#### AL-FARABI KAZAKH NATIONAL UNIVERSITY

**Law faculty**

**Department of customs, financial and environmental law**

APPROVED

Dean of Faculty

(signature)

#### professor D.L. Baideldinov

#### " " 2020

**THE FINAL EXAM PROGRAM**

**Discipline: GRNP 5206 State regulation in the field of subsurface use**

**Specialty - 7M04214 «Maritime and energy law »**

Course-1

Semester-1

Number of credits – 2

Form of study: full-time, distance

#### Almaty, 2020

The program of the final exam based on the working curriculum in the specialty 7М04214 «Maritime and energy law» and was compiled by PhD doctor, associate professor Teleuyev G.B.

The program was reviewed and recommended at the meeting of the Department of customs, financial and environmental law

« » 2020, protocol №\_\_\_\_

Head of the Department Zhatkanbayeva A.E. \_\_\_\_\_\_\_\_\_\_\_\_(signature)

**Introduction**

The goal of the final exam is to systematize and consolidate the knowledge obtained by students over the entire period of study in accordance with the requirements of the educational curriculum.

This program is designed to prepare students for the final exam in Kazakhstan law and includes a review of its main institutions and categories, the study of which will contribute to students acquire the necessary knowledge and practical skills to apply them.

Only students who have completed the educational process in the discipline in accordance with the curriculum and the bachelor's program and have scored the corresponding points in accordance with the working curriculum of the bachelor's degree are allowed to take the final control.

The exam is held on the dates specified in the academic calendar and in the exam schedule on the Univer page.

Students who have received an unsatisfactory grade are allowed to retake the final control for this period only after paying the amount of money in the number of credits to the current account of al-Farabi Kazakh National University. A student who has received an unsatisfactory grade on the exam results will be issued an order to re-study this subject. If a student gets 20 points on the exam, they can re-pass FX by paying the amount to the current account of al-Farabi Kazakh National University. Documents related to the state of health provided after receiving an unsatisfactory assessment will not be considered.

You are not allowed to retake the exam to improve your grade.

The program includes questions on the entire course to prepare for the final exam and a list of recommended literature and Internet resources.

**Instructions for passing the exam:**

**Format of the exam**

The process of passing an oral exam by a student involves the automatic creation of an exam ticket, which the student must answer orally to the examination Board. When conducting an oral exam, video recording is required.

Oral examination: the traditional answers to the questions. It is held on the corporate platform of al-Farabi KazNU-Microsoft Teams or Zoom.

The format of the exam – online.

Teacher or exam Board:

- performs video recording of the exam;

- saves a video recording of the exam for 3 months from the end of the session.

**Duration**

Preparation time is decided by the examiner or the exam Board.

Response time is decided by the examiner or the exam Board.

It is recommended that 15-20 on the answer to all ticket questions.

**Rules of the exam:**

to pass the exam-testing, students must first familiarize themselves with all the requirements for conducting the exam in oral form. All of the user uploaded: https://drive.google.com/file/d/1u\_TOKL2MZiJsE3EJjluDNNv\_68WXb4rG/view?usp=sharing

Students should get acquainted with the date and time of the exam in advance in the "Univer" system, in the "exam schedule" section.

**IMPORTANT!** The exam is held according to a schedule that should be known in advance to students and teacher.

According to the exam schedule, the exam conference organizer (teacher or member of the exam Board) starts the conference on Microsoft Teams or Zoom, then sends invitations and launches the exam participants.

After connecting all participants in the online conference, the teacher or a member of the Commission:

a. turns on the video recording of the exam;

b. welcomes the exam participants;

c. warns that the video recording is being conducted;

d. announces the rules of the exam:

- order of examinees,

- preparation time response time;

- gives permission to write abstracts of answers, if necessary, on paper.;

- warns that the examinee will have to show the abstract sheet before starting the answer;

- allows other examinees to be in standby mode – not to be constantly in front of the camera, but not to leave the meeting;

e. announces the surname, first name and patronymic of the examinee;

f. asks the examinee to show the video camera:

- identification document (ID card or passport. It is FORBIDDEN to take the exam using a student ID card).

- the room in which it is located – the room should not be occupied by strangers, additional sources of information (if possible, on the part of the student);

g. warns against the use of additional sources of information

The Chairman of the exam Board calls the student's full name, asks them to turn on the screen demonstration, log in to their Univer account, open the exam ticket and read the ticket questions.

The Commission records the questions spoken by the student for subsequent questioning. The Commission asks the student to switch the image to the camera (make sure that the student's face is visible).

The Commission gives time to prepare the response:

- the teacher and/or members of the Commission determine the time for preparation;

- members and teacher control of the students making notes if necessary, or stop the student's response (in the case of gross violations of the rules of conduct at the exam, by the act of violation);

- students are allowed to use the draft to make a summary of the response. At the same time, the student must show the draft sheet to the camera before and after working with it.

The Commission interviews the student about the ticket. After completing the student's response, allows the exam taker to leave the video conference. Then the procedure is repeated with each student of the group.

**IMPORTANT for students!**

Before starting the oral exam, you should check:

- the internet connection on your work device (computer, monoblock, laptop, tablet), the device must be charged during the entire time of the exam;

- the web camera and microphone are working properly.

30 minutes before the start of the exam, all students of the group enter the video conference room organized by the teacher or members of the Commission using the link specified in the rules of the final exam (sent by the teacher/members of the Commission in case of disruption of the video service).

30 minutes before the start of the exam, the ability to log in to the Univer.kaznu system is checked.kz via any browser, but preferably via Google Chrome (if you lose your username and/or password, the student must contact the curator adviser before the exam starts). After verification, log out of your account while waiting for the Commission invitation.

**ATTENTION!** The student is not allowed to open a ticket before the individual invitation by the commission for the exam. Only at the request of the commission, the student logs in to the Univer account and opens their ticket under the video recording.

When the exam starts, the student who is called by the Commission shows his /her identity card to the camera.

Student:

- enables screen demonstration;

- log in to Univer account, go to the "exam Schedule" page, select the current exam by clicking on the "Pass oral exam" button.

The "Take an oral exam" function is active only after the start of the exam time;

The "Pass oral exam" function is only active for students who have incomplete final statements (exam, retake, Incomplete).

After clicking on the link “Take an oral exam”, a window will open where the student will see the questions on their exam ticket.

The student shows the screen with the ticket questions and reads them out loud.

Translates the display of the VKS service to the camera and prepares for the response.

At the end of my answer coming out the side video conference.

If ZOOM is used for technical reasons, the examiner must divide the exam into periods of 30 to 40 minutes for reconnection. The student must complete the exam in one session. It is forbidden to start responding in one session and end after reconnecting.

Video recording is turned off only at the end of the exam, when the answers of all examinees are accepted.

**According to the results of the exam:**

1. Examination Board and teacher certificate exam participants.

2. The final points are displayed in the final statement in the UNIVER IP.

The time for putting points in the certification sheet for the oral exam is 48 hours.

**Evaluation policy:**

Criteria-based assessment: assessment of learning outcomes in accordance with descriptors, checking the formation of competencies (learning outcomes) at intermediate control and exams.

Summative assessment: assessment of activity and participation in work in the audience; task completion, SRS assessment

Topics for exam preparation

|  |  |  |  |
| --- | --- | --- | --- |
| Rating by letter system | Digital equivalent | Points (%- s ' rate) | Assessment using the traditional system |
| A | 4 | 95-100 | excellent |
| A- | 3,67 | 94-90 |
| B+ | 3,33 | 85-89 | Good |
| B | 3,0 | 80-84 |
| B- | 2,67 | 75-79 |
| C+ | 2,33 | 70-74 | Satisfactorily |
| C | 2,0 | 65-69 |
| C- | 1,67 | 60-64 |
| D+ | 1,33 | 55-59 |
| D- | 1,0 | 50-54 |
| FX | 0,5 | 25-49 | Unsatisfactorily |
| F | 0 | 0-24 |

**Main topics for exam preparation:**

1. **Concept and essence of legal relations in the field of subsoil use**

Definition of mining law as a branch of law.The structure of the mining law. The concept of mineral resources in the system of mining law

1. **Analysis of foreign experience of legal regulation of subsurface use**

# Legal regulation of subsurface use - In Russia: Actual problems. Legal regulation of subsoil use in the Republic of Azerbaijan. Legal regulation of subsoil use in the Republic of Kazakhstan.

1. **International legal obligations in the field of subsurface use**

International Law and Natural Resources Policies. Common Access to Natural Resources

1. **Legal regulation of the conclusion and execution of subsurface use contracts**

Definition of [Subsurface Use Contracts](https://www.lawinsider.com/dictionary/subsurface-use-contracts). Taxation of subsurface users.

1. **Legal support of the right ownership of mineral resources**

# Principles of mineral ownership in the civil law and common law systems. Ownership of Minerals under the New Legislative Framework for Minerals Resources

1. **Legal support of accounting state of the state subsoil fund**

Scientific validity, independence, objectivity and complexity.Coordination of ecological, economic and social interests of society. Coordination of long-term state prospects for preservation of mineral resources considering the interests of subsoil users. Requirements of legislative acts.

1. **Theoretical aspect definitions of environmental risks in subsoil use**

Codification of Environmental Law. Major Challanges and Options

1. **Legal responsibility for violations of legislation in the field of subsurface use in the Republic of Kazakhstan**

History and landmarks of the Kazakhstan law on subsurface resources  
and subsurface resources use

1. **Legal regulation of investment activities in the field of subsurface use**

Legislation of the Republic of Kazakhstan on Investment. Guarantee legal protection of investors in the territory of the Republic of Kazakhstan

1. **Main aspects of legislation on subsurface use in the foreign countries**

# Legal regulation of subsurface use - In Russia: Actual problems. Legal regulation of subsoil use in the Republic of Azerbaijan. Legal regulation of subsoil use in the Republic of Kazakhstan.

1. **The main focus of the national policy of the Republic of Kazakhstan in the field of subsurface use in the global community**

When analyzing the natural and climatic characteristics of Kazakhstan, it is worth mentioning that the arid climate, with sharp temperature fluctuations (both daily and seasonal), constant winds, land aridity and the uneven distribution of water resources prevail in most areas of the country. The country is extremely poor in forests. Steppes and semi-deserts - which are highly flammable, of low recovery and resistance to human impact - tend to prevail in Kazakhstan

1. **General concepts of the subsurface use system in international economic law**

A General Introduction to International Economic Law. Sustainable Development and International Economic Law: The fate of Developing Countries

1. **Features of granting and termination subsurface use rights for hydrocarbons**

State intervention in Kazakhstan's energy sector

1. **Features of granting and termination of the right of subsurface use for uranium mining**

Planning for environmental restoration of uranium mining and milling sites in central and eastern Europe

1. **Exploration and production of solid minerals**

Opportunities and challenges in the legislative framework for Kazakhstan’s mining sector

**Literature:**

1. Barrows, G., Worldwide Concession Contracts and Petroleum Legislation. Tulsa: PennWell Publishing Company, 2017.

2. Barry, R., The Management of International Oil Operations. Tulsa: PennWell Publishing Company, 2016;

Barrows, G., Production Sharing Contracts in Developing Countries // Materials of Production Sharing Conference Proceeding. - Houston - March 2015.

3. Bosson, R., The Oil Industries in the Developing Countries // Oil Industry Outlook/- 2019.-№8.

4. Bael, Van. Energy Charter Treaty: Investments / Van Bean // Offshore. - 2017. -№3. - P.3.

5. Beck, R., Oil Industry Outlook Ninth Edition 1993—1997 Projection to 2001. Tulsa: PennWell Publishing Company.- 2015.

6. Bosson, R., and M. Varon, The Mining Industries and the Developing Countries, Washington, D.C.: World Bank. - 2016.

7. Bouhs, A; «How a Domestic Oil Company Goes International: A Strategy for Success, Production Sharing Contracts Conference Proceedings, AIC Conference, Houston, March 2018.

8. Burke, F., and R. Dole, Business Aspects of Petroleum Exploration in Non-Traditional Areas, BMC, 2020.

**Internet sources**

<https://chambers.com/articles/subsoil-and-subsoil-use-legislation-history-and-new-concept>Online sources:

1. Learning material: lecture outlines, video-lectures, methodical recommendations on preparation for seminars, ISW, etc., accessible on www.univer.kaznu.kz, EMCD section;

2. Normative legal acts in accordance with topics of the course, accessible on legal database “Zakon”.