Study on environmental legal systems of different regions in China and impact on energetic cooperation

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Abstract. Based on the present situation of China's environmental law system under the rapid economic development, this paper expounds the significance of regional environmental law research. Through the comparison of regional environment and legal system between China and the United States, this paper analyzes the impact of domestic environmental legal system on energy cooperation under the background of Belt and Road Initiative.

1. The present situation of China's environment and its legal system
In the 30 years of rapid development, the economic achievements have been reckoned with, however, the development of economy is inevitable to pay a heavy price for environmental pollution problems, especially regional environmental problems. Under the strategy of "the Belt and Road", China's economic development has been planted on the wings of globalization. It has a rapid development in foreign trade, international finance, international logistics, the globalization of science and technology and so on, at the same time, environmental law system in our country is also experiencing new "environmental law" revised in 2014 and in 2015. Since most of the reform and perfection of legislation, law enforcement for regional environmental laws and regulations also provide the basic direction of the new, revised and powerful guarantee. Environmental legal system of our country, as the first line of fence, whether can solve economic environment sustainable development, how to develop it and how to implement it, has crucial significance for the whole socialist economic construction in China [1].

1.1. China's economic and environmental development background
Today in the vigorous development of the global economy, China has become an outstanding leader in economic development. It is active in economic structure and strategic innovation and transformation even in the tide of economic globalization. "The Belt and Road" is the grand vision of the present. Under the strategic concept, China's overall economic momentum and, toward a world-class high level, at the same time significant transformation and reform of the regional economy also has a new face in due course. Economic globalization is becoming the trend of world development, with the European developed countries successively put forward a variety of international industry strategic transformation and foreign actively open up, and various international cooperation, China has proposed a forward-looking "One Belt and One Road" strategy, which is a trend.

With the rapid development of China's economy, there are also challenges brought about by the sustainable development of economic ecology. "One Belt and One Road" area of the ecological foundation is weak, the level of economic development and the environmental level of various regions
along the route are quite different. The diversity of the environmental legal system and the industrial structure of economic development under the economic interests make the implementation of the objectives of economic development in our country need to take into account the environment influence under the economic development, environmental conflict and economic policy, the environment improvement under the legal system of ecological and other aspects [2]. While implementing this strategy, our country pays attention to the economy and pays more attention to our survival. Sustainable environmental development is not only an economic business inheritance, but also the inheritance of ecological civilization. Therefore, faced with the environmental problems caused by economic development, such as air pollution, resource scarcity under unreasonable allocation of resources, global warming and so on, we must be guided by the sustainable development of ecological civilization to unify resource sharing in the form of diversity, reasonable environment legal system reform, perfecting the legal system of environmental and other aspects, to establish a coordinated development path for the economic environment, to solve the economic and environmental problems, and to realize the integrated development of economic and environmental law.

1.2. The necessity of studying regional environment and its legal system

In an era of increasing openness and competition, with the development of economic, the regional environmental problems have attracted more and more attention, and the environmental legal system has been taken seriously. Industry transformation of national economic, directly affects the regional economic environmental policy. Regional correspondence is global. China's development environment as a whole, all aspects of regional development are of great significance to the whole country, this is especially true of the ecological environment. So when seizing the limitless opportunities brought by the new economic era, we should pay more attention to the regional environment from point to plane, and has a direct effect on regional environment of environmental legal system development [3].

In the process of human being engaged in production, the environment that we depend on inevitably brings influence, which includes environmental pollution. Environmental pollution refers to the act of causing harm to the environment by adding a substance to the environment, which is natural or man-made. In other words, it is because of human factors that cause the environment to be damaged or polluted abnormally, so that its normal growth and even human's living environment is adversely affected. Environment structure condition decline, decrease environmental self-purification ability and regulate ability, which caused by human factors, make the whole environment system interference, and harm human's own economic behavior and living environment. However, it is inevitable that environmental problems become a core problem of modern public hazards. "Modern pollution fundamentally, is an inevitable phenomenon of the physical expansion of human activities, but at the same time, we also cannot ignore the fact that the modern industrial social system has become a powerful social factor to promote the expansion of public hazards."

Therefore, the strong guarantee of the legal system becomes an effective means to solve the improper economic behavior in the production activities of human society and a national government policy for environmental protection. As a basic condition of production activities, China's regional environment is clearly aimed at protecting the overall health and scientific sustainable development of the regional environment [4].

The legal system of the environment is promulgated and enforced by the state. It is a strong guarantee for environmental protection, rational utilization of natural resources, and prevention and control of pollution. As the economic development becomes more and more significant, the contribution of the legal system and its basic development to the economic development is increasing, therefore, the interaction between the two is mutually reinforcing. Only with the coordination and improvement of the three, the environmental legal system becomes more and more perfect, the environment becomes more and more sustainable, and the economic growth becomes more and more prominent, development can be truly feasible as the first priority.

To sum up, studying the regional environment and the development of the legal system, has
far-reaching significance to the regional ecological civilization, the sustainable development of environment and resources, and the area and even the whole country's socialist construction. As in the seventh national conference on environmental protection of the political bureau of the CPC central committee and vice premier Li Keqiang said, "The environment is important for the development of resources, good environment itself is a scarce resource, to fully implement the spirit of the central economic work conference. According to the requirements of the five-year development theme of the main line, insist on developing protection and development in the protection, promote the transformation of economy, improving the quality of life, for the long-term stable and rapid economic development, provide the people with clean sky and comfortable environment."

2. Comparison of regional environmental legal systems in China and the United States

2.1. Analysis of the state of environmental law in the United States

With the constant awakening of modern environmental awareness, environmental law has gradually emerged and developed. This modern awareness of environmental protection is due to the rapid development of industrialization after the Second World War. The level of science and technology has rapidly increased, and humans have produced and consumed themselves to us. The living environment poses a threat. On the one hand, a leap-forward economy has helped humans enjoy a rich material and spiritual cultural life. On the other hand, outstanding environmental issues threaten the safety of human life and property, lower people’s quality of life, and hinder the economy. At this time, countries, especially developed countries, began to notice the significant role of the environment in economic development. As a result, various legal systems for the protection of the environment began to emerge. Before comparing the environmental laws of China and the United States, we must first have a general understanding of the environmental legal system of the United States. Before 1970, the United States had no physical environmental laws. Some environmental issues, such as mine mining, public hazards, etc., are handled in the form of case law and dealt with under civil law. In 1970, with the rise of the environmental movement, the United States created the Environmental Protection Agency and revised the Clean Air Act. Subsequently, the United States successively established laws such as Water Purification Method, Modern Safe Drinking Water Law, Pesticide Law, Toxic Substance Control Law, and so on. In environmental law legislation and litigation practice, taking into account that environmental pollution will harm public rights. The US environmental law is mainly federal legislation. The US Environmental Protection Agency (EPA) presides over the legislation and the states must follow the federal regulations. In some special cases, the standards of state legislation can be higher than the federal legislation. For example, due to California's serious car exhaust pollution, air quality cannot meet the standards set by the federal government, California has a separate legislation on the emission standards of automotive exhaust, and requirements are higher than the federal standards to reduce vehicle exhaust emissions on the environment caused by the harm.

In the United States, according to the constitution and laws, the federal government has certain administrative powers. Within the federal context, the EPD mainly performs its environmental protection functions. However, when local governments are dealing with environmental issues, they can have higher autonomy according to the autonomous legislation of the state parliaments and city councils. Civil organizations and the general public have the power to supervise environmental work at all levels of government. Their supervisory functions are exercised through audit supervision, voter supervision and hearing systems. In order to reduce the government's abuse of rights, it has taken measures to increase the weight of non-action costs in the bureaucratic utility function to promote its initiative to assume public service functions.

At the same time, in the process of solving environmental pollution problems and creating related environmental laws, the United States has carried out a large number of theoretical discussions and detailed studies on relevant issues of the environment and its related departments. For example, the motive behind the enactment of environmental law is whether it is ecological, scientific, natural, or ethical or religious; the solution to the problem should be economic, political, legal, or theological; the
solution to environmental problems should be realistic or long-term. Is it at the expense of our current interests to implement strict environmental protection laws or to enjoy music in a timely manner, limit consumption of resources, and sacrifice the environment, not to consider the future of future generations? The United States is a free capitalist country. When considering environmental issues, it is natural to first consider applying economic methods to solve them. This is effective in most cases. However, environmental issues are not individual issues. Environmental pollution is a violation of the public rights of the public. Such public rights need to be resolved by government legislation [5]. Therefore, the U.S. government has played a significant role in environmental legislation and implementation. The US court system has also played a positive role in promoting the implementation of environmental laws through the interpretation of laws.

In the process of continuous improvement of environmental laws, an important issue that needs to be resolved is the basis for formulating emission standards for various pollutants. In practice, the United States Environmental Law has established the following evaluation criteria, mainly based on the principle of not harming human health. In many cases, the evaluation criteria for cost evaluation of risk evaluation standards and technical evaluation standards are used [6].

2.2. Comparison of regional environmental legal systems between China and the United States

In general, the United States' regional environmental legal system is very different from China's. There are mainly the following aspects as shown in Table 1:

| Table 1. Comparison of the characteristics of sino-U.S. environmental legal system. |
|---------------------------------------------------------------|
| **China**                                                                 | **America**                                                                 |
| Legal system integrity | The system is still not perfect, there are many substantive laws, fewer procedural laws | The environmental legal system is relatively complete, the central government has unified regulations, and each state has strengthened |
| Regional cooperation system | Less cooperation between regions, lack management | Close links between regions, mutual supervision and strong linkage |
| Environmental supervision system | The relevant departments are not strong in law enforcement and supervision is not in place | Well-developed supervision procedures, clear supervision bodies, and strong supervision |
| Environmental assessment system | There is a certain basis for the environmental assessment system, and the evaluation process is heavy in procedure, less practical, difficult to obtain evidence | The evaluation system is relatively complete, theoretical support is more advanced, experience is the first priority |
| Public participation | Public participation is not high, environmental information is not transparent, and actual results are not obvious | Non-governmental organizations and the general public have the right to supervise them through audit supervision, voter supervision and hearing systems |
| Punishment | Environmental damage punishment is not strong enough and penalties are low | Environmental damage is costly and penalties are strong |

From the above table, we can see that there are still many deficiencies in China's environmental legal system. In comparison with the United States, it is necessary to make more comparisons to draw experience, and to absorb good experiences and lessons for reference, in the social legal system of the environment. Take some detours on the construction road. The precondition for the functioning of the environmental legal system is the support of a relatively perfect environmental legal system. Therefore, China should learn from abroad and gradually establish a regional environmental legal system with Chinese characteristics [7].

3. Impact of environmental legal system on energy cooperation

Belt and Road Initiative, as a national strategy for China to comply with the development trend of the
new era and encourage enterprises to "go out", focuses on mutually beneficial and win-win energy cooperation with countries along the route, building a green energy system, and speeding up the transformation of energy structure. The construction of low-carbon green energy system can effectively alleviate the environmental pollution caused by traditional energy utilization. The present situation of environment in China is not optimistic and the ecological environment has suffered great damage under the mode of one-sided pursuit of economic development. Although the regulation of legal system can regulate some environmental pollution behavior, the fundamental solution is to change the way of energy development. The end of the environmental legal system Good will also promote the development of energy cooperation to standardization to a certain extent, and promote the transformation of economic development mode. The construction of an effective environmental legal system can not only protect the "Belt and Road Initiative" energy cooperation, but also the request of the times development to our country.

Acknowledgments
This article is funded by “A Study on the Systematic Reform of the Quota System for Judge Positions” (No. 16BFX066) selected into General Category Projects 2016, National Social Science Fund of China.

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