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# **The bases of a new organisation of the Russian oil sector: between private and State ownership**

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## **Abstract:**

The reforms and privatisation programmes of the 1990s structured the Russian oil industry around a few large national and private companies. This organisational structure poses some questions in respect of the Russian authorities will to take back the oil sector. Three factors may explain this evolution. First, the Russian authorities want to ensure the long-term future of the oil industry by encouraging new strategies in exploration. Second, the government can use the oil sector to support economic growth. This would involve sharing out the rent in a different manner. Third, and it is a new but important factor, the State intends to use Russia's oil power in this international relationships with the United States, Europe and Asia (China, Japan, South Korea, and India). The future of the Russian oil industry has some importance for the stability of the international oil market. Could Russia produce 12 Mb/d and challenging the dominant position of the Saudi Arabia?

## **Key Words :**

Oil industry, Russia, Ownership rights, Access to the natural resource, State policy, rule of law, market reform, Russian international policy.

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The reforms and privatisation programmes of the 1990s structured the Russian oil industry around a few large national and private companies within a network of complex power relationships with the Federal State and the Regions. However, the struggles between Yukos and the Russian government throughout 2004 cast doubt on the durability of such a structure. The main aim of this article is to underline the fundamental principles of the new Russian oil policy, those that will structure its future organisation. Our conclusion is that the changes brought about under the wing of the Russian authorities do not seem to be aimed at calling into question the main objective of an oil industry in line with the principal logics, coordinating mechanisms, standards and rules of a market economy. It is in the approach itself that there seems to be innovation. From now on, the State intends to exercise stricter control over this industry by relying on a private sector which would be closely linked with a public sector, and which would respect the “national interest” as defined by the government. The failure of the reforms, especially with regard to setting up a clearly defined and secure system of private ownership rights, implies the need for a different development model for rent industries from that of a system of private holdings dominated by banks.

There are three main reasons why the Russian authorities want to take back the oil sector. First, they want to ensure the long-term future of the oil industry by encouraging greater investment in exploration. This would bring an end to the overexploitation of existing deposits. In this respect, the lack of transparency and uncertainty in the institutional environment in Russia has until now cast serious doubt on the capacity of the State to regulate rent industries through classic market mechanisms, from the point of view of both taxation and access to resources. Other logics are therefore necessary. The State seems to choose an “hybrid governance” of the hydrocarbons sector, in which it remains, in the final instance, the authority that coordinates rights concerning the disposal of assets. Second, the government

can use the oil sector to support economic growth, which is largely dependent on the hydrocarbons sector. This would involve sharing out the rent in a different manner (more in favour of the State). Third, given the tensions observed in the hydrocarbon markets, the State intends to use Russia's oil power as an international political tool in its relations with the major powers of the United States, Europe, China and Japan. In contrast with the situation over the last ten years, the Russian State now wants to harmonise its oil policy in accordance with the means it effectively has at its disposal and the economic and institutional constraints resulting from its transition to a market economy.

These three objectives are not incompatible with a redistribution of the oil rent between different private groups and clans that are close to or useful to the Russian government. The current conflicts surrounding the merger of Gazprom and Rosneft are an indication of the various power struggles affecting the reorganisation of the Russian oil industry. They show that the methods of sharing oil revenues adopted in the 1980s under the presidency of Boris Yeltsin are being challenged.

## **1. The revival of the Russian oil industry**

As part of the "liberal" approach to transition developed by the Washington Consensus<sup>(1)</sup> Russian oil industry reform was intended to produce a new organisational model based on different private enterprises. The idea was to redefine ownership rights through vast privatisation programmes, while trying to stimulate competition by breaking up the old Soviet hierarchies. But this reform has not removed the uncertainties about the future of this industry, despite considerable production increases since the end of the 1990s. In particular, the industry has to deal with the major challenge represented by the necessary development of oil-rich Eastern Siberian in light of the gradual depletion of the major deposits in Western

Siberia. With the way the industry is currently organised around industrial and financial groups, can this challenge be met?

### **1.1 Restructuring of the oil industry in the 1990s**

The profound restructuring that took place in the 1990s led to the emergence of an oligopoly structured around three main groups which replaced the hierarchical centralised organisation of the Planned Economy<sup>(2)</sup>. The first, which accounts for most of the country's oil production (72.6% in 2003), is formed by private industrial and financial groups. It is made up of five large vertically integrated companies responsible for production through to distribution: Lukoil, Yukos (at least until the end of 2004), TNK (now TNK-BP) and Surgutneftegaz account for 65% of production and over 50% of crude exports. This concentration of the oil industry was brought about by the vast merger movement that took place in the late 1990s when Lukoil acquired 100% control of KomiTek, Yukos acquired 54.2% control of VNK, TNK and Sibneft acquired equal shares in control of Slavneft, and TNK acquired control of Sidanko. Following the *Loans for Shares* programme of 1995<sup>(3)</sup>, most of the shareholders in this group were Russian banks, with nevertheless a fundamental distinction between the companies held by banks "outside" the group (Yukos, Sibneft, TNK-BP) and the companies held by "insiders", that is the banks created by the holding companies themselves (Lukoil, Surgutneftegaz).

The second group is made up of small or medium-sized companies that are not vertically integrated. The last and more heterogeneous group is made up of integrated or non-integrated companies majority-owned by the State (for Rosneft and Slavneft until 2002) or by regional governments (Tatneft, Basneft, etc.). Their share in production however is marginal, with Rosneft accounting for 4.8% of production in 2003 (cf. Table 1).

### The main Russian oil companies and the composition of their capital

|  | Companies      | Production : Mb/j, 2003 | Crude oil exportations :Mb/j, 2004 |
|--|----------------|-------------------------|------------------------------------|
| <b>Private vertically integrated companies</b> |                |                         |                                    |
| 1. Group owned by Bank                         | Yukos          | 1,6                     | 0,6                                |
|  | TNK-BP         | 1,2                     | 0,58                               |
|  | Sibneft        | 0,6                     | 0,2                                |
| 2. Group owned by insiders                     | Lukoil         | 1,6                     | 0,59                               |
|  | Surgutneftegaz | 1,1                     | 0,41                               |
| <b>Total</b>                                   |                | <b>6,1</b>              | <b>2,38</b>                        |
| <b>Majority State or Region ownership</b>      |                |                         |                                    |
| - State  | Rosneft        | 0,4                     | 0,1                                |
| - Regions                                      | Bashneft       | 0,2                     | -                                  |
|  | Tatneft        | 0,5                     | 0,23                               |
| <b>Total</b>                                   | -              | <b>8,4</b>              | <b>3,7</b>                         |

Source : *Petroleum Argus*, 28 February 2005, p. 2.

During the period of restructuring of the Russian oil industry, production dropped considerably, with reductions of 5.3 Mb/d between 1987 and 1998. However, since the end of the 1990s, its spectacular recovery (7.1 Mb/d in 2002, 8.4 Mb/d in 2003 and 9.2 Mb/d in 2004) might suggest that a new development phase is opening up in the wake of the reforms. This increase in output brings to the forefront the crucial question as to the “sustainability” of such levels in the medium-long term, and at a time when the International Energy Agency (IEA) is predicting a sharp downturn in Russian oil growth in 2005.

#### **1.2 Uncertainties concerning Russian oil production in the medium term**

Forecasts for 2010-2020 vary considerably, ranging from 6 to 12 Mb/d. Private oil companies and certain Western experts predict that by 2008/2010 production could reach the record levels of 1987 (11.4 Mb/d). But the Russian Ministry of Foreign Affairs predicts slower growth, with production of 5.6 Mb/d by 2010. In between these two extremes, we find the “moderate” scenario, corresponding to the government’s “optimistic” version of the long-term energy plan (2020), in which production is estimated at between 8 and 9.6 Mb/d. This forecast

is based on a hypothetical oil price of over 30\$/b. In the “low” scenario, based on prices below 30\$/b, production could slump to 7.2 Mb/d in 2010, or even 5.6 Mb/d if no efforts are made to renew reserves. In its most recent forecasts (October 2004), the IEA puts output at 10.4 Mb/d by 2010, a figure that it expects to remain more or less stable until 2020 (10.6 Mb/d), which represents an increase in relation to its earlier estimates (2002). There are thus considerable differences of opinion concerning the future of the oil industry.

**Estimates of Russian oil production**  
**Mb/d**

|                                   |                            | <b>2003</b> | <b>2007</b> | <b>2010</b> | <b>2015</b> | <b>2020</b> |
|-----------------------------------|----------------------------|-------------|-------------|-------------|-------------|-------------|
| Long term energy plan: 2003       | High scenario (1)          | 8.5         |             | 9-9.8       | 10.17       | 9-10.4      |
|                                   | Low scenario               | 8.5         |             | 7.2         |             | 6.3         |
| Ministry of Foreign Affairs: 2002 |                            | 8.5         | 9.0         | 5.6         | 5.6         |             |
| Independent Experts               | ASPO (2003)                | 8.5         |             | 9.34        |             | 4.85        |
|                                   | Khartukov (2003)           |             | 9.8-10.0    | 11.8-12.1   |             |             |
|                                   | Woodmac basic scenario     |             |             | 10.38       | 9.09        | 7.41        |
|                                   | Woodmac high scenario, (2) |             |             | 12,04       | 10,66       | 8,69        |
| International agencies            | IEA, WEO 2004              |             |             | 10.40       |             | 10.60       |

(1) With a price above 30\$/barrel; (2) In this scenario, there are no constraints.

Sources: Annual reports of various Russian oil companies; *The Moscow Times*, different years, Fontaine (J-M.), Laherrère (J.), Perrodon (A.).- “Le rebond de la production pétrolière en Russie: Quelles perspectives à long terme ? Quelles opportunités industrielles ?” - *Revue de l’Energie*, n° 538, July-August 2002, p. 421-432; “World Energy Investment Outlook 2002”.- *IEA-OECD*, 2002; “Putin seizes Yukos shares; Yukos names new CEO” *OGJ*, 10 November 2003; Khartukov (E.), Starostina (E.).- “Ex-Soviet Oil Exports: Are the Russians really Coming” - *MEES* 47:4, 26 January 2004, 10 p.

## **2. Renewal of reserves: a matter of growing concern**

The significant differences between the various estimates bear witness to the uncertainties characterising the Russian oil industry despite the sweeping reforms of the 1990s. The factors that have enabled production to increase since the beginning of the 2000s are disappearing. Future increases in output (or even maintenance of present levels) will depend on implementation of development policies different from those that have driven the revival of this industry. Consequently, this new approach will require other types of strategies from the main private actors in this sector.

### **2.1 The period of intensive exploitation of existing deposits**

Most of the additional output of the last few years can be attributed to two main sources: oil that was not extracted during the transition period in the 1990s (in 1994, 28% of Russia’s oil wells had ceased production), and oil left in the ground because of the extraction practices of the 1980s. In other words, the increase has come from the rehabilitation of existing deposits<sup>(4)</sup>. Thus, the additional 2.4 Mb/d produced between 1999 and 2003 came from deposits already being worked at the end of the soviet era.

The strategy of maximising production and thus of rehabilitating (the most profitable) deposits during the Soviet era was accompanied by very low investment in exploration, riskier strategies and longer time frames. Investment in exploration has been falling steadily since the early 1990s<sup>(5)</sup>. Despite individual differences among them, vertically integrated companies



have invested very little in exploration. Between 2000 and 2002, less than 2% of investments made by Yukos and Sibneft were in exploration. In the case of TNK, this figure was 5%<sup>(6)</sup>. Only Surgutneftegaz and Lukoil have maintained a real strategy of investment in the exploration of new oil-rich areas<sup>(7)</sup>, which they did even during the period of reorganisation

- *Cash stripping*

This situation was brought about by the behaviour of actors born of the privatisation movement. These companies have adopted a short-term strategy of seeking immediate liquidity by maximising exports in order to rapidly increase the value of current assets. This strategy is known as *cash stripping*. The strategies of vertically integrated companies are characterised by two aims: maximisation of exports, which is a way of obtaining a much higher unitary income than that obtained from domestic sales, and its corollary, maximisation of production. The substantial increases in oil production over the last three years enabled Russia to boost its exports from 2.90 Mb/d in 2000 to 4.98 Mb/d in 2004, although exports to Europe have always been high despite the decline in production between 1990 and 1998.

- *Significant differences depending on the type of vertically integrated company*

Such strategies expose the development of the oil resource to stripping practices, particularly when the main shareholders of these private companies are “outside banks”. The essentially financial rationale of these private groups means that their sole concern is financial performance, their aim being to increase the value of their shares. Management of the oil industry is thus extremely unbalanced, with investment being made in enhanced recovery techniques to produce oil from the most accessible resources at the expense of a balanced

drilling programme<sup>(8)</sup>. Companies have increased their reserves essentially through *asset stripping* made possible by operating huge mergers and creating an extremely concentrated industry. Yukos is the best example of this type of development. This company's increase in production (0.8 Mb/d between 1998 and 2004) has been achieved through use of enhanced recovery techniques to extract oil from the most profitable deposits, while at the same time 35% of its oil wells have closed and investments in exploration are now among the lowest of the Russian oil companies. Furthermore, Yukos has made extensive use of the tax reduction schemes set up by the Federal Government and regional authorities.

## **2.2 Probable long-term effects**

Even if we do not wish to enter into the debate over the true extent of Russia's estimated reserves, a few comments should be made<sup>(9)</sup>. While there is no denying the productivity gains from re-opened wells, the problem of ensuring the efficient management of existing reserves must be addressed. In fact, the increase in output seems to have been achieved without any control from the Russian authorities concerning the conservation of deposits.

If Russian oil production is to increase, or even be maintained at its present level, new production capacity and thus considerable investment will be needed. Two factors in particular are likely to be problematic in this respect. First, the proportion of total proven reserves in all explored reserves, has dropped considerably (categories A + B in the Soviet classification), falling from 67.8% in 1958 to only 26.5% in 2000<sup>(10)</sup>. And second, according to the IEA, 60% of these proven reserves are in the "difficult to recover" category<sup>(11)</sup>. The low level of exploration since the beginning of the 1990s raises questions concerning the start of production in the new oil-rich areas in light of exhaustion of deposits in the large Western Siberian basins.

### **3. Unexpected results of privatisation**

A key question still remains unanswered today: why has privatisation failed to achieve its stated aim of creating a more efficient and balanced (to ensure its long-term future) oil industry in Russia? Why has privatisation led Russian oil companies to adopt short-term strategies? The principal goal of reform was to create Western type private enterprise and so encourage the development of management methods and behaviour in the oil industry that were more efficient than those prevailing in the Soviet Centrally Planned Economy. Privatisation was based on two main logics: organisational reform centred on a principle of vertical integration in order to determine the optimum boundaries of a company, along with a redefinition of ownership rights through privatisation.

#### **3.1 Uncertainties surrounding ownership rights**

The short-term strategies of oil companies, and particularly the lack of investment in exploration, stem from the unexpected results of a privatisation process that has taken place in an institutional environment characterised by weakness of the Rule of Law. Despite a reform programme aimed at establishing a clearly defined and secure system of ownership rights, these rights are still subject to considerable uncertainty. Privatisation of the oil industry has essentially attenuated the former Soviet system of ownership rights, giving holders of private ownership rights temporary and partial access rights to asset ownership<sup>(12)</sup>.

- *Right to sell assets is coordinated by the State*

Privatisation of the hydrocarbons sector has led to lack of security concerning the right to use assets. First, privatisation processes have been widely perceived as illegitimate. The purchase of shares at rock-bottom prices, the lack of tendering procedures, participation of banks in auctions they themselves have organised and won, and the failure of the successful bidders to realise the investments they were supposed to realise in the company all bear witness to the lack of transparency surrounding these privatisations<sup>(13)</sup>. Second, manipulation of the bankruptcy law linked to the weakness of the rule of law (in other words the way in which the law is applied) has taken away the traditional function of the bankruptcy process and made it into a tool for stripping<sup>(14)</sup>. In such conditions, the State does not feel bound to respect ownership rights, as would happen in market economies, the Yukos affair being a good example of this. When Yukos was negotiating the sale of 40% of its shares to ExxonMobil in 2003, the State blocked the transaction knowing that the transfer of strategic assets was at stake.

- *Uncertainties over access rights to resources*

Despite a legal framework based for the most part on Western standards and rules, the way in which exploration and development licences are granted is creating extreme uncertainty over access rights to Russian oil resource. In order to rapidly reorganise and privatise the oil industry, most of the licences granted to companies were not subject to a tendering procedure, as required by law. This practical approach gave a kind of legal recognition to the exploitation of deposits that the Soviet Union had *de facto* granted to production associations that were used as the basis for creating holdings<sup>(15)</sup>. But at the same time, it offered the State the perfectly legal option of reallocating certain licences. This shows that it was hardly appropriate to transpose the most advanced institutional models of market economies to the

Russian environment of the early 1990s.

- *Certain doubts surrounding the right to income from ownership*

Finally, it should be pointed out that the quota system for gaining access to the Transneft transportation network, and thus to export markets, limits access to revenues (particularly in hard currency) given the considerable difference between domestic market prices and those of export markets. In theory, oil companies have had the right to export 25% of their production. In practice, some of the most powerful (Lukoil, Yukos) have been able to “bargain” for much higher percentages while other companies have been unable to access the Transneft network. The discretionary practices of Transneft (depending on the objectives of the State) are creating an unstable environment for Russian companies and making any kind of contractual relations largely ineffective.

### **3.2 Sharing the oil rent: a battle between the State and the major companies**

The weakness of the formal market institutions has stood in the way of operation of classic market economy mechanisms with respect to the State’s retribution as owner of underground natural resources.

In the first instance, the State does not exercise efficient control over its tax revenues. It is struggling to get the large industrial groups to pay their tax debts. The most powerful vertically integrated companies have thus been able to develop a wide variety of tax evasion schemes. The extremely complex structure of certain vertically integrated companies makes it possible to practise transfer prices<sup>(16)</sup>. This internal pricing system<sup>(17)</sup> is seen as a way of reducing the tax burden from hydrocarbon sales through offshore subsidiaries of oil companies established abroad. Transfer prices also provide a way of limiting tax pressure in

that crude oil prices are undervalued<sup>(18)</sup>. The extreme use by some companies (Yukos, Sibneft, TNK) of the tax exemption schemes set up by certain regional authorities (regions of Chukotka, Mordovia and Kalmykia) is part of this logic. The authorities thus organise “offshore zones” within their regions and play a very significant role in these tax evasion schemes.

Second, the State is incapable of setting up an effective taxation system based on the quality of deposits. Yet differentiation is essential to stimulate exploration<sup>(19)</sup>. Nor is the State in a position to specify in detail the exploration and production licences to be granted, since it does not have the necessary information. Information asymmetry between the State and Russian oil companies is particularly marked in this area. Furthermore, in a context marked to a greater or lesser extent by corruption, it would probably be very difficult for the State to implement an elaborate system of differentiated taxation. The use of a single tax, irrespective of the quality of the deposits, at least has the merit of simplicity and, to a certain extent, prevents large-scale fraud.

#### **4. Why does the State want to regain control of the hydrocarbons industry?**

The opacity of the institutional environment in Russia have in the past fundamentally called into question the State’s capacity to regulate rent industries through market mechanisms, in particular through the tax system and regulations governing exploration and development licences. The need to orient strategies toward investment in exploration in order to conserve oil resources, a desire to contribute to maintaining high international prices and to redistribute the oil rent to provide a basis for economic growth are factors justifying the State’s determination to regain control of the hydrocarbons sector (in a context where market institutions are in their infancy, where the Rule of Law is difficult to implement and where

privatisation has not produced the desired behaviour). The State must now define a coherent, centralised oil strategy to serve its goals both at home and abroad.

#### **4.1 Will taking back control of the oil industry provide a way out of the “institutional deadlock”?**

The State must attempt to find a way of getting the oil industry out of the “institutional impasse” in which privatisation has more or less locked it. The development of strategies to enable more balanced management of the Russian oil industry is crucial for its long term future. In the Russian institutional context, more or less, this must involve better management of oil production growth (slower?), greater investment in exploration than in the past, and stricter State control over reserves in order to guarantee renewal. A revival of the reform process might have been seen as a way of getting out of this institutional impasse. But such a revival will only come from a compromise between the various interest groups, notably between the State, the large vertically integrated companies and the Regional authorities. In fact, for a wide variety of reasons, it seems that neither the Regions nor the oil companies have any interest in following this path or in strengthening the market institutions<sup>(20)</sup>. The Russian oil companies have to a great extent tried to maintain a certain opacity in the way they operate in order to ensure that the rent continues to be shared out in their favour. In particular, it was important for them to avoid any legal provision that would imply greater transparency (in term of information) and compliance with fiscal regulations, which may explain the strong opposition from certain Russian companies, notably Yukos, to the production sharing agreement regime<sup>(21)</sup>. The weakness of the Rule of Law, which allows legal and fiscal regulations to be circumvented and market institutions to be manipulated is something that the dominant actors do not want to see disappear, insofar as the uncertainty

and lack of transparency in the institutional environment enables them to conserve their gains<sup>(22)</sup>.

- *Hydrocarbons at the service of the economy*

The State must also arrange with the oil companies for a new way of sharing out the hydrocarbon rent so that this sector can be used to help achieve the economic growth objectives announced by Vladimir Putin. The rent industries must feed the State budget more substantially, in particular via the tax regime, while Russian growth remains largely driven by international hydrocarbon prices. In a study carried out in 2002, J. Rautava showed that a 10% rise in the price of oil would lead to an additional 2.2% increase in GNP<sup>(23)</sup>. According to a recent World Bank report, only high oil prices have in the past enabled Russia to achieve economic growth of over 5.5%. In this context, international prices will have to remain fairly high and Russia must therefore avoid contributing to a possible period of decline in international prices by exporting excessively large amounts of oil.

In addition, Russian oil output is certainly not insensitive to crude oil price levels. In fact, all the “optimistic” production scenarios are based on relatively high prices on international markets. In particular, the gradual shifting of “core” production to Eastern Siberia could lead to a substantial increase in production costs<sup>(24)</sup>. Consequently, the future of Russia’s oil policy is largely tied to a policy in favour of defending prices. It is important therefore for the Russian State to be able to maintain control over oil company export strategies.

- *Reinforced control of the oil industry without large-scale nationalisation*



Today, the Russian State is seeking to strengthen its control of the hydrocarbons sector while avoiding total re-nationalisation of the oil industry. In our opinion, the final objective of a hydrocarbons industry whose organisation and regulations are in conformity with those of a market economy is not called into question as the desire to deregulate trading in Gazprom shares would tend to suggest. Nevertheless, the government's position might appear ambiguous in the sense that it is trying to reconcile contradictory goals. The challenge is thus to create a system that maximises efficiency through private management while allowing tighter State control in order to set up a market economy that will probably be more in line with Vladimir Putin's vision of Russia's place and role on the international scene.

Stricter conditions of access to Russian natural resources and the State's desire to exercise tighter control over this access are the first important signs that the central authorities are regaining control of the sector <sup>(25)</sup>. The State's discretionary reallocation of exploration and development licences to companies in which it is the main shareholder (Rosneft, Gazprom)<sup>(26)</sup> or which benefit from State support (Lukoil, Surgutneftegaz), and re-examination of the conformity of a certain number of licences concerning major deposits, are part of this movement<sup>(27)</sup>. This renewed control is also being achieved at the expense of the Regions, which in the past had considerable power in the industry. The 2003 amendments to the 1992 Subsoil Law give the Federal Government (the Ministry of Natural Resources) exclusive control over granting exploration and development licences. Regional authorities simply have a consultative role, whereas in the past they had joint power with the Federal Government to allocate licences<sup>(28)</sup>. Finally, projects aimed at excluding oil companies not majority owned by Russian investors from tendering procedures to obtain exploration and development licences also show the State's desire to further strengthen its direct control over access to Russian oil and gas reserves<sup>(29)</sup>.

As part of this process to take back the oil sector, the State is also creating companies in which it has majority or total control. The final form of the new organisation of the oil industry that the Russian authorities wish to establish has not yet been completely defined. It will depend to a large extent on the current conflicts between the various pressure groups, on the need to adapt to market rules and on Russia's foreign strategy. Pressure will come in particular from international oil companies that wish to gain access to Russian resources, from the United States, from the European Union (to which Russia has always been a major hydrocarbons supplier), from Russia's desire to become part of the world economy (the G8, WTO). The new role that Vladimir Putin's government intends to give to hydrocarbons in the country's relations with its major partner countries will also be an important factor. A number of questions already arise. Will there be one or several companies in which the State has majority control? Will Gazprom and Rosneft be at the centre of the arrangement, a matter that would seem creating conflict between two groups of pressure within the government? (The Gazprom-Rosneft merger, though problematic<sup>(30)</sup>, must increase the State's current 39% share in Gazprom to 51% in the combined company<sup>(31)</sup>). What will be the place in this organisation of Yukos's main production unit, Yuganskneftegaz, bought by Rosneft in December 2004 following initiation of bankruptcy proceedings against Yukos? Last, the role that foreign investors will be allowed to play is a major unknown. Even if foreign oil companies are not excluded, they will very likely be subject to restrictions or at least to the approval of the highest authorities in the country.

Finally, the government intends to maintain control over the exports of the Russian oil companies. This means reinforcing its control over export networks via Transneft, a State-owned company<sup>(32)</sup>. Rivalry between Transneft and the Russian oil companies over pipeline

routes implicitly involves the important stake of the export capacity of these oil companies. It is a question of restricting, as far as possible, the construction of private pipelines that would be owned by the oil companies.

#### **4.2 International aspects of the Russian oil strategy <sup>(33)</sup>**

In addition to developing the oil sector, the policy of the Russian authorities appears to be increasingly aimed at setting up a coherent centralised strategy that instrumentalises the sector henceforth considered as providing a “comparative advantage” in international competition. At the international level, in a context where world energy supply is strongly constrained, Russia can use not only its oil but more importantly its gas resources to play a major geostrategic role with respect not only to the European market, where it has a determining influence, but also to the major Asian countries (Japan, China, South Korea), and even the North American market. The Russians are seeking to exert their influence through a strong presence in the supply sector for the large European and Asian markets.

Gazprom has now clearly established its intention of defining a truly global strategy<sup>(34)</sup>. It is a matter of maintaining or even increasing its market share in the European Union and positioning itself on the Asian and even the US markets. On the one hand, Russia can play on competition between Europe and Asia in its role as a reliable source of supply for liquids and natural gas alike. On the other, it is also tending to bring the major Asian players into competition with one another in its programme to develop the resources of Eastern Siberia. The differences between China and Japan concerning the first Russian oil pipeline to Asia are an example. Today, the decision of the Russian authorities to choose the Japanese option via Nakhodka, without excluding the possibility of a branch to China, clearly shows the

ambiguity of the Russian government's position. These developments are accompanied by bilateral oil supply agreements between China and Russia. Thus, the Chinese company CNPC has advanced a payment of \$6 billion in exchange for supply of crude oil from Rosneft until 2010. This source of financing would seem to have facilitated Rosneft's purchase of Yuganskneftgaz. If the Chinese really played a key role in Rosneft's acquisition of Yukos's subsidiary, this would be the sign of a new power relationship emerging on the Asian energy scene. It is also important to underline the new relations that India is establishing with a few large Russian oil companies and in particular its interest in participating in the Sakhalin LNG development projects.

Furthermore, with the globalisation of the natural gas markets, Russia can undoubtedly aspire to a decisive role in price formation for this commodity. In a context where there are tensions in world oil supply (and even gas supply in the case of the United States), Russia undoubtedly has a trump card to play in the context of the proposed "strategic partnerships".

From this point of view, hydrocarbons represent a structuring element in the country's foreign policy with CIS members, its "near abroad", but also with the southern European countries and those of Eastern Europe. The major Russian energy companies must be the principal vectors of this strategy, through a policy of internationalisation. Gazprom and Lukoil are increasing their presence in these areas by securing holdings in companies undergoing privatisation or through joint ventures<sup>(35)</sup>. This is particularly true in central Asia and the Caspian region, which enhances the complementarities (rather than the oppositions) between these two zones. The numerous agreements signed between Russia and Kazakhstan, particularly with regard to the transport of Kazakh oil through Russian territory, the "calls" from Russia to coordinate the oil policy of the two countries<sup>(36)</sup>, demonstrate the extent to

which the Russian State intends to “reinvest” the economic space of central Asia and expand its influence in the region<sup>(37)</sup>. This international policy could also explain the redeployment and multiplication of the interventions of the Russian oil companies (close to the State) in other oil producing regions, notably in the Middle East and North Africa<sup>(38)</sup>.

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The State’s attempt to regain control of the oil sector is an important new factor in the development of the oil industry, as it could lead to greater control over production, oil exports and renewal of resources. This recent combination of public and private forms of governance in the industry can be seen as an attempt to get out of the institutional deadlock in which this sector has found itself since the privatisation movement. It reflects the incapacity of the State to regulate a rent industry via the classic institutions of a market economy, whether they be tax regimes or regulations governing access to resources and development of deposits. Privatisation alone has not allowed consolidation and security of ownership rights. The major private players have had an interest in maintaining institutional uncertainty in order to increase their share of revenues.

This renewed control also raises a number of crucial questions. While the final goal is to set up a market economy that is totally integrated in the world market, a transition phase is now opening up. The conditions and form of this control have yet to be defined, particularly concerning the creation of a large hydrocarbons company with majority public capital. The general configuration of the oil industry and the room given to international investors remain major unknowns. Finally, can this hybrid model, a sort of third option, serve as a form of governance for the hydrocarbons sector in the transition phase and enable Russia to become truly integrated into G8 and the WTO?

## Notes

(1) According to G. Roland, the transition envisaged by the Washington Consensus is based on a combination of neo-classical price theory, standard macroeconomic theory and the experience of stabilisation policies. It is opposed to the more institutionalist view of the transition. For a presentation of the two views of the transition, the reader is referred in particular to: G. Roland, *Transition and Economics : Politics, Markets, and Firms* (Cambridge : MIT Press, 2000) and W. Andreff, *La mutation des économies postsocialistes : une analyse économique alternative* (Paris : L'Harmattan, collection Pays de l'Est, 2003), 366 p.

(2) Remember that under the Soviet regime, the oil industry was organised like a government ministry that carried out the classic economic functions of a company. Production was the responsibility of technical production associations that were regulated by the Oil Ministry. In such systems, public or private oil companies do not exist.

(3) The Loans for Shares programme gave Russian banks control of some of the State's shares in the capital of the holding companies for three years in exchange for credit facilities. At the end of this period, the government could take back the shares in return for repayment of the loans. Otherwise the shares had to be repurchased definitively through a tender procedure (which was supposed to open up share trading in the companies).

(4) Over half of the rise in production is attributable to three oil companies, Yukos, Sibneft, Surgutneftegaz, the first two having made huge investments in enhanced oil recovery technologies (hydrofracture, horizontal drilling). Organisation for Economic Cooperation and Development (OCDE), International Energy Agency (AIE), *World Energy Investment Outlook 2003* (Paris : AIE-OCDE, 2003), p. 148.

(5) For example, between 1988 and 1994, investment in exploration fell by 60%. Investment in exploration in the oil sector fell by more than 30% in 2002 compared with 2001. This trend continued in 2003. "Russian Economy : Trends and Perspectives" *Institute for The Economy in Transition*, Monthly Bulletin, September 2003 and July 2003.

(6) L. Dienes, "Observations on the problematic Potential of Russian Oil and the Complexities of Siberia" *Eurasian Geography and Economics*, Vol 45, n° 5, 2004, p. 321.

(7) Lukoil has developed a strategy of investment in the exploration of new oil-bearing areas mainly in the North Caspian region and the Timan Pechora basin. In 2000, 45% of Surgutneftegaz production came from new deposits. L. Dienes, op. cit., p. 312.

(8) "Back to Earth" *Finam Investment Company*, August 17, 2004, 40 p.

(9) While, Russian oil reserves are known to be substantial, there is considerable debate as to their estimated volume. For example, according to BP, Russia's oil reserves are of the order of 60 billion barrels, the OGJ puts the figure at 48.6 billion barrels, and IHS Energy estimated reserves of 140 barrels at the end of 2001. The USGS evaluation is 207 billion barrels. "Saudi Pact Shows Russia's New Strength" *Petroleum Intelligence Weekly*, September 8, 2003, pp.1-2.

(10) Dienes, op. cit., p. 328.

(11) OCDE/AIE, 2003, op. cit., p. 148.

(12) A. Runov, "Demand for Private Property Right in Post-Soviet Russia : Causes and Effects in Manufacturing and Extractive Industries" *8<sup>th</sup> Annual Conference of the International Society for New Institutionnal Economics (ISNIE)*, September–October 2004, 25 p.

(13) B. Black, R. Kraakman, A. Tarassova, "Russian privatization and Corporate Governance : What Went Wrong ?" *Stanford Law Review*, n° 52, 2000, pp. 1731-1808.

(14) The bankruptcy of Sidanko's main production units in 1999 and their purchase by TNK is a perfect example of this type of procedure. In fact, bankruptcy proceedings are only initiated against "entities" that keep an economic value.

(15) T. Walde *Oil and Gas Legislation in Russia. From Texas To Siberia : Is a Russian Model Emerging* (University of Dundee : Centre For Petroleum and Mineral Law and Policy, 1992, Professional Paper PP6) 17 p.

(16) Transfer prices are associated with the creation by the company of trading companies that purchase oil from the company's production units at undervalued prices and then sell it through an intermediate network to subsidiaries that for the most part are established in offshore zones.

(17) Undervaluation is practised by different oil companies to varying degrees, although it is difficult to put precise figures on the amounts involved. The investment company FINAM has reported that certain companies have been able to buy crude oil from their subsidiary at 7\$/barrel and resell it at 20-23\$/barrel. FINAM, 2004, op. cit., p. 27.

(18) A single tax on mining resources is applied. A. Konoplianiuk, "A struggle for Mineral rent" *Petroleum Economist*, September, 2003, pp. 23-24.

(19) "A taxing question" *FSU Energy, Petroleum Argus*, February 20, 2004, pp.2-3.

(20) Numerous authors have pointed out that mass privatisation in Russia gave ownership rights to groups that had no interest in reinforcing market institutions.

P. Murrell, "Institutions and Firms in Transition Economies", Chapter of the *Handbook of New Institutional Economics*, Ed C. Ménard and M. Shirley, second draft, May 2003, p.31 and G. Roland, *Transition and Economics : Politics, Markets, and Firms* (Cambridge : MIT Press, 2000)

(21) The Russian oil majors successfully lobbied the Duma against this particular system of investment in exploration-production, making it possible to define a stable legal framework. International oil companies, however, made it a condition of their huge investment in the Russian hydrocarbons sector. Following amendments in 2003 to the Production Sharing Agreement Law, this system has become the exception rather than the rule. P. Bakoulev P, "Dramatic Changes to Production-Sharing Regime" *International Law Office, Energy/Natural Resources*, August 2003, 3 p. Information obtained on 21/03/2005 from [http://www.internationallawoffice.com/ld.cfm?Newsletters\\_\\_Ref=7224](http://www.internationallawoffice.com/ld.cfm?Newsletters__Ref=7224)

(22) K. Hoff and J. Stiglitz, « After the Big Bang ? Obstacles to the Emergence of the Rule of Law in Post-Communist Societies » *World Bank Policy Research, Working Paper 2934*, December 2002, 44 p.

This position is based on the critique of the thesis developed by A. Shleifer and R. Vishny, whereby the creation of additional market institutions to consolidate ownership rights would result spontaneously from privatisation. According to these authors, the new holders of rights of control over assets following an initial privatisation process would be strongly motivated to encourage the definition of new legal regulations to guarantee their ownership rights. A. Shleifer and R. Vishny, *The Grabbing Hand – Government Pathologies and their Cures* (Cambridge, : MA : Harvard University Press, 1998).

(23) J. Rautava, "The role of oil prices and the real exchange rate in Russia's economy" *Bank of Finland, Institute for Economics in Transition, BOFIT, Discussion Papers*, 2002, n°3, 21 p.

(24) Four main factors are likely to push up these costs: harsher climatic conditions, deterioration in quality of Russian reserves, necessitating the opening to production of smaller less productive deposits, the substantial investments required for opening up deposits in more difficult and more remote areas, and the inclusion of capital cost in the calculation, largely ignored under the Soviet regime due to methods of calculating provision for depreciation. It is nonetheless true that there is – and will continue to be – considerable uncertainty surrounding the cost of producing oil from Russia's reserves.

(25) The more stringent conditions for obtaining production sharing agreements are an illustration of this type of control. A. Konoplyanik, "PSA debate not over" *Petroleum Economist*, July 2003 p. 12 ; *Petroleum Economist*, July 19, 2004, p. 9.

(26) The re-allocation of licences for the Stockman, Talakan and Sakhalin III deposits is an illustration of this movement, as are the discussions on Gazprom's possible participation in the development of Kovytko.

- (27) The Minister of Natural Resources believes that these licences are not forceful enough in establishing development and exploration obligations. The Kovytko, Shtokman and North Astrakan deposits are cases in question.
- (28) LeBoeuf, Lamb, Greene & MacRae, L.L.P, *Russian Law News : Subsoil Law Amendments : Two-key to One Key, and More* January 25, 2005: <http://www.russianlaws.com/subsoil3.html>. (21/03/2005).
- (29) “State Control Over Lock, Stock and Barrel” *The Moscow Times*, February 14, 2005.
- (30) Gazprom CEO A. Miller announced the merger of Gazprom and Rosneft while S. Bogdanchikov, CEO of Rosneft, declared that he was in favour of keeping the two entities separate. This opposition reflects the power struggles in the Kremlin, and in particular between D. Medvedev and I. Sechin.
- (31) “Gazprom, Rosneft to finalize merger this month” *Oil and Gas Journal*, January 10, 2005, pp. 26-28.
- (32) I. Gorst, *The Energy Dimension in Russian Global Strategy : Russian pipemines Strategies : Business Versus Politics* The James A. Baker III, Institute for Public Policy of Rice University, October 2004, 23 p.
- (33) For a more detailed analysis, see S. Boussena and C. Locatelli, « Vers une plus grande cohérence de la politique pétrolière de la Russie ? » *Revue de l'énergie*, 55 (560), 2004, pp. 505-15.
- (34) Y. Komarov, “It’s a long time since we have been analyzing implications of gas market liberalization in Europe” *Gazprom*, January 20, 2004, 5 p.
- (35) “Broadening export strategy” *Petroleum Economist*, May 2004, pp. 21-23.
- (36) “Kazakhstan oil to flow east” *Petroleum Economist*, December 2004, pp. 26-27.
- (37) R. Legvold, “Russia’s Unformed Foreign Policy” *Foreign Affairs*, n° 5, September- October 2001, p. 70.
- (38) For example, the “energy pact” signed between Russia and Saudi Arabia in September 2003 following the visit of Prince Abdullah Bin Abdel-Aziz to Moscow is expected to lead to a certain number of joint projects and the participation of the Russian companies (Gazprom, Lukoil) in development of the gas sector in Saudi Arabia. “Saudi Pact Shows Russia’s New Strength” *Petroleum Intelligence Weekly*, September 8, 2003, pp.1-2.