

## International Law Department

Academic year 2020-2021

## Research Seminar on the International Law of Energy

DI112 – Printemps – 6 ECTS

### Course Description

This research seminar will study the legal foundations of global energy governance on the basis of a book manuscript recently completed by the instructor, after ten years of research, teaching and practicing in this area. Students will be given access to its main parts. Traditionally, most of the scholarship in this area has focused on joint development agreements, investment agreements or on the international regime for oil pollution damage. But on closer scrutiny, this is a very limited understanding of the topic. Indeed, numerous other norms and treaties are relevant for the international regulation of energy. As the seminar will show, the international law of energy is the entirety of international law seen from the prism of energy as a legal object. The seminar will conceptualise this object, the purposes of its regulation, the structure of international energy transactions, and their governance, paying particular attention to the ongoing transition from a carbon-intensive to a low carbon energy matrix. The seminar is intended for international law students, but it is also open to students of other disciplines specialising on energy and/or environmental governance.

### > PROFESSOR

[Jorge Enrique Viñuales](#)

[Office hours](#)

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### > ASSISTANT

[Malavika Rao](#)

[Office hours](#)

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## Syllabus

This is an advanced seminar, which requires prior familiarity with international law, global environmental governance and/or energy policy. Students will be expected to take an active role in

selecting the readings they are most interested in, preparing them for class and intervening in class discussions. The

Further information will be given in class.

### **Primary sources:**

The basic legal instruments, including treaties, soft law and case-law which you will need to study before each session will be made available on the course Moodle page.

### **Readings:**

There are required and suggested readings. Only the first category will be available on the course website. Additional suggested readings are mentioned in the syllabus for those who would like to go further (e.g. for research purposes) or who need to prepare for the presentation.

### **Evaluation:**

The examination will consist of two components: (i) participation in class (mainly a presentation (20%) and (ii) a 6000-word max written paper on a case-study (i.e. an energy project, instrument or dispute to be agreed with the instructor) (80%).

SESSION 1 – LEGAL FOUNDATIONS OF GLOBAL ENERGY GOVERNANCE I (26 FEBRUARY 2021)
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SESSION 2 – LEGAL FOUNDATIONS OF GLOBAL ENERGY GOVERNANCE II (5 MARCH 2021)
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SESSION 3 – FOUNDATIONAL APPROACH I: TRANSACTIONS - ENTITLEMENTS OVER ENERGY (12 MARCH 2021)
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SESSION 4 – FOUNDATIONAL APPROACH II: TRANSACTIONS – ENABLING AND PROTECTING (19 MARCH 2021)
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SESSION 5 – FOUNDATIONAL APPROACH III: GOVERNANCE OF EXTERNALITIES (26 MARCH 2021)
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### **EASTER BREAK 2-11 APRIL 2021**

SESSION 6 – AD HOC APPROACH I: JOINT DEVELOPMENT OF HYDROCARBONS (9 APRIL 2021)
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SESSION 7 – AD HOC APPROACH II: HYDRO AND OTHER BILATERAL AGREEMENTS (16 APRIL 2021)
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SESSION 8 – CENTRALISED APPROACH I: NUCLEAR ENERGY (23 APRIL 2021)
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SESSION 9 – CENTRALISED APPROACH II: OTHER PROTO-CENTRALISED SYSTEMS (30 APRIL 2021)
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SESSION 10 – INTERNATIONAL LAW AND ENERGY TRANSFORMATION (7 MAY 2021)

SESSION 11 – CASE STUDY I: DISPUTED ENERGY RESOURCES (14 MAY 2021)

SESSION 12 – CASE STUDY II: ENERGY TRANSITION POLICIES (21 MAY 2021)

SESSION 13 – CASE STUDY III: DISTRIBUTIONAL AND EQUITY ASPECTS (28 MAY 2021)