

Rustamova M.Sh.

Student

Branch of the Russian State University of Oil and Gas (NRU)

named after I.M. Gubkin in Tashkent

Uzbekistan, Tashkent

PARLIAMENTARY CONTROL OVER THE MANAGEMENT OF THE FUEL RESOURCES AS A FACTOR OF THE STATE STABILITY

ABSTRACT

The article studied the constitutional norms of various countries that delimit and distribute the powers of fuel resource management. A clear distinction in the management of resources is one of the most important aspects of social harmony and a source of stability. An analysis of international legal documents indicates significant changes in international law and the practical activities of states in the context of the nation's rights to fuel resources. The differences lie in the broader recognition of the rights of indigenous peoples to manage their lands, territories and resources, as well as their authority to decide on their use and development.

KEYWORDS

Parliamentary control; fuel resources; constitutional norms; energy sector; national property; political institutions; subsoil; legislative and executive power

Introduction

The parliament in the Republic of Uzbekistan is the Oliy Majlis. According to the results of the national constitutional referendum on January 27, 2002, the Oliy Majlis of the Republic of Uzbekistan consists of two chambers - the Senate of the Oliy Majlis (upper chamber, consisting of 100 senators) and

the Legislative Chamber of the Oliy Majlis (lower chamber, consisting of 150 deputies).

The energy sector is dependent on fuel resources such as gas, oil and coal. In the structure of the electric power of the Republic of Uzbekistan, thermal power plants (TPPs) and combined heat and power plants (CHPPs), whose operation is provided by fuel resources, account for 85.6%. 12,129 MW out of 14,140.6 MW are generated annually by 7 TPPs and 3 CHPPs (Table 1). Therefore, the resource base, possession, management and disposal of it play an immense role in the stability of the state and the well-being of the people. [1, 2]

Table 1. Electrical capacity of power plants in Uzbekistan [2, 5]

Power stations of Uzbekistan	Installed electrical capacity (MW)	2020, %	2021, %
Total for Uzbekistan:	14140,6	100	100
1. JSC "Uzbekenergo" (7 thermal power plants and 3 thermal power plants), including:	12129,0	85,7	85,6
thermal power plants (7 TPPs)	11707,0	82,8	83,8
combined heat and power plants (3 CHPPs)	422,0	2,9	1,8
2. JSC "Uzhydroenergo"	1878,7	13,3	13,3
3. Block stations (UGCC-96.9 MW and AGMK-36 MW)	132,9	1,0	1,1

With the establishment of independence of the Republic of Uzbekistan, the Law "On Subsoil" dated 23.09.1994 was issued. After 8 years, this Law was amended on December 13, 2002, No. 444-II "On Amendments and Additions to the Law of the Republic of Uzbekistan "On Subsoil". In the original document and later issued version, Article No. 3 "Ownership of subsoil" states: "Subsoil is a national property and the exclusive property of the Republic of Uzbekistan" [3, 2].

The possession of resources is considered the source of a country's wealth, but political institutions play a special role: they are a kind of filter through which natural resources pass. At the exit of the society receives the effects of

resource abundance. [4, 4] Depending on the quality of the performance of this function, the effect can be varied. "Strong" institutions can turn resource abundance into a gift, "weak" institutions into a curse.

Characteristics of «strong» and weak political institutions are presented in Figure 1 and 2.

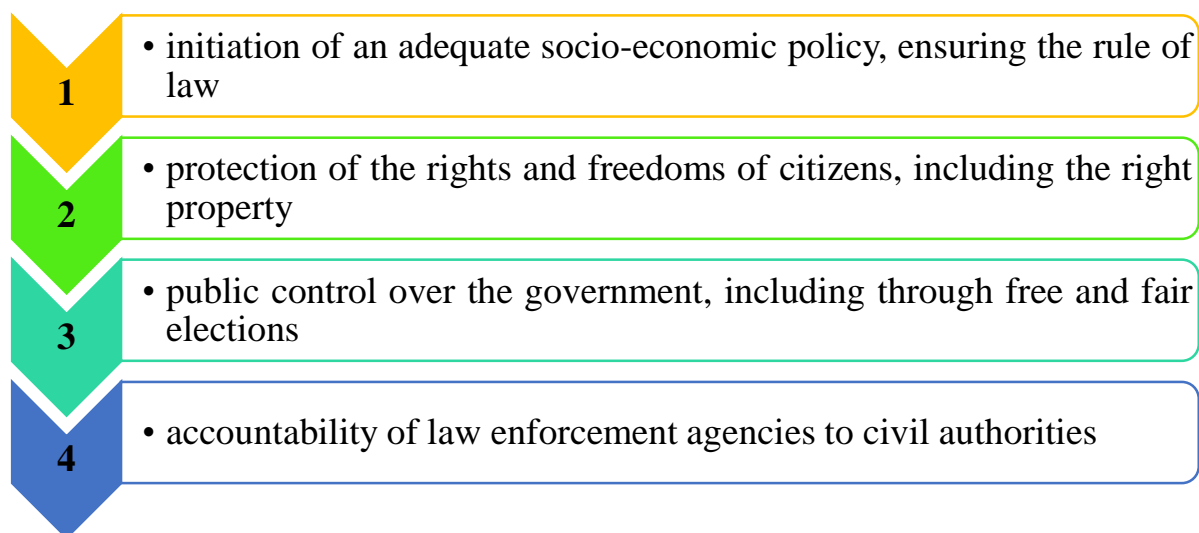


Figure 1. Characteristics of «strong» political institutions [5, 6]

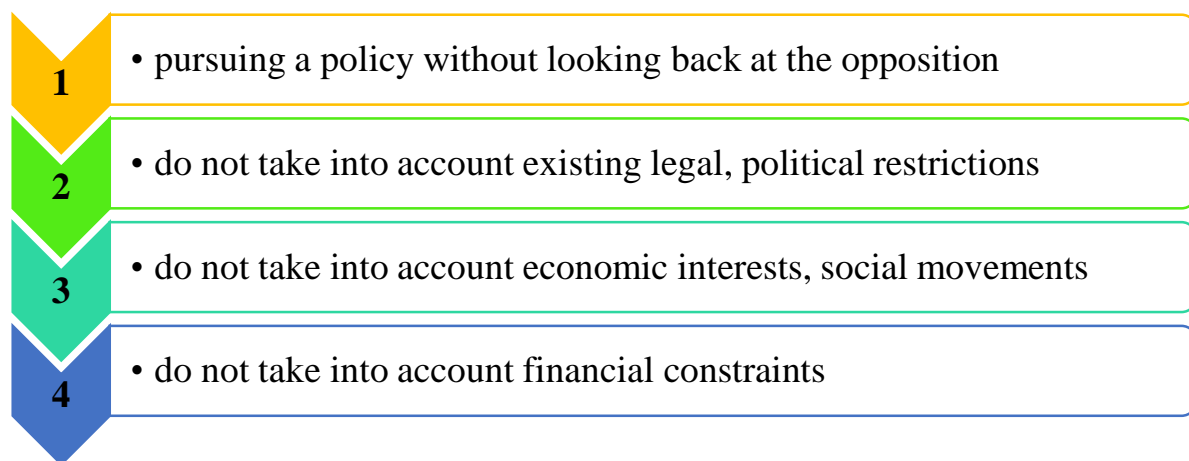


Figure 2. Characteristics of «weak» political institutions [5, 6]

Analyzing the experience of resource-rich countries in the field of state building, scientists emphasize the fact that the intentions of politicians in states where weak institutions function can be the best, for example, maintaining economic growth, general well-being, as well as striving for a fair distribution of income and strengthening the country's foreign policy position.

In general, the question of the exploitation and conservation of natural resources (energy and other) raises the problem of "public good" and more specifically the problem of public property. A clear distinction in the management of natural resources is one of the most important sources of stability.

Analysis of international experience

It is necessary to study the constitutional regulations of various countries that contribute to the delimitation of powers over natural resources. The distribution of legislative and executive power in the sphere of regulation of fuel resources determines who has the ability to regulate issues related to the development and exploitation of fuel resources at the state level. This is more important than the question of ownership, because the power to make laws and regulate the development of the fuel resource complex determines the rights and limits of property rights. Quite often, the legislative and executive authorities resolve issues related to the right to collect revenues from the exploitation of natural resources. From a technical point of view, the division of legislative and executive power in relation to the management of natural resources is related to the answer to the question of who has the authority to make laws governing natural resources, which legislative act is governed by, and in which courts resolve disputes that arise in these types of cases. The range of issues related to the presence of a state regulator is presented in Figure 3.

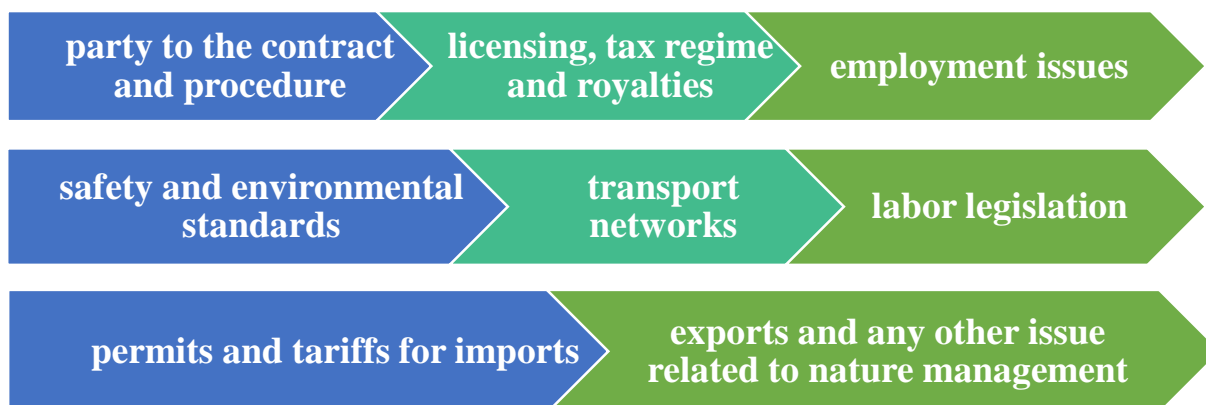


Figure 3. Range of issues related to the presence of a state regulator [6, 4]

In unitary states, these functions are, as a rule, by default granted to the national government, unless, as a result of various regional conflicts, a special regime is reflected in the Constitution or peace agreements, where these functions are transferred to the jurisdiction of individual provinces of autonomy (Indonesia and Aceh, Papua New Guinea and Bougainville). Under these conditions, and also in many federal or decentralized states, the distribution of these functions is a matter of dispute, precisely because it is a matter of the distribution of power of control over natural resources, and not of property rights in itself. In this context, constitutions or peace agreements often have clear provisions separating command and control between national and regional governments.

In federal states or other countries seeking to address local demands for autonomy over fuel resources, choosing which level of government has legislative and executive powers over the fuel resource sector, including the ability to negotiate contracts, is often a central component of constitutional negotiations. From an economic theory point of view, customer location often also implies control over high-income jobs, which is a key issue in protecting regional or national interests. Like ownership of natural resources, the definition and delineation of powers between the executive and legislature must be clear enough to provide confidence for investment. Uncertainty about whether the national or regional government has the authority to enter into contracts and what level of legislation governs relations in the field of nature management is one of the main obstacles to the development of this sector. Without clarity on this issue, investors cannot commit to long-term cooperation or demand a higher share of the profits to compensate for the political risk of possible conflicts between national and regional actors over jurisdiction over natural resources.

Table 2. Distribution of powers over natural resources in individual countries

[6,7]

National jurisdiction	Regional jurisdiction	Shared/Separated Jurisdiction	Asymmetric jurisdiction
<p>Nigeria - The National Parliament has exclusive legislative powers over subsoil and minerals, including hydrocarbons. [Section 39 of the Exclusive Legislative List]</p>	<p>Canada - Provincial legislatures and governments have exclusive authority to make laws related to the exploration of non-renewable natural resources, the development, conservation and management of non-renewable resources and forests. [Article 92]</p>	<p>Iraq - The federal government, together with the government of the producing regions and the province, forms a strategic policy to develop the oil and gas wealth of Iraq, for the highest benefit of the Iraqi people. [Article 112.2]</p>	<p>Indonesia - council of regional representatives (upper house of parliament) given exclusive responsibility for legislation related to the management of natural and other economic resources. [Chapter VIIA 22D Sections 1 and 2] The Aceh Government Act provides for the joint management of oil and gas resources between the government of Indonesia and the government of Aceh. [Section 160 Article 5]</p>
<p>Venezuela - the state public authority (federal government) is responsible for the management of subsoil and hydrocarbon resources. [Article 156.16]</p>	<p>United Arab Emirates - each emirate has full control over its natural resources and other wealth. [Article 23]</p>	<p>Russia - in the joint jurisdiction of the Russian Federation and the subjects of the Russian Federation are: c) issues of ownership, use and disposal of land, subsoil, water and other natural resources; e) nature management; environmental protection and ensuring environmental safety; specially protected natural areas; protection of historical and cultural monuments. [Article 72.1c and Article 72.1e]</p>	<p>Papua New Guinea - natural resources included in the jurisdiction of the National Legislature Natural resources and lands are included in the powers and functions that will be transferred to the Autonomous Government of Bougainville when it feels the need and opportunity. [Article 290.2zd]</p>

Conclusion

An analysis of the relevant international legal documents indicates significant changes in international law and the practice of states in the context

of the rights of people to own, use, control and dispose of their lands, territories and resources. Moreover, every year, both at the international and national levels, new norms and legal solutions should be proposed and considered. In most cases, these changes reflect greater recognition of the rights of indigenous peoples to manage their lands, territories and resources, as well as their authority to decide on their use and development. [6, 25] In addition, these property rights, as well as the right to self-determination and the right to development, logically follow the increasing recognition of the right of indigenous peoples to give or withhold free, prior and informed consent to activities on their lands and territories and to activities that may affect their lands, territories and resources.

✓ The right of the people to permanent sovereignty over natural resources can be formulated as a collective right, by virtue of which states are obliged to respect, protect and defend the management and property interests of the people (as communities) in the context of their natural resources.

✓ The right to permanent sovereignty over natural resources is critical to poverty reduction, physical and cultural survival, and the social and economic development of indigenous peoples.

✓ There is a need to continue to study legal and practical measures that may prove useful in resolving the problems of ownership and control over natural resources, especially the resources of the earth's interior, which are owned or claimed by the people.

✓ Under conditions of highly unequal bargaining power, unfair bargains between the people and other actors are possible and, as a result, such an exploitation of resources that is detrimental to the people concerned. In this regard, mechanisms and measures at the international level seem particularly necessary to avoid unfair transactions and are consistent with the right of the people to freely manage and develop their own resources.

REFERENCES:

1. Abdurashid Mirzaev. The current state and prospects for the development of the electric power industry of the Republic of Uzbekistan // Abdurashid Mirzaev - M: "Uzbekenergo", 2018. - 2p.
2. Energy Policy of Uzbekistan [Electronic resource]: Access from UNDP. URL: https://www.undp.org/sites/g/files/zskgke326/files/migration/uz/uz_b_un_rus_1_The_Outlook_for_the_Development_of_Renewable_Energy_in_Uzbekistan.pdf
3. Law of the Republic of Uzbekistan, dated December 13, 2002, No. 444-II On introduction amendments and additions to the law of the republic of Uzbekistan «On subsoil» [Electronic resource]: Access from the National legal information base of the Republic of Uzbekistan "Lex.uz". URL: <https://lex.uz/docs/77646> (date of the application: 12.10.2022)
4. Lipina Svetlana Arturovna, Tishchenko Ivan Vyacheslavovich. Economic policy of the state in conditions of resource abundance: opportunities for growth or stagnation // Economic and social council, 2017, no. 2, p. 2-8
5. Jacques Sapir. Fundamentals of economic sovereignty and the question of the forms of their implementation // Economic policy, 2020, no. 2, p. 3-12.
6. Constitutional and legal regulation of granting control over the management of natural resources as a factor of stability [Electronic resource]: Access from Vestnik KazNU. URL: <https://articlekz.com/article/14992> (date of the application: 12.10.2022)
7. Erica Irene, A. Daes. Prevention of Discrimination and Protection of Indigenous Peoples // Economic and Social Council, 2004, no. 2, p. 25-27.