



IRSTI 10.53.22
Scientific article

<https://doi.org/10.32523/2616-6844-2024-149-4-24-34>

Legal issues in joint developments of South Korea and Kazakhstan in the field of subsoil use

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Abstract: South Korea and Kazakhstan are actively developing cooperation in the field of subsoil use, seeking to combine their resources and technological capabilities for mutually beneficial partnership. Kazakhstan, which has rich mineral reserves, attracts investments and the experience from South Korea for the effective management and development of its natural resources. At the same time, South Korea, which needs stable supplies of raw materials, gets access to Kazakh resources, which contributes to the diversification of its sources of raw materials and strengthening economic security. The key areas of cooperation are the exploration and production of oil, natural gas, rare earth elements and other minerals. Joint projects include the creation of modern mining enterprises, the introduction of advanced technologies and the exchange of experience in the field of environmentally sound subsoil use. Both States are also working to create favorable conditions for investments and develop a regulatory-legal framework that promotes long-term and sustainable development of the subsurface use sector. Such cooperation allows Kazakhstan to improve infrastructure and attract modern technologies, which contributes to the sustainable development of the national economy. For South Korea, the partnership with Kazakhstan opens up new opportunities to expand its presence in the international resource market and strengthen economic ties with Central Asia.

Keywords: subsoil use, subsoil laws, legal framework, legislation, Kazakhstan, sustainable development, investments, South Korea.

Introduction

The joint developments of South Korea and Kazakhstan in the sphere of subsoil use are regulated by a number of international and national legal acts, as well as bilateral agreements defining the legal framework, conditions, and procedures for cooperation. Among the main regulatory instruments are:

There are several International Agreements and Conventions and Bilateral agreements between Kazakhstan and South Korea like - agreements on cooperation in the sphere of energy and subsoil use. Where investment agreements for the protection of the rights and interests of investors of both countries. Developing countries have concluded a large number of bilateral investment treaties (BIT), as well as free trade agreements (FTA), which contain specific obligations to protect intellectual property rights as "investments". These agreements go beyond the issuance of multilateral norms in the field of intellectual property rights and developed countries are strategically developed to promote the economic interests of their industries [1].

Multilateral international treaties:

– UN Convention on the Law of the Sea, governing the Exploration and Production of Minerals in marine Areas;

– ILO Conventions and Protocols governing working conditions in the mining industry [2].

Equally important National Legislation of both countries. For Kazakhstan there wide spread of codes and one of them «The Code of the Republic of Kazakhstan on Subsoil and Subsoil Use». This is the basic legislative act regulating all aspects of subsoil use, including licensing, conditions of concessions, environmental protection, and responsibility of subsoil users. Other code which should be mentioned is «The Law on Public Investments», it regulates foreign investments in the economy of Kazakhstan, including subsurface use.

According to South Korea legislative system, they claim of having robust «Mining Law» Defines the rules and procedures for Korean companies involved in mining within and outside the country. The South Korean government offers a clear regulatory framework that ensures stability and predictability for mining companies. This helps to reduce the uncertainty associated with legal and regulatory issues. The South Korean government supports the mining sector through investments in technology and infrastructure. This includes access to advanced mining technologies and well-developed transportation and logistics infrastructure [3].

Also «The Law on Foreign Investments» Represents the regulation of issues connected with Korean investments abroad, including investments in Kazakhstan.

Bilateral Commissions and Councils are an important tool in international relations aimed at developing and strengthening cooperation between the two countries. There are several cooperations between two countries:

1. Kazakh-Korean Intergovernmental Commission on Trade and Economic Cooperation: Meets regularly to debate and coordinate joint projects in the sphere of subsoil use.

2. Working groups and councils at the level of ministries and companies: Give practical guidance and control over the implementation of specific projects in issues of technical and environmental regulation. These structures create platforms for regular high-level meetings

and discussions, contribute to resolving emerging differences and contribute to deepening bilateral cooperation in various fields.

Agreements on compliance with environmental norms and standards are crucial parts in this cooperation. The attention of both States to issues of environmental safety and sustainable development is reflected in the requirements for subsurface use projects.

Technical regulations and standards – to define the requirements for the use of technologies and methods of mining, ensuring the safety and efficiency of processes.

The regulation of joint developments in the sphere of subsoil use between South Korea and Kazakhstan is based on a comprehensive system of international and national legal acts and bilateral agreements that provide legal and economic conditions for successful and mutually beneficial cooperation.

Methods and Materials

When writing an article about the joint developments of South Korea and Kazakhstan in the field of subsoil use, various research methods and materials are used to ensure the accuracy, completeness and relevance of information. The study of academic publications, government reports, analytical articles and research related to subsoil use in Kazakhstan and South Korea been held. Analysis of international legal acts and bilateral agreements regulating cooperation between countries. Moreover, comparison method of the legislative and regulatory frameworks of both countries related to subsurface use been used. In the same way, comparison of economic indicators and investment strategies of Kazakhstan and South Korea in the field of subsoil use. Statistical data of the national statistical services of Kazakhstan and South Korea, as well as international organizations made significant impact in this study. Information databases on subsoil and export of minerals, investments and economic indicators has been carried out. The use of various research methods and materials allows for a comprehensive and objective approach to the study of the topic of joint developments of South Korea and Kazakhstan in the field of subsoil use. A comprehensive analysis of the legal, economic and technical aspects of cooperation contributes to a deep understanding of the process and identification of key success factors and challenges in this area.

Discussion

In the ongoing search for essential minerals needed for modern technology, South Korea's confirmation of the availability of high-purity lithium mineral resources in Kazakhstan is an important milestone. This discovery, made during exploration work last year, highlights the deepening of economic and strategic ties between the two countries. The article examines the implications of this discovery, the context of South Korean-Kazakh cooperation in resource development, and the broader impact on the global lithium market.

Lithium is a cornerstone of the modern technological landscape, especially in the production of batteries for electric vehicles (EVS), smartphones, laptops and renewable energy storage systems. As the world moves towards greener energy solutions, demand for lithium has

increased dramatically, making its reliable supply critical for technological progress and sustainable development [4].

South Korea is actively seeking to ensure stable lithium supplies for its burgeoning technology and automotive industries. The country's strategic interest in lithium reserves in Kazakhstan is driven by the need to diversify the sources of this important mineral, reduce dependence on traditional suppliers and improve supply chain security.

Last year, South Korean exploration groups confirmed the presence of high-purity lithium mineral resources in Kazakhstan. This discovery is particularly noteworthy because of the quality and quantity of lithium deposits. High purity lithium is essential for the production of efficient and long-lasting batteries, which makes these stocks extremely valuable.

The exploration included advanced geological studies and sampling methods, which made it possible to accurately assess the potential of the resource. The high purity designation indicates that lithium deposits require less processing, which reduces environmental impact and production costs.

For South Korea, this discovery is a strategic victory. It promises reliable and high-quality lithium supplies that can support the country's ambitious plans for the production of electric vehicles and other high-tech industries. As South Korea is home to major battery manufacturers such as LG Chem and Samsung SDI, providing access to lithium is vital to maintaining the company's competitiveness in the global market [5].

Moreover, this discovery strengthens South Korea's energy security and meets its goals to reduce carbon dioxide emissions. By supporting the production of electric vehicles and renewable energy technologies, lithium supplied from Kazakhstan can play a key role in South Korea's transition to green energy.

For Kazakhstan, this discovery opens up new opportunities for economic growth and diversification. As a country rich in natural resources, Kazakhstan seeks to attract foreign investment and technology to develop its mining sector. Cooperation with South Korea brings not only capital, but also experience in the field of sustainable mining and advanced mining technologies.

This partnership is likely to lead to the development of local infrastructure, job creation and transfer of technological know-how, which will benefit the economy of Kazakhstan as a whole. In addition, the successful exploitation of lithium reserves makes Kazakhstan a key player in the global lithium supply chain, which could potentially lead to increased geopolitical influence.

The introduction of high-purity lithium from Kazakhstan to the global market may help reduce some of the supply problems faced by the lithium industry. As demand continues to exceed supply, new sources of high-quality lithium are crucial to stabilize prices and ensure the sustainable growth of the electric vehicle and renewable energy sector.

In addition, the participation of South Korea, a technologically advanced and environmentally friendly country, in the development of lithium resources in Kazakhstan can set new standards for the sustainable development of the mining industry worldwide. This partnership can serve as a model for other countries seeking to balance economic growth with concern for the environment.

Thus, in almost 10 years, a reliable basis was created for the further systematic development of the law on subsoil use and subsoil use activities in nature, which made it possible to raise the level of development of public relations in the field of subsoil use and subsoil use activities of subsoil users to a new level. To attract investment in this sector of the economy. Today, there are objective prerequisites for the transition to the next stage of development of legislation on subsoil use and subsoil use activities that meet the new realities of sustainable development of the state and market economy. The transition to a new stage in the development of legislation on subsoil use and subsoil use activities is also associated with the need to implement into domestic legislation the provisions of international legal acts and international treaties to which the Republic of Kazakhstan is a party.

Analysis of Kazakhstan's mineral resource base, indicating a potential future shortage of profitable mineral reserves, raises serious concerns. Shortages of profitable mineral reserves can have several economic, environmental, and geopolitical consequences. Having highlighted the potential impacts and actions, important economic implications can be considered in the area of reduced revenues. If Kazakhstan's lucrative mineral reserves are depleted, this could lead to a decline in revenues from the mining industry, which is the country's most important source of income. There are also employment concerns: the mining sector is an important employer and shortfalls in lucrative reserves could lead to job losses and affect the livelihoods of many people.

Mineral exploration is worth noting if, Kazakhstan may consider investing in geological exploration to identify new profitable mineral deposits. Advanced geological and geophysical surveys can help discover untapped resources. Increased exploration leads directly to advances in mining technologies and techniques that can help make previously uneconomic mineral reserves profitable. Kazakhstan could invest in research and development in this area [6].

Kazakhstan should focus on sustainable and efficient management of existing mineral resources. This includes responsible mining practices and waste minimization. Kazakhstan could cooperate with other countries either to provide access to needed minerals or to jointly invest in mineral exploration and production in other parts of the world.

As mineral resources are depleted, it is critical to address the environmental impacts associated with mining and develop policies to minimize negative impacts. The depletion of lucrative mineral reserves can have geopolitical implications, as access to certain minerals is vital to such industries. like technology and defense. Kazakhstan should take its geopolitical position into account when securing resources from other countries.

The Korea Institute of Geoscience and Resources held an international forum on critical minerals at the JW Marriott Hotel in Seocho-gu, Seoul on the 5th and disclosed the results of these explorations.

The expedition was carried out in 2021 when the Deputy Prime Minister of Kazakhstan visited South Korea and presented a group of candidates for promising mining areas to the Geological Research Institute and requested cooperation in research and development (R&D) in the development of mineral resources [7].

Ivrov Kani Bakitbekovych, Deputy Chairman of the Geological Commission of the Ministry of Industry and Construction of Kazakhstan, who attended the press conference, said that this is

the first time that Kazakhstan has proposed joint mineral development at the government level. «Currently, there are several foreign institutions such as Germany and Canada, but they are conducting mining and research in places where they do not know the possibilities because they have been licensed without cooperation with the government» Bakit Bekovich said, stressing that “cooperation with Korea is supported by all Kazakh ministries” [8].

The Geological Research Institute received 27 candidates and selected two sites for exploration over a period of two years, and since May last year, a joint geological survey of lithium-containing 'lithium-cesium-tantalum (LCT) pegmatite' has been carried out in 1.6% of the pegmatite zones in Bakeno, eastern Kazakhstan [9].

Heo Cheol-ho, head of the Mineral Resources Research Division of the Korea Institute of Geology, noticed that, “This area used to mine tantalum, and tantalum comes out along with lithium and cesium” adding, “According to data from Kazakhstan Investment, the local reserves are worth 21 trillion won, and the residue left over from mining ore is estimated to be worth 19 trillion won”. He added that “the Geological Research Institute explored pegmatite ores through field surveys and drone physical exploration, and discovered the potential by discovering 3.45 million tons of pegmatite orebodies in the area based on existing geological cross-sections of Kazakhstan” [10].

Based on this, the Geological Coalition explained that the goal is to obtain approval for the "subsoil use right" that can be mined and conduct drilling surveys.

If it receives permission this year, it plans to start drilling surveys next year and build a beneficiation plant necessary for resource separation in the local area in the future to begin lithium development in earnest.

On this day, Geological Research introduced that it is conducting nickel exploration in the Bayangulgi region of western Mongolia with Mongolia and plans to cooperate in earnest [11].

Mongolia signed an MOU with South Korea for rare metal exploration cooperation on the occasion of the Prime Minister's visit to Korea in 2023, and plans to jointly develop mineral exploration and smelting technologies based on this [12].

Kazakhstan should review and possibly revise its mining laws and regulations to ensure they help attract investment and encourage responsible mining. It is important for Kazakhstan to proactively address mineral resource shortages profitably through a combination of economic diversification, exploration, technology development and responsible resource management. Planning for the future will be critical to mitigating the potential economic and social problems associated with this problem.

In the future, if the quality and economic feasibility of the mineral are confirmed through drilling surveys after obtaining permission from the Kazakh government, it is expected that lithium development with the participation of domestic companies will begin in earnest.

Results

Studies have shown that lithium found in Kazakhstan has a high degree of purity. This reduces the cost of its processing and makes it more attractive for industrial use. The high purity of lithium also reduces the environmental impact of mining and processing, which is in line with global trends towards sustainable development.

The introduction of advanced technologies has made it possible to reduce the time and costs of field exploration, as well as minimize the risks associated with environmental and geological conditions.

Benefits for the Economy of Kazakhstan

- Attracting investments and creating jobs in Kazakhstan.
- Infrastructure development and economic diversification, reducing dependence on other types of natural resources.
- South Korea applies high environmental standards in the exploration and production process, minimizing negative effects on the environment.
- South Korea's experience can serve as an example for other countries and companies in the field of sustainable subsoil use.

The results of the study confirmed the significant potential of Kazakhstan as a source of high-purity lithium. This discovery opens up new opportunities for economic growth and technological development in both countries. For South Korea, this provides strategic stability and support for high-tech industries, and for Kazakhstan - attracting investment and infrastructure development. To ensure the legality of investments in lithium resources in Kazakhstan, South Korea and Kazakhstan must strictly comply with international and bilateral agreements, as well as national legislation. This comprehensive approach guarantees the protection of investors' rights, compliance with environmental and social standards, as well as the creation of favorable conditions for the successful.

Conclusion

One of the main conclusions of this study is the strengthening of the legal framework. Kazakhstan and South Korea are actively working to create and improve the legal framework for cooperation in the field of subsoil use. This includes the development of bilateral agreements aimed at protecting investments and simplifying procedures for international companies. The legislation of both countries provides significant investment incentives for foreign companies engaged in mining. This includes tax incentives, simplified licensing procedures and guarantees of stability of the legal regime.

Kazakhstan and South Korea are striving to exchange advanced technologies in the field of mining and processing of minerals. At the legislative level, this is supported by programs of joint research projects and innovative initiatives.

Joint projects between Kazakhstan and South Korea include the development of new fields, the modernization of existing production facilities and the introduction of advanced resource management methods. The new proposals also provide for the creation of joint ventures and investment funds to support long-term projects. Despite the positive aspects of cooperation, the parties face challenges related to changing global markets and geopolitical instability. Nevertheless, the continuation of the legislative and economic dialogue between Kazakhstan and South Korea creates a solid foundation for further successful partnership in the field of subsoil use.

These conclusions underline the importance of legislative initiatives and new proposals for the development of bilateral cooperation, promote investment and innovation in the field of

subsoil use, and ensure the sustainable and safe development of this important sector of the economy of both countries.

The contribution of the authors.

Zharmakhanbetova B. – results and discussion.

Saktaganova A. – corresponding author, abstract, keywords, introduction, methodology, conclusion.

Saktaganova I. – transliteration, information about the authors, list of references.

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Оңтүстік Корея Мен Қазақстанның жер қойнауын пайдалану саласындағы бірлескен әзірлемелеріндегі құқықтық мәселелер

Андатпа: Оңтүстік Корея мен Қазақстан өзара тиімді әріптестік үшін өз ресурстары мен технологиялық мүмкіндіктерін біріктіруге ұмтыла отырып, жер қойнауын пайдалану саласындағы ынтымақтастықты белсенді дамытуда. Пайдалы қазбалардың бай қорлары бар Қазақстан өзінің табиғи ресурстарын тиімді басқару және игеру үшін Оңтүстік Кореяның инвестициялары мен тәжірибесін тартады. Сонымен қатар, шикізатты тұрақты жеткізуді қажет ететін Оңтүстік Корея қазақстандық ресурстарға қол жеткізе алады, бұл оның шикізат көздерін әртараптандыруға және экономикалық қауіпсіздікті нығайтуға ықпал етеді. Мұнайды, табиғи газды, сирек жер элементтерін және басқа да пайдалы қазбаларды барлау және өндіру ынтымақтастықтың негізгі бағыттары болып табылады. Бірлескен жобалар заманауи тау-кен өндіру кәсіпорындарын құруды, озық технологияларды енгізуді және экологиялық негізделген жер қойнауын пайдалану саласында тәжірибе алмасуды қамтиды. Екі мемлекет те инвестициялар үшін қолайлы жағдайлар жасау және жер қойнауын пайдалану секторының ұзақ мерзімді және тұрақты дамуына ықпал ететін нормативтік-құқықтық базаны әзірлеу бойынша жұмыс істеуде. Мұндай ынтымақтастық Қазақстанға инфрақұрылымды жетілдіруге және ұлттық экономиканың тұрақты дамуына ықпал ететін заманауи технологияларды тартуға мүмкіндік береді. Оңтүстік Корея үшін Қазақстанмен әріптестік халықаралық ресурстар нарығында қатысуды кеңейту және Орталық Азия елдерімен экономикалық байланыстарды нығайту үшін жаңа мүмкіндіктер ашады.

Түйін сөздер: жер қойнауын пайдалану, Жер қойнауы туралы Заңдар, құқықтық база, заңнама, Қазақстан, орнықты даму, инвестициялар, Оңтүстік Корея.

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Правовые вопросы совместных разработок Южной Кореи и Казахстана в области недропользования

Аннотация: Южная Корея и Казахстан активно развивают сотрудничество в области недропользования, стремясь объединить свои ресурсы и технологические возможности для взаимовыгодного партнерства. Казахстан, обладающий богатыми запасами полезных ископаемых, привлекает инвестиции и опыт Южной Кореи для эффективного управления и

освоения своих природных ресурсов. В то же время Южная Корея, нуждающаяся в стабильных поставках сырья, получает доступ к казахстанским ресурсам, что способствует диверсификации ее источников сырья и укреплению экономической безопасности. Ключевыми направлениями сотрудничества являются разведка и добыча нефти, природного газа, редкоземельных элементов и других полезных ископаемых. Совместные проекты включают создание современных горнодобывающих предприятий, внедрение передовых технологий и обмен опытом в области экологически обоснованного недропользования. Оба государства также работают над созданием благоприятных условий для инвестиций и разработкой нормативно-правовой базы, способствующей долгосрочному и устойчивому развитию сектора недропользования. Такое сотрудничество позволяет Казахстану совершенствовать инфраструктуру и привлекать современные технологии, что способствует устойчивому развитию национальной экономики. Для Южной Кореи партнерство с Казахстаном открывает новые возможности для расширения присутствия на международном рынке ресурсов и укрепления экономических связей со странами Центральной Азии.

Ключевые слова: недропользование, законы о недрах, правовая база, законодательство, Казахстан, устойчивое развитие, инвестиции, Южная Корея.

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