

THE NEW MEANING OF NATIONAL SECURITY CONCEPT FROM THE ENERGY PERSPECTIVE

«THE NEW MEANING OF NATIONAL SECURITY CONCEPT FROM THE ENERGY PERSPECTIVE»

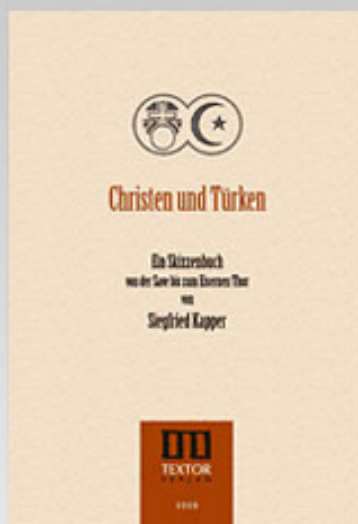
by *Laurentiu Victor PACHIU*

Source:

Strategic Impact (Impact Strategic), issue: 1 / 2013, pages: 128-137, on www.ceeol.com.

The following ad supports maintaining our C.E.E.O.L. service

eBooks on Central, East and Southeast Europe



Christen und Türken.

Ein Skizzenbuch von der Save bis zum Eisernen Thor

The Christians and the Turks.

A Travelogue from the Sava River to the Iron Gate

By **Siegfried Kapper**

Textor Verlag GmbH,
Frankfurt am Main, 2008, (in German)

Digsimile (i.e. text-based digital re-edition) of the First Edition in Leipzig, 1854 .

In the first and second part of "The Christians and The Turks", Siegfried Kapper presents his personal travel observations of the life of the people living at the Croatian border, especially the life of the Bosnian Turks.

more on:

www.dibido.eu



THE NEW MEANING OF NATIONAL SECURITY CONCEPT FROM THE ENERGY PERSPECTIVE

*Laurențiu Victor PACHIU**

Energy has become a global and central asset for any community. Being a crucial source for the development of human society, but also a tool of politics and geopolitics, ensuring energy security requires reaching a proper preparedness and responsibility by the actors involved. In what Romania is concerned, the advantage given by its favorable geostrategic position and by the presence of natural resources on its territory, as well as the recent regional/global evolutions in the energy sector, should represent a sufficient incentive so the strategies and political action regarding energy matters shift to a more realistic, mature, consistent and visionary level. "Geological Romania" offers a chance in terms of transforming Romania in a powerful and credible international partner. However, in order to accomplish this, an active approach of the energy security challenges is needed. This article is a recommendation for immediate action aimed at structuring and implementing a clear and viable energy security concept as a matter of Romanian policies, strategy and statutes, particularly in regard to the recent proposed draft amendment of the national security laws.

Keywords: energy; security; national security laws; critical infrastructure.

1. Energy security from a historical perspective

The global energy security dilemma marking the beginning of the 21st century embodies several elements foreshadowing fundamental and long-lasting changes in the philosophy, geopolitics and legal principles that govern it. We hereby refer to the entire array of problems, starting with the challenges associated to the depletion of conventional resources, the need for resource diversification, the security of production, transport and demand, the efficiency of energy consumption, transparent and genuine competition and last, but not least, ensuring environmental balance.

The 20th century (and most significantly its first half) firstly saw energy security as a component of military (defense) and economic security, the oil crisis of the seventies propelled the energy issue at the forefront of political agendas worldwide, becoming a *per se* security commandment, a vital factor in ensuring the inherent security of society as a whole. Energy security, as a dimension that needs to be perceived differently for each state, economy, region and market in part, already deems itself as the gravity center of all other security elements

*** Laurențiu Victor PACHIU is the Managing Partner and founder of "Pachiu & Associates" law firm, coordinator of Public Private Partnerships and Finance and Oil&Gas Divisions of Energy Department within the company. E-mail: laurentiu.pachiu@pachiu.com**



(political, national, economic, social, military, environmental, food etc.). Chronologically speaking, we are still at the onset of an “energy era”, when the security of an actor (state or non-state) is achieved solely at the expense of another actor. However, the technical and technological progress and the global dimensions of economic and social interdependencies, which are engulfed and promoted at every community level, become accelerating factors and lead to dramatic changes.

Any debate regarding Romania’s energy security must benefit from and should be grounded on a historical perspective of the country’s experiences. This is because for almost half a century (from the end of the 19th century to the beginning of the 20th century), Romania was part of the major league of oil-producing countries.

Approximately 100 years later, Romania (as a geographical and geological area and by no means as a society) has the chance to become again a crucial factor in the evolution of energy security realities and strategies around South East Europe, the Black Sea region and others.

A major contribution to this new geopolitical and geo-economical environment is made by the potentially significant shale gas reserves (“the new energy revolution”), the hydrocarbon reserves in the Black Sea shelf and other mineral resources relevant for the energy equation. Basically, Romania could complement in a logical manner the energy crescent represented by the potential discoveries and energy resources in the Black Sea, the Mediterranean basins (Cyprus and Israel) and the Caspian region. The projection of these geological and geo-economical facts against the background of an increasingly precarious balance of the European energy security – precariousness derived from the EU Member States’ insecurity of energy supply, from the relation of dependence, or, better said, “interdependence”, with the Russian Federation, from the complexity of configuring the energy supply routes and last but not least, from the absence of a consistent, uniform, well-connected to present and future challenges concept – transfigures Romania’s potential geopolitical and geo-economical advantages in challenges thrusting at its national security.

The defining features of the Romanian energy policies mostly revolved around the predicaments in relation to the industry’s national character and to the insufficient financial resources and technical

know-how necessary for its development. The testimony for such dilemma resides in the already traditional, circumstantial and superficial, political and legislative approach, of the national energy resources exploitation; and also in the way Romania is positioned within the European and regional energy and political context.

Obviously, the Romanian “mine laws” of the first half of the 20th century (which also covered oil and gas production), through their almost exclusive political substantiation (see the liberal “by ourselves” doctrine opposed to the “open gates” Christian-democratic doctrine) were not able to cast forward the full geopolitical potential of a first rank hydrocarbons producing country. They did so only in a circumstantial, non-strategic, short-term manner, without taking into account the broader continental and global challenges. The mining and petroleum laws were substantially amended once with every political regime change. From a strictly historical perspective, this legislative instability and incoherence was somehow explicable, given the fact that the energy supply-and-demand equation was not as complex as it is today (the Hubbert curve was still in its ascending phase). The energy security concept was, practically, inexistent. The political foreshadowing capacity regarding the energy factor was limited to defense imperatives and respectively to the provision of financial resources from oil revenues necessary for the development of industry as a whole (at the time Romania being predominantly an agrarian country).

The historical significance of every regulatory deed does not reside in the capacity of addressing some immediate, or predictable, interests of the actors involved (governing and/or governed), but in its ability to respond to several complex, unpredictable and long-term challenges, without affecting the stability and the economical, social and cultural development of the state. Reaching such a degree of regulatory appeasement claims an adequate, non-ideological, visionary and consistent underlying of any strategically-important regulatory initiative.

Regrettably, in its short history as a democratic state and free market economy, Romania was unable to conceptualize and define an energy security strategy which would establish itself as a cornerstone for all the regulatory initiatives taken in the energy field and, implicitly, to ensure



a long term reap of Romania's geopolitical and geoeconomical advantages.

A series of disfunctionalities affect the Romanian national security, such as: (i) keeping on a stand-by, for the past five years, without being implemented, the National Energy Security Strategy (initially adopted for 2007-2020, updated for 2011-2020, the document still being in need of major improvements), (ii) the appraisal of priorities in terms of strategy and security through ad-hoc Government or SCND (Supreme Council of National Defense) meetings (without as much as having defined the concept of "energy security" in a clear manner), (iii) the constant surprise factor brought forth in the implementation of some regulatory deeds in the energy field, and considering the outlook of potentially significant hydrocarbon reserves (conventional and unconventional) on the Romanian territory, (iv) the regulatory proceedings are surprisingly not aimed at a normative adaptation to the "new energy revolution" and a stimulation of such process, but at the "overtaxation" of oil companies, consequently discouraging investments in the field, or the indefinite-term moratorium on the exploration of unconventional resources (as in the shale gas case, even though the time span between the exploration phase and the actual supply of the pipelines with the energetic input ranges from 5 to 7 years).

Following the same unfortunate factual approach, the much-awaited amending process of the National Security law package (Law No. 51/1991 on the National Security of Romania and Law No. 14/1992 on the functioning of the Romanian Intelligence Service) – a nodal point for any national security-related proceeding – was launched. However, the term "energy" was not included in the text of these draft laws. Hilariously, the aforementioned 2007 – 2020 energy security strategy includes such energy strategy in the "national security" concept. Hence, the so-made alteration deeply affects the main authorities' capacity (the intelligence services and their beneficiaries) to ensure, in fact and by large, Romania's energy security, as a fundamental part of national security.

Before dealing with the particular topic of this paper, namely energy security as part of national security in the new regulation of the national security laws, we consider it proper to clarify what needs to be understood through "energy security".

In order to facilitate a better understanding of the elements comprised in this concept, we would like, first of all, to analyze the factual and institutional evolutions circumscribed to it within Romania's geopolitically relevant area.

2. Energy security at EU level

The historical legacy of a union established precisely on an energy security groundwork (European Coal and Steel Community, founded in 1952), bestows upon the European Union a tradition of interest and experiences in the field of energy security. Thus, it helps the EU deepen cooperation and solidarity in this field, even in the 27-members configuration, redressing and promoting the relations with the energy supplier and transit states on transparent and competitive coordinates.

Energy security, initially perceived as the security of supply, was expressly mentioned both in the European Constitution and Lisbon Treaty.

We can assert that the main elements that draw up the present European energy security concept were established in 2006 and 2007 (being best outlined in the European Strategy for Sustainable, Competitive and Secure Energy and in the 20-20-20 by 2020 Energy Strategy, adopted in 2008) with the following provisions: security of supply (resources and transport infrastructure), maintaining environmental balance, resource diversification (with an emphasis on renewable resources) the development of interconnection grids, energy efficiency, energy storage, competition and transparency on the energy market, the reinforcement of energy solidarity among the member states, supply crisis management, energy interdependence (as a balance between supply-and-demand security), international and regional cooperation and especially the intra-communitarian cooperation, in order to attain a common external energy policy, all intended to secure the transition to a modern economy based on low carbon emissions.

Currently, EU's energy security policy is undergoing a full crystallization process. If the main strategic guidelines are already set up, the implementation process is hindered by several factors: the member states' different levels of import dependency, the different mixes of energy they use, the insufficient interconnections of the



national energy systems, the different national energy demand levels and the preferred domestic resources, the member states' different economic development levels and the members' different priorities, as an effect of several geopolitical power poles within the Union (France, Germany, Italy). However, through the joint effort of the member states, a series of strategies and coherent targets aimed at securing energy security have been outlined: the establishment of energy supply securing mechanisms at community and national levels, the comprisal of the energy issue in the Common Foreign and Security Policy and the cooperation between EU members and non-members for the purpose of ensuring the security of the critical infrastructure supply routes. Going beyond guidelines, entrenching the energy security concept and, especially, a set of common policies at the EU level are still met with reluctance, depending on each state's different degree of import dependency.

The European Union is, by excellence, heavily dependent on energy imports. 80% of the energy consumption at community level is based on coal, oil and natural gas, of which, on average 50% is covered by imports. It is expected that this number will go as high as 65% by the year 2030. 40% of the gas consumption at EU level comes from Russian imports, and it is forecasted that this dependency level will increase up to 80% by 2030.¹

Statistically, EU shows the largest dependency in what concerns natural gas imports. This dependency is said to increase, considering that gas is a "fuel of choice" for electricity production, given its lower-than-coal carbon emission levels and its relatively lower exploitation costs. As a consequence, EU's energy security is strongly connected to the natural gas component.

In this context, EU's energy security and the security of a large number of its members is undoubtedly attached to the Russian Federation and to the hydrocarbon imports from this country. This dependency was poignantly manifested by the actual reflection of the Russian energy policy instruments in the form of reducing and even freezing gas exports to Belarus in 2002, 2003, 2006 and 2010, the Ukrainian gas crisis in 2006 and the Georgian War. As Russian economic insecurity grows², so does, in a proportional manner, the promotion of the Russian energy policy as a main foreign policy element. The

energy policy remained the only instrument by which the Russian Federation is still able to project its geopolitical force in terms of "Realpolitik" (Gazprom, Transneft and Rosneft being recently included in this framework). Consequently, the challenges for the European energy security are becoming more complex.

The success of the Russian policy in its relation to the EU is based precisely on the bilateral approach of the energy issue, to the detriment of the community-level approach, with each member state in part ("divide et impera"), and in particular, with the European economical, political and large energy consuming poles – Germany, France and Italy. The preferential treatment by Russia of the major energy topics with only a few European poles of power is likely to affect "New Europe's" energy security (for Brussels) and Russia's "Near Abroad", namely the Central and Eastern European states and the Balkans.

The public, accessible elements which demonstrate the imbalance of the EU-Russia relation are depicted by the maintenance of long-term, "take-or-pay"³ supply contracts, (high) monopoly prices, the supply infrastructure routes coupled to Russia's geopolitical interests, the lack of reciprocity in admitting Western investments in the Russian energy sector, the refusal to engage Russia in the European energy mechanisms – i.e. the refusal to implement the European Energy Charter Treaty – and last, but not least, Russia's interposition in EU's relation with the energy-supplying countries in the Caucasus. If Iraq experienced the "oil for food" program, we can say that in its relation with the Russian Federation, Europe experiences the "gas for European solidarity" program.

The European Union managed, however, to outline a concept along with a vast and thorough legal and institutional framework. The pace in this direction is steady. We have to notice, however, that, parallel to this process, the European states still have to apply their own security policies, as an expression of their sovereignty. We have to keep in mind that these policies should not affect the European solidarity and energy security.

To conclude, the European energy security policy is centered on the security of energy supply, competition and environmental protection, the main challenge it has to deal with being in the realm of factors outside the EU. The concept needs to be



rendered into real and consistent policies. Taking into consideration the fact that the energy issue has become a foreign policy instrument, *de facto* and *de jure*, for these external factors, the EU will also have to include the energy security problem on its foreign and security policy permanent agenda.

3. Energy security for the Russian Federation

If for the European Union (and other regions on the globe) one of the main components of energy security lies in the security of hydrocarbon supply, for the Russian Federation this would be translated – as in a mirror – by ensuring the external outlets for the oil and natural gas produced in Russia, or resold by the Russian companies, with the purpose of financing other economical sectors (in 2009, 80% of Russian oil exports and 70% of the natural gas exports were directed towards the EU states)⁴.

Given this context and adding to the rigidity of the gas transportation system that connects the EU and Russia (rigidity that does not allow the option of source diversification for the EU, such as the Caucasus, on one hand, and restricts the opening of new outlets for the Russian Federation, on the other) it is obvious that we are actually bound in an interdependency relation (relation that comes under the heel of Russia's periodical tough and volatile quirks). The Russian Federation, dependent of its own hydrocarbon resources can become a threat to its own energy security, once the use of reasonable-priced unconventional oil and gas resources (shale gas and shale oil) would become widespread.

The Russian Federation has an express definition for the term “energy security”, in a regulatory form. The Russian Federation's Energy Strategy, adopted in 2010 by Government Resolution, defines the energy security as the “state of protection of the country, its citizens, society, state, economy from the threats to the secure fuel and energy supply” in the sense of ensuring “the full and secure provision of energy resources to the population and the economy on affordable prices that at the same time stimulate energy saving, the minimization of risks and the elimination of threats to the energy supplies of the country”.⁵

As far as politics is concerned, the Russian Federation took the matter of energy security to a specific and more pragmatic level. The designation of oil and gas reserves data as state secret, the

submission of the big oil companies (active in the production and transportation sector) under Kremlin's direct authority, the incumbency of obtaining FSB's approval for any transaction which regards changes of/in control in the strategic branches of the Russian economy (implicitly in the energy sector) – to mention just a few – puts the energy security topic in the conservative realm (or, better said, traditional) of state security. It is widely known that the energy instruments for projecting the Russian Federation's geopolitical interests revolve around several actors in the “intelligence” area. It is also a fact that among the executives of the Russian energy companies the management boards also include people in the government administration. Consequently, it may be inferred that (in many cases being obvious), in order to provide consistency, discipline and orientation to such organizations, the main part of the personnel of such companies is linked to the intelligence field (the so-called “siloviki”). A series of developments related to the attempts of several EU member states to promote alternative sources of energy which would compete with the strategic energy product of the Russian Federation, include elements specific to the confrontations in the world of intelligence services. According to analyst Andrew Monaghan, researcher at the NATO Defense College, “oil became for Putin what nuclear warheads meant for the USSR.”⁶

Naturally, the “intelligence” component is not exclusively associated to energy politics and to Russian companies (although in their cases it has the tendency to become widespread), therefore becoming an important factor for any party, be it state or non-state, as the energy issue can be regularly found on the forefront of the states' policy and security agenda.

4. Energy Security and NATO

The energy security topic has started to raise awareness at NATO level in a perspective broader than in terms of defence. Former NATO Secretary General, de Hoop Scheffer, insisted on the member states to consider adding energy security on the alliance's agenda ever since the alliance's Munich Conference on Security Policy (2006).

As far as NATO is concerned, most of its European continental members bear the risk to



become dependent on imported hydrocarbons, the alliance's political documents indicating a growing concern in relation to "vital resources", and estimating the disruption of the supply chain to become one of the major threats for the alliance for the following 10-15 years.

The alliance's strategic concept defined in 1999 (paragraph 24) opened the way for debates regarding the integration of the energy security issue (i.e. "providing the alliance's vital resources") into the central legal framework underlying the alliance, namely the collective security concept set under articles 4 and 5 of the alliance's Treaty.

Ever since the Riga summit and further on at the summits in Bucharest, Lisbon and Chicago, NATO admitted that the disruption in supplying vital resources to the member states is an obvious threat to the alliance's security interests. The report "NATO's role in Energy Security", released at the NATO summit in Bucharest, in 2008, identified the areas to which the alliance may bring its contribution: information and intelligence centralization and distribution, designing stability, promoting regional and international cooperation, supporting consequence management, supporting the protection of critical infrastructure⁷ (mainly against terrorist threats).

NATO has already made several small steps towards the institutionalization of the energy security issue at alliance level. Consequently, in 2007, a "task force" dedicated to energy security was established, dealing with the identification of elements that may be addressed by the alliance in terms of ensuring energy security.

The conclusions of the Chicago Summit in 2012 were that a stable and durable supply, the diversification of routes, supply sources, interconnectivity of energy grids and diversifying the energy mix remain factors of utmost importance. As a result, the alliance aims to further integrate the energy security issue in its policies and activities. The immediate tangible objectives on such train of thought are an increase in energy efficiency for the military forces, the protection of critical infrastructure, the establishment of a Centre of Excellence for Energy Security accredited by the alliance in Lithuania, and a request addressed to the alliance's Council to develop and state NATO's role in the field of energy security.

General Deputy Secretary, Dr. Jamie Shea, also highlighted during a top level conference held in

Croatia in 2011 that energy security has gradually become an issue of major concern for the alliance. Shea stated that "energy security is a strategic topic for the alliance and a key element on its agenda (...), since mutual dependence shall be turned into mutual diversity."

NATO's military dimension and the political and economical volatility, in some cases extreme, of the hydrocarbon supply and transit areas may explain the rather slow pace at alliance level in establishing firm strategic competences in the field of ensuring the energy security of its members. Disputes between states have quite often been engendered or exhibited by pressures in the energy area (supply or transport infrastructure), the critical situations being sometimes on the verge of an armed conflict.

Such context hinders the integration of the energy security issue within the institutional privilege of the alliance, as an element that may trigger the enforcement of Article 5 of the alliance's Treaty. The awarding of a military-strategic dimension to energy security is thus being considered a potential factor for aggravating any conflicting situation arisen from the overlapping of any interests in the energy area.

So far, the regulatory conceptualization of energy security at the alliance level is mainly connected to elements pertaining to marine security and critical infrastructure, the coordination between the military and the political level of the alliance giving rise to certain hesitations in defining a concept and a uniform policy in this field.

It is however obvious that, except for several cases such as the Georgian-Russian war, state participants tend to increasingly avoid settling tense situations in the area of energy security through military means. In such context it seems however inevitable that the global geopolitical dynamics – the energy security element becoming central and strategic – shall determine the deepening of the political dialogue on energy topics within the alliance as well as within the alliance-partners relationship (first and foremost on the North-Atlantic axis, EU and the Russian Federation, respectively). On top of this, practical steps are taken in view of setting the base for energy security, inclusively, as indicated above, by means of centralizing and sharing intelligence and information at alliance members' level.



5. A definition for energy security

The first “political launch” of the energy security notion is deemed to belong to the former British Prime Minister, Sir Winston Churchill, who acknowledged energy security as being dependant on the variety of oil sources (to his credit, the concept is still applicable nowadays, being however adapted by adding “resource variety” as a component of energy security).

The issue of energy security conceptualization has started to spread concern in political environments and to be integrated in the debates in the realm of international relations theory ever since the 1990s. The so-called “Copenhagen School”, represented by Barry Buzan, was the first theoretic movement in the field of security issues which extended the security concept from military matters on to economic social, cultural, ecological and energy related matters.

For American authors interested in security, energy security has often been related to the assurance of “maritime security” of energy transport routes⁸ and generally to the transport infrastructure security.

Other authors define energy security as “the provision of sustainable and safe resources at reasonable prices”, or as “that circumstance when a nation and all or the majority of its citizens and companies have access to an abundance of energy resources at reasonable prices for the predictable future, without the serious risk of a major disruption”.⁹

Some other authors estimate that this concept encompasses a plethora of factors impairing the supply and the demand for energy resources, with the involvement of several state and non state actors, the significance of the concept varying from one state to another, relative to geographic position, geologic resources, international relations, political and economical systems, energy related vulnerabilities, energy consumption structure and economical development strategies.¹⁰

Energy security was often mistaken for energy independence in political debates. Such equivalence requires however a critical perspective and a fine tuning (mainly in terms of discussions taking place in Romania). Absolute energy independence understood as meeting a state’s energy demand strictly from its own resources, would mean a complete separation of the state in

question from the present context of globalization-related interdependences, towards protectionism and economic isolation. “Energy independence” must be understood as a state’s capacity not to become vulnerable to imported energy sources (by diversifying its supply sources, by having the capacity to be resilient to shocks in supply and by participating to stable energy markets).

The European Commission defined energy security as “the capacity to cover the essential and future energy demand, both by means of appropriate internal resources obtained under acceptable economical conditions or preserved as strategic resources, and by resorting to stable, external and accessible supplemented sources, where appropriate, with strategic stocks.”¹¹

We believe that energy security may be defined as that significant part of a state’s national security, consisting in a set of political, economical, legal and institutional measures intended to ensure, at any time, its untroubled and balanced supply from various sources and at reasonable prices, with various energy resources, in view of covering its own need and capitalizing any excess resources, under transparent and competitive conditions, as well as the measures intended to develop new energy resources, to provide the security of its energy infrastructure, all such while preserving ecologic balance and energy efficiency, stability and cooperation in the spirit of international commitments.

6. Energy security seen from the perspective of Romanian security

Traditionally, as far as Romania is concerned, national security has been revolving around several constitutionally entrenched principles such as sovereignty, the unitary and indivisible nature of the Romanian state, etc.

Article 1 of the National Security Law No. 51/1991 defines national security as “a state of social, economic, and political legality, equilibrium and stability that is necessary to the existence and development of the Romanian national state – a sovereign, unitary, independent and indivisible state, to the maintenance of legal order as well as of the climate for the unhampered exercise of the fundamental rights, freedoms and duties of the citizens, in accordance with the democratic principles and rules provided by the Constitution.”



POINTS OF VIEW

The Romanian Energy Strategy provided (in a rather shallow approach) that “the energy strategy has implications on the national security, being regarded as the security in providing the balance between demand and production, energy efficiency, diversification of resources and routes, the limitation of imports dependency and the security of infrastructure.”

The Explanatory Memorandum of the initiator of the Draft amending Law No. 51/1991 on national security acknowledges¹², inter alia, that “economic security and energy security in particular, acquired new valencies regarding the control over resources.” Despite such findings, the draft law contains no reference to the energy issue.

Overall, the Romanian political and media speech narrowly brought into discussion the energy security topic strictly in energy terms, stress being laid on elements related to the security of supply, of transport routes and on resource diversification etc. However, one cannot deny that energy security is a central aspect of national security being therefore relevant in terms of “intelligence” activities.

The most important article of the draft amendment to the national security law (Article 3), the core of such regulatory deed which details the threats to national security and basically marks the scope of competences of state bodies with duties in the national security field, makes no reference to the energy issue.

It may be argued that the aspects in relation to energy security find an indirect approach under item 12, Article 3, with reference to the risk and the threat to national security represented by the “endangering of economic security”. Such provision mentions “vital economic resources”, “strategic economic interests”, “economic resources of national interest”, as elements related to the national economic security.

With respect to this regulation, namely the draft amendment to the national security law, we have the following critical perspective in terms of national energy security.

The overall inclusion of a loose, resumptive and itemized language within a regulation will undoubtedly entail various interpretations that may even lead to the ineffectiveness of the regulation itself.

Secondly, although it may be argued that the term “resource” would also include energy resources, the concepts related to such notion,

such as “vital”, “strategic”, “of national interest”, are not at all defined (although widely used) in the Romanian legislation. Basically, the use of such ambiguous concepts enables their injection with political or short term informational content, which, as proved, may be extremely dangerous for the national security in terms of threats and actual risks. It must not be presumed that in terms of national security and, specifically, of energy security, the competence of institutions with attributions in the intelligence area can be limited by the vacillating effect of political directions and priorities, by the interpretation of one or another court or even by the own interpretation of the intelligence bodies.

Similarly, a faster pace is set to the dynamics of national security factors and to the geopolitical strategies intended for the provision of the security in question. In other words, what we nowadays call “of national interest”, “vital” or “strategic”, may change its meaning tomorrow. Naturally, we do not suggest the removal of such concepts (for instance, water is certainly a strategic resource of national interest, although we believe there are still few people understanding such aspect or the future security challenges in relation to it), however such must be defined as accurately as possible and connected to several stable strategic landmarks.

We believe that nothing related to the national energy security can and may be allowed to become subject to vacillating interpretations. On the contrary, it deserves a special, express regulation within the national security Law. Energy security is a fact that must outdo political fluctuations, different strategies of political actors, being in fact, a challenge, but at the same time a recurrent, active or latent geopolitical weapon, in tune with global evolutions.

Moreover, last year, the National Intelligence Service was among the few state bodies to publicly display a visible interest in the field of energy security through its capacity to analyze, predict and consistently act, as well as to efficiently cooperate with external partners.

Because of these reasons at least, the energy security concept, in its widest sense (and not from a narrow perspective relevant only to the intelligence field), must be explicitly included in the new set of laws on national security. An intelligence service must hold express powers with a view to ensure an undisturbed and balanced supply of energy



resources, to ensure the critical infrastructure's security, the ecologic balance, the innovation in terms of new energy resources, the international cooperation in terms of energy security, both from the perspective of internal and external challenges. Naturally, such legislative takeover will have a number of benefits: it will provide the necessary impetus for the political factor (beneficiary) in approaching in a substantiated way the energy issue in general, it will lead to the geopolitical capitalization of the Romanian potential in this field, to the consolidation of the state of "preparedness" on the geopolitical level and within the anti terrorism area and, hopefully, it will contribute to the completion and political implementation of the national strategy in the energy field.

Conclusions

As energy resources ensure the survival of an entire society, following the same logic, national security would lack content and reasoning in the absence of the energy security component. From a layman's perspective, what would be the use for provisions of national security law on the national cybernetic system, if such cannot work unless supplied with energy? What is the use to discuss political programs or national strategies for the diversification of energy sources/resources as long as we do not have the capacity to react to factors opposing such policy? What is the reason to debate on the security of human fundamental rights and liberties (as a component of national security), if in the modern society nowadays such liberties cannot be basically exercised in the absence of the provision of energy resources?

Nowadays, as we have no coherence and no concrete actions taken by the responsible political actors, then it is imperative to at least outline, by including a specific regulation into the National Security Law, the tactical and competence framework necessary for ensuring the country's energy security and the Romanian intelligence services' capacity to analyze, act, react and cooperate with external partners in the field, in tune with the conceptual, political and institutional evolutions which occur, as shown, at these partners' level.

Obviously, a widely recognized energy security concept will also enable the development of a clear and substantiated national energy strategy.

Specific competences assigned to state authorities with duties in this respect (we are referring not only to intelligence services) will help maintain the implementation progress of such strategy, contributing to the appeasement of many conflicting feelings, on strategic matters, in the Romanian politics.

Therefore, it is a matter of the utmost urgency to introduce a comprehensive national energy security concept in the set of laws on national security, as well as within the medium and long term national energy strategy and, preferably, to engagingly accommodate such concept into the political formations' platforms. Subsequently, the understanding and the assimilation of such concept on the larger scale of civil society will be ensured.

NOTES:

1 European Commission, *EU–Russia Energy Dialogue, The Tenth Progress Report, November 2009*, pp. 4–6, <http://www.enpi-info.eu/library/content/eu-russia-energy-dialogue-10th-progress-report>, retrieved on January 24th 2010.

2 The Russian political factors are well aware of such aspects: the Russian economy's shortcomings and major structural imbalances, corruption, the demographic imbalance, the infrastructural and technological handicap of the energy industry (Russia being exposed not necessarily to a shortage of hydrocarbons, but to a shortage of cheap hydrocarbons), the energy industry's nationalization and its transformation into a geopolitical weapon instead of its modernization, even in cooperation with international oil companies, the increase in the domestic energy demand and the large subsidization of the energy resources.

3 Under a take or pay contract a Buyer is obliged either:

(a) to take delivery of and pay for an agreed minimum quantity of gas in the course of a year; or
(b) in the event that the Buyer does not take that quantity, to pay for the difference between the agreed quantity of gas and that actually taken.

4 European Commission, *EU–Russia Energy Dialogue, The Tenth Progress Report, November 2009*, pp. 4–6, <http://www.enpi-info.eu/library/content/eu-russia-energy-dialogue-10th-progress-report>, retrieved on January 24th, 2010.

5 Ministry of Energy of the Russian Federation, "Energy Security of Russia for the period up to 2030", Moscow, 2010, p. 28, [http://www.energystrategy.ru/projects/docs/ES-2030_\(Eng\).pdf](http://www.energystrategy.ru/projects/docs/ES-2030_(Eng).pdf), retrieved on February 12th, 2013.

6 Monaghan, Andrew, "Russian Oil and EU Energy Security", Defence Academy of the United Kingdom, Conflict Studies Research Centre, Russian Series 05/65, November 2005.



POINTS OF VIEW

7 Ministry of Foreign Affairs, Romania's Permanent Delegation to NATO, *România în NATO, Securitatea energetică*, <http://nato.mae.ro/node/430>, retrieved on December 11th, 2012.

8 Donna NINCIC, "Troubled Waters: Energy Security as Maritime Security", in LUFT, Gal, KORIN, Anne (coord.), *Energy Security Challenges for the 21st Century*, ABC Clio, Santa Barbara, 2009.

9 Barry BARTON, et al., *Energy security: managing risk in a dynamic and regulatory environment*, Oxford University Press, Oxford, 2004.

10 Gal LUFT, Anne KORIN, "Energy Security: in the eye of the beholder", in LUFT, Gal, KORIN, Anne, *Energy Security Challenges for the 21st Century*, ABC Clio, Santa Barbara, 2009.

11 Robert SKINNER; Robert ARNOTT, *EUROGULF: an EU-GCC dialogue for energy stability and sustainability*.

12 Draft Law on the amendment and completion of several regulatory deeds in the field of national security, initiated by Deputy Cezar Florin Preda, in the form adopted by the Chamber of Deputies on November 3, 2011.

BIBLIOGRAPHY:

1. BARTON, Barry et al, *Energy security: managing risk in a dynamic and regulatory environment*, Oxford University Press, Oxford, 2004.

2. LUFT, Gal; KORIN, Anne, "Energy Security: In the Eyes of the Beholder", in LUFT, Gal, KORIN, Anne (coord.), *Energy Security Challenges for the 21st Century*, ABC Clio, Santa Barbara, 2009.

3. MONAGHAN, Andrew, *Russian Oil and EU Energy Security*, Defence Academy of the United Kingdom, Conflict Studies Research

Centre, Russian Series 05/65, November 2005.

4. NINCIC, Donna, "Troubled Waters: Energy Security as Maritime Security", in LUFT, Gal; KORIN, Anne (coord.) *Energy Security Challenges for the 21st Century*, ABC Clio, Santa Barbara, 2009.

5. SKINNER, Robert; ARNOTT, Robert, *EUROGULF: an EU-GCC dialogue for energy stability and sustainability*, Oxford Institute for Energy Studies, 2005.

6. ***, European Commission, *EU-Russia Energy Dialogue, The Tenth Progress Report*, November 2009, pp. 4-6, <http://www.enpi-info.eu/library/content/eu-russia-energy-dialogue-10th-progress-report>

7. ***, European Commission, *EU-Russia Energy Relations*, http://ec.europa.eu/energy/international/russia/russia_en.htm

8. ***, Draft Law on the amendment and completion of several regulatory deeds in the field of national security, initiated by Deputy Cezar Florin Preda, in the form adopted by the Chamber of Deputies on November 3, 2011.

9. ***, Ministerul Afacerilor Externe, *România în NATO, Securitatea energetică*, Delegația permanentă a României la NATO, <http://nato.mae.ro/node/430>.

10. ***, Ministry of Energy of the Russian Federation, "Energy Security of Russia for the period up to 2030", Moscova, 2010, [http://www.energystrategy.ru/projects/docs/ES-2030_\(Eng\).pdf](http://www.energystrategy.ru/projects/docs/ES-2030_(Eng).pdf), retrieved February 12, 2013.

11. ***, Law no. 51/1991 on national security of Romania, published in the Official Gazette no. 163, of August 7th, 1991.