



LEGAL ANALYSIS OF PERMITS AND LICENSING SYSTEM FOR SPECIAL USE OF NATURAL RESOURCES

Allaberdiev Sardor Shuxrat ogli

Student of the Master's Degree Program in Natural
Resources Law at Tashkent State University of Law

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Relevance of the Topic. In the modern era, the issue of rational and fair use of natural resources remains one of the most pressing global problems. In developing countries, particularly in the Republic of Uzbekistan, improving the legal mechanisms for the use of natural resources is closely linked to principles of environmental safety, economic stability, and legal order. From this point of view, legal analysis of the system of special use of natural resources based on permits or licenses is of both scientific and practical importance.

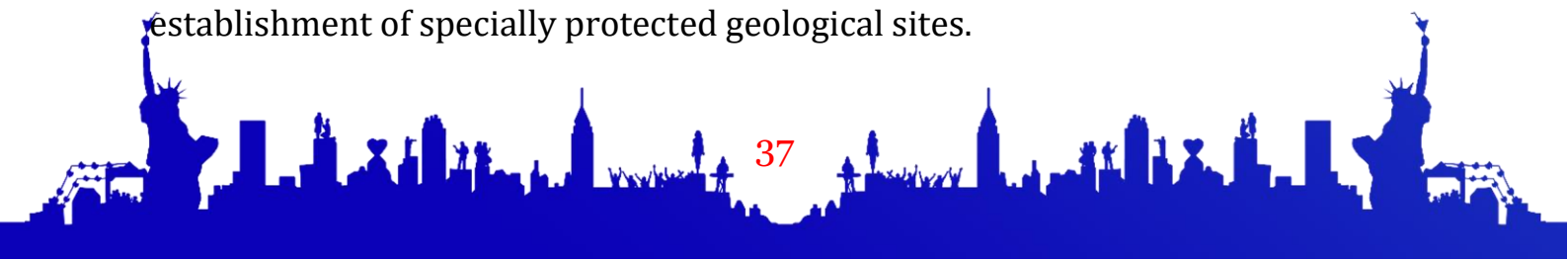
The purpose of this thesis is to analyze the legal foundations of the permit and licensing system applied in the special use of natural resources in the Republic of Uzbekistan, to compare it with international practices, and to identify current problems of the system and ways of its improvement.

In the Republic of Uzbekistan, the permit and licensing system for the special use of natural resources, as a legal mechanism, is an integral part of the state's policy to ensure environmental safety, rational use of resources, and their protection. Special use refers to the use of natural resources for a specific purpose, within a limited amount or territory, and in accordance with the procedure authorized by the state.

Permits and licenses for special use are documents issued by the state, which allow the user to utilize the natural resource within the specified period, volume, and conditions.

According to **Article 11 of the Law of the Republic of Uzbekistan "On Subsoil,"** subsoil may be provided for use either for a fixed (temporary) period or indefinitely. According to **Article 22** of the same Law, in order to ensure the development of the mineral raw material base of the Republic of Uzbekistan, long-term (for a period of more than five years), short-term (for a period from two to five years), and annual state programs are implemented at the expense of the republican budget of the Republic of Uzbekistan and attracted funds.

Furthermore, in accordance with Article 23 of this Law, subsoil plots may be provided for indefinite use for the construction and operation of underground structures not related to the extraction of mineral resources, as well as for the establishment of specially protected geological sites.





It is well known that the difference between general and special use of natural resources originates from the legal foundations of the right itself. While in the case of general use of natural resources, the law alone is sufficient as a basis for the emergence of the right, the realization of the right to special use of natural resources requires a special permit or another official state document, or a contract related to the use of natural resources. Therefore, the distinctiveness of legal criteria for general and special use of natural resources lies primarily in how these criteria are defined legally.

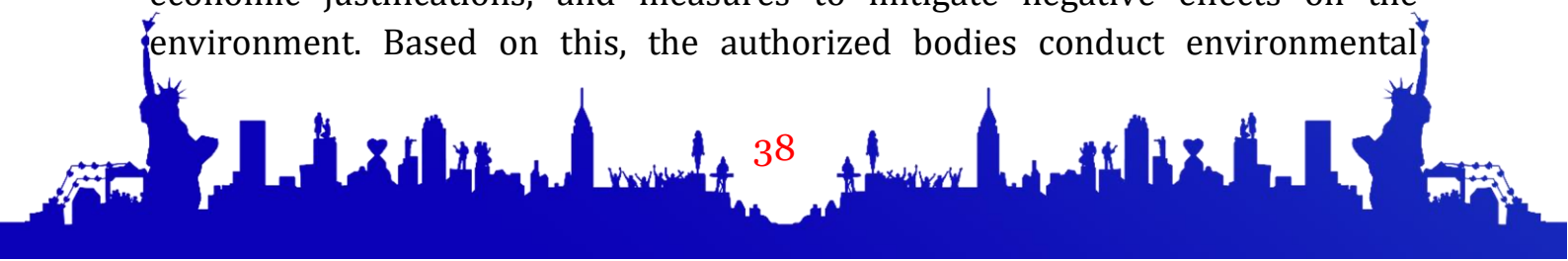
The legal criteria for rational use of natural resources under the framework of general use are reflected in the legal obligations established by law for users of natural resources. In the case of special use, the legal criteria for rational use are not only specified in the legal obligations defined by law but are also reflected in the permits (licenses) or other state documents granted for specific types of natural resource use.

The uniqueness of the legal criteria for rational general use of natural resources is characterized by the fact that the main obligation to ensure a favorable natural environment is primarily determined by the rules of natural resource use. For instance, the main rules for exercising the right to general use of forests include compliance with fire safety and sanitary regulations.

The permit and licensing system legally manifests itself in two main forms: the issuance of permits and the conduct of activities based on licenses. Permits are usually applied in the use of land, water, forest resources, and local-level ecological resources. Licenses, on the other hand, are used in more complex, economically and environmentally high-risk activities such as the extraction of mineral resources, and the industrial-scale use of underground water or oil and gas resources.

Permits are mainly issued by local authorities or specially authorized agencies, while licenses are granted only by central government bodies at the republican level, including the Ministry of Geology and Mineral Resources, the Ministry of Ecology and Climate Change, or the Ministry of Water Resources.

The process of obtaining a permit for special use consists of several stages. First, the interested party (legal or physical entity) prepares the necessary documents and submits an application to the designated authority. The documentation includes information on the type of resource intended for use, the location, duration, purpose, environmental impact assessment, technical and economic justifications, and measures to mitigate negative effects on the environment. Based on this, the authorized bodies conduct environmental





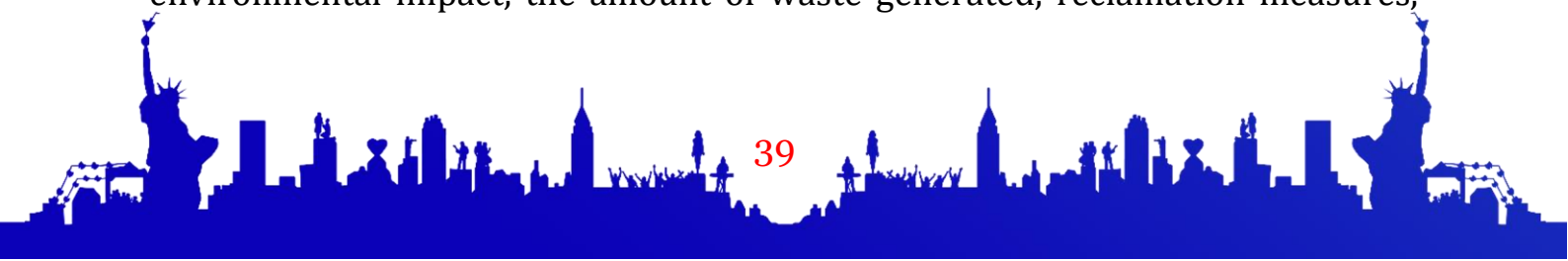
expertise, technical audits, and geological or hydrological analyses. The outcome of these expert assessments determines the feasibility, safety, and sustainability of resource use. Only on the basis of a positive conclusion is a permit or license issued.

The licensing process is more complex and may be carried out through tenders, competitions, or direct applications. The subject applying for a license must prove its economic and technical capabilities, environmental safety measures, and financial stability. The license includes the following information: the type and name of the resource, the area of use (based on coordinates), the obligations of the user, the duration of the license, procedures for environmental monitoring and reporting, tax and payment obligations, land reclamation measures, monitoring systems, and other requirements. Licenses may be temporary (for example, from 1 to 5 years) or long-term (from 10 to 25 years).

The main principles in the issuance of permits and licenses are transparency, openness, environmental safety, sustainability, and fairness. The state strives to prevent corruption, restrict irrational use of resources, and maintain ecological balance during this process. Therefore, in recent years, systems have been introduced to obtain permits electronically, allowing online applications through the **“Unified Portal of Interactive State Services.”** This system serves to reduce the time required to obtain permits, simplify document flow, and minimize unnecessary bureaucracy.

Permits and licenses may be revoked or annulled when their validity period expires or when their conditions are violated. If it is found that the holder of the permit or license has not commenced activity, has failed to meet the terms of use, has caused environmental damage, or has not complied with monitoring requirements, the authorized body may issue a warning, impose a fine, suspend the activity, or revoke the document. In particular, criminal and administrative liability is established in cases of environmental violations or illegal extraction of resources.

From a legal standpoint, effective implementation of permits and licenses requires appropriate control mechanisms. The State Environmental Inspection, the Water Inspection, the State Committee for Geology, and other competent authorities monitor the activities of operating entities through scheduled or unscheduled inspections. In addition, within the framework of the monitoring system, annual reports are required regarding the volume of resources used, environmental impact, the amount of waste generated, reclamation measures,





and other factors. Based on these reports, the activities of the permit holder are assessed.

A permit granting the right to use a subsoil plot for the extraction of mineral resources is issued by the State Commission only for mineral deposits with confirmed reserves. A permit granting the right to use a subsoil plot for the extraction of mineral resources may be issued for a specific section of a deposit if putting the deposit into operation would result in negative technical and economic indicators and would not hinder the development of other parts of the deposit. Permits granting the right to use subsoil plots may be issued for the simultaneous development of a single deposit by multiple subsoil users. If, according to the completed technical and economic calculations, joint development of deposits by a single subsoil user is considered economically viable, several permits granting the right to use subsoil plots may be issued simultaneously to one subsoil user for the development of closely located deposits.

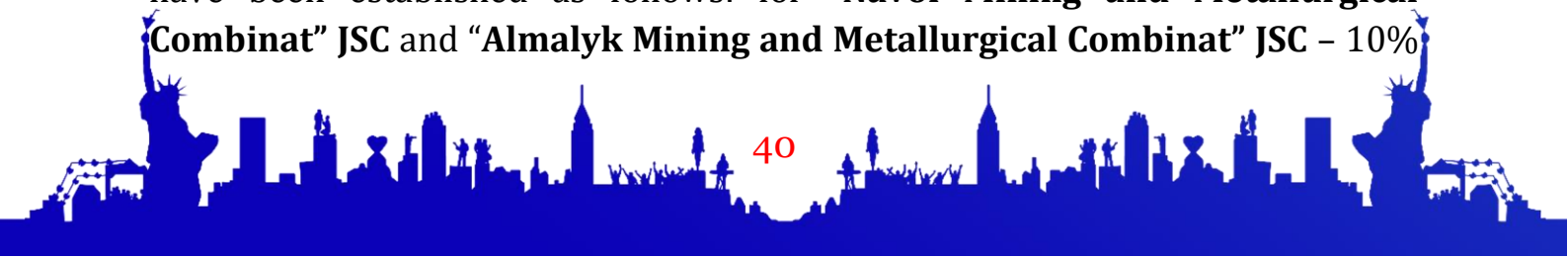
The holder of a permit granting the right to use a subsoil plot has the right to conduct geological studies related to the extraction of mineral resources within the framework of the mine allotment act issued to them, without needing an additional permit, provided that these studies are registered with the State Subsoil Use Center.

In accordance with the permit granting the right to use a subsoil plot for the extraction of mineral resources, the ownership rights to technogenic mineral formations obtained during the extraction and processing of mineral raw materials remain with the permit holder for the duration of the subsoil use. In this case, no separate permit is required for the use (processing) of such technogenic mineral formations.

Except for permits issued for the collection of precious stone raw material samples, paleontological remains, and other geologically collectible materials, permits granting the right to use subsoil plots are issued only to legal entities.

A permit granting the right to use a subsoil plot for the construction and operation of underground structures is issued only when there are positive conclusions from the State Environmental Expertise and the State Commission on the geological data related to the subsoil plot intended for use.

The use of special permits in subsoil exploitation has led to the specialization-based regulation of the tax system. For example, the tax rates have been established as follows: for **“Navoi Mining and Metallurgical Combinat” JSC** and **“Almalyk Mining and Metallurgical Combinat” JSC** – 10%





for gold, and 15% for palladium, silver, and copper; for “Navoiyuran” JSC – 16% for uranium; for “Uzbekneftegaz” JSC – 15% for oil, natural gas, and gas condensate.

Permits granted for the extraction of mineral resources may be issued for specified terms and procedures based on the following conditions: the deadline for the preparation and submission of technical and economic justifications for mineral extraction to the Subsoil Use Center; the deadline for submitting to the Subsoil Use Center the positive conclusion of the state environmental expertise issued by the Ministry of Ecology for the project application concerning environmental impact; the minimum annual expenditure commitments for mineral extraction, including the preparation of technical projects and development plans for extraction operations, the procedure and deadlines for the design and development of deposits; payment terms for the use of subsoil; conditions for the storage and processing of technogenic mineral formations; obligations related to the use of associated gas, including hydrocarbon extraction; the maximum allowable volume of industrial use of underground water; conditions under which the permit holder may transfer the subsoil use rights (in whole or in part) to another person; compliance with legislative requirements in the circulation of hydrocarbons, explosive and chemical substances, precious metals, and gemstones; and other conditions.

In conclusion, the system of permits and licensing for the special use of natural resources in the Republic of Uzbekistan is a legal mechanism that harmonizes environmental and economic interests. This system is based on the principles of conservation of resources, rational use, and the prevention of environmental damage. The process of obtaining permits and licenses is carried out in accordance with the established legal procedures, ensuring ecological safety and in a transparent and open manner. Their effective implementation contributes to environmental sustainability, economic development, and the maintenance of legal order.

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