

===== FOREIGN SCIENTISTS ON THE ROLE OF INTERNATIONAL TREATIES =====  
IN ENSURING ENERGY SECURITY

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**ENERGY SECURITY IN THE GLOBALIZED WORLD:  
THE ROLE OF INTERNATIONAL LAW REGULATION**

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**Abstract.** In the globalized world, energy security means the ability of countries and regions to satisfy their energy demands without any threats to their economic, social or political stability. Energy security depends on a variety of factors such as availability, reliability, price and sustainability of energy resources as well as the level of cooperation and competition between producers, consumers and transit countries. Energy security in the globalized world is a multifaceted problem that includes availability, reliability and accessibility of energy resources. International cooperation is of great importance since energy security is not limited by national borders, but is a common global problem. The key role is assigned to international treaties. Countries need to solve legal issues arising in view of the transition to the low-carbon economy and guarantee that their policy is in line with the obligations to fight against the climate change. The achievement of safe and sustainable energy future in the inter-related world requires a combination of legal measures and strategic planning.

**Keywords:** international law regulation in the energy sphere, energy security, international treaties.

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## ЭНЕРГЕТИЧЕСКАЯ БЕЗОПАСНОСТЬ В ГЛОБАЛИЗОВАННОМ МИРЕ: РОЛЬ МЕЖДУНАРОДНО-ПРАВОВОГО РЕГУЛИРОВАНИЯ

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**Аннотация.** Энергетическая безопасность в глобализованном мире — это способность стран и регионов удовлетворять энергетические потребности, не ставя под угрозу свою экономическую, социальную и политическую стабильность. Энергетическая безопасность зависит от многих факторов, таких как наличие, надежность, цена и экологичность энергоресурсов, а также уровень сотрудничества и конкуренции между производителями, потребителями и транзитными странами. Энергетическая безопасность в глобализованном мире — это многогранная проблема, которая включает в себя наличие, надежность и доступность энергетических ресурсов. Международное сотрудничество имеет важное значение, поскольку энергетическая безопасность не ограничивается национальными границами, а является общей глобальной проблемой. Ключевая роль отводится международным договорам. Страны должны решить юридические проблемы, связанные с переходом к низкоуглеродной экономике, гарантируя, что политика соответствует обязательствам по борьбе с изменением климата. Для достижения безопасного и устойчивого энергетического будущего во взаимосвязанном мире необходимо сочетание правовых мер и стратегического планирования.

**Ключевые слова:** международно-правовое регулирование в сфере энергетики, энергетическая безопасность, международные договоры.

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International law regulation in the sphere of energy security in the globalized world means rules, principles and mechanisms that are aimed at regulation of the process of integration of energy resources, consumers and markets on the global scale and turn the energy sector into a complex system affected by environmental, social, political and economic factors. International law regulation is aimed at development of cooperation, solidarity, consistency and solution of problems by countries to ensure energy security defined as continuity, applicability, quality and accessibility of energy supply. In the conditions of globalization, international law in the energy security sphere is characterized by a multi-tier and dynamic

structure consisting of various tiers and sources. International law cooperation can be classified as follows:

- regional international treaties and organizations include documents and institutions that govern cooperation in the energy sphere in certain geographical regions;
- specialized international treaties and organizations include documents and institutions that regulate the use of specific energy sources or energy security aspects. E.g., the International Atomic Energy Agency, the International Energy Agency, the Treaty on the Non-Proliferation of Nuclear Weapons, the Kyoto Protocol, etc. [1];

— international treaties include treaties that govern relations in the energy sphere between two or more states. E.g., agreements on such matters as transit, supplies, investments, taxation, solution of disputes in the energy sphere.

### LEGAL IMPACT ON ENERGY SECURITY IN THE GLOBALIZED WORLD

International treaties play an important role in the assurance of energy security in the conditions of globalization and have a considerable impact on the relations between states and companies operating in the energy sphere. International treaties determine principles aimed at assurance of stability and reliability of energy supply in the conditions of global mutual dependence. International treaties such as the Kyoto Protocol or the Paris Agreement are important regulatory instruments aimed at reduction of greenhouse gas emissions and encouragement of the transition to sustainable energy sources. Such treaties outline obligations of the states in terms of restriction of the harmful impact on the environment and facilitate development of joint projects in the sphere of reduction of greenhouse gas emissions, thus creating a legal framework for support of global climate change combating efforts. Multi-party energy treaties are the key tools to ensure stability of the energy market. They set out supply conditions, tariffs, transit routes and even technological standards that form a regulatory basis for international cooperation and ensure legal predictability for market participants [2]. Special attention should be paid to energy security in the conditions of geopolitical tension as many countries seek to diversify their energy sources and lower the dependence on certain suppliers. This process often results in execution of long-term energy supply agreements to ensure reliability of supplies and promote economic security. However, conclusion of international treaties may be accompanied with some problems caused by the multitude of legal systems, national interests and national policies. Settlement of potential conflicts requires a high level of diplomatic and legal skills to maintain a balance of interests of the parties and observe the generally accepted international law provisions.

The national energy policy and respective regulation are of fundamental importance in the globalized world for the purposes of ensuring energy security of the state; at the same time, their impact goes beyond national border limits and forms a complex

interaction environment on the global energy arena. Today, they are an important tool for regulation and management of energy resources and affect internal aspects of the energy sector along with global economic and political relations. The national policy in the energy sphere and laws are instruments used by countries to ensure energy security. The national policy in the energy sphere and laws determine the conditions for obtaining benefit from the use of energy resources by the countries, the right to select different energy sources and authorities to determine the general energy supply structure. The national policy in the energy sphere and laws also facilitate adaptation of countries to the global energy environment, development of cooperation and solidarity in the energy sphere, assurance of energy supply security, energy efficiency, the use of renewable energy sources, fight against climate change along with research and implementation of innovations in the energy sector. The legal impact of the national policy in the energy sphere and laws on energy security can be expressed in the form of rules, standards, sanctions and incentives that govern the energy sector of countries. The national policy in the energy sphere and laws affect functioning, performance, competitiveness and sustainability of the energy sector. The national policy in the energy sphere and laws also ensure conformance of the energy sector to provisions of international law, agreements, institutions and mechanisms [3]. The legal impact of the national policy in the energy sphere and laws on energy security in the conditions of globalization not only opens up new opportunities but also presents challenges. New opportunities enable expansion of the global coverage of energy resources, markets and technologies, facilitate development of cooperation and solidarity in the energy sphere, raising energy efficiency and broadening the potential of renewable energy sources. New prospects in terms of the fight against climate change are developed along with new opportunities for research and implementation of innovations in the energy sphere.

The national policy in the energy sphere and respective laws play an important role in the establishment and assurance of energy security across the globe, have a direct impact on states, corporations and members of the public. Contemporary national energy strategies and laws determine mechanisms of regulation of generation, distribution and consumption of energy for achievement of sustainable development goals, efficiency and conformance to environmental standards [4]. The national regulation of

the energy industry is closely interrelated with such global problems as climate change. Many countries adopt laws aimed at reduction of greenhouse gas emissions and encouragement of transition to renewable energy sources, so energy companies are forced to implement innovations and apply more sustainable technologies, which in the end results in reduction of the global carbon footprint. The state policy in the energy sphere has a direct impact on energy strategies and investment decisions of companies. Tariff regulation, taxation principles and encouragement of advancement of environmentally friendly technologies shape decisions on development of the energy infrastructure and investment priorities.

### LEGAL STRATEGIES OF ASSURANCE OF ENERGY SECURITY IN THE GLOBALIZED WORLD

Legal strategies of assurance of energy security can be focused on three key areas: security of energy supply, integration of the energy market, energy efficiency and renewable energy sources. Legal activities required in the named spheres include:

- security of energy supply. In order to prevent any interruption or reduction of energy supplies, one requires such legal measures as diversification of energy supply sources and routes, increase of the energy storage capacity and emergency planning, protection of and strengthening the energy infrastructure, creation of mechanisms of cooperation and solidarity between energy suppliers and consumers, application of energy diplomacy to ensure implementation of such processes;

- integration of the energy market. In order to achieve competitiveness, transparency, fairness and efficiency of the energy market, one can adopt such measures as liberalization, supervision and integration of the energy market on regional and global levels [5]. The named reforms can bring such advantages as energy price reduction, encouragement of trade in energy resources, facilitation of investments in the energy industry and enhancing reliability of energy supply;

- energy efficiency and renewable energy sources. In order to reduce energy consumption, ensure sustainability of energy resources, fight climate change, raise energy efficiency and expand the use of renewable energy sources, one can adopt provisions that stipulate incentives and support mechanisms. Such measures can facilitate improvement of energy

supply, energy cost reduction, development of country-level environmentally friendly energy generation and reduction in greenhouse gas emissions.

### DEVELOPMENT OF THE ENERGY INFRASTRUCTURE: LEGAL BARRIERS AND OPPORTUNITIES

Development of the energy infrastructure is an important component of assurance of energy security, efficiency, sustainability and accessibility of energy. In the conditions of globalization, development of the energy infrastructure encounters legal obstacles as well as opportunities.

Legal obstacles to the development of energy infrastructure include legal uncertainty, inconsistency of legal norms, contradictions in legal regulation, and an imbalance of interests of participants in legal relations [6].

Legal opportunities for the development of energy infrastructure include the introduction of legal incentives, measures to support participants in climate projects, and legal support for digitalization in the energy sector. It seems advisable to develop standards and codes that establish requirements for energy infrastructure [7].

### THE ROLE OF INTERNATIONAL LAW IN THE ESTABLISHMENT OF THE GLOBAL ENERGY POLICY

International law plays a pivotal role in the establishment of the global energy policy and performs an important regulatory function against the background of complication of international relations and strategic relevance of energy resources. Hence, international law becomes the main tool to govern the use, distribution and management of energy resources within the framework of inter-state relations. Today, the energy industry is perceived as an integral part of economic development and national security causing the need to view the energy policy in the light of both national and international aspects [8].

International law incorporates a number of provisions and principles that facilitate sustainable use of energy resources, regulation of trade in energy

resources, control over the impact on the environment and assurance of energy security. From the global energy policy standpoint, international law provides for fair and balanced distribution of energy resources considering their limited nature and growing global energy demands. With this in mind, the right of access to energy resources is one of the fundamental international law elements in the establishment of the energy policy. International law is aimed at assurance of fair and transparent resolution of energy disputes between states and facilitates peaceful settlement of conflicts related to the use of energy resources. Moreover, international law is aimed at minimization of the impact on the environment, assurance of sustainability of energy projects and management of energy security risks through regulation of obligations of companies and states operating in the energy sector. Thus, international law serves to balance the impact of energy projects through inclusion of national and global interests in the energy policy. International law plays the fundamental regulatory role in development of the global energy policy. [9] The limited nature of energy resources, growing energy demands and environmental factors turn international law into the main mechanisms of establishment of the energy policy. Thus, international law maintains its relevance as a complex tool for regulation of inter-state relations aimed at assurance of energy security, settlement of conflicts and facilitation of fair and sustainable management of energy resources.

#### CONFERENCE OF THE PARTIES

The Conference of the Parties (COP) is the major element of international cooperation in the environmental and sustainable development sphere. This is the supreme governing body of various international conventions such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD). The COP unites representatives of the member states to discuss progress reached by conventions and adopt decisions aimed at improvement of their implementation. Conferences are held regularly and serve as a platform to discuss matters associated with global environmental problems such as climate change, protection of biological diversity and desertification control. The member states use these meetings to share information on national strategies, achievements and problems related to discharge of obligations within

the framework of conventions. One of the most famous COPs is the Climate Change Conference that gathers a lot of attention of the global community year after year. E.g., the 26<sup>th</sup> session of COP 26 held in Glasgow in 2021 was dedicated to the efforts aimed at promotion of actions under the Paris Agreement. The COP acts based on the regulation adopted at the first meeting, which can be amended at subsequent sessions. The COP's main tasks are studying the results of implementation of conventions, submission of recommendations for prevention of and reaction to environmental issues, development of an action plan and creation of auxiliary bodies to study the matters associated with the implementation of conventions. Resolutions adopted by the COP are of legal force for the member states and can include adoption of new protocols, amendments to conventions and even development of new international instruments. These resolutions are of great importance for the establishment of the international policy in the environmental protection and sustainable development sphere.

#### CONCLUSION

Energy security is of utmost importance in the globalized world since this sphere unites the legal field and strategic tasks. Legal consequences are rather far-reaching because international multilateral and bilateral treaties define conditions of trade in energy resources, protection of investments and environmental protection. Energy security strategies need to take these legal complications into account, ensuring stability of energy supply. Diversification of energy sources is one of the key strategies that gives an opportunity to lower dependence from a certain energy type or source. This strategy stipulates the use of fossil fuels, nuclear energy and expansion of application of renewable energy sources. International treaties serve as a platform for cooperation and resolution of disputes between countries, facilitate the development of a stable environment for trade in energy resources. Investments in technologies of renewable energy sources are not only a part of the energy security strategy but also a legal necessity since countries are bound by international obligations to reduce greenhouse gas emissions, such as the Paris Agreement. The transition to the low-carbon economy requires legal support in the form of subsidies, tax benefits and regulations that encourage innovations and introduction of pollution-free energy. Development of the infrastructure is another strategic

component that needs a reliable regulatory framework to set up transborder pipelines, supply systems and chains.

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