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# **ROLE OF ENVIRONMENTAL LAW IN SUSTAINABLE BUSSINESS**

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## **ABSTRACT**

With the rapid increase of time, the branch of legal studies which may be considered as a environmental law has gaining the importance rapidly. It is very important to define and clarify that what will be the no. of terms in the field of progression and also in the environmental protection. There are various kind of national and international laws which basically deals with the various issues of the sustainable development. The rules related to the environmental law that should be obeyed by the people either in their own belief according to the accuracy of the behavior which is justified for a legal Act, it is important that the regulation in the field of sustainable development which can represent a very important means which can be considered as a powerful measure towards the environment. Basically both sustainable development and environmental law are inseperable to each other. The laws should be made in such a ways that it regulate the rules of conduct in the areas of sustainable development and environmental laws. This abstract includes the use of law to achieve integrated decision-making and also the use of pre-existing laws of foster sustainability, the contribution of sub- national governments in achieving sustainability, the cause and reason of law of unsustainable development and also the growing importance of climate change and also the importance of judicial review and and non governmental organization. But what exactly the sustainale business law and what could be the role that should be achieved by the corporate governance and finance play in achieving sustainability.

**Keywords:** environmental law, sustainability, sustainable development, integrated decision-making, governance, legal institutions

## Role of environmental law for sustainable business

Sustainable development is a kind of framework which provides a kind of shelter in which people live with harmony and prosper with their surrounding nature. Although sustainability doesn't act as a supportive legal system, Despite of many environmental and various other natural resources that has been existed in the surrounding. If people want to make a kind of significant progress in the society, there is a kind of prerequisite for that which is to develop and implement laws and legal institution that may or may not exist or if existed then, various other forms.

In order to achieve the sustainability, we also require to recognize that the key to achieving sustainability is environmental law, it is a kind of necessary part of legal framework. The various issues related to sustainability is that it is a part of legal framework. The contributors of the issue has also tried to provide answer in various ways, the various questions of law that should be achieved in various ways. The urgency of this work is to provides essentials tools and institutions for governing sustainability.

Due to the data base for it is not necessary to capture all the needed elements but then also suggestive to both the importance and scope of various other kinds of contributions that can be a good step towards the progress and achieving sustainability.

### **How law can be used as an important part in integrated decision- making**

The principle action of sustainable development is totally integrated with decision making , there should be incorporation of environmental, social and economic considerations as well. In particular, the government at national level tried to integrate environment with safety regulation with trade policies and industries. Multiple national objectives should be in opens up with more space to solve any kind of problems.<sup>1</sup>

<sup>2</sup>The greatest power is in the hands of the governments which can achieve this kind of policy integration. Although integration at the level of across is also very important and also in many

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8 B Wylynko, 'Beyond Command and Control' in RB Gibson (ed), Voluntary Initiatives: the New Politics of Corporate Greening (Broadview, 1999) 161, 161. 49 European Commission, Communication on Integrated Product Policy, COM(2003)302 final. 50 Hajer, above n 43. 51 Ibid; P Christoff, 'Ecological Modernisation, Ecological Modernities' (1996) 5 Environmental Politics 476.<sup>1</sup>

Professor, Osgoode Hall Law School, York University. \*\* Professor, Osgoode Hall Law School, York University. 1 Millennium Ecosystem Assessment, Ecosystems and Human Well-Being: Synthesis (Island Press, 2005), at www.millenniumassessment.org. 2 Ibid. 3 UNEP, 10 Years After Rio: The UNEP Assessment (UNEP, 2002).

of the cases the legal rules that is specially made for sustainable objective at higher level of government which will be completely separated from the legal rules that is followed by the lower level of the govt. Due to the result of this the decision that is made by the lower level of the govt. is frusted in nature. In 2008, these laws were challenged and the legislature passed a new law that demanded the use of less automobile.

### **Use of pre-existing laws to foster sustainability**

Many of the observers has the view point that that is a kind of requirement of new laws and some kind of modification of existing laws. Most of the laws are traditional in nature and also many of the nongovernmental organization are going to consider the greenhouse gas emission and their impact ad the decision by filing and settling lawsuits under the California environmental quality Act. This kind of statutes require the state as well as local govt. to prepare environmental impact reports for decision and which will be having a significant effect and to reduce and or avoid impacts whenever feasible.

Most of the laws which will provide the starting point for sustainability may not comes under the environmental laws. Although the govt. has provided financial, technical, and marketing assistance for such kind of Agriculture. This kind of program has increased access to food , which led to the more organic and sustainable food production, which in turn also a good opportunities of job. Cuba is considered to be one of the world's most aggressive and sustainable urban agriculture system. In this region, only 2% of the entire land is managed by biodiversity conversation and rest of the land is in private ownership. When the time comes and the organization of such community require landowners for making decision which also includes what they want to produce and how they will allocate the benefits and these communities will also provide economic opportunities that will be benefit for environment also.

### **The centrality of sub-National governments in Achieving Sustainability**

All over the world, and sub-national units of govt. which include provinces, states, and local governmental units, but also in the countries like united kingdom, where there has been a substantial authority of decision making authority to sub- national governments. With such a view, a large number of progress is necessary to achieve sustainability, and also the most important obstacles to such an achievement is located at the sub-national level. Although when such responsibily is based to some degree between national and international levels, a kind of

lack of national action on important issue may prompt sub-national governments to address that issue on their own.

But at the same point of time there are also limits to the efficiency of decision-making at sub-national levels of government. Thus, Robert Adler suggested that greater frequency and severity of droughts because of climate change may force national governments to issue more responsibility like water sustainability.

### **The Background law of unsustainable Development**

One of the most important features of environmental law is that it is easy to identify because they are usually labeled as such. But also contrast of this, there are few laws which are opposite to environmental laws. Although land laws are part of problem and as Medina and Tarlock said that in USA use of land encourages cities not to constrain residential and commercial use of land but to expand the range of choices by favouring low density urbanization characterized by economic, racial and social integration.

### **The growing importance of climate change:**

The climate change has gained sustainability in the recent years. The focus of such kind of impact on local decision on climate change and there is a need to reduce greenhouse gas emissions that would otherwise be result from other decision. A kind of much focus on sustainability could make an improvement on the ability of affected communities to anticipate cope with and even prevent drought impacts.<sup>3</sup>

<sup>4</sup>The role of business is very important in the case of polluting the environment and industries are contributing a lot on this. The damage of environment is increasing day by day affecting business. Insurance companies has a lot of concerned about climate change. Finally the most

<sup>3</sup>4 S Bell and D McGillivray, *Environmental Law* (5th edn, Blackstone, 2000) 411. 15 See S Kawashima, 'A Survey of Environmental Law and Policy in Japan' (1995) 20 *North Carolina Journal of International Law and Commercial Regulation* 231. 16 ZJB Plater, 'From the Beginning, A Fundamental Shift of Paradigms: A Theory and Short History of Environmental Law?' (1994) 27 *Loyola of Los Angeles L Rev* 981, 1003. 17 Eg G Teubner, 'Substantive and Reflexive Elements in Modern Law' (1983) 17 *L & Society Rev* 239, 240, 253-4; Abbot, ch 3, this vol. 18 E Orts, 'Reflexive Environmental Law' (1995) 89 *Northwestern University L Rev* 1227, 1257. 19 Bell and McGillivray, above n 14, 177-89 (discussing the nature of environmental regulation from a UK perspective).

<sup>4</sup> 4 Johannesburg Declaration on Sustainable Development (2002), UN Doc A/CONF.199/20, at 1, para 13. 5 See the reports of the European Environment Agency at [www.eea.eu.int](http://www.eea.eu.int). 6 Millennium Ecosystem Assessment, *Living Beyond Our Means: Natural Assets and Human WellBeing* (Statement from the Board) (pre-publication draft, Millennium Ecosystem Assessment, 2005) 2.

important reason of why the role of business is so important for sustainable development is because business is as much a part of the solution as a part of the problem. In such a modern days, business is considered as a business is considered as the universally recognized sources of primary engine of economic growth and development to eliminate poverty from the society. Manytimes, the role that is played by the business is may be considered as the determining factor. Similarly in the case of ozone layer protection, if the business industries will not be able to reduce the consumption, production and release of ozone depleting substances, the levels of ozone depleting substances, will become five times higher than by 2050 than they are today. There are another reason also that why is the role of business is critical for sustainable development is due to the a kind dependent to a larger extent on the private sector as a generator of wealth and greater market integration globally.

During the 1980s, privatization and private sector developments become the key factor of economic reforms in many developing countries as well as economic enterprises.

This contributed a lot in the private capital flows from developed to developing countries, which in turn increases the foreign direct investment which also shows the various index of growing number number of multinational corporations, companies with activities in two or more countries. Although in between 1992 and 1999 the total number of multinational national companies increased from 37,000 to 60,000. Greater global market integration facilitated by advances in technology and communications has intensified business competition and market complexity. This in turn has increased the reliance on and influence the business in the areas that were previously considered as a government responsibility also making the role of business rapidly central to sustainable development.

The social and technological changes of the last half of the century have profound implications that will not be fully understood until well into the next century. Questions which act as a starting and ending point of are being raised with increasing regularity. Apart from these, there are many reasons why there should be a kind of sustainability of business in the environment.

Good Management practice: From the past ten years, sound environment has become synonymous with good business management. This in turn preventing and reducing waste, emissions and discharges, using less toxic chemicals and improving energy efficiency which

may be called as a cleaner production and eco-efficiency which is now widely recognized as a more cost-effective and efficient than the end of pipe control. The environmental management companies help to develop ISO certifiable environment management systems.

## CONCLUSION AND SUGGESTATION

“The underlying challenges that sustainability addresses widespread poverty and growing global environmental degradation are urgent challenges. Law can make a variety of key contributions in achieving sustainability. We need to find ways to accelerate the use and analysis of laws that can foster sustainability. The authors of the articles in this special issue have made a significant contribution to this objective, and we editors are grateful for their efforts.”

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Today in the world there is broad agreement that the concept of sustainable development is a hope for the survival and rebirth of our planet. An awareness of the importance of a healthy environment is increasingly stronger in the international community in general, but also in the countries individually. It was necessary to go a long way to come to the conclusion that the transition to a safe and sustainable economy with minimal negative effects on the environment is possible and inevitable.

In this process, legal regulations have an important role. There is a large number of international and national documents which regulate the issue of environmental protection and sustainable development.

Many states harmonize their national legislation with international regulations in this area. This is logical, because the environment knows no political boundaries. However, not every country is equally able to establish satisfactory standards in environmental protection. It requires the necessary financial resources to be continuously set aside. It is known that investing in a healthy environment does not make quick and easy political points. It is not always simple to motivate the state governments to turn to this kind of environmentally-oriented policy. However, it is evident that the situation is improving on this subject.

The adoption of quality regulations in this field is only the first step and it is not an easy one. After the adoption, the regulations shall be respected. As a person obeys legal regulations, from their own beliefs about the correctness of behavior that a legal act requires, or out of fear of sanctions that can follow, it is clear that the regulations in the field of environmental protection and sustainable development are a very important means which can act as a powerful corrective to undesirable behavior towards the environment. Today in the world there is broad agreement that the concept of sustainable development is a hope for the survival and rebirth of our planet. An awareness of the importance of a healthy environment is increasingly stronger in the international community in general, but also in the countries individually. It was necessary to go a long way to come to the conclusion that the transition to a safe and sustainable economy with minimal negative effects on the environment is possible and inevitable.

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