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Review

~~of a doctoral dissertation written by Pablo An Ping Chang Ibarra, M.A., titled: *International Legal Regulations on Energy Integration at Regional Level Around the World and Latin America*, Olsztyn 2017, computer printout, 233 pages.~~

1. Title of the dissertation and methodology

The subject of the dissertation is typical for comparative legal research. The thesis is written entirely in English. What should be emphasized is the fact that the doctoral dissertation is devoted almost entirely to the analysis of the doctrine and sources of international law, in particular European, African, North-American and Asian law. The thesis does not contain issues related to the Polish energy policy. The doctoral Candidate entirely omitted the analysis of judicial decisions. The thesis is based mainly on the analysis of the doctrine and, further on, of the legal regulations.

The subject of the doctoral dissertation is an analysis of various energy policies in the world with regard to the possibility of their local integration. In the introduction (p. 1), the Candidate rightly observed that the current model of energy sources, in particular with regard to conventional energy, is undergoing a quite serious crisis. At the same time, it can be assumed to be the main research hypothesis of the entire thesis and the starting point for further considerations. The Candidate emphasizes that the energy market in the world is largely dominated by the policy of the United States. It is the USA that plays the leading role in the world in this area of economy. The Candidate carried out in his thesis a comprehensive analysis of energy policy in the world, heavily focusing on the role of the US policy for the energy policy of South America. Although it is understandable why the first of those policies is discussed so extensively, it is difficult to understand the reference in the title to the energy policy of South America, which is not as significant as the first one. Consequently, I would suggest the following wording of the title: *International Legal Regulations on Energy Integration at a Regional Level Around the World*.

The Candidate demonstrates that the contemporary energy market is based (and increasingly more) on the principle of sustainable development, which is reflected not only in the global policy, but also within the frameworks of various regional policies. On p. 3 of the Introduction, the Candidate indicates that the primary objective of his doctoral dissertation is the need to analyse the energy policy followed to date, and this is due to the fact that one-third of the

population lives below the social minimum. This fact is also revealed in the access level of poorer regions of the world to energy resources. Social exclusion in this regard is significant. It suffices to point out not only to the concentration level of energy producers in the richest states, but also to the unsatisfied energy demand in poorer states, for instance in hospitals, schools or for food production and storage (p. 3). The Candidate observes that most of the energy consumed has its source in coal, gas and oil. In the case of oil, an important role is played by OPEC, the organization which since 1970s has been trying to control the amount of extracted oil.

The Candidate indicates that the subject matter of the energy policy, both on the global and regional level, has been discussed in the professional literature. He also demonstrates trends prevailing in those research areas. However, specific publications (and the authors of those ideas) are not cited.

It should be highly appreciated that the Candidate defined in the Introduction such methodological issues as the: the essence of the research problem, the design of the thesis, justification and the originality of the research undertaken.

2. Technical issues and design of the thesis

The doctoral dissertation of Pablo An Ping Chang Ibarra has been documented at a satisfactory level. The thesis has 269 references, which accounts for an average number of 1.24 reference per page. It is not a shocking number for a doctoral dissertation. It is the more so that the Candidate used 14 point size font, which means that the main part of the thesis has no more than 180 pages. As regards technical requirements, the references have been correctly prepared and in this regard I have no comments.

The Candidate divided his work into five chapters. Additionally, the thesis includes an introduction, references and the table of contents, preceded by an extensive list and explanation of abbreviations.

In the first chapter (pp. 9-39), the Candidate discusses regional projects and describes European and North-American experience concerning the process of cooperation in the field of shaping common or integrated energy policy. In particular, such issues have been discussed as European Energy Charter, which provides a political and legal basis for European Union operations, particularly as regards making energy investments at limited political, legal and financial risk. The Charter was signed in 1991 in the Hague by 46 states, including Poland and the EU authorities. The Charter includes principles of energy cooperation between the states of North America, taking regional differentiation into account. The issue that has been described in detail is the North American Free Trade Agreement (NAFTA). This is an agreement concluded

by the USA, Canada and Mexico, creating a free trade zone between those states. The Agreement was signed in 1992 and entered into force in 1994.

In the second chapter (pp. 40-100), the Candidate presents projects concerning cooperation and understanding in the field of energy policy on the South American continent. The institution responsible, e.g. for making the energy policy in this continent is the Union of South American Nations (*Unión de Naciones Suramericanas*). This is a political and economic community comprising 12 countries. The Union was created on December 8, 2004 in Cusco in Peru. One of the aims of this institution is responsibility for shaping energy policy on the South-American continent. Next, the area of energy cooperation and local agreements are discussed.

In chapter three (p. 101-116), the Candidate discusses regional treaties or conventions that have been concluded in the area of energy policy in the African Continent. The Candidate very accurately starts this chapter by presenting the processes in which new regions emerge, often in a totally different manner than in the period directly following the colonial era. Consequently, the energy policy in Africa starts to be arranged according to a new division of this Continent. Afterwards, the Candidate presents the energy policy in North Africa and in the Maghreb states. However, it must be observed that both of these notions significantly overlap. Therefore, it would be a better idea to keep only the label of "North Africa". Further on, the Candidate presents the energy policy in Western, Central and South Africa.

In chapter four (pp. 117-166), the Candidate refers to Asia, discussing regional and subregional agreements and projects of cooperation in the field of common energy policy. At the beginning, the Shanghai Cooperation Organisation is presented. This is a regional international organization, created on June 15, 2001 by Russia, China and Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, India and Pakistan. Its main aim is to reinforce regional safety in Asia, among others, by creating a common energy policy. Most members of this organization are states with large oil resources.

In the last, fifth chapter (pp. 167-195), the Candidate discusses the global strategy concerning energy policy, focuses on respecting regional conditions. Also in this chapter, the Candidate very aptly describes the creation of a new division of the world, the emergence of new regions due to the specificity of the energy policy, diversified with regard to the resources and energy consumption. The Candidate emphasizes the need for cooperation within the OPEC. In the Candidate's opinion, it is also necessary to create an international energy forum. The cooperation in the field of the common energy policy must be quite strongly related to sustainable development of all states and regions of the world.

The final part of the thesis contains quite extensively elaborated conclusions (pp. 195-211).



Certain conclusions can be drawn from the analysis of the design of the thesis. The first conclusion concerns unequal division of the material. First of all, chapter three has only 15 pages, while chapter two has 60 pages and chapter four – 49 pages. Only the first and the fifth chapters are quite proportional to each other. I wish the Candidate had tried to include shorter text units and shorter paragraphs. There are cases when one paragraph spreads across four pages (pp. 15-19). Further on, these are very long text units, covering more than dozen pages. This is the reason why the thesis does not read well. Therefore, it would be necessary to extend the discussion in chapter three, at least up to 25 pages. The final part of the thesis includes conclusions, but they are not clearly separated from the last chapter, which is a pity since such a situation as it is now blurs the picture of the entire research (p. 195).

3. Sources and literature

In conducting his research, the Candidate carried out preliminary research of literature and resources. Already at the beginning, it can be claimed that the research query has been conducted at the satisfactory level. There are 263 bibliography items used in the thesis, mainly in the English and Spanish languages. With regard to the number of publications used in the thesis, it is quite acceptable. However, what is quite alarming is the fact that these are not the latest publications. From what I have found, the latest item comes from 2006, while some of them were published as early as in 1980s. Taking into account the topic and the rate of changes and the development of the energy sector, and consequently, the growth in number of research publications related to this phenomenon, it should be noted that the Candidate has not carried out literature research in a proper manner. He treated this task very superficially. The thesis entirely lacks any mention concerning the Polish literature in this regard, which is certainly quite abundant. It is commonly known that the Polish doctrine in this regard is of significant importance.

An important element in the process of preparing and, later on, of writing a doctoral thesis is carrying out extensive preliminary research of sources. The data are gathered, on the basis of which a doctoral dissertation is to be created. The first objection in this regard concerns the lack of the list of sources used in the doctoral dissertation. The Reviewer is therefore forced to gain insight into this preliminary research only by reading the text, but also by analysing references quoted in the thesis. The analysis I have conducted suggests that the existing sources of international law (or law of individual states mentioned by the Candidate) were used in this thesis to a very limited extent. There is not a single reference to the sources of Polish law.

Apart from the primary research, it would be a good idea in the doctoral dissertation to carry out research in the area of various strategies of energy policy in the world. I cannot find



this activity in the doctoral thesis. An analysis of the judicial decisions of any state is completely missing. It is a pity the Candidate did not try to refer to at least some Polish sources of energy law.

To sum up my comments concerning the literature and source preliminary research, I can state that the doctoral thesis of Pablo An Ping Chang Ibarra has been based to a large extent on previous views already existing in the doctrine. However, this does not mean that the thesis is of a reconstructive type. There are many original views expressed by the Candidate, which will be presented at further stages of the review. Therefore, the thesis is of a speculative type.

4. Research tasks

After reading the doctoral dissertation, I can conclude that the Candidate is quite capable as regards the description of legal issues. In presenting the European Energy Charter in the first chapter, its history has been presented together with the economic background (pp. 9-10). The Candidate also indicates the reasons for the lack of acceptance of the Charter by some states outside the EU, including the USA and Russia. The Candidate rightly claims that after the Charter entered into life, the process of energy policy integration in Europe was still developing. The Candidate presents subsequent initiatives undertaken within the European Union. The main outline of this policy was specified in the Green Charter (p. 22). This Charter indicated the need to develop the sector of energy derived from renewable resources. (p. 24). It also emphasized issues related to the nuclear power industry, extensively discussed within the European Union.

What should also be mentioned is the fact that the Candidate refers to primary documents shaping the energy policy in individual areas of the globe. The example here is the reference, e.g. to documents adopted during the meeting of the heads of the state of South America in Peru (Cusco) in 2004.

The Candidate is able to draw conclusions from the documents analysed and to properly systematize them, particularly as regards the effects and the views of the doctrine in a given Continent (p. 41). He also properly describes the differences in energy policies on the South-American continent (p. 45). He distinguishes two areas, states located in the Andes (CAN) and other states (MERCOSUER). At the same time, he discusses the characteristics of those policies, particularly with regard to the elements that differentiate them (pp. 51-58). Subsequently, the Candidate describes other agreements which prove the cooperation on the South-American continent (pp. 59-100).

While discussing the regional energy policy in Africa, the Candidate also demonstrates its context. This policy could develop only in the post-colonial period. Therefore, its beginnings reach the 1970s (p. 102). The Candidate pertinently observes that there is no uniform energy



policy in Africa, but it is divided into subregions (p. 104). Therefore, cooperation can be distinguished within the states described as Maghreb (p. 109). In this subregion, the state cooperation in the field of shaping a common energy policy is based on the energy community created in 1975.

The Candidate quite well describes the issue of energy policy of the largest continent, i.e. Asia, with its geographical, political and economic complexity. According to the Author, energy policymaking in most of the Asian states is based on the Shanghai Cooperation Organisation. One of the objectives of this organization is independence from Russian energy resources. This in turn results in an increased American influence (pp. 118-119). The states overcome their hostility under a common energy policy, which can be exemplified by Pakistan and India (p.125). Further on, development of energy policy is presented within the South-Asian Organization known as SAARC (p. 130) and the energy forum created within this organization (p. 137). In turn, the energy policy in eastern Asia is created within the ASEAN organisation (p. 148).


An important research problem brought up by the Candidate is the need to build a global energy strategy while preserving the specific features of regional policies (p. 167). According to the Candidate, the new model of energy policy must be an integrated model, with increased expenditure on energy production from renewable resources (p. 169). With this aim in view, the International Energy Forum has been built (p. 175).

In the conclusion to his thesis, the Candidate notes the exhaustion of the previous energy policy model (p. 196) as the reason for US hegemony in the oil production and consumption market (p. 198), emergence of new regions according to the energy source based key (p. 201), before finally discussing the need to construct a global energy strategy based on the sustainable energy model (p. 207). However, a synthetic conclusion that would summarize the entire research by the doctoral Candidate is missing.

5. Disputable issues

Besides unquestionable assets, the thesis also includes numerous shortcomings and deficiencies. Therefore, it is the duty of a reviewer to indicate the disputable issues. The first of them concerns the data quoted by the Candidate in his dissertation, which are not quite up to date. The most recent ones date back to about 2006 and quite frequently, the data date back to 1990s (e.g. on p. 31 and subsequent). Considering the fact that the energy sector belongs to those branches of industry that develops at the highest rate, 10-year-old data is only of historical value.

What seems quite strange is the claim made by the Candidate on p. 29, when he states that the USA, Canada and Mexico produce more energy than all of America. The title of this



chapter is: Energy cooperation in North America. The first three countries exhaust the notion of North America. Therefore what America does the Candidate mean? I do not know.

In the same text unit concerning North America on p. 35, the Candidate suddenly and unexpectedly starts a discourse concerning the energy policy of India and China. Why? I do not know.

I also have some objections as to the method applied for discussing international documents. The Candidate describes the treaty laying the foundation for NAFTA, point after point, without any deeper analysis (pp. 36-39).

On p. 101, the Candidate provides information concerning oil resources and other energy resources in Africa, which date from 2002.

The Candidate brings up certain important questions, but does not elaborate upon them. One of the examples is the cooperation between states within the Maghreb group. The description of this issue took only 2/3 of a page. The Author has not written anything about what currently takes place in the policy following the period of changes occurring after 2014 as a result of various revolutions in the states making part of this group (p. 109), while other groups of states are discussed quite extensively as regards the energy policy of Africa (p. 109 and subsequent).

The language quality of the text written in English also raises many objections with regard to the terminology and sentence structures. Nevertheless, the level of the English language is satisfactory enough to be positively evaluated.

6. Conclusions

The analysis of the doctoral dissertation by Pablo An Ping Chang Ibarra allows me to formulate the following conclusions:

The topic of the thesis is correct, although it requires a slight change;

The research hypothesis, research aims and methodology have been correctly constructed;

The design of the thesis is basically correct, yet it requires a certain improvement;

The preliminary research concerning the literature and sources of law is satisfactory, but not complete;

The analysis of judicial decisions is missing, which is a serious shortcoming of this thesis;

The thesis has multiple errors as regards the English language.

7. Evaluation of the dissertation

It should be considered that the dissertation is quite interesting and to some extent, it is an original study, contributing to the development of research on energy policy in the world and in

Poland. The evaluation of the thesis has been already presented in the statements concerning the appropriateness as regards the choice of the subject (point 1). I positively evaluate the design of the thesis, yet, with some reservations (point 2). I consider the source and the literature basis of the subject to be satisfactory, although the thesis is not free from some methodological deficiencies (point 3). In point 4, I claimed that the Candidate generally achieved the research objectives he defined. In point 6, I listed only some shortcomings, which largely result from the extensive scope of the thesis.

My evaluation of the doctoral dissertation of **Pablo An Ping Chang Ibarra** is positive and, in my opinion, the dissertation satisfies the statutory requirements specified in Art. 13.1 of the Act on Academic Degree and Academic Title and Degrees and Title in Art Studies of 14 March 2003 (Dz. U. of 2003 No. 65, item 595) and can provide a basis for further stages of the doctoral procedure.



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