

# Class 4 The Ownership of Nature Objects and Natural Resources

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# Class 4 The Ownership of Nature Objects and Natural Resources

1. Concept and general characteristics of ownership of nature objects.
2. Types of ownership of natural objects. State ownership. Private ownership. Municipal ownership.
3. Grounds for the emergence and termination of the right of private ownership of natural resources

# 1. Concept and general characteristics of ownership of nature objects

Natural resources may be the objects of various transactions.

But the legal regime of nature should be special.

## **Questions:**

Who should own nature, its resources?

Who can better manage them?

To what extent can anyone meet the needs, when nature is in the ownership of other subjects?

As our right must be balanced against the right of property of the state or municipality on natural resources?

# Concept of natural resources as a public good

- **The main idea** "Nature and its resources are the national heritage of the peoples of Russia, the natural basis for sustainable socio-economic development and human well-being“.
- **What kind of natural resources** and to what extent are considered public domain?
- **Land and other natural resources** may be in private, state, municipal and other forms of property (Article 9 of the Constitution). Land can be used only with regard to the public environmental interest.
- Other natural resources (mineral resources, wildlife, water bodies, forests and protected areas) are mainly in the public domain. So mostly inappropriate to impose private property of them.
- **Atmospheric air is not anyone's property**, but the state and other entities are required to take care of his condition.

# Ownership of natural resources in legal aspect:

- 1) **as a legal institution** - the set of legal rules governing the relations of ownership of natural resources (ownership in the objective sense),
- 2) **as a set of the owner powers** of possession, use and disposal of land, water, forests and other objects of property.

# Ownership of natural resources in legal aspect:

**The owner has the right** to own, use and disposal of natural resources at his own discretion and at the same time **the duty** to ensure the rational use of natural resources, their reproduction and protection of the environment.

**The owners of natural resources:** people, organizations, Russian, Russian regions and municipalities.

## 2. Types of ownership of natural objects. State ownership. Private ownership. Municipal ownership.

### State ownership

It is believed that the state can most effectively manage natural resources in the public domain.

It has a **system of organs** - the legislative, executive and judicial, which in the public interest:

- 1) determine the legal regime of natural resources,
- 2) manage them with consideration for the universal right to a healthy environment,
- 3) control of their use,
- 4) ensure the ecological order, including by means of coercive power.

## State ownership

**State ownership** of natural resources is the **dominant** among the other forms of ownership.

Currently, **the state ownership is set to land, water, subsoil forests, wildlife and other objects.**

**Forest lands** are in federal ownership. **Forest lands** include forest land (land covered with forest vegetation and not covered by it, but intended for her recovery - cutting, burning, sparse forests, glades, etc.) and intended for forestry non-forest land (cuttings, roads, wetlands and other ).



# State ownership

**Subsoil** in Russia's borders, including the underground space and contained minerals, energy and other resources are **state ownership**.

Natural resources of the **territorial waters, continental shelf and exclusive economic zone** of the Russian Federation are exclusively federal **ownership**.

# State ownership

All land that is not owned by individuals, organizations or municipalities are **state ownership**.

## **Federal land plots:**

- for the needs of the Armed Forces, other troops, military formations and bodies;
- specially protected natural territories of federal significance;
- occupied by buildings, structures and facilities owned by the Russian Federation;
- provided by the state authorities of the Russian Federation, their territorial bodies, as well as public enterprises, state unitary enterprises or non-profit organizations;
- acquired by the state on the civil law grounds (buying, receiving as a gift, inheritance, etc.)
- others

# The right of private ownership of natural resources

Legal regulation of private property is developed mainly in relation to land.

**Land plot** - part of the earth's surface, the boundaries of which are defined in accordance with federal laws.

You can purchase land owned by the state or municipality, except for those that can not be privately owned.

**Foreign citizens, stateless persons and foreign companies** can not own the land in the border areas and other special areas of the Russian Federation.

As a rule, the right of ownership of the land cover **surface (soil) layer and water bodies, plants, located on the plot.**

# The right of private ownership of natural resources

## **The land owner has the right to:**

- build structures and facilities in accordance with the purpose of the land and its permitted use in compliance with planning regulations, construction, environmental, sanitary, fire and other rules and regulations;
- on crops and planting crops, agricultural products and revenues from sale, except as if he pitched the use of land;
- Use all that is above and below the surface of this plot, unless otherwise is provided by law and does not violate the rights of others;
- conduct irrigation, drainage, and other reclamation work (it should not degrade the environment, violate the stable functioning of natural ecological systems);
- build ponds and other closed water bodies.

# The right of private ownership of natural resources

**Subsoil** do not apply to the land plot. However, the owner can develop common mineral resources (sand, clay, peat, etc.) and construct some underground structures, if they are made for personal needs and the depth of no more than 5 meters.

It is allowed to construct and operate household wells and boreholes in the first aquifer, which is not a source of centralized water supply.

Mined from the depths minerals and other resources may be in any form of property under the terms of the license.

# The right of private ownership of natural resources

Private property may be mounted on a **pond**, **flooded pit** located in the boundaries of the land, owned by individuals and organizations.

In fact laws prohibit the transfer of forest plots in property of regions, municipalities, private property.

# The right of municipal ownership of natural resources

The Federal Law of 06.10.2003 N131-FZ "On General Principles of Local Self-Government in the Russian Federation" establishes that municipal property includes:

- **municipal land,**
- **extracted from the depths minerals and other resources** under the terms of the license,
- **pond, flooded pit** located in the boundaries of the land, which is municipal property,
- **forests** located on lands of urban settlements, although the Forest Code does not establish a direct right of municipal ownership of forests,
- **medical and sanitary areas and local resorts.**

# The right of municipal ownership of natural resources

Local governments manage municipal property. They **have the right** to:

- transfer objects for temporary or permanent use of people and organizations,
- rent, lease,
- dispose of and make other transactions,
- identify in the agreements terms of use of objects to be privatized or transferred for use,
- to establish the terms of use of land located within the boundaries of the municipality.



### 3. Grounds for the emergence and termination of the right of private ownership of natural resources

**The Civil Code** establishes the general grounds of acquisition of ownership:

- acquisition of the **transaction** by another person (sale, exchange, donation or other transaction)
- **inheritance**,
- **reorganization** of the organization,
- **privatization**, that is transfer of natural resources which are in state or municipal property,
- others.

### 3. Grounds for the emergence and termination of the right of private ownership of natural resources

Natural resources that are in private ownership, **can be turned into state ownership** in the following cases:

- levying execution against property on liabilities;
- ransom for state needs;
- seizure the object used in violation of the law;
- transfer of the inheritance to the state;
- requisition;
- confiscation;
- nationalization
- others.



**Thank you for your attention**