



Energy Studies Programme
School Of International Studies

Course	:	Ph.D.
Course No.	:	EG 604N
Course Title	:	International Energy Governance
Course Type	:	Core
Course Teacher	:	Dr. Fazil Jamal
Credits	:	2
Semester	:	Monsoon
Contact Hours	:	2 per week
Teaching Method	:	Lectures/ Seminar/Tutorials
Evaluation Method	:	Sessional Work and Semester Exam

Course Outline

International law and policy assume critical importance in the global quest for energy transition from a fossil fuel-driven economic development model to a low-carbon future. Global energy relations today are characterized by a thickening web of international agreements and institutional processes, including mechanisms for compulsory dispute settlement at the inter-State level. Hence, the regulation of energy activities in every State take shape against the backdrop of international legal obligations and multilateral processes amidst heightened concerns over global warming and climate change as well as North-South developmental disparities.

The course seeks to familiarise the student with the institutional frameworks and processes of international energy governance today. The course will introduce the student to the ways in which the rules and principles of international law undergird the national regulation of energy activities. The course will enable the student to identify and understand the main sources of international legal obligations vis -a- vis the energy sector; the multilateral processes of norm creation and the mechanisms for authoritative interpretation of applicable norms on questions of global energy.

Learning Outcomes

A student undertaking the Course is required to develop and demonstrate the knowledge and skills to do the following:

1. Identify and understand the role of international law and institutional frameworks in shaping global energy relations.
2. Appreciate the normative character and features of diverse types of international legal instruments on energy.
3. Evaluate the relationship between State sovereignty and international legal obligations on energy-related issues.
4. Explore international law-making processes vis-à-vis energy issues.
5. Assess and apply relevant inter/national judicial decisions as part of one's energy-related research studies.

1. Course Structure

2. Theme I

International Energy Governance: Introduction

Definitions: energy activities, national regulation, international law and global governance

Classification of energy sources and regulatory frameworks: Renewable energy;

Hydrocarbons; nuclear energy; hard law, soft law instruments

Major Actors/stakeholders- States, International Organizations, Transnational Corporations, Indigenous Communities, Non-Governmental Organizations.

Issue Areas: Trade; Transit; Investment; Dispute Settlement; Development; Environment; Human rights

Theme II:

Normative Standards

Sources of International Energy Governance- Treaties, Declarations and Resolutions, Multilateral Agreements, Regional Agreements and Bilateral Agreements

World Petroleum Arrangements, GATT/WTO Agreements, Energy Charter Treaty

Law-making mechanisms/Multilateral negotiation processes – The UN Frameworks, World Trade Organization, Regional energy initiatives, etc.

Theme III:

Institutional Mechanisms

GATT/WTO Framework; International Atomic Energy Agency; Organization of Petroleum Exporting Countries; International Energy Agency; UNFCCC Process; Energy Charter Treaty Process; International Renewable Energy Agency; Regional Trading Arrangements

Theme IV:

Dispute Settlement

3. Energy Disputes: Inter-State issues; Investor- State issues; Public Interest matters
4. Types of dispute resolution mechanisms- Methods of Settlement- Negotiation, Judicial Settlement
5. The legal framework for international energy arbitration- Adhoc Tribunals for International Arbitration
6. WTO Dispute Settlement Body, ECT Arbitration, NAFTA Mechanism; ICSID System

READING LIST*

Adrian Bradbrook (1996), 'Energy Law as an Academic Discipline', *Journal of Energy & Natural Resources Law*, (14:2), pp.193-217.

Alexandra Wawryk (2014), "International Energy Law: An Emerging Academic Discipline", in Babie, P., Leadbeter, P. (ed./s), *Law as Change: Engaging with the Life and Scholarship of Adrian Bradbrook*, Ch.10, pp.223-255.

Andreas Goldthau & Jan Martin Witte (eds), *Global Energy Governance: The New Rules of the Game*, Washington, DC: Brookings Institution Press, (2010).

Belyi, Andrei, "International Energy Governance: Weaknesses of Multilateralism" *International Studies Perspectives*. Aug 2014, (15: 3), p313-328.

Christian Downie (2015), "Global Energy Governance: Do the BRICs have the energy to drive Reform?", *International Affairs*, (91:4), pp.799–812.

Daniella Dam-De Jong (2015), *International Law and Governance of Natural Resources in Conflict and Post-conflict Situations*, UK: Cambridge University Press

Dries Lesage, Thijs Van de Graaf and Kirsten Westphal (eds.), *Global Energy Governance in a Multipolar World*, UK: Ashgate (2010).

Energy Charter Secretariat (2004), *The Energy Charter Treaty: A Reader's Guide*, Brussels: ECT.

Energy Charter Secretariat (2008), *Model Intergovernmental and Host Government Agreements for Cross Border Pipelines*, Second Edition, Brussels: ECT.

Mohammad Naseem (2017), *International Energy Law*, The Netherlands: Kluwer Law International.

Mustafa Erkan (2011), *International Energy Investment Law: Stability through Contractual Clauses*, The Netherlands: Wolters Kluwer.

Rashmi Doraiswamy (ed.) (2013), *Energy Security: India, Central Asia and the Neighbourhood*, Delhi: Manak,

Thomas W Waelde (ed.), *The Energy Charter Treaty: An East West Gateway for Investment and Trade*, The Hague: Kluwer Law International (1996).

United Nations Development Program and the World Bank (2001), “Cross-Border Oil and Gas Pipelines: Problems and Prospects”, New York: USA.

UNGA (2014), ‘*Reliable and stable transit of energy and its role in ensuring sustainable development and international cooperation: Report of the Secretary-General*’, U.N.Doc. A/69/309 (12 August 2014).

Uprety, Kishore (2006). *The Transit Regime for Landlocked States: International Law and Development Perspectives*, Washington, D.C.: The World Bank.

Valentin Jeutner (2019), “Amendments, Annexations, Alternatives: Nord Stream 2’s Contemporary Status under EU and International Law,” *Journal of World Energy Law and Business*, December 2019, (12:6), pp. 502–512.

Verburg, C. (2019), “Modernising the Energy Charter Treaty: An Opportunity to Enhance Legal Certainty in Investor- State Dispute Settlement,” *The Journal of World Investment & Trade*, (20:2-3), pp. 425-454.

Yergin, Daniel (2020), *The New Map: Energy, Climate, and the Clash of Nations*, New York: Allen Lane.

Yulia Selivanova (2011), *Regulation of Energy in International Trade Law: WTO, NAFTA and Energy Charter*, The Hague: Wolters Kluwer

Zewei, Yang (2007), “International Energy Law: Has It Emerged as a New Discipline of International Law?,” *AALCO Quarterly Bulletin*, (3:3- 4), pp.111-131.

Zhong Lei (2020), "The Applicability of GATT Rules to Gas Transit against the Backdrop of the Belt and Road Initiative: China's Pipeline Transit Transport," *Asian Journal of WTO and International Health Law and Policy*, March 2020, (15:1), pp. 259- 284.

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- *The Reading List is only indicative. Supplementary readings shall be shared in the Class, during the Semester as the Course progresses by.*