

REVIEW
of official opponent, Doctor of law,
Professor, Head of the Department of
Constitutional and International Law,
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on the thesis of Pablo An Ping Chang Ibarra
“International legal regulations on energy integration
at regional level around the world and Latin America”

The thesis of Pablo An Ping Chang Ibarra is devoted to a comprehensive international legal analysis of issues of enormous interest. It aims to analyze the exhaustion of the current energy model and its most important consequences, as well as the momentum of a transition to a sustainable energy model. Few issues are of significance for the future of humanity as the proper use of the energy sources in the production and consumption of goods and services to meet the needs of the populations of present and future generations. The current energy model crisis marked by the end of the cheap oil to the eminent peak production of conventional oil in non-OPEC areas, the environmental impact of current patterns of energy consumption and the lack of equity in the access to energy require strong responses, which will take into account the critical factor of energy sustainability. This thesis aims to, among other things, to make an analysis of the current energy model and regimes, propose an alternative energy module the new and discuss the new regionalism and its new energy dimension, to avoid the serious consequences that accompany the current energy model, that is, wars for oil, climate change, pollution of the oceans and energy poverty. First, the different international regimes that have prevailed in the current petroleum-based energy model are pointed out in order to analyze international politics of oil, and especially, the relationship between oil and US hegemony in perspective. Here, an analysis of the United States' strife to create a new international oil regime while regional projects without Washington's involvement are developing cooperation schemes aimed at promoting sustainable energy at regional levels. United States would strive to change the present rules of the game of the international oil market to strengthen its energy security as a minimum objective and its global hegemony as a further objective, while regionalism would be driving a transition to another energy model in each of its regional spaces. However, the energy cooperation developed at the regional level is insufficient, since the different experiences are not coordinated and focused to achieve the same objectives on a global scale. This thesis, therefore, is directed not only to verify the existence of the new energy dimension of the new regionalism, but to

propose the adoption of a comprehensive energy strategy for the transition to a sustainable energy model. In this sense, regions would be the key players to promote this policy of transition, as well as intermediate instances of implementation and monitoring of national and global objectives between levels. The theoretical framework of this work highlights the conceptual categories of hegemony, balance of power, international regimes and regionalism, as well as the way in which the discipline has addressed the relationship between oil and power.

The scientific novelty of this thesis written by Pablo An Ping Chang Ibarra is beyond doubt. It is expressed in obtaining new knowledge in relation to the normative content. Much of the originality of this thesis stems from the facts addressed as object of study: the answers being developed within the framework of the new regionalism from the current energy crisis and the development of a comprehensive energy strategy for promoting sustainable energy from the regions. In this sense, it must be remembered that while the energy problem has been chiefly analyzed from the perspective of conflicts between companies and OPEC, the interests of producing and consuming States, from the geopolitical rivalry perspective, it has been sparingly analyzed from that point of view where the achievements and limits of regional energy cooperation and its impact globally is the hallmark. Also, in both theoretical and empirical literature dedicated to the new regionalism it is not common to find work relating to the mechanisms of energy cooperation that have been developed in a similar fashion as is seen in this thesis, because dominant subjects tend to be trade, institutions, democracy and human rights, foreign affairs, finance and even identity. It is further highlighted that the reading given by authors of the discipline of international relations to the current energy crisis is characterized by its Neorealist accent. In the case of this thesis though, the Rationalist approach is used. The findings to be defended are of sufficient scientific novelty and reflect the independent contribution of the candidate to legal science. The author demonstrated the ability to correlate sources, to compare them and make reasoned conclusions, applying to the object of their research the tried and tested methods of scientific cognition. The sources of material for the research and the chosen methodology for formulating conclusions exclude doubts about the reliability of the results obtained.

The vast scientific foundations of Pablo An Ping Chang Ibarra's thesis deserves commendation. The work is written with the involvement of a wide range of sources: international treaties of various levels, resolutions of the UN General Assembly, recommendations adopted within the framework of

specialized international organizations, as well as legal acts of various states reflecting the implementation process in the energy sphere.

The structure of the dissertation is logical, has an internal unity and reflects the algorithm of scientific search. It contains an introduction, five chapters, a conclusion and a list of references. In the introduction, the relevance of the topic is justified; the degree of its development is determined; the object and subject of the thesis are established; its goals and objectives are defined; research findings are spelled out; a description of the practical significance of the work and information about the results of its testing are provided. The theoretical framework is focused on the achievements and limits of the experiences of energy cooperation within the framework of the new regionalism; the limits of the current energy model are exposed while the foundations of a sustainable energy model to achieve a comprehensive energy strategy are outlined. In the first chapter, the thesis analyzes the role of energy in the process of construction of the European Union (EU) since the creation of the community of coal and steel and EURATOM to the gradual establishment of a common energy policy. In addition, the EU's attempt to boost the letter of the Energy Treaty as a privileged tool of its foreign energy policy (a proposal from Energy Commissioner Andris Piebalgs and the High Representative for foreign policy and common security Javier Solana) which, in our opinion, is a mistake, as demonstrated at the Lahti Summit in 2006 is discussed. The first chapter also deals with cooperation in North America, including the construction of a common energy market at the service of the energy security of the United States. In the second chapter, we discuss energy cooperation in South America, highlighting the initiatives taken within the framework of the new South American community of Nations. In the third chapter, the energy cooperation in Africa is analyzed taking into account the creation of the African Energy Commission (AFREC) within the framework of the African Union (AU), the wholesale markets of electricity created in southern Africa and West Africa and the large energy projects underway, like the case of the hydroelectric power stations in Central Africa. The fourth chapter discusses the experiences of energy cooperation in Asia, focusing on the initiatives undertaken within the framework of SAARC in the Shanghai Cooperation Organization in Central Asia, South Asia and ASEAN in East Asia. Finally, in the fifth chapter, the possibilities of developing a comprehensive energy strategy from the new regionalism, as a transition towards a sustainable energy policy is analyzed. Energy sustainability is an imperative for humanity because of the negative consequences of the current energy model: wars of oil, climate change and poverty. In the conclusion, theoretical conclusions based on the research conducted are formulated, results of

the research and concrete proposals are also outlined. Among other things, it is noteworthy to mention that the author came to a conclusion that:

- the United States is using its global hegemonic position accidentally after the surprise ending of the war trusts - to promote the realization of a "neoliberal" regime for hydrocarbons, which would give oil companies the role oligopolies had before the creation of OPEC. To do so, it is using instruments of commercial diplomacy (transregional projects like APEC and FTAA negotiations for the liberalization of energy services in the framework of the WTO) and the military (reactivation of the Carter doctrine and its expansion to Central Asia);

- the new regionalism presents an energy dimension resulting in cooperation in the energy sector between stakeholders within regions, which is generating very encouraging results in the field of sustainable energy. Such regional cooperation translates into promotion of safe and efficient energy, the creation of renewable energy, dissemination of clean technology, integration of gas and electrical infrastructure, electrification of rural and depressed areas, and in some cases political dialogue with other regions and States in the energy field in order to secure regional energy security. However, there are clear limits due to the problems of saturation and positive externalities limited towards third parties that consequently do not solve the problem on a global scale, although they serve as demonstration effect of absolute profits that can be generated through energy cooperation at a global scale;

- since the new regionalism can propel a global energy strategy for the transition to a sustainable energy model, the strategy must be composed of a set of international regimes and multilateral initiatives that are overlapping each other, cover all aspects related to three areas (economic, social and environmental) of sustainable energy and have a global reach. In addition, its adoption and development can be done through a group of precursor regions, which will operate as a "small group" (small groups), which is a technology for provision of regimes of multilateral character that contrasts with the theory of hegemonic stability.

The findings, conclusions and practical recommendations can be taken into account in improving existing and developing new norms on international legal regulation in the energy sector generally, but particularly on energy integration, as well as in improving national legislation of various states in the sphere in question.

The formatting of the thesis meets the set standards. Scientific findings on this research are reflected in 11 publications. A wide range of normative, legal, doctrinal and empirical sources in various languages was used in the work.

Our positive review of Chang Ibarra Pablo's thesis is not an indication of its impeccability. There are a few shortcomings in the thesis which are duly noted below.

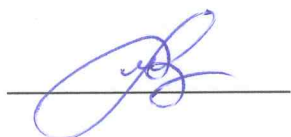
Firstly: Have to analyze more the energy cooperation between Russia and China.

Secondly: There is no information from Eurasian region and their regulation in these theme about energy cooperation.

Thirdly: The author didn't analyses the relation between countries of Arabic region in this subject.

The noted shortcomings on the thesis do not, however, reduce the overall quality and our positive impression about the work. The scientific research proposed for discussion is a positive contribution to the doctrine of international law. It has theoretical and practical significance. The thesis was written by the author himself and contains new scientific results and findings put forward by the author for public protection. The work has an inner consistency and is a testament to the author's personal contribution to science.

Thus, the thesis of Pablo An Ping Chang Ibarra "International legal regulations on energy integration at regional level around the world and Latin America" is a holistic scientific work, in which problems that are essential for the science and practice of international law are addressed. The work meets the requirements for research at the PhD level.



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