



LEGAL BASES OF PRECIOUS METALS MINING BY GOLD DIGGERS METHOD: PRACTICES AND PROBLEMS

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Abstract: The article discusses a new sector in the field of precious stones and metals in the Republic of Uzbekistan, as well as an industry considered important from a legal perspective. Based on the research conducted within this topic, theoretical and scientific recommendations for the future development of the field are provided.

Keywords: precious stones, precious metals, subsoil use, “E-auction”, extraction of precious metals by gold prospectors, geological exploration, illegal extraction of precious metals by individuals.

INTRODUCTION

The field of trading in precious stones and metals involves geological exploration and the investigation of subsurface areas containing these valuable resources. This includes mining and production of metals and stones, as well as conducting various operations related to precious metals and stones.

Until recent years, engaging in non-industrial mining of precious metals in subsoil plots not considered objects of industrial mining in our republic was not legally possible. To address the ongoing issue of illegal mining and promote entrepreneurship, job creation, and increased welfare, efforts were made to establish legal mechanisms for non-industrial mining of precious metals, leading to improvements in existing legislation.

As a specific example, in 2018, the President of the Republic of Uzbekistan adopted the decision on November 26, PQ-4030, titled "On measures to create conditions for the implementation of mining of precious metals by the method of gold prospectors."



A significant aspect of this legal framework is the creation of a basis for the extraction of precious metals in underground sections through the method of gold prospectors. This method is considered a special type of subsoil use, conducted in subsoil plots. The law specifies the allocation of subsoil plots, including gold mines up to 5 hectares in size, for the mining of precious metals by gold prospectors.

Under this regulation, permits are issued for the right to use subsoil plots for mining of precious metals by gold prospectors. However, the total area of subsoil plots granted to one applicant should not exceed 20 hectares during the year.

Furthermore, the law includes provisions for canceling permits and limiting engagement in this activity for one year in cases of violation of established procedures, non-compliance with legal requirements, concealment of precious metals, failure to realize them within six months, or unsafe work practices resulting in serious bodily injury or potential death.

“Despite the legal foundations outlined in the legislation, practical challenges have emerged in the mining of precious metals by gold prospectors. According to statistical data published on the official website of the Senate of the Oliy Majlis of the Republic of Uzbekistan, between 2019 and 2023, permits were issued for 270 objects through "E-auction" for mining of precious metals by gold prospectors.”¹

“The studies, direct dialogues with the population, and an analysis of law enforcement practice revealed several problems and shortcomings in the field. In 2020, 34 administrative cases were initiated in connection with the illegal mining of gold and precious metals, increasing to 463 in 2021 and almost 1,500 in 2022.”²

Moreover, “the areas surrounding mines and quarries acquired by "Navoi Mining and Metallurgy Combinat" JSC, "Almalyk Mining and Metallurgy Combinat" JSC, and others have not been properly fenced off, leading to unauthorized access. After the completion of projects by the territorial expeditions of the Ministry of Mining and Geology, open pits and tailings were not properly closed, creating conditions for citizens engaged in the illegal

¹ <https://senat.uz/oz/events/post-1567>

² <https://kun.uz/news/2023/11/28/songgi-3-yilda-qariyb-30-nafar-fuqaro-oltin-qazib-olish-jarayonida-halok-boldi-senat>
www.innovativepublication.uz



extraction of precious metals in these areas. Normative-legal documents related to conducting expertise to determine the amount of precious metals in ore rocks are not available.”³

To address the situations highlighted above and eliminate the existing legal violations, as well as to develop the extraction of precious metals through the method of gold prospectors as a type of entrepreneurial activity, ensuring public safety, improving the infrastructure of the gold and jewelry production sector, the following proposals are recommended:

- First and foremost, develop and implement the relevant organizational "Roadmap" by competent, responsible organizations to address the identified shortcomings and conduct strict monitoring of its implementation.

- Enhance awareness - raising activities among the public about the essence and content of the current legislation, the conditions created, and the terms and conditions of activities assigned to the State Committee for Geology and Mineral Resources of the Republic of Uzbekistan, the Ministry of Finance of the Republic of Uzbekistan, and the Central Bank of the Republic of Uzbekistan in the field of precious metals and precious stones in the field of monetary circulation.

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