Natia Lapiashvili

Freedom of Transit in International Investment Law

At the example of BTC pipeline legal framework

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The monograph focuses on the energy transit laws while deciding the particular exemplory case of Baku-Tbilisi-Ceyhan Pipeline Task. It stresses on the provided definitions and observes the variations. Firstly study examines the relevant provisions on energy transit in different international treaties, such as for example 1921 Barcelona Convention, GATT 1994, Energy Charter Treaty (ECT) and ECT Protocol on Transit. That is a crude oil pipeline, running through the territories of Azerbaijan, Georgia and Turkey. The legal framework of the project includes international agreements particularly specialized in this pipeline. As the paper generally supports the latest developments of international purchase law, it questions the compatibility of certain areas of the framework agreements with the traditional notions of public international law. The work further applies the defenses typically used in the expenditure disputes to the provided situation. Through the analysis of the mentioned legal framework, the paper identifies the essential problems that may occur in the application of those instruments, namely possible conflicts with public international and domestic law.

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