

The politics of petroleum and the Energy Charter Treaty as an effective investment regime

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Abstract

The Energy Charter Treaty is assessed as an international regime for the promotion of investment in petroleum among participating states. Like any other international regime, the eventual effectiveness of this treaty will depend more on the convergence of interests of the parties than on legal niceties and enforcement. These parties include not only the signatory states but also state and private enterprises and subnational authorities. This analysis concludes that a high degree of convergence of interests exists among the signatory states, and this is underpinned by the need for transnational transport of petroleum. Set against this convergence is the undoubted divergence of interests in many states between the national governments on the one hand and companies and subnational authorities on the other. Political reform towards democracy will be needed for these conflicts of interests to be reconciled and for the Energy Charter Treaty regime to become fully effective. © 1999 Elsevier Science Inc. All rights reserved.

Keywords: Petroleum; Energy Charter Treaty; Investment regime

1. Introduction

The Energy Charter Treaty was originally envisaged as a vehicle to promote the flow of "western" investment and technology into the energy sector of the "eastern" transition states of the former Soviet Communist bloc and the flow of energy from the east to the west (Papaioannou, 1995). From the time of the signing of the original European Energy Charter in 1991, negotiations for the Treaty itself involved more than 50 countries over a period of 3 years. The Treaty was signed in December 1994 by 49 countries and the European Union. It has now been ratified by the required

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Investment Treaty Arbitration and International Law - Volume 7 Ian A. Laird, Borzu Sabahi, Frédéric G. Sourgens, Todd J. Weiler, 2014-05-01 Is it Time for a Regime Change Protecting International Energy Investments against Political Risk The 2013 seventh annual Juris investment arbitration conference put in issue the special role of international energy projects in the development of investor state arbitration It is currently one of the most active sectors of investor state arbitration The facts of the energy sector therefore are particularly well developed in international jurisprudence The similarities in the applicable law of investment protection between the energy sector and other sectors tend to hide from view what our panelists repeatedly uncovered it is the facts of energy disputes that significantly set them apart The concerns of sovereign dominion over national energy production and the protection of foreign investors in the energy sector against stranding large investments served as a key point of departure for discussions. The four questions that the Conference addressed include The Energy Sector Investment Arbitration and the ECT Carving out a Special Regime Energy Contracts and BITS Is it Fair and Equitable to be Under the Umbrella Mulitparty Investor Disputes in the Energy Sector Preclusion Consolidation or Free For All Measure by Measure Calculating Damages in Energy Disputes The discussion and debate that followed is provided in this book and sure to be of tremendous value to the international business lawyer litigation specialist or trade and investment law policy expert The Crossroads of Competition Law and Energy Regulation Laura Rimšaitė, 2024-11-15 This book explores the delicate balance between fostering competitive energy markets and ensuring effective regulation It addresses the difficulty of reconciling competitive market dynamics with regulatory objectives such as ensuring reliability fairness and sustainability In the highly dynamic energy sector the convergence of competition law and energy regulation is a critical factor that greatly influences the trajectory of energy markets The intersection of these significant domains can be complex and transformative when the goals of fostering fair competition and guaranteeing dependable and eco friendly energy provision coincide Market power in the energy sector can lead to a concentration of power among a handful of firms which can hinder competition and limit consumer options The dual objective of tackling market dominance and promoting energy security constitutes a significant challenge In turn the book discusses the challenges posed by natural monopolies in energy networks the need for regulatory frameworks to support investment in infrastructure and renewable energy and the complexities of price fluctuations. The topic of market dominance is also considered as dominant corporations are capable of controlling prices and suppressing competition resulting in higher prices for consumers and stifling innovation The book offers valuable perspectives on creating a regulatory framework that promotes fair competition and achieves long term policy goals in the energy sector To do so it draws on case studies and analyses from various countries International Investment Law and the Energy Transition Rahmi Kopar, Volker Roeben, 2025-02-20 The global energy sector is in flux transitioning from reliance on fossil fuels to clean energy sources at an

unprecedented pace This book explores the complex interplay between this transition and international investment law The book navigates the tension between attracting crucial and expensive investments in clean energy and protecting a state s right to regulate its energy sector for environmental and other reasons It analyses how international treaties and investment arbitration tribunals are evolving to address these challenges examining how the scope of investment protection is being redefined and the delicate balance between stability and regulatory flexibility is being recalibrated. The book delves into this complex landscape exploring how established legal frameworks especially international investment law grapple with the unique characteristics of renewable energy critical minerals and rapidly evolving technologies While offering a roadmap for the current energy transition the book also identifies unanswered questions It paves the way for further discussion on critical mineral supply chains and the future of international investment law in a transformed energy landscape **Investment Treaties** Jeswald W. Salacuse, 2021 In this new edition of an authoritative work in the field Jeswald W Salacuse thoroughly examines the law of international investment treaties particularly with respect to its origins structure content and effects He takes into account all major developments in the law to provide an up to date guide for students scholars and Energy Security Cooperation in Northeast Asia Bo Kong, Jae Ku, 2015-04-24 Drawing on cutting edge practitioners research from leading scholars this book investigates state preferences for regime creation and assesses state capacity for executing these preferences in Northeast Asia's energy domain defined as the geographical area comprising the following countries Russia Mongolia China Japan South Korea and North Korea It examines questions pertaining to how states perceive the need and necessity for establishing a regime when it comes to the issue of energy and how much commitment they make to the effort in Northeast Asia The book analyses the factors that shape each country's fundamental energy interests in the region how these interests impact their attitudes toward engaging the region on energy security and the way they carry out their regional engagement Based on countries interests in promoting institutionalized regional energy cooperation and their capacity for forging that cooperation the collection assesses each state s role in contributing to an energy regime in Northeast Asia It then concludes with a critique on the decade plus quest for energy security cooperation in Northeast Asia and suggests ways forward for facilitating regional energy security cooperation. This book will be of great interest to scholars and students of environmental policy energy policy security studies Asian studies and international relations

Introduction to International Economic Law Fulvio M. Palombino,2025-05-27 International Economic Law IEL refers to the rules governing economic relations at the international level and involving States international organizations and private entities This textbook explores IEL within the broader context of public international law from the ground up providing all the foundational principles of international law essential for the study of IEL The first part of the book is devoted to the analysis of actors and sources of IEL while the second part focuses on the three main sectors of IEL international investment law the law of international trade as developed through the work of the World Trade Organization

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