International Energy Law and Ethics



**SCHOOL OF LAW 2024-2025: LLM MODULE SYLLABUS**

Teaching in A24 and B24 is in two 5-week blocks with study week between them.

30 credits (10 weeks): Single semester.

15 credits: Semester A24– Blocks A or B (5 weeks).

 Semester B24 - Blocks C or D (5 weeks).

Study Week falls within the two blocks (limited teaching/events/tutorials etc.).

Semester C24 – 5-week block only (15 credits only).

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| **Module Code:**  | SOLM157  |
| **Module Title:**  | International Energy Law and Ethics  |
| **Number of Credits**  | 15  |
| **Semester and Block Taught:**  | ***Semester:****1* ***Block:*** ***B*** |
| **Module Convenor:**  |  *Dr Tibisay Morgandi*  *Email address: t.morgandi@qmul.ac.uk* *Office hours: by appointment only*   |
| **Assessment:**  |  In-class oral presentation 20 minutes, 30% Essay word length 2500, 70%  |
| **Assessment period:**  |  See Module Description Book  |
| **Time and/or venue of taught classes:**  |  Wednesdays 15:00-18:00, LIF 1.1 |
| **Additional Module Information:**  |  None |

**Teaching Team and Contact Details**

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| Name: Dr Tibisay Morgandi | *t.morgandi@qmul.ac.uk* |

**Module Overview**

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| The International Energy Law and Ethics module is concerned with the study of the ethical dilemmas arising in the energy sector. It aims to provide both a theoretical and practical approach to the analysis of these issues, set in a legal context.  The module aims to provide students with a comprehensive understanding of the ethical implications of international and domestic laws, policies and practices in the energy sector. It covers both hard and soft law on ethics and corporate social responsibility (CSR) relevant to the energy supply chain and the evolution of CSR into environment, social and governance (ESG) requirements. It discusses questions of corruption, health and safety and environmental concerns which states, international oil companies (OICs) and national oil companies (NOCs) are required to address when dealing with local partners in multiple jurisdictions. It also covers recent energy disputes related to violations of environmental, investment, climate change and human rights law.  Students will be encouraged to think about options for future ethical governance of energy matters through the analysis of case studies, particularly focusing on how to promote energy projects while taking into account ethical policies and standards, and applicable legal regimes. The module is assessed by an oral presentation (30%) and an essay (70%) on a relevant topic of students’ choice (subject to Dr Morgandi’s approval). Following the in-class presentation, students will receive feedback on an outline of their proposed essay. |

**Module Weekly Syllabus**

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| **Week 1:**  | **Framework and Concepts** Gaining an understanding of the relevant concepts through in-class discussion: sovereignty and sovereign rights; energy trilemma; basic principles (polluter-pays principle, common but differentiated responsibilities, inter-generational equity); CSR and ESG. Readings and exercises on **Week 1 Handout** |
| **Week 2:**  | **Due Diligence Obligations – International and EU Legal Frameworks for ESG Requirements**Gaining an understanding of international framework on business and human rights (eg Ruggie’s principles, OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, the role of National Contact Points, etc); in-depth analysis and discussion of recent EU regulations and directives imposing supply chain due diligence obligations (eg EU Conflict Minerals Regulation, EU Corporate Sustainability Due Diligence Directive (CSDDD), etc); comparison between soft law and hard law. Readings and exercises on **Week 2 Handout**  |
| **Week 3:**  | **Domestic Frameworks for ESG Requirements** Gaining an understanding of existing avenues for addressing extraterritorial environmental and human rights harms in supply chains, with particular focus on energy activities; UK tort law as evolved in light of recent case law (*Vedanta*, *Okpabi*, *Municipio de Mariana*, etc); domestic frameworks imposing due diligence obligations (eg UK, France, Germany, Netherlands, etc); relationship between domestic, EU and international frameworks and challenges arising from their implementation Readings and exercises on **Week 3 Handout**  |
| **Week 4:** **Guest Lecture****Monika Hlavkova****(Debevoise & Plimpton LLP)** | **The Ethics of Investment in the Energy Sector**Gaining an understanding of the relevant concepts through in-class discussion on: FDI in the energy sector; the tension between investment agreements and the protection of human rights and the environment; investment treaty claims arising in relation to climate change policies; ISDS and relevant case lawReadings and exercises on **Week 4 Handout**  |
| **Week 5:**  | **Climate Change and Ethics**Gaining an understanding of the relevant concepts through in-class discussion on: international climate change legal and institutional framework; scope 1, sope 2 and scope 3 emissions and relevant case law in Norway and in the UK; climate law and human rights law; the role of climate litigation in the fight against the climate emergency  Readings and exercises on **Week 5 Handout** |

**Reading List**

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| **Week 1** - Wenar and Gilbert*,* ‘Fighting the Resource Curse: the Rights of Citizens Over Natural Resources’(2020) 19 Northwestern Journal of Human Rights 31, 31-79  |
|  **Weeks 2 & 3**- Bueno, Bernaz, Holly and Martin-Ortega, ‘The EU Directive on Corporate Sustainability Due Diligence (CSDDD): The Final Political Compromise’ (2024) Business and Human Rights Journal, 1-7- Hiessl, ‘Labour Rights and Their Enforcement in Global Value Chains’ (2023) ERA Forum, 201-215- Harrison, ‘Trade Agreements and Sustainability: Exploring the Potential of Global Value Chain (GVC) Obligations’ (2023) Journal of International Economic Law, 199-215- Morgandi, ‘Parent Company Liability, Forum Non Conveniens and Substantial Justice’ (2022) Cambridge International Law Journal, 118-127 |
|  **Week 4**- Sarvarian, ‘Invoking the Paris Agreement in Investor-State Arbitration’ (2023) ICSID Review, 1-20- Morgandi and Bartels, ‘Exiting the Energy Charter Treaty under the Law of Treaties’ (2023) King’s Law Journal, 145-169- Morgandi and Bartels, ‘International Investment Law and State Human Rights Obligations’ in Mitchell and Yu (eds) Research Agenda for International Investment Law’ (Edward Elgar, forthcoming 2024) |
|  **Week 5**- Venn, ‘Rendering International Human Rights Law Fit for Purpose on Climate Change’ (2023) Human Rights Law Review, 1-25- Rodríguez-Garavito, Litigating the Climate Emergency: How Human Rights, Courts, and Legal Mobilization Can Bolster Climate Action (Cambridge: CUP, 2023) |