

Comparison of Natural Resources Management and Its Laws -between China and the United States

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ABSTRACT. *Natural resources are the basis of our life and survival. How to promote the sustainable development of natural resources has put forward new requirements for the management of natural resources in China. It is necessary to make a comparative analysis of natural resources management and its laws and regulations in China and the United States from four aspects: the general situation of natural resources, national resource awareness, laws and regulations of natural resources management and relevant departments of natural resources management. It also points out that the management of natural resources in the United States and its laws and regulations can be used for reference and learning in China's natural resources management and its laws and regulations.*

KEYWORDS: *Comparison between china and america, Natural resources management, Laws and regulation*

1. Introduction

1.1 Overview of China's Natural Resources

The vast land area makes China not only have various types of land resources, but also has very rich water energy resources, ranking first in the world. China has almost all types of vegetation in the northern hemisphere, and the species of wild animals are also in the forefront of the world; In addition, mineral resources are extremely rich. Hydropower resources are extremely rich, with a total of 680 million kilowatts, ranking first in the world, but the distribution of water resources in China is very uneven, and 70% of them are concentrated in the southwest. What's more important is that China has abundant mineral resources. Currently, there are 171 kinds of mineral resources that have been discovered, of which 158 have been identified and their resource reserves include 10 kinds of energy minerals such as oil, natural gas, coal, uranium, and geothermal; iron, There are 54 kinds of copper, manganese, lead, and other metal mineral resources; in addition, there are 91 kinds of non-metallic minerals, such as sulfur and graphite. Marine resources are also very rich. Oil and gas resources have reached about 700,000 square kilometers, and natural gas resources have reached About 14 trillion cubic meters, and petroleum resources reached about 24 billion tons.

1.2 Overview of US Natural Resources

The United States is also very rich in natural resources. The United States currently has the largest total proven mineral resources in the world, and the total reserves of various types of resources are among the highest in the world. For example: natural gas, coal, iron ore, potassium salts, sulfur, petroleum Etc. and other kinds of minerals such as bismuth, copper, molybdenum, uranium, lead, bauxite, mercury, gold, nickel, silver, potassium carbonate, tungsten, aluminum, zinc, etc. The United States has about 4.4 billion acres of forest area, and the forest coverage rate has reached 33%. By the end of 2010, the United States had 20.68 billion barrels of crude oil reserves, ranking 13th in the world; 7.716 trillion cubic meters of natural gas reserves, ranking fifth in the world; and the United States' coal reserves reached 491 billion tons, ranking first in the world. Secondly, the United States has a high degree of agricultural mechanization and a high level of development, with a total of 2.2 million farms, of which the total arable land area is 920 million acres. The Mississippi River Basin and Pennsylvania have concentrated coal reserves of approximately 3,599.6 billion tons. 13% of the nation 's land area is the total area of the mining area, reaching 500,000 square miles. The output reached 3/4 of the total US output. The reserves of copper, zinc, lead, magnesium, molybdenum, tungsten, potassium salts, sulfur, and phosphate also rank among the top in the world.

2. Characteristics of U.S. Natural Resource Management and Its Laws

2.1 Natural Resource Management Has Achieved Relatively Centralized and Unified Management

The Department of Home Affairs is the U.S. department responsible for managing natural resources. The natural resources it manages are mainly 480 million acres of public land, 700 million acres of other surface owners or federally owned mineral resources, and 1.7 billion acres of energy resources on the outer continental shelf It manages and supplies the water resources of 17 states in the western region, and 15% of the nation's hydropower comes from this. The 480 million acres of public land managed by the Ministry of the Interior include national parks, national wildlife reserves, and other types of public land. The Department of the Interior alone cannot achieve all of the natural resource protection goals alone. The US Department of the Interior still has to work with other departments to divide and cooperate. For example, to collaborate with the U.S. Army Corps of Engineers in the management and management of water resources; to cooperate with the Department of Agriculture in the prevention of forests, pastures, minerals, and wasteland fires; Collaboration with the National Marine Fisheries Service under the Ministry of Commerce.

2.2 The Main Duties of the Ministry of the Interior: Supervision of Ecological Environment and Protection of Natural Resources

The Ministry of the Interior, on the one hand, is the department of natural resources management, and on the other is the department of ecological supervision and protection. Its main mission is to protect and manage the natural resources and cultural heritage of the United States; provide information about natural resources and natural disasters, thereby creating opportunities for the development of society. In terms of ecological supervision, the main duties of the US Department of the Interior include: first, controlling the invasion of alien animals and plants, restoring the natural maintenance conditions of waters and land, and providing ecological balance for wildlife and fish. Second, manage and protect some areas that are not suitable for human habitation but have ecological value. Third, supervise and coordinate the policy issuance of the internal agencies affiliated with the Ministry of the Interior, supervise the standardization of ecological supervision technologies and procedures, and continuously evaluate these policies to give suggestions and solutions to improve the ecological environment. Fourth, supervise the Ministry of the Interior's compliance with federal and state environmental laws, directives, and requirements for controlling ecological and environmental pollution, and ensure that plans and procedures formulated by its departments and offices are reasonable and compliant. Fifth, it is entrusted by the public to evaluate the damage caused during the development and utilization of natural resources, and to provide action plans and funds needed to restore the resources that have been lost. Fifth, standardize the mining behavior of coal resources, ensure that the mining operation is reasonable, timely reclamation, and prevent long-term environmental pollution caused by mining activities.

2.3 Internal Organization of Natural Resource Management: Strengthen Comprehensive Management Based on Classification

The Federal Land Policy and Management Law enacted by the United States in 1976 requires multi-purpose management of land resources. To meet this requirement, the US Department of the Interior has proposed five development plans in the "strategic plan for 2018-2020":

First, further promoting the dominance of energy and the development of key mineral resources will not only increase income for US governments at all levels, create a large number of employment opportunities, but also provide their allies with additional safe energy. Second, in order to achieve the goals of natural resource management, strengthen the division of labor, mutual respect and resource sharing between private landowners and governments at all levels. Third, make full use of the natural characteristics of federal land resources and provide citizens with a wealth of outdoor recreational activities. Fourth, respect the self-determination and sovereignty of Alaska Natives, Indian tribes, and island areas, and promote economic and social development in these areas. Fifth, concentrate human, financial and material resources, and improve the living environment of wild animals and fish by managing various species and their habitats. There are also 10 bureaus and multiple offices. Among them, 10 bureaus set up five specific businesses according to the types and processes of natural resources, and are managed by five assistant ministers. The International Affairs Office and the Island Office manage international affairs and arrival affairs, the Bureau of Reclamation, and The Geological Survey manages water resources and technology, the US Fish and Wildlife Service and the National Park Service provide ecological protection of natural resources and fish, and more.

3. China's Natural Resource Management and Related Legal Status

The reform of China's natural resource management system is often accompanied by government agency reforms. From 1949 to 2003, eight major State Council institutional reforms were carried out, and almost all of these eight reforms included improvements to natural resource management systems. The first reform (1949-1956) lacked experience in the reform of natural resource management and the establishment of government institutions; the second reform (1956-1959) issued the "Resolution on Improving the National Administrative Management System (Draft)" to promote The reform of large-scale government institutions mainly readjusted government institutions around expanding the autonomy of local governments and decentralizing power to the local government. In the third reform (1960-1981), the central government refocused the power delegated to local governments, emphasizing centralization and unification. The fourth reform (after the Third Plenary Session of the Eleventh Central Committee) carried out the cause of opening up and reform of the economic system. The Fifth Reform (1988) emphasized the transformation of government functions under the conditions of the continuous deepening of China's political and economic system. The sixth reform in 1993 was mainly in order to adapt to the development of China's socialist market economy. Major professional economic departments were significantly modified: the first category is to retain the previously established or re-established administrative departments, which undertake planning, service, Supervision and coordination functions. The other group is changed to economic entities that do not actually perform administrative functions. The seventh reform in 1988 mainly included the establishment of a complete administrative management system with Chinese characteristics; the establishment of a standardized, coordinated and efficient administrative supervision system. In the eighth reform in 2003, China's land and resources management department was identified as a macro-control department. In addition, several departments were set up to manage China's natural resources, including the Ministry of Land and Resources, the National Forestry Administration, the Ministry of Water Resources, and the Ministry of Agriculture. , And the National Development and Reform Commission.

4. Coordinating the Relationship between the Use and Allocation of Natural Resources

Contradictions exist in the development of things. Just as there are always conflicts in social development, there are also a pair of contradictions in natural resource management, that is, the contradiction of "development" and "protection" of natural resources. Land will involve the use and allocation of natural resources. The natural resource utilization process and the natural resource allocation process interact and complement each other, relying on natural resources together to promote the most efficient use of resources. Natural resource management systems are divided into two categories: natural resource utilization systems and natural resource allocation systems. These two systems are formed in the process of natural resource utilization and natural resource allocation. These two systems interact and complement each other. The natural resource utilization system is the basis of the natural resource allocation system. On the other hand, the allocation system can counteract the use of brakes and promote the development of the use system. The two major classifications of the natural resource management system can further improve the natural resource management system. Through the mutual operation of the utilization system and the allocation system, the goal of taking into account the efficiency and security of natural resource utilization and natural resource property rights changes in China can be achieved.

5. Resource Management System and Allocation System Adopt Different Management Modes

In order to achieve the efficient and safe circulation of natural resources, we must set up different management models for the resource utilization system and the resource allocation system. Among them, the management mode for managing the use of natural resources mainly adopts the administrative management mode, and the management for the allocation of natural resources mainly adopts the market mode. Conduct contractual supervision. China's mineral resource management system confuses the management of utilization and allocation, all contained in a certificate (mining license or exploration license). The mining right has a strong administrative management factor, which is mainly reflected in the need to obtain an administrative license from an administrative agency. Obtained, which makes the property attributes and market circulation of mining rights to a large extent controlled by administrative agencies. In order to solve this problem, it is necessary to properly separate the dual attributes of the mining right, namely the administrative attribute and the property attribute. The Supreme People's Court's Interpretation of Several Issues Concerning the Application of Law in the Trial of Mining Rights Disputes Cases provides a solution to the separation of the administrative and property attributes of mining rights by resolving the legal liability for the establishment and entry into force of the contract.

6. Theoretical Analysis of China's Natural Resource Asset Management System Reform

The report of the Nineteenth National Congress pointed out that China's natural resource management system has been improved, and the following specific measures have been proposed: the supervision responsibilities are exercised by professional departments. At present, China's environmental protection departments exercise supervision responsibilities, and a unified natural ecological supervision system may be formed in the future. , Unified supervision of the two aspects of natural resource management and ecological environmental protection. Unified management of land and resource use and ecological restoration matters; in order to better manage the natural resource assets owned by the entire people, prevent the loss of natural resource assets, and uniformly exercise the owner's duties. In addition, the responsibility for the management and use of natural resources by a single organization should be separated. From the perspective of China's overall natural resource conditions, 46% of China's land resources are collectively owned rather than owned by the entire people. The affiliation is not managed by this institution, but on the other hand, the use of land resources can only be carried out with the permission of this institution.

7. Design of Resource Asset Management System Around Resource Ecology

The core and main line of the reform of the ecological civilization system are the aspects of environmental protection, ecological protection, and natural resource protection, which are embodied in the content of the "Overall Plan for the Reform of the Ecological Civilization System", the principles, goals, guiding ideology, and specific systems of the entire plan And the mechanism is all around the theme of "protection". The word "protection" is the most frequently used word in this program, up to 71 times, and runs through all aspects of the article. From these words, we can draw the overall outline of the protection system of the plan: first, we must implement source protection, overall protection, and priority protection in the protection concept; second, we must establish a complete and efficient reward and punishment mechanism and cooperation in the establishment of the mechanism. Mechanism and restoration mechanism; in addition, the plan also includes other content related to the protection system, such as strengthening the protection responsibility of resource users and managers.

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