

A BRIGHT FUTURE FOR THE SCIENCE OF ENERGY LAW

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Abstract: *The tasks of legal regulation of the energy sector of the economy is of great importance for our country. A loaded word in the future development of legal regulation in the sphere of energy should be said by the science of energy law. Properly organized scientific research encourages the researcher to look several years ahead, to foresee future “over-the-horizon” problems including those in the sphere of law. Science, and the science of energy law is not an exception, should set big goals of strategic level for itself even if, at first glance, they look fantastic and unrealizable in practice. It should be noted that scientific research in the field of increasing the efficiency of legal regulation of the energy sector in our country and all studies in the energy sector of the economy, in general, will not be problem-free. Anticipating this, it is necessary to further develop and fully support scientific legal research on energy law aimed at improvement of efficiency of energy security and development of the energy industry in Russia.*

Keywords: *energy law, science of energy law, legal regulation for energy security, legal regulation in the sphere of energy.*

In 2018, the Department of Energy Law of the Kutafin Moscow State Law University (MSAL) successfully crossed the first five-year boundary since its establishment. Over the first five-year period, the Department of Energy Law under the direction of Viktoriya V. Romanova, Doctor of Law, has prepared scientific and educational publications that are actively used by both researchers and practicing lawyers, scientific events are held on a regular basis including discussion of problematic aspects of legal regulation in the energy sector, Energy Law Forum scientific journal is published, and specialized lawyers are trained for the energy industry. [1-6]

Five years of fruitful and effective activity of the Department of Energy Law of the Kutafin

Moscow State Law University (MSAL) – in general, it seems to be a short term, although it covers all difficulties of the organizational period of formation and start of the teaching and research activities of the department. But, on the other hand, if the aggregate amount of information, in the global terms, doubles every year, by 100 percent, which means that in two years it increased by 200 percent, in three years, by 400 percent, and in five years, it is even hard to calculate, it is clearly a significant period of time. Very many other undertakings, originally very promising, failed within even much shorter period.

In such an ocean of information, the very methodology of scientific research including the one in

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the science of energy law and, in particular, in the legal support for energy security cannot remain the same. After all, science is acquisition of new knowledge, and it is obtained on the basis of the analysis of available information, volume of which doubles every year. It is impossible to manage with offers of tactical level (such as continuous improvement of the conceptual instruments) and scholastic reasoning. Especially, when it concerns the legal regulation of the energy sector of the economy, which is extremely important for our country.

And here I would like to note that the scientific studies performed by V.V. Romanova and under her guidance are extremely relevant, profound, and systemic. The performed studies reveal the most acute problems of legal regulation in various energy sectors, suggest ways to settle disputable issues, correct models of legal regulation, and set objectives for the further development of legal regulation in the energy sector. A lot of hard work has been already completed by now.

But it is wrong to think that the next five years will be problem-free and much easier than the previous five years for the Department of Energy Law. After all, properly organized scientific research encourages (simply requires) the researcher to look several years ahead, to foresee future “over-the-horizon” problems including those in the sphere of law. One needs to become an expert in the field of legal futurology. Although, no one has denied the “black swan” factor — in science, it is how the factor, appearance of which is impossible to foresee in principle. For example, a few years ago, who could foresee that in 2016 Russia would settle a transaction with the OPEC (and several non-OPEC oil-producing states) on a serious reduction in oil production in 2017, for us, by 300 thousand barrels per day? And this transaction was extended for 2018, and now there are serious reasons to assume that it would be extended for another 20 years. We generally fulfill obligations under this transaction, it is profitable for us since it allows us to maintain acceptable prices for crude oil on the external market. But the fact is that we started selling less oil than before on the foreign market in quantitative terms, and this is a long-term trend.

However, business does not tolerate a lack of revenue growth, especially in the long term.

Hence, the corresponding reorientation of the vector of development of the oil complex and, accordingly, the legal regulation of this development will follow. The following is inevitable: a) transition to the sale on the external market of increasing volumes of products of deeper conversion of crude oil rather than crude oil itself; b) reduction of costs upon oil production, primarily, through more reliable prevention of environmental accidents, prompt elimination of the consequences of these accidents, etc.

Herewith, science, and the science of energy law is not an exception, should set big goals — of strategic level — for itself even if, at first glance, they look fantastic and unrealizable in practice. For example, the current paradigm of legal support for sale of our natural gas abroad looks as follows, speaking very roughly: we run after foreign buyers of our natural gas, “knuckling under” their laws while realizing that our gas is critical for them. Although, in general, we do not recognize when “the tail wags the dog”. Our terms and conditions for sale of our gas on the external market should be dictated by us rather than the gas consumers and, especially, “parties transiting it”. And we have the lever of influence here — the transition of the sale of our gas from the external to the domestic market. After all, in Russia unlike in the countries consuming of our gas, a very large part of the population does not currently have access to the “blue” fuel (95 thousand out of 144 thousand urban settlements). After all, we managed to initially solve this problem in the sphere of creating nuclear power facilities abroad.

It is estimated that by 2050, the energy consumption of the world economy will gradually decrease by 50 percent. For our country whose economy still heavily depends on the prices for hydrocarbon raw materials, this is a very sensitive issue. The science of energy law should say its loaded word here, concentrating on the problems of legal regulation of low energy.

It is clear that scientific research in the field of increasing the efficiency of legal support for the energy sector in our country and all studies in the energy sector of the economy, in general, will not be problem-free. They will be hindered in every possible way: a) by those residents

of our country who do not like their homeland; b) by our “researchers”-slubberers (according to the brothers Arkady and Boris Strugatsky) and the routineers who are wrongly considered to be scientists, but unable to organically create something new in science and, therefore, envy those

who can; c) by domestic lobbyists of foreign interests. Anticipating this, it is necessary to further develop and fully support scientific legal research on energy law aimed at improvement of efficiency of energy security and development of the energy industry in Russia. ■

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