protection, and the current lack of international cooperation in the field of environmental protection is an important reason for the difficulty of holding MNEs accountable for their environmental responsibilities. Although environmental issues involve global public interests, due to the transnational nature of environmental issues, environmental protection often conflicts with the self-interests of certain countries, which makes it difficult for individual countries to reach a consensus in the environmental field. Countries have absolute sovereignty over the ecological environment and energy, so in response to environmental infringements caused by MNEs, countries often rely on the principle of national sovereignty and regulate MNEs purely from the point of view of domestic law, ignoring the fact that the environmental problem is a global and comprehensive problem that requires the full cooperation of all countries in the world [8]. The globalization of environmental problems dictated that environmental protection could not be achieved solely through the domestic laws and regulations of one country, and that effective international cooperation was indispensable.

4.3. Conflicts between Home and Host Countries in Restricting MNEs

As sovereign States, it is difficult for both home and host countries to exercise effective control over the environmental pollution behaviour of MNEs in various host countries. Most of the host countries in which MNEs invest are economically underdeveloped countries and regions, and the capital, technology, trade and employment brought by MNEs are precisely what the host countries seek. In order to develop their own or the region's economy, host countries often take a laissez-faire or acquiescence attitude towards the pollution behaviour of MNEs, and intervene less and less in the production and operation of MNEs or do not intervene [8]. Therefore, most host countries are unable to effectively regulate the environmental damaging behaviour of MNEs from the perspective of domestic law. From the perspective of the home country of MNEs, the development of MNEs can not only enhance the economic strength and international competitiveness of the home country and improve the international influence of the home country, on the other hand, MNEs may also, to a certain extent, become the carrier of the image of the home country to help the home country to promote its foreign policy, so that the public in foreign countries have a good positioning of the image of the home country. The commonality of interests makes it difficult for home countries to really regulate and supervise effectively the environmentally damaging behaviour of MNEs abroad.

4.4. Weaknesses in Environmental Responsibility Information Disclosure in China

Recently, NGOs have ranked the environmental information disclosure indexes of various regions, and many domestic cities scored zero, meaning that a significant number of them have never published any effective information on environmental protection. The government's ineffective disclosure of such information and the lack of public media exposure are also reasons why some MNEs have adopted a double standard of environmental responsibility both at home and abroad. Although MNEs in China have a positive image in the minds of the Chinese people most of the time, the frequent occurrence of such environmental pollution problems is gradually reducing the public's favourable impression of them [8]. In developed countries, once the enterprise has had a large-scale pollution incidents, it will inevitably lead to the public's questioning of its brand. However, in China, the public blindly look at the brand and product quality of MNEs, lack of due attention to the environmental problems of enterprises, and hardly produce a common defence against and negative treatment of a polluting enterprise's consumer penalties.

5. Strategies and Recommendations

5.1. Include Environmental Human Rights in the Legal Code

As China embarks on a new journey towards fully building a modern socialist country and advancing towards its second centenary goal, enhancing the human rights protection level in environmental conservation has become a vital task to meet the growing rights demands of the people. The human rights attribute of environmental rights has reached a consensus in the international community, and China has also recognized this in the National Human Rights Action Plan (2021-2025). The modern development of environmental law and the global consensus on sustainable development have promoted the further development of environmental rights. The construction of a "Beautiful China" has been established as a national goal in China's Constitution, and the confirmation of environmental rights helps to deepen the value system and institutional logic of the environmental code.

This plan focuses on the subjective rights aspect of environmental rights, ensuring that citizens can make claims against environmental harm, while also emphasizing the objective value aspect, elevating environmental protection as a shared responsibility of the state and society [12]. The specific institutional construction includes establishing the basic principles of environmental rights in the code, clarifying the responsibilities of the state and government in protecting environmental rights, and setting up remedial mechanisms to provide effective legal avenues and solutions when environmental rights are violated [12]. Such institutional design aims to make the environmental code a legal text that reflects the characteristics of the times and has Chinese features, meeting the people's demand for a beautiful ecological environment and promoting the modernization process of China's environmental rule of law.

5.2. Improve the Environmental Responsibility Information Disclosure System

To enhance the environmental responsibility of MNEs, China should expand the scope of information disclosure and increase the channels through which the public can access information. By strengthening the environmental information disclosure system and encouraging public participation, corporate environmental violations can be costly due to public scrutiny. On one hand, the Ministry of Ecology and Environment's official website has established an exposure platform, online reporting for environmental pollution, and public notice columns, providing the public with a platform to supervise enterprises [13]. On the other hand, encouraging public welfare organizations to collect and analyze environmental information and disseminate it through websites and social media fosters corporate compliance with environmental legal responsibilities and proactive social responsibility.

For instance, the Blue Map APP published by the Institute of Public and Environmental Affairs (IPE) compiles corporate environmental supervision records and monitoring data, promoting rectification of excessive emissions by enterprises. Supporting the development of environmental welfare organizations and establishing a communication bridge between enterprises, the public, and the government is an effective means of regulating MNEs.

5.3. Enhance international cooperation with home countries

Environmental pollution has become a global challenge that requires cross-border cooperation and response. There are differences in environmental standards and regulations between developing and developed countries, with developed countries usually setting higher environmental standards and strict legal sanctions, such as high environmental taxes and other penalties for violations of environmental regulations, while developing countries, with relatively lax environmental standards due to economic and financial constraints, are more likely to be destinations for MNEs to transfer pollution [12].

In order to solve the problem of environmental pollution by MNEs in China, China needs to strengthen environmental communication and cooperation with the home countries of these companies. This includes international negotiations through legal channels and the signing of international treaties related to environmental protection to clarify the environmental standards and responsibilities that MNEs should comply with in host countries. At the same time, China can use diplomatic means to negotiate with the home countries of MNEs to jointly resolve environmental problems [8].

6. Conclusion

The environmental responsibilities of MNEs in China are critical to sustainable development and the protection of environmental human rights. By holding MNEs accountable for their environmental impact and ensuring they uphold their environmental human rights responsibilities, China can pave the way for a more sustainable and equitable future.

References

- [1] An, Y. (2022) *Study on the Legal Regulation of MNEs on Environmental Human Rights*. 2022 2nd International Conference on Enterprise Management and Economic Development (ICEMED 2022), 400-405.
- [2] Deva, S. (2003) *Human rights violations by MNEs and international law: where from here?*. *Conn. J. Int'l L.*, 19, 1.
- [3] Filatotchev, I. and Stahl, G. K. (2015) *Towards transnational CSR. Corporate social responsibility approaches and governance solutions for MNEs*. *Organizational Dynamics*, 44(2), 121-129.
- [4] Davitti, D. (2021) *Regulating MNEs*. *Encyclopedia of Law and Development*. Edward Elgar Publishing, 243-245.
- [5] Park, S. H. and Vanhonacker, W. R. (2007) *The challenge for MNEs in China: think local, act global*. *MIT Sloan Management Review*, 48(4).
- [6] Heggelund, G. and Backer, E. B. (2007) *China and UN environmental policy: Institutional growth, learning and implementation*. *International Environmental Agreements: Politics, Law and Economics*, 7, 415-438.
- [7] Jiang, Z. and Zreik, B. (2007) *ESP Operation, Optimization, and Performance Review: ConocoPhillips China Inc. Bohai Bay Project*. *SPE Gulf Coast Section Electric Submersible Pumps Symposium? SPE*, SPE-113173.
- [8] Junjun, W. (2013) *Research on the accountability mechanism of MNEs for marine oil pollution*, Master's thesis, Xinjiang University.
- [9] Zhang, hq. (2011) *In commemoration of the "ConocoPhillips oil spill incident" for the sake of forgetting*. Retrieved from http://www.gesep.com/News/Show_178_326851.html.
- [10] Xinyue, Z. (2016) *A Study on the Strategies of MNEs' Subsidiaries in China under Environmental Regulation: A Case Study of Shell Lubricants Limited*. *Times Finance*, 20, 165+169.
- [11] Schouten, E. M. and Remme, J. (2006) *Making sense of corporate social responsibility in international business: experiences from Shell*. *Business Ethics: A European Review*, 15(4), 365-379.

- [12] *Ly Zhongmei and Zhang Bao. (2022) Proposal for the inclusion of environmental human rights in the code. Human Rights, 2, 75-91.*
- [13] *Fan Zengqiang. (2015) Environmental pollution caused by multinational corporations investing in China and its regulation. Journal of Shanxi Normal University (Social Sciences Edition), 3, 78-84.*