

# Forest Resources Sustainability and Legalization of Property Rights in China

Ma Guangjing Shang He  
The Chinese Academy of Forestry, Wan Shou Shan, Beijing 100091, China

## 1. Introduction

Nowadays, one of the most commonly concerned problem is environment and development. Human beings have experienced a long process of struggling, especially since the industrial revolution, magnificent successes have been achieved in the field of reforming nature and developing economy. However, during the process of industrialization, the irrational exploitation and utilization of natural resources resulted in the ecological deterioration in the whole world. The blindness in burning down the forest for reclamation, the disorderly fellibby and denudation for industrialization and the horrifying waste of resources all these did a serious damage to the forest resources and that is a shameful period in the history of forest development.

To sum up the history of forest development, the model for the changing process of forest resources is basically: perfect → deforestation → protection → development. At present, each one of the countries in the world is situated at one of the stages of the changing cycle. Most of the developing countries are remaining in the deforestation period, while the developed countries have been entering the protection and development stage to a different extent. How to keep the forest resources be preserved in a good condition and prevent it from deforestation to keep a good ecological environment. This is a common goal of all the human beings in the world.

China has paid great attention and done a lot to protect the forest resources from deforestation to achieve a great success.

## 2. Legalization of property rights to prevent forest resources from deforestation

2.1. China is a less-forest country, the existing forest area accounts for 4% of the total forest area, the forest area per capita is only 0.12 ha, accounting for 11.3% of the world's average.

2.2. From 1958 to 1980, there were three forest deforestation in China, which were the disasters during the changing process of China's forest resources. According to the statistics in 1976, the forest coverage in China was only 12.7%. During these years, the consumption of forest resources was over 0.2 billion m<sup>3</sup> per year. According to the statistics of 10 provinces (or regions), from 1977 to 1980, the consumption per year was over 10 million m<sup>3</sup>, which was bigger than the growth increment of these provinces (or regions) - Take Fujian, Zhejiang, Jiangxi, Hunan and Hebei 5 provinces as an example, the forest area in 1980 decreased by 3.181 million ha than that in 1976 and the forest coverage decreased by 4%. In Xishuangbanna, Yunnan Province, the forest area in 1980 decreased by 533,000 ha. Actually, the national forest coverage in 1980 was lower than 12.7%.

2.3. Basic cause for the three forest deforestations was no perfect legal system. At that time, the property right of forest was not steady. The legalization of property right was neglected. After reviewing the history of forest development in China, we found that though the historic background was different, and there was a variety of causes, one cause was the same, i.e. the property right of forest, trees and forest land was not steady and the law couldn't effectively protect the legal benefit of the owner or user.

2.4. The promulgation and implementation of "Forest Constitution of PRC" put an end to the devastation

2.4.1. Promulgation and implementation of the "Forest Constitution". After the approval of the Seventh Session of the Standing Committee of the National People's Congress, the "Forest Constitution" was adopted and executed from Jan.1, 1985, which is a kind of forest laws and regulations protecting, developing and rationally utilizing the forest resources, and one of its basic principle is to keep the property right of the forest, trees and forestland steady.

2.4.2. How to keep the property right of forest resources steady. The third law of the "Forest Constitution" stipulates that the forest, trees and forestland belonging to state, collective or individual should be registered and checked by the government above the county level and certificate be dispatched ownership and right of the user be confirmed: the legal right and benefit of the owner and user of forest, trees and forestland are protected by the law, which can't be encroached by any organization or individual.

2.4.3. Managing the forest according to the law, which made the Chinese forest resources get rid of the deforestation and begin to enter a period of steady development. According to the statistics of the national forest inventory made in 1988, the national forest coverage increased to 12.98%, while it was 12.7% in 1976.

After that, strictly stick to the "Forest Constitution" and its various principles, great efforts have been made to protect and develop the forest resources in China. The other basic principles of the "Constitution" are: the principle of relying upon the whole people to run the forestry; the principle of that the consumption of the commercial forest should be lower than that of its increment for sustainable utilization; the principle of giving financial support to forestry and managing the forest according to the natural regularity etc. Especially, the prominent achievements obtained in the tree-planting movement in recent years, meant that China has got rid of the forest devastation, and entered into a developing and protective period. According to the investigation in 1992, China's forest coverage increased to 13.4%, while it was 12.98% in 1988.

### **3. Problems and prospect**

China is still a developing country, especially her population problem will bring a lot of difficulties to her economic development. Therefore, it's necessary to go forward and work hard for a long time to solve the common forest resources problem.

For example, there is an important work of propaganda and education to be done after the legislation. Besides, there should be appropriate punishment for violating the law and long-term supervision and education for the bureaucracy of the managerial organizations. For the development of the global sustainability of natural resources, it's necessary to strengthen and deepen the study of common property.

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