

Natural Resources Property Rights System

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Abstract:

Natural resources property right system reform is the focus of the perfect property right system of natural resources. Should stick to the clear ownership of natural resources as a perfect natural resources property right system, save the premise of property rights and power. Give the ownership of natural resources and use the full power, seek profits from and dispose of rights granted as the key point, clearly defines the boundaries of the right to use natural resources at the same time, maintain long-term stability, the use of natural resources and pay attention to the cohesion between property rights issue.

Keywords: Natural resources, Property rights system, Ownership, Right to use.

I. INTRODUCTION

The idea of the natural resource asset system can be traced back to the 1670s. "Labor is the father of wealth and land is the mother of wealth" [1], which is the earliest germination of the resource theory of value. There are many kinds of natural resources, strong correlation of regional distribution, interlacing of different types of resources, and insufficient attention to the construction of the property right system of natural resources, so there are some difficulties in reforming and perfecting the property right system [1]. Different types of natural resources have different attributes and characteristics, and as natural resources, land resources and mineral, water, forest, grassland, sea island, both inseparable relationship between the wetland resources, there are also differences between the two, how to treat natural resources as a whole to promote and classification, formation of natural resources property rights system is very important to the establishment of the natural resources property rights system.

II. THE CURRENT SITUATION OF THE PROPERTY RIGHT SYSTEM OF NATURAL RESOURCE ASSETS

The property right system of natural resources assets refers to the general term of the various rights owned by the subject of the legal property right of natural resources, which is the sum of the rights of ownership, possession, disposition and income of natural resources. It is different from the United States. In terms of operational rules of the United States, the rights of

natural resources mainly include two kinds of rights: "access right" and "collection right". "Entry right" refers to the right to enter the real assets; "Right of collection" refers to the right to obtain products from natural resources, such as fishing or water Allocation of sources. If the fishermen have access, they gain access authorization of resource fisheries. The rule of law says that fishermen can make specific claims for that right. For example, the law requires fishermen to live in legal areas and buy permits to fish in them can pass. In addition, by drawing lots, fishermen are arranged in different fishing spots. [2] The arrangement of fishing sites is to grant fishermen the right to harvest in specific waters, and such rights belong to the operational level. According to the current law of our country, the content of the property right of natural resource assets mainly includes three types: ownership, right of use and other rights [3].

2.1 Status of Ownership System of Natural Resources

The ownership of natural resources involves the question of who owns the natural resources. In this regard, China's Constitution, civil Code and other relevant laws have clearly stipulated that the ownership of natural resources belongs to the state and the collective. Therefore, China has basically determined the ownership system of national and collective ownership of natural resources, and the ownership of natural resources can not be transferred. The Constitution clearly stipulates seven types of natural resources, namely mineral deposits, water flows, forests, mountains, grasslands, unreclaimed land and beaches. On this basis, the Civil Code also clarifies the ownership of land, sea areas, uninhabited islands and wild animals and plants. Among them, water, mineral deposits, sea areas and uninhabited islands are all owned by the State; Land, forests, mountains, grasslands, unreclaimed land and beaches shall be owned by the state and by collectives; Wildlife, according to the Civil Code, "the wildlife resources that are legally owned by the state shall be owned by the State." According to this article, it is transferred to article 3 of the Wildlife Protection Law, "Wildlife resources shall be owned by the State." The "Regulations on the Protection of Wild Plants" does not stipulate the issue of ownership, so the wild animal resources are all owned by the state, while the wild plant resources are not all owned by the state. Many countries are very strict about wildlife protection [4].

2.2 The Current Situation of Natural Resource use Right System

Some scholars believe that the right to use natural resources includes two meanings: the right to use natural resources enjoyed by the owner, and the right to use natural resources enjoyed by civil subjects other than the owner of natural resources. In terms of the actual use of natural resources in China, civil subjects other than the owners of natural resources are the direct users of natural resources. In order to realize the exploitation and utilization of natural resources, the owner of natural resources establishes other property right on his ownership and transfers his rights and abilities of the possession, use and income of natural resources to other civil subjects. Therefore, the "right of use" in this project only refers to the right of occupation, use and usufruct of natural resources by civil subjects other than the owner of natural resources.

2.3 Natural Resources Make Other Ownership System Current

The current property right system of natural resources in China is divided by different types of natural resources, with the ownership, right of use and other rights as the main types of property rights. His right mainly includes mortgage right, lease right, easement right, air right, underground right, farming right, leasehold and other rights in the broad sense of the right of use. TABLE I.

TABLE I. Structure of property rights of natural resource assets

Property type Resource	Ownership	Right to use		Other rights	
land resource		Land contract management right		Mortgage, leaseholdEasement, air right, underground right, farming right and lease right	
		Construction land use right			
		Right to the use of curtilage			
Grassland resources	State ownership	Right to use state owned grassland		mortgage	
		Grassland contract management right (state owned and collective)	Forage planting right		
			Animal husbandry right		
			Utilization right of grassland biological resources		
		Collective ownership	Use right of grassland ecological function		
			Grassland landscape right		
			Grassland ecological management and protection right		

			The right of grassland for construction	
			Mining right of grassland mineral resources	
			Right to temporarily occupy grassland	Forage planting right
				Animal husbandry right
Wetland resources			Wetland contract management right	Wetland franchise: Exploration right, mining right, collection right, water drawing right, fishing right and breeding right
Forest resources	Forest property right		Forest use right	Ecotourism, landscape development Management and development of Forest Park
	Woodland property right		Forest land use right	Disposal right and income right
	Wood property right	Unit ownership and individual ownership	Forest use right	Disposal right, income right, mortgage right, gift right and lease right
Water resource			Personal right to use	The right of water intake, breeding, navigation, fishing,
			Right to use the unit	

	State ownership	Rural collective right to use		water energy utilization and sand mining
Mineral resources		mining right	Exploration right	Mortgage right and lease right
			Mining rights	
Marine resources	The right to use the sea area of aquaculture		Mortgage right and lease right	
	The right to use the sea area of fishing			
	The right to use the sea area of construction	The right to use the sea area of submarine engineering		
		Port sea area use right		
		Right to use offshore oil and gas exploration		
		Sea use right for transportation		
		Right to use marine mineral exploration		
	Contract management right			
Sea use right of sewage dumping				

III. THE MAIN PROBLEMS OF PROPERTY RIGHT SYSTEM OF NATURAL RESOURCES ASSETS

In recent years as the development and utilization of natural resources in the process of disorderly development and utilization as well as all kinds of severe environmental problems, as well as the related law is not sound reasons, caused part of the natural resource rights system

incomplete, imperfect and power, made in the development and utilization of natural resources and the protection of many problems in the process.

3.1 The Property Right System of Natural Resources Assets to adjust the Lack of Overall Design

Because there is no comprehensive natural resources legislation in our country, but by the special law of natural resources property right to the legal system of natural resources.

The single-line method in the adjustment object and scope there are a lot of cross, legislation not only cause the waste of resources, and these laws are conflicting situation, on the effectiveness level is confusion.

Because the natural resource property right adjustment without the overall concept, not in accordance with the standards of clarity to design rights.

Although has the property law and the latest "civil code" has been gradually aware of the use of natural resources and his item, but it didn't make a breakthrough.

Therefore, for the adjustment of the natural resources property rights should form a complete system, including the ownership of the natural resources system, system of the right to the use and he a right system.

3.2 Owner does not reach the Designated Position, Natural Resources Conservation is not Strict

On behalf of our country all natural resources assets ownership, lack of a clear legal provisions for a long period of time, although in principle stipulated ownership by the agency of the State Council, the State Council in 2018 institutional reform, the form of natural resources, utilization and protection of natural resources in regulation, establish spatial planning system and supervise the implementation of universal for all kinds of natural resources asset owners responsibilities, unified investigation and approval to register, build system of paid use of natural resources, is responsible for the management of surveying and mapping and geologic exploration industry, etc.

But exactly how the agent is not clear that the owner's equity is not implemented.

Because the owner does not reach the designated position, driven by economic interests, natural resource management in the development, protection and resources protection system to carry out the general does not reach the designated position, the resources use extensive phenomenon is common in some areas, lead to the natural ecological environment seriously damaged.

3.3 Rights Overlap, the Absence of Omission leads to the Right to use Natural Resources System and Imperfect Power

Because the past is our long-term natural resources department management, kinds of legislation, thus produce the problem such as rights overlap, lack of omission, cause incomplete right system of natural resources, the use of power is incomplete.

Different criteria for classification, which brings the problems such as conflict of laws, rights overlap, such as right of mudflat aquaculture waters and conflict, the right to use sea

areas of the right to the contracted management of land, water and ground water, geothermal water, mineral water of mining right of conflict, etc.

Some of the natural resources access rights overlap, such as fishery rights and water rights, the right to use sea areas, between water right and mining right between (mineral water), etc.

IV. PERFECT PROPERTY RIGHT SYSTEM OF NATURAL RESOURCES ASSETS OWNERSHIP OF THE POWER SYSTEM

Remote sensing technology is a technology that collects electromagnetic radiation information of ground objects from artificial satellites, aircraft or other aircraft, and identifies the earth's environment and resources. Unmanned aerial vehicles first appeared in the United States, early used in the military field, and later gradually used in war, reconnaissance and civilian. UAV remote sensing is an unmanned aerial vehicle, which is composed of radio remote control equipment and airborne computer system. It does not directly contact with the target ground objects. It has the advantages of simple structure, flexibility, fast speed and high data accuracy. Unmanned aerial vehicle (UAV) remote sensing technology is used to capture the data of mountain and its surrounding terrain, and to collect data, so as to divide the mountain. At the same time, remote sensing technology can update and modify the environmental information of mountain body in time and provide technical support for the relevant management departments of mountain body, find the exact location and orientation of mountain body damage in time, and implement timely monitoring and law enforcement basis.

4.1 The Realization of the Natural Resources Assets Ownership Rights

The multiple attributes of natural resources, decided to exercise the state ownership of natural resources also want to distinguish between different situations. At the same time, under the condition of market economy, to make the state ownership of natural resources in the economy really realize its value, must implement the separation of state ownership and use right of natural resources.

On the public law, the constitution of the state ownership of both the foreign national sovereignty properties, more internal economic characteristics. At the same time, countries in the exercise of the ownership of natural resources, also have to protect public interests power connotation of natural resources.

In this process, the country through executing management public natural resources assets, not for their own "self-interest", its goal is to achieve on natural resources equalization of public service [5].

At this point, the natural resources in the administrative management is the important way to realize the state ownership of natural resources. As natural resources on private law, the state ownership, enjoy the ownership of natural resources to possess, utilize, profit from and dispose of four power, its implementation including administration, economy, technology and a variety of means and measures.

4.2 A Variety of Effective Realization Forms of the Collective Ownership of Natural

Resources

The collective ownership of natural resources concentrated reflection on the collective land ownership. The realization of collective land ownership is mainly embodied in the following Settings: right FaBaoQuan, contracting out the collective land in accordance with the law, no organization or individual may illegally interfere.

Cumulative, due to the serious damage to natural disasters and other special circumstances to adjust the contracted in accordance with the law.

Supervision, including the contracting farmers contracted land and operators to use to supervise, and to take measures to prevent and correct long-term pastureland, damage to land, illegal behavior such as change of land use;

People move into the city and the circulation right to contract for management of the cases, the supervision over the use of land, protect land resources for agriculture, maintain collective land rights and interests in accordance with the law of land management rights transfer.

Consent, contracted farmers transfer of the right to contract land, shall be carried out within the collective economic organizations, and with the approval of the farmers.

V. IMPROVE THE POWER SYSTEM OF THE RIGHT TO THE USE OF NATURAL RESOURCES

Natural resources property rights in both the power system of power of moderate development, is the focus of the natural resource property right system reform.

5.1 Moderately expand the Land Resource Property of Power

Property rights of land resources is general power to possess, utilize, seek profits from and dispose of power [6];

Further specific to rural contracted land resources, land and construction land resources, is also should be moderately expand its power, specific include:

Path is on the premise of ecological holism, in view of the land resources, water resources, mineral resources, forest and sea island resources such as the typical natural resources on the basis of the property right and power to expand the use of power system.

To carry out the contract land ownership, contract right, right "separation division", to carry out the management of mortgage, to buy into.

A. appropriate interpretation of the basic rights of the right to contract land contract right is to have the collective membership (contract) farmers to contract land in accordance with the law shall have the right to possess, use and benefit, is A member.

The connotation of the right to the contracted management of land, should include the following content:

- (1) The possession, use, earnings;
- (2) The alienating, exchanging, rent (subcontracting), and obtain a shareholder or otherwise transfer the contracted land usufruct;
- (3) The mortgage;

- (4) Exit right;
- (5) Protect the right of contracted land subsidy;
- (6) To impose compensation right and social security, etc.

B. optimization configuration optimization of land management of the land refers to the relatively concentrated land use, not only to improve land use efficiency, the more obvious increase farmer labor productivity, to improve agricultural efficiency and competitiveness.

Optimization of land management rights include:

- (1) Autonomy and usufruct;
- (2) "With the approval of the contracting farmers, may, in accordance with the law and meliorate soil, improve soil fertility, according to regulation construction, accessory, supporting facilities for agricultural production, and in accordance with the transfer contract to get reasonable compensation" "after the transfer contract shall, in accordance with the same conditions preferential land lease contract";
- (3) "Written consent from contracting farmers or its entrusted agent" to land circulation management of mortgages or in accordance with the rules in accordance with the law ";
- (4) "The circulation of land expropriation, compensation for ground attachments and green crops on the ground should be in accordance with the agreement on the transfer contract determine its ownership".

5.2 To explore the Land Ownership, Qualification, Right of use of "Division" And Separation of the Ownership of the Land, Qualification, Right of use is Mainly done Respectively "Approval" and "Right" and "Turn Right"

Mainly from the following several aspects: clear the ownership of land, mainly is to clear the main body, a clear "legal entity", give disciplinary power, strengthening the supervision and management.

Guarantee qualification of homestead farmers rights, perfect the qualification by way of "person area" rights and exit mechanism.

Moderate allowing flexibility homestead and farmers housing rights, the transfer of perfect, the balance index of cross to regulate, diversification of market safeguard mechanism.

5.3 Advance to the Earth, the Earth's Surface and Underground Consisted of Right to use Construction Land

To promote the rational use of space perfect construction land use right transfer, lease or mortgage secondary market, establish and improve the clarity of property rights, market pricing, information gathering, and transaction security of land in the secondary market.

Summing up the experience of three-dimensional development and utilization of state-owned construction land, the study on the earth, the earth's surface and underground layer set up the specific measures for the land use right.

Building underground and conflict resolution mechanism of the right to use construction land on the ground.

5.4 Moderately expand Water Property of Power

According to the principle of separation of ownership and use right, and the economic attributes of different water way, social benefit and influence on water resources and ecological environment, classification to explore all kinds of water rights system configuration of rights and property rights management goal, means and management institutions.

Improve the water rights, moderately expand the transfer, lease, such as power.

To explore a variety of water right transaction forms: improve water licensing system, confirm the water intake of water rights, promote the industry, water for water rights trading;

Total volume control targets on water and river water distribution, promote the regional, watershed, watershed between upstream and downstream area of water right transaction;

Clear water rights and interests of the irrigation water users, promoting the internal water or water and irrigation water to water rights trading between organizations.

5.5 Perfect the Mineral Resources Property Rights Power

Rights and interests of mineral exploration right and mining right, relationship between each other, the right of exploration and of mining property right relations is very difficult to clear segmentation and the joining together of two rights can be more clear more fully reflect the asset value of the mining right person, also facilitate mining right person overall planning, reasonable arrangement of production and construction of exploration and development.

Shall practice a system of oil and gas exploration with unity, after the exploration and has a certain degree of progress directly into the production process, not only can reduce the costs, also increased the exploration to the speed of production.

And also to prevent the transfer of mining right when facing the mineral exploration right after layers of examination and approval, get rid of the agent to turn by the inefficient when dealing with difficulties.

It will also attract more investors into the field of oil and gas development, so as to improve development efficiency.

On the basis of the separation of ownership and use right of mineral resources, clear exploration right or mining right of owners, managers and users of the rights and obligations relations, improve the mineral exploration right and mining right transfer, mortgage, such as investment (investment) of power.

To further regulate the circulation of mining right obtained and, standardize the mining right market operation.

5.6 Moderately expand Forest Resources Property Right of Power

Shall practice a system of classified forest management, forest can be divided into public welfare forest and analyzing, public welfare forest strict protection, we discuss the forestry operators operate independently in accordance with the law.

Make two types of forest respectively exert its dominant function, good on the whole implementation and play well the various functions of the forest.

Has an obligation to protect forest resources, forestry operators have gain economic benefits from forest resources management rights.

The multi-channel development of forest resources management comprehensively promote the reform of state-owned forest farms, on the premise of maintaining ecosystem integrity, stability, the introduction of social capital to participate in the development of state-owned forest farm ecological economical project.

Encourage social capital through contracting, leasing, and other ways, to participate in the state-owned forest farm industry development of forest tourism, and other characteristics.

Encourage and guide the farmers to sub-contract, lease, forest management, forest ownership stake in ways such as circulation, foster professional cooperatives, family forest farm, forestry stock cooperation forest farms and other new forestry management main body, the development forestry moderate scale management.

Encourage social capital and the cooperation of forest management, guide the leading enterprises of forestry, state-owned forest farm, new forestry management main body pattern, such as stock cooperation, hosting and establish close benefit coupling mechanism of forest, let share of forest industry chain value-added benefits.

5.7 Moderately Expand Sea and Island Resources Property of Power

Change "complanation" management idea, to explore the three-dimensional layered set right of the right to use sea areas to solve the sea area resource scarcity, different industrial sea growing problems such as effective means.

Three-dimensional layered set a right to the right to use sea waters stereo space stratified and distribution as the key point, first of all, according to maritime space stereo properties, divides into the space near the surface, above the water, water, seabed and subsoil of five parts.

Secondly, according to the requirements of activities with the sea, the sea waters subject to take up the space is divided into main space, enclosed space and the maintenance space.

Finally, based on the principle of "exclusive space", and considering the waters spatial continuity, safety activities, the landscape with the sea and Marine environmental factors such as quality, use of different activities with the sea waters, the feasibility of discrimination and analysis.

IV. CONCLUSION

Ecological holism thought aroused our attaches great importance to the improvement of ecological environment and ecological system, to develop the natural resources of economic value of natural resources as the core property right system, build in order to protect the natural resources of ecological value as the core of natural resources, system of public trust rights realize the internal system of ownership and use right system of natural resource rights of harmonious and unified, is the fundamental requirement of social and economic development. Natural resources property right system reform is both a theory problem, is also a realistic problem, also always dynamic, and its establishing and perfecting the needs a gradual process.

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