

Research on Legal Guarantee of Red Natural Resources Protection and Development Based on EOD Model

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Abstract: *Since the 18th National Congress of the Communist Party of China, the academic circles have paid great attention to related research on red resources. Red resources are not only a witness to revolutionary history, but also a presentation of our values, national identity and cultural self-confidence. As an important part of red resources, red natural resources have some problems in the process of protection, such as ecosystem damage, multi-value unexplored and lack of funds. As an emerging resource protection and development model, the Ecology-Oriented Development (EOD) model, coupled with the protection and development of natural and red natural resources, should be applicable to the protection and development of red natural resources. On this basis, combined with current situation and problems of the protection and development of red natural resources, this paper constructs the legal path of protection and development of red natural resources based on EOD model, including perfecting legal norm system, strict subject access qualification, establishing franchise rights, absorbing the participation of social capital and other paths, so as to provide a better legal solution for China to make good use of red resources and continue the red bloodline.*

Keywords: Red natural resources; EOD model; Protection and development; Rule of law.

1. INTRODUCTION

In recent years, in order to strengthen the protection and inheritance of red resources, some provinces and cities have begun to try first in the legislative protection of red resources, and have successively introduced relevant regulations on the protection and development of red resources. However, there are many problems in the process of protection and development of red resources, especially natural resources with red attributes, which can not coordinate the realization of their multiple values. The lack of legislation at the national level further aggravates the above difficulties. The Ecology-Oriented Development (EOD) model, which is guided by the concept of green development and aims at achieving coordinated development of multiple values such as ecological environment, social economy, history and culture, is coupled with the protection and development of natural and red natural resources and should be applicable to the protection and development of red natural resources.

EOD model emphasizes the protection and sustainable use of ecological environment. Through rational planning and management, it can reduce the irreversible damage to red natural resources, and ensure its long-term existence and inheritance; at the same time, it pays attention to the health of the ecosystem and protects the integrity and stability of its ecosystem by maintaining the natural environment where red resources are located. Thus, on the premise of protecting red natural resources, we can realize the rational development and utilization of resources, and promote the prosperity of local economy and sustainable society progress.

Therefore, under the background of ruling the country by law in an all-round way and building China under the rule of law, this paper attempts to demonstrate the rationality of protection and development of red natural resources based on EOD model, discover and analyze the realistic difficulties and legal causes of the protection and development of red natural resources towards EOD model, and construct the rule of law for the protection and development of red natural resources based on EOD model, in order to achieve the comprehensive value of red natural resources through the guarantee of the rule of law.

2. BASIC THEORY OF RED NATURAL RESOURCES

Red resources and red natural resources have a "species relationship". Based on the basic concept of red resources, combing the basic theory of red natural resources is helpful to grasp the orientation of protection and development of red natural resources, and promote the development and prosperity of red nature resources in the new era.

2.1 The meaning and characteristics of red natural resources

By sorting out previous studies, combining with the definition of logical words and the way of continuous division, and on the basis of careful analysis of connotation and extension, we define the concept of red resources as all kinds of material and non-material resources that have been formed in the practice of leading the Chinese people in the revolution, construction, reform and opening up a new era since the founding of the Communist Party of China, which can be developed for us today and have significant value, and manifested in the material, spiritual, institutional and information forms that people can develop and utilize.

Although there is little clear definition of red natural resources in academic research and legislative practice, as a biased phrase, it can be logically analyzed that "red natural resources" is not only natural resources with "red" characteristics but also red resources with "natural" attributes. Therefore, according to the usual understanding of natural resources, that is, "natural things that exist in nature are useful to human beings, such as land, water, forests, minerals, wild animals and plants"^[1], and combining with the definition of red resources, the red natural resources studied in this paper can be defined as follows: natural resources with specific historical value, commemorative significance and educational significance. Among them, "specific historical value, commemorative significance and educational significance" refers to the historical value, commemorative significance and educational significance formed by the people of all nationalities led by the Communist Party of China in the period of the New Democratic Revolution, the period of socialist revolution and construction, the new period of reform and opening-up and socialist modernization, and the new era of socialism with Chinese characteristics since the May 4th Movement. Typical red natural resources, such as Jinggangshan, Huaying Mountain, Dadu River, Yan'an City, Xiaojin County, Shibadong Village and so on.

Compared with other red resources, red natural resources have outstanding characteristics in the following three aspects:

First, the existence of integrity in form. Red natural resources, such as Jinggangshan as a rural base in the revolutionary war era, Shibadong Village, which concentrates the spirit of poverty alleviation and rural revitalization in the new era, are a kind of natural resources with specific "red" attributes. Therefore, on the one hand, red natural resource is an extensive and complex natural environment unit, which is not and can not exist in isolation; on the other hand, it also contains other types of red resources, such as some man-made buildings. Whether it is developed or protected, or protection during development or development during protection, we must properly consider the interdependence between a red natural resource (such as Jinggangshan) and other natural resources (such as various wild animals and plants living in Jinggangshan), and other red resources (such as red buildings in Jinggangshan, and some physical objects).

Second, the comprehensiveness of value. Red natural resources are an important carrier of China's revolutionary history and cultural inheritance, an important material foundation for the cohesion of national spirit, with high cultural and historical value, not only a witness to the revolutionary history, but also a presentation of our values, national identity and cultural self-confidence. At the same time, through rational development and utilization, driving the development of local tourism, cultural and creative industries and agriculture, promoting sustainable economic and social development, and achieving diversified returns on benefits, it can become an important economic growth point and important support for regional development. Therefore, red resources have economic, political, cultural and social values. Its ecological value is self-evident.^[2]

2.2 Current situation of red natural resources

At present, there is no authoritative department to conduct a unified investigation and statistics on the stock and distribution of red natural resources. However, if red natural scenic spots can represent the red natural resources to a certain extent, according to the red natural scenic spots determined by current "National Red Tourism Classic Scenic Spots List", we can get a glimpse of red natural resources in China.

According to the "National Red Tourism Classic Scenic Spot List", the concentration of red resources in China is high, but their uniformity is low. On the basis of overall concentration, the red resources in the middle and lower

reaches of the Yangtze River, the middle and lower reaches of the Yellow River and the Beijing-Tianjin-Hebei region are particularly concentrated, and their proportions are higher than the percentage of uniform distribution, accounting for 56.78% of national red tourist attractions, mainly because these areas themselves belong to old revolutionary base areas. [3]According to the line of Kunlun Mountains-Qilian Mountains-Hengduan Mountains, China is divided into two parts, east and west. Overall, red natural resources in the east are more than those in the west. The eastern part is the main position of the Red Revolution, with dense population and long coastline. It is the main entrance of aggression in the old period, and there are many revolutionary activities and red sites. According to the Qinling-Huaihe River line, China is divided into two parts, the north and the south. On the whole, red natural resources in the north are more than those in the south. During the anti-Japanese and national salvation period, red activities are gathered in the border areas of northern Shaanxi, Shanxi-Hebei-Henan, Shanxi-Chahar-Hebei, Shandong, Jiangsu and Anhui, with Fuping in Hebei and Wutai Mountain in Shanxi as the anti-Japanese base areas. During the War of Liberation, revolutionary activities are gathered in Northeast, North and East China, and the Central Committee of the Communist Party of China carries out strategic shifts in the Shanxi-Chahar-Hebei, Shanxi-Suiyuan and Northern Shaanxi border areas, carrying out military activities such as the three major campaigns and the Yangtze River crossing campaign, leaving behind many red sites.

2.3 Institutional evolution of the protection and development of red natural resources

After the 1970s, the concept of protection was initially formed. In 1973, the State Council convened the 1st national environmental protection work conference, deliberated and adopted "Several Provisions on Protection and Improvement of the Environment (Draft for Trial Implementation)", which brought environmental protection work into the scope of functions of governments at all levels and became the first milestone in China's environmental protection cause. In 1978, the 1st Session of the 5th National People's Congress passed the "Constitution of the People's Republic of China", which is for the first time included "the state protects the environment and natural resources, prevents and controls pollution and other public hazards" in the Constitution, laying a foundation for the construction of China's environmental legal system and development of environmental protection. At this stage, China formulated a series of national environmental and resource protection policies and planning outlines, and formed some systems and measures for environmental pollution prevention and control in practice. It is also the first time that environmental and resource protection has been included in the fundamental national law.

After the reform and opening up, laws and policies have been constantly improved. The promulgation and implementation of the "Environmental Protection Law of the People's Republic of China (Trial Implementation)" in 1979 marked that the protection of environment and resources in China had really entered the legal track. When the "Constitution" was revised again in 1982, the original provisions on environmental and resource protection were amended, and provisions on rational development, utilization and protection of natural resources were added. The above policies and laws aim to protect and promote the sustainable development of environment and resources, and red natural resources, as a kind of natural resources in essence, are also protected and managed under the framework of these policies and laws. The above policies and laws provide legal basis and guarantee for the protection of red natural resources, clarify the main body of responsibility, and ensure that red natural resources are protected and supervised by law. Taking the "Environmental Protection Law" as an example, it is clear in the "Environmental Protection Law" that in order to promote the sustainable development of economic society, the development and utilization of red natural resources also need to follow the principle of rational utilization of resources, comprehensively consider economic, social and environmental benefits, and realize the sustainable development of red natural resources. The "Environmental Protection Law" clarifies the provisions of supervision and management, provides a legal basis for the destruction of red natural resources, and protects the integrity of red natural resources. The "Environmental Protection Law" encourages the public to participate in environmental protection affairs and stipulates the requirements for information disclosure, which provides the public with channels for participation and supervision in the protection and development of red natural resources, so that the public can better understand the protection status of red natural resources and express their opinions and suggestions.

In 1985, the Ministry of Culture promulgated the "Regulations on the Work of Revolutionary Memorials", of which it pointed out that "revolutionary sites, memorial buildings, cultural relics and materials are valuable material and cultural heritage of China". In 2005, the "Notice of the State Council on Strengthening the Protection of Cultural Heritage" pointed out that immovable cultural relics such as important historical sites and buildings in modern times, movable cultural relics such as documents, manuscripts and important objects should be included in the material cultural heritage for protection. Here, the "revolutionary sites" and "important historical sites" are a

manifestation of red natural resources, carrying important memories of red history and culture, and are the actual places of revolutionary struggle. At present, there are no special laws and administrative regulations to protect red resources at the national level, and the basis can only be found from the requirements of upstream laws and regulations and some provisions with cross concepts.

With the arrival of the 100th anniversary of the founding of the Communist Party of China, some places in China have begun to legislate specifically for the protection and development of red resources. In 2019, Shanxi Province took the lead in promulgating the "Regulations on the Protection and Utilization of Red Cultural Sites", which strengthened the protection of red cultural sites and promoted the rational utilization of red cultural sites. The "Regulations on the Protection and Inheritance of Red Culture in Shandong Province" came into effect on January 1, 2021, and the "Regulations on the Protection and Inheritance of Red Resources in Sichuan Province" and the "Regulations on the Inheritance, Promotion, Protection and Utilization of Red Resources in Shanghai" came into effect on July 1, 2021. Specific provisions were made for the investigation and identification, protection and management, inheritance and utilization, as well as legal responsibilities of red resources in various places respectively, highlighting the legislative characteristics of various regions. Through the rule of law, red resources can be effectively protected, managed and utilized, which is also the realistic need to solve the problem of red resources' protection and inheritance.

It can be foreseen that, as proposed by some representative during the 5th Session of the 13th National People's Congress, the proposal to formulate the red resource protection law: "It is necessary to sum up the legislative experience of the protection of red resources in various provinces and cities at the national level, formulate the law on the protection of red resources, further standardize the protection of red resources, strengthen inheritance and promotion, clarify the responsibility of protection, and strengthen guarantee measures. It is of great political, practical and historical significance for overall integration of national red resources, inheritance of red genes, continuation of red bloodline, and cultivation and practice of socialist core values."^[4]

3. RATIONALITY OF RED NATURAL RESOURCES PROTECTION AND DEVELOPMENT BASED ON EOD MODEL

This part is committed to getting through the connection between "red natural resources" and "green ecological environment", demonstrating the rationality of EOD model for the protection and development of red natural resources, so as to consolidate the theoretical foundation of this study and clarify the logical starting point.

3.1 Theoretical basis of EOD model

According to the "Notice on Recommending Pilot Projects for Ecological Environment-oriented Development Model" in 2020, EOD (Ecology-Oriented Development) model is an integrated model of environmental governance and industrial development based on ecological protection and environmental governance and supported by the operation of characteristic industries. Taking regional comprehensive development as the carrier, we should adopt industrial chain extension, joint operation and portfolio development to promote the effective integration of ecological environment control projects with poor profitability and related industries with good returns, so as to achieve the balance between overall project revenue and self financing. Its essence is the embodiment of Xi Jinping's ecological civilization thought.^[5]

As the project basis of EOD model, ecological protection and environmental governance are mainly targeting projects with strong "externalities" and public welfare attributes, characterized by good ecological benefits, strong driving effect on surrounding industries and no implicit debt form. Under the traditional mode of project implementation, independent projects face limited sources of project revenue and therefore require significant government subsidies to ensure economic sustainability. Under this mode, projects can not benefit from the premium of surrounding land and property, that is, it can not enjoy the added value brought by the implementation of projects. The EOD model is based on the construction of ecological environmental protection and industrial development and operation, and its overall implementation is taken by industrial operators. This model promotes the commercial value of surrounding land and property by adopting the surrounding environmental governance strategy, and obtains corresponding benefits by providing the public with development space and related services of ecological industry. In this way, the commercial operation of environmental governance has been realized.^[6]

Therefore, it is reasonable and necessary to protect and develop red natural resources based on EOD model. EOD model emphasizes the coordinated development of economy, society and environment, and the protection and development of red natural resources is one part of sustainable development. The protection and development of red natural resources based on EOD model can achieve a win-win situation in economic prosperity and environmental protection, ensure respect and protection of natural environment in the development process, and avoid the destruction of red natural resources and ecological balance.

3.2 The internal logic of protecting and developing red natural resources based on EOD model

EOD model places more emphasis on the protection and sustainable utilization of red natural resources, and pays more attention to the diverse values and ecological functions of resources. Through rational planning and management, the integrity of red natural resources and stability of ecosystem can be protected while meeting human needs, which is also the necessary meaning to achieve the comprehensive value of red resources.

(1) Theoretical logic: scientific laws that conform to the complexity, integrity and stability of ecosystems.

The concept of "ecological orientation" was first put forward by American scholar Hornaczewski in 1999. He believed that the disorderly spread of American cities and their damage to the ecological environment were caused by placing the potential economic value of land before the ecological process, so he emphasized that regional ecological value and service function should be combined with land development and utilization policies, and proposed the idea of "ecological optimization".^[7]In August 2002, the 5th International Ecological City Conference concluded in Shenzhen and officially adopted the "Shenzhen Declaration on Ecological City Construction". The declaration believes that the construction of an ecological city suitable for human life, must apply ecological principles at first, comprehensively and systematically understand the complex interaction among urban environment, economy, politics, society and culture, and use ecological engineering technology to design cities, towns and villages in order to promote the physical and mental health of residents, improve the quality of life and protect the ecosystem on which they depend. "Shenzhen Declaration" puts forward five aspects in the construction of ecological city, including ecological security, ecological sanitation, ecological industry metabolism, integration of ecological landscape and cultivation of ecological consciousness, which has far-reaching influence and plays a leading role in the proposal of EOD model.

Considering the complexity of internal mechanism, function and structure within human-nature system and the urban system, as well as the seriousness of population, resources and environmental problems facing humanity today, the concept, connotation, theory and mode of EOD will continue to develop and deepen with continuous advancement of economic, scientific and technological development and social progress. Nowadays, EOD model is not only the earliest ecology-oriented urban development and construction, but also an expansion related to human development activities based on respecting nature, conforming to nature and protecting nature.

(2) Historical logic: conforming to the trend of green, low-carbon and sustainable development

EOD model, guided by the construction of ecological civilization and with the goal of sustainable development, is a specific application of the concept of "green mountains and clear waters are as valuable as gold and silver" in project operation and practical operation. It can be said that EOD model is a development mode oriented by ecological environment under the guidance of the concept of sustainable development. It emphasizes environmental protection, social responsibility and economic sustainability, and is consistent with the objectives and principles of the concept of sustainable development. EOD model puts the ecological environment protection in the first place, emphasizes the integration of ecological environment into all aspects of urban development, and the coordinated promotion of ecological protection and economic development, so as to achieve the harmonious coexistence of man and nature. It focuses on the protection and restoration of ecosystem, reasonably considers the carrying capacity and ecological needs of ecosystem in economic development, realizes the positive interaction between ecology and economy, ensures the sustainable growth of economy, and promotes the sustainable development of social economy.^[8]

The environmental dimension occupies an important position in the EOD model, requiring the protection of natural environment, ecosystem and biodiversity in the process of resource development and utilization, which is closely related to the concept of sustainable development. In terms of economy, the development and utilization of resources through EOD model not only focuses on economic growth and development but also considers the effective utilization of resources. The concept of sustainable development emphasizes the sustainability of

economic development, requires the balance between economic growth and resource utilization, and achieves the coordination between economic development and environmental protection in the EOD model.^[9]The EOD model also focuses on social benefits, and sustainable development emphasizes social harmony, inclusiveness and participation. In the EOD model, social benefits, economic benefits and environmental protection are interrelated, requiring resources development and utilization not only to bring economic benefits, but also to consider social and public interests and environmental benefits.

Through various practices, EOD model embodies the concept of "green mountains and clear waters are as valuable as gold and silver", and shows the value concept that only by protecting the ecological environment, can we achieve sustainable economic prosperity and social progress. Therefore, the protection and development of red natural resources based on EOD model can improve the environmental quality in red natural resources region, and realize the integration and symbiosis of development and protection.

(3) Realistic logic: successful experience in practical operation of existing EOD model

Although there is no specific case of combining EOD model with red natural resources for resource protection and development, there are successful pilot projects of combining EOD model with other types of resources for protection and development. The article "Research on the Redevelopment Model of Coal Resource-Exhausted Cities Guided by EOD: Taking Xinqiu District of Fuxin City as an Example", guided by the EOD model, and takes the urban development as the starting point to explore how to solve the economic, social and ecological development problems of coal resource-exhausted cities. Based on the redevelopment model of coal resource-exhausted cities under the guidance of EOD, this paper constructs the EOD redevelopment model of Xinqiu District according to the development status and specific problems in Xinqiu District. Firstly, the ecological environment of Xinqiu District should be renovated to form the background of urban regeneration; secondly, the automobile racing industry should be introduced and the utilization of solid waste resource should be upgraded to enhance overall economic vitality while revitalizing urban space; thirdly, economic benefits should be used to feed back urban ecological environment construction and enhance the overall vitality of the city.^[10]

Drawing inspiration from successful pilot cases of other types of resources protection and development can provide valuable experience and enlightenment for the protection and development of red natural resources, promote the development and utilization of red natural resources, and in turn promote social development and economic progress. When drawing inspiration, a comprehensive protection approach can be adopted, combining protection, restoration and utilization organically. Through scientific planning and management, the protection and development of red natural resources are combined with social and economic development, so as to realize sustainable utilization of resources. Drawing on advanced technology and management means, using information technology, digital technology and intelligent management system, we can improve the management efficiency and quality of the protection and development of red natural resources.

In a word, the protection and development of red natural resources based on EOD model has a clear internal logic. EOD model emphasizes the comprehensive issues of ecological environment protection and sustainable development, advocates green concept and scientific and technological innovation, and can become an important direction for the protection and development of red natural resources in the future. The implementation of EOD model can effectively protect and develop red natural resources. Through in-depth study of the concept and path of EOD model, it can provide relevant ideas for the protection and development of red natural resources, and promote the protection and development of red natural resources through sustainable development.

4. THE REALISTIC DILEMMA AND LEGAL CAUSES OF THE PROTECTION AND DEVELOPMENT OF RED NATURAL RESOURCES TOWARDS EOD MODEL

In the context of comprehensively governing the country according to law and promoting the construction of China under the rule of law, the protection and development of red natural resources, as a complex issue involving multiple social relations, should start from the legal point of view, explore the practical difficulties and legal reasons of the protection and development of red natural resources, and promote the protection and exploitation of red nature resources towards EOD model with the help of law.

4.1 The realistic dilemma of the protection and development of red natural resources

(1) The destruction of red natural resources and damage to ecosystems

In addition to the threat of natural disasters, large-scale tourism development, construction and infrastructure construction often have a destructive impact on the original appearance and environment of red natural resources. Commercial development pursuing the goal of maximizing profits, often ignore the consideration of the protection and sustainable development of red natural resources, which further aggravates the destruction. For example, a series of engineering operations such as blasting, drilling and excavation are carried out in a nearby area where the red natural resources is located. The behaviour can cause serious damage to the geological environment where the red natural resources are located. What is more concerning is that within the protected area of red natural resources, some living facilities discharging pollutants have been constructed, seriously affecting the original good ecology of red natural resources. ^[11]The discharge of pollutants will not only pollute the soil, water and air around red natural resources, but also threaten the biodiversity of the region. While destroying the local ecological environment, it will also have a negative impact on the local economic and social development. Damaged areas will also face the arduous task of restoration and reconstruction, resulting in great losses in protecting the integrity and historical value of red natural resources. In this case, EOD model can provide a way of thinking for the protection and sustainable development of red natural resources, and take effective environmental protection measures and technological innovation measures to improve related problems.

(2) The development form of red natural resources is single and the diverse values have not been fully explored

At present, there are some problems in the development and utilization of red natural resources, such as single form, unreasonable planning leading to waste of resources, and inability to meet the diverse needs of visitors. In most areas, the development and utilization only stay on the surface, without in-depth excavation of its resource connotation and deep-seated significance, without comprehensive and holistic development, resulting in inadequate transformation of comprehensive value. ^[11]For example, in the development of tourism by exploiting red natural resources, the homogeneity of tourism activities and tourism products is serious, and the economic value has not been fully realized. The development models of war sites, old sites, memorials and other areas is uniform, and their historical value has not been fully realized; The cultural connotation of red natural resources is not deeply excavated, the integration of regional characteristic culture and resource development is not deep, the performance of regional characteristic culture is not obvious, and the cultural value is not fully realized. Through the EOD model, innovative development of red natural resources can be supported ensuring minimal environmental impact in the development process. Before development, conduct comprehensive environmental impact assessment to understand the possible impact of development activities on red natural resources and surrounding environment, so as to formulate reasonable protection and development measures; establish environmental monitoring and management mechanisms, to ensure that development activities comply with environmental regulations and standards.

(3) Lack of funds for the protection of red natural resources

The protection of red natural resources needs a large amount of funding, but insufficient local funding occurs from time to time, which can make the protection of red natural resources inadequate and affect the development and utilization of resources. ^[13]For example, the cave dwelling group of the 18th Army in Ganzi County is the only large-scale concentrated ruins left by the 18th Army when they entered Tibet that year. Built in 1951, the 18th Army Cave Dwelling Group is located in Buronglang Mountain, 4 kilometers away from the county. The red relics are damaged by disasters such as wind, rain and rodent damage, and the degree of damage is severely and is still intensifying. At present, due to the large gap in protection funds and lack of professional repair personnel, there are more than 1000 existing cave dwellings, and only six or seven hundred cave dwellings are completely preserved. ^[14]In this case, EOD model can promote the cooperation between the government and social capital, and jointly protect and develop red natural resources. The government can provide policy support and regulatory measures, while the participation of social capital can give full play to its expertise and management capabilities to protect and develop red natural resources. In addition, an ecological compensation mechanism can be established to obtain financial support.

4.2 Legal causes of difficulties in the protection and development of red natural Resources

The difficulties of the protection and development of red natural resources in China are the result of multiple factors working together, but legal factors can not be ignored. Legal factors not only directly affect the effectiveness of protecting and developing the value of red natural resources, but also indirectly affect the effectiveness of protecting and developing red natural resources by acting on other factors.

(1) The integration of green development concept into policy formulation and legislation is relatively deficient

In the process of policy formulation and legislation, conflicts of interest among various stakeholders often bring difficulties and resistance to the integration of the concept of green development at the policy and legal levels. Specific groups or industries may hold opposing or obstructing attitudes towards policies and laws that promote green development, because these policies and laws may require them to sacrifice or adjust their own interests. This conflict of interest restricts the implementation of the concept of green development at the policy and legal levels.

In addition, the contradiction between environmental protection and economic growth is often faced in the process of policy formulation and legislation. Some policies tend to pursue economic development while ignoring the importance of environmental protection. In practice, local governments often regard GDP and economic development as their primary objectives, while environmental protection departments take the prevention of environmental pollution and destruction as their main objectives.^[15]In this case, in order to ensure the stability of local economic development, local governments tend to give priority to protecting the development of enterprises, and enterprises tend to maximize profits in the first place, which has led to some enterprises sacrificing the environment for their own development and limiting the practical application and promotion of the concept of green development at the policy and legal levels. The existence of this conflict of interest and contradiction makes the concept of green development encounter certain obstacles in the process of policy formulation and legislation.

(2) The current legislative status related to red natural resources is relatively low and the legal norm system is not sound

At present, there is a certain gap in the legal system of red natural resources protection in China, and there is a lack of specialized and unified legislative norms for the protection and development of red natural resources. At the level of national legislation, there are no relevant specialized laws and regulations to improve the protection and development of red natural resources.^[16]This makes it difficult to coordinate the protection and development of red natural resources at the legal level. In the absence of specialized laws, the protection and development of red natural resources can only refer to the provisions of different relevant laws and regulations. Although provinces and cities have successively formulated regulations on the protection and inheritance of red resources with local characteristics to protect local red resources in a targeted manner. However, these local laws and regulations do not explicitly mention the concept of red natural resources, and mainly focus on the protection and inheritance of red resources, focus on the transformation and realization of economic, political, cultural and social values, while ignoring the realization of the ecological value of red resources as a natural resource. In addition, most of provisions only have principled nature and lack of specific and feasible implementation measures. Therefore, current legal framework needs to be further improved in the protection of red natural resources.^[17]For example, although the "system of protecting responsible persons" has been generally established in various laws and regulations, the provisions are extremely vague, and there are no further provisions on specific responsible persons and their detailed responsibilities.

(3) Unclear division of departmental responsibilities and imperfect regional coordination mechanism

The protection and development of red natural resources involves the work responsibilities of many departments, involves many regions, covers a wide range, and requires cross-regional and cross-regional cooperation. At present, the laws and local regulations related to red resources do not clearly stipulate the competent authorities, and there is a lack of unified planning and guiding principles. The unclear division of management responsibilities, insufficient information sharing and resource integration of red natural resources in various departments may lead to repeated development or waste of resources, resulting in conflicts and contradictions in the process of development and utilization.^[18]For example, the site of the Pingxingguan Campaign spans across Fanshi and Lingqiu counties, belonging to Xinzhou and Datong. Although local governments have put forward the idea of joint development of red natural resources, the implementation is not in place. Many non-governmental organizations, such as tourism alliances, actively cooperate, but they mainly pursue economic benefits and focus

on marketing and promotion. The management of red natural resources is scattered among various departments in different provinces, involving veteran affairs, housing and urban and rural construction, civil affairs, education, culture, tourism, cultural relics and other departments, which will inevitably lead to difficulties in joint development. Because the responsibility of supervision is not clear, rights and obligations between administrative entities are naturally difficult to distinguish, and in practice, when interests are involved, each entity compete for management and face responsibility, and the entities shift blame to each other, which leads to problems such as repeated law enforcement and law enforcement vacuum in the protection of red natural resources, thus affecting the protection and development effectiveness of red natural resources, and even damaging red natural resources.^[19] Moreover, the ambiguity of departmental responsibilities will directly affect the determination of liability for damage to red natural resources, and the divergence of responsibilities will also hinder regional coordinated legislation, regional coordinated protection and utilization, and even national legislation.^[20]

(4) Poor operation effect of public participation mechanism

Public participation in eco-environmental protection refers to the voluntary participation of citizens, legal persons and other organizations in environmental legislation, law enforcement, justice, law-abiding and other activities related to environmental development, utilization, protection and improvement.^[21] However, at present, due to the inadequate information disclosure, the actual operation effect of public participation mechanism for the protection and development of red natural resources is relatively poor, which fails to fully mobilize the initiative and enthusiasm of the public to participate in the protection of red natural resources and highlight the conscious protection and endogenous protection of red natural resources.^[22]

On the one hand, the information about red natural resources is not fully disclosed. The definition of the scope of information disclosure of red natural resources is too broad, and some local government departments tend to be opportunistic in information disclosure, only disclosing information that is beneficial to themselves, which leads to the inconsistency between published information and the public's perception, and then leads to the public's distrust of information. On the other hand, the information of disclosing red natural resources is not timely. In the process of protection and development of red natural resources, the public knows little about relevant situation in the early stage and can not get information at the first time, but when the public participation is carried out, the protection and development behaviors have been basically completed, which will make the public feel that their opinions have not been taken seriously and their enthusiasm for participation has been greatly reduced. At the same time, even if the information is fully and timely disclosed, because the environmental information contained in the information on the protection and development of red natural resources contains a large number of professional terms, some of the contents are difficult for the public to understand, if not clearly explained, it is easy to cause unnecessary misunderstanding and panic when the information is disclosed, and the expected effect of information disclosure can not be achieved.^[23]

5. CONSTRUCTION OF THE RULE OF LAW PATH FOR THE PROTECTION AND DEVELOPMENT OF RED NATURAL RESOURCES BASED ON EOD MODEL

In order to ensure the protection and development of red natural resources, firstly it's necessary to clarify the complexity of the protection and development of red natural resources, which not only involves economic development, culture and education, political guidance, but also takes into account environmental protection and ecological balance. Secondly, it's necessary to consider the interests of all parties, and make it clear that the development and protection of red natural resources is not only to meet the interests of a group, but also to balance the interests of all parties and ensure sustainable development. Finally, it should be noted that red natural resources belong to national resources, and it is necessary to establish people's awareness of resources, protect and develop them comprehensively, and prevent waste and destruction of resources.

5.1 Improve the normative system for the development and utilization of red natural resources

At present, the Ministry of Ecology and Environment only promotes the implementation of EOD projects in a pilot way, and has not yet issued detailed guidance and policy norms for EOD model, which lacks guidance for project implementation. Imperfect policies and regulations will lead to insufficient planning in the early stage of the project, inadequate implementation of risk assessment, inability to reasonably protect the interests of social capital, and form potential disputes. In the process of EOD project implementation, it is necessary to plan ahead, under the guidance of existing laws and regulations on infrastructure investment and construction, conduct in-depth research

and judgment on project risks, and ensure all parties share risks. In addition, existing local laws and regulations on red resources are messy and scattered, lacking systematicity and completeness. In order to better protect and develop red natural resources, under the guidance of the concept of sustainable development, combined with the implementation of EOD model, and based on the requirements of laws and regulations such as the "Law of the People's Republic of China on the Protection of Cultural Relics", the "Law of the People's Republic of China on Urban and Rural Planning", and the "Law of the People's Republic of China on Environmental Protection", formulate special legislation for the protection and development of red natural resources, combine the characteristics of red natural resources, to ensure the sustainable development of red natural resources. In particular, it is necessary to clarify the legal provisions on the definition, scope of protection, protection measures, development and utilization of red natural resources, define clearly the management responsibilities among different departments, ensure that relevant departments and units follow unified legal standards in the process of protection and development, and guide the active participation of the public.

5.2 Improve the supervision of red natural resources and strictly manage the access qualification of development and utilization entities

One subject and integrated implementation are the basic system requirements for the internal logic of the EOD model project. Only a unified implementation subject can guarantee the return on investment cost of ecological governance and restoration projects through the integrated implementation of industrial projects,^[24] which requires us to start with strict access management of the development and utilization of subjects and improve the supervision of red natural resources. In the "Notice on Recommending the Pilot Project of Eco-environment-oriented Development Model", it is clear that the main body of declaration and implementation in the pilot project of EOD model is the people's government of the city (county, district) and the administrative committee of the park. "Opinions of the General Office of the State Council on Encouraging and Supporting Social Capital to Participate in Ecological Protection and Restoration" stipulates that flexible and efficient working procedures should be actively explored in combination with reality, the enthusiasm of social capital to participate in ecological protection and restoration should be fully mobilized, and the main body of ecological protection and restoration should be introduced through open competition. Whether the selection method of EOD project implementation subject is in compliance with the law, whether the open competition procedure is adopted in accordance with bidding law or government procurement law and its implementation rules, these issues can not be ignored.

In order to strictly control the access qualification of the development subject, following measures can be taken: First, establish detailed access standards, clarify the conditions and requirements for participating in EOD model projects, including relevant project experience, technical ability, financial status and other requirements, to ensure that only those who meet certain conditions can participate in. Secondly, the government should strictly carry out qualification audit, and set up a specialized audit agency or committee to examine the qualifications of applicants. Audit agencies should be independent and professional, ensure fair and transparent audit procedures, and conduct strict audits according to access standards. The audit results should be published in a timely manner so that relevant parties can understand the audit results. Finally, we should strengthen the supervision and punishment mechanism, and regularly inspect and evaluate the subjects after access to ensure that they still meet the access conditions. Those who violate access conditions or fail to fulfill their project responsibilities shall be punished according to law and disqualified from participation.

In the process of protecting and developing red natural resources based on EOD model, qualified subjects can have the corresponding ability of resource management and protection, which provides a solid foundation for sustainable utilization and protection of resources. Through assessment, planning, monitoring and management of resources, appropriate protection and development measures are formulated to prevent and reduce resource loss and environmental damage. Coordinate with other partners, make joint efforts for resource protection, establish cooperative relations and communication mechanisms, draw on the wisdom of the masses, and form a multi-party participation and co-governance model for resource management.

5.3 Establishing franchise rights for projects related to the development and utilization of red natural resources

Many of red natural resources development projects based on EOD model involve franchise matters, such as water supply, sewage, garbage treatment and other public infrastructure operation rights, which involve the government's transfer of franchise rights for a certain period of time. The acquisition of franchise rights is based on

the market mechanism of "who repairs, who benefits" and through the procedures of compliance with the law. At present, the main mode of operation is to package as a whole, select social capital party through legal and compliant bidding procedures, and clearly incorporate projects involving franchise into overall bidding scope of the project. In this process, it is necessary to pay attention to the legality and compliance of the implementation subject or the franchise of the ecological protection and restoration subject, so as to ensure that the EOD implementation subject is selected through competitive procedures in accordance with the law. Secondly, the franchise of new projects within the scope of implementation should be publicized in the tender documents at the same time, indicating that the main body of ecological protection and restoration will enjoy the franchise of new projects in the future, so that the franchise within the scope of the project has the legal effect of "publicity". Based on this, we can protect and develop red natural resources more efficiently, especially the main body of implementation can adopt more effective management and development strategies to improve the efficiency and effectiveness of resource utilization. They can introduce advanced technology and management mode according to market demand and technological progress to improve the efficiency of resource development and environmental sustainability.

5.4 Strengthen policy and legal incentives and absorb the participation of social capital

PPP model is a long-term cooperative relationship between government departments and social capital in the field of infrastructure and public services. By signing contracts to clarify the rights and obligations of both parties, a cooperative partnership is formed. It has the advantages of promoting the participation of diversified investors, alleviating the financial pressure of the government, rationally allocating risks, and improving the efficiency of market-oriented operation of projects, which is conducive to the establishment of a community relationship of "benefit sharing, risk sharing and full cooperation" between the government and social subjects.^[25] In the red natural resources development projects based on EOD model, PPP model has certain feasibility and advantages. PPP model can absorb financial support, reduce the financial burden of the government, make up for the shortage of funds to the greatest extent, and diversified sources of funds can improve the availability and flexibility of project funds. Under the PPP mode, the government and social subjects share the risks and responsibilities of red natural resources development projects, which can improve the execution efficiency and quality of project implementation. At the same time, social subjects can flexibly adjust the design, operation mode and investment scale of projects according to market feedback and economic benefits, so as to adapt to market changes and demand changes. This flexibility can improve the adaptability and sustainability of projects. The participation of social subjects can improve the efficiency of protecting and developing red natural resources, achieve the balance among economic growth, social development and environmental protection, and realize the comprehensive value of red resources. The main body of society can meet current demand, reduce the damage to natural environment and maintain ecological balance through rational planning and management of red natural resources.^[26]

6. CONCLUSION

Red natural resources are an important carrier of red culture and the crystallization of practical wisdom of the Communist Party of China and the people. The essence of protecting and developing red natural resources in the new era is to activate the red history, carry forward the red culture and inherit the red gene in an effective way, so as to strengthen the ideals and beliefs of the whole society and enhance cultural self-confidence. As a comprehensive resource with multiple values, red natural resources are an important part of resource protection and development in various provinces and cities. Based on EOD model, actively exploring the development form of red natural resources can provide new ideas for optimization and adjustment of local industrial structure, promote economic development of surrounding areas, meet spiritual needs of the people, and realize the ecological value. By establishing a sound mechanism for the protection and development of red natural resources based on the EOD model through the rule of law path, on the one hand, the law should provide institutional support for the protection and development of red natural resources, forming a legal system with clear boundaries and strong guarantees. On the other hand, the law should also provide assistance for the protection and development of red natural resources, ultimately forming an integrated legal security system.

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