Select Public International Law Issues in Energy



**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).

|  |  |
| --- | --- |
| **Module Code:**  | SOLM309  |
| **Module Title:**  | Select Public International Law Issues in Energy  |
| **Number of Credits**  | 30  |
| **Semester and Block Taught:**  | ***Semester:****1* ***Block:*** NA  |
| **Module Convenor:**  |  *Dr Tibisay Morgandi*  *Email address:* *t.morgandi@qmul.ac.uk* *Office hours: by appointment only*  |
| **Assessment:**  |  Exam (100%) (online)  |
| **Assessment period:**  |  See Module Description Book  |
| **Time and/or venue of taught classes:**  |  Thursdays 12:00-15:00, LIF 1.2 |
| **Additional Module Information:**  |  None |

**Teaching Team and Contact Details**

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

**Module Overview**

The module on 'Select Public International Law Issues in Energy' examines the application of public international law to inter-state energy activities.

States have long taken responsibility for satisfying domestic demand for energy. Traditionally, this could largely be done at the local or, at times, regional level. Over the last fifty years, however, increasing demand for energy and, in part as a result, the progressive exhaustion of traditional energy sources has led to a more extensive interdependence between mineral resource-rich and mineral resource-scarce countries and cooperation in the energy sector. This, in turn, has led to state regulation of these activities and the emergence of a complex web of inter-state norms and practices. These norms have also evolved significantly as a result of the climate emergency and Russia's invasion of Ukraine which has led to a recent energy crisis.

Part I of the module provides the foundations of public international law concepts and principles applicable to energy activities, as well as covering the actors engaged in these activities, with a strong focus on states as the primary actors initiating and endorsing energy activities. Part II covers plurilateral and bilateral treaties governing energy activities, including treaties on the joint exploitation of common offshore oil and gas deposits, treaties on the joint exploitation of international watercourses, treaties on cross-border transportation of hydrocarbons, and energy cooperation treaties. This Part also cover the interplay between these treaties and custom. Part III examines how public international law deals with the decommissioning of energy installations.

The module is assessed by an online exam, which accounts for 100% of the final mark. Towards the end of the semester, students will have the opportunity to complete an in-class mock exam to familiarise themselves with the exam format. Students will also be able to ask questions about the course content during a dedicated revision class.

Students will also benefit from guest lectures organised throughout the semester. More information will be provided in class.

**Module Weekly Syllabus**

|  |  |
| --- | --- |
| **Weeks 1 & 2:**  | **Framework and Concepts**Politics and geopolitics of energy (eg Russia’s invasion of Ukraine); international interdependence in the energy sector; states as primary actors and power asymmetries; prisoner’s dilemma and models of governance based on equitable benefit-sharing.Readings and exercises on **Weeks 1&2 Handout** |
| **Week 3:**  |

|  |
| --- |
| **The Work of the ILC on Shared Energy Resources and the Fragmentation of International Energy Treaties** |

The contribution of the work of the ILC to the conceptualisation of an international legal framework governing energy activities; the work of the ILC on international watercourses and the 1997 Watercourses Convention; the work of the ILC on confined transboundary groundwaters and the Draft Articles on the Law of Transboundary Aquifers; the work of the ILC on the law of common offshore oil and gas deposits; the fragmentation of international energy agreements in light of the report of the study group of the ILC finalised by Martti Koskenniemi.Readings and exercises on **Week 3 Handout**  |
| **Week 4 & 5**  | **Shared Energy Resource Treaties – Joint Exploitation of Common Offshore Hydrocarbon Deposits**State practice and jurisprudence emphasising benefits of a cooperative approach; state practice: 24 basic, intermediate and advanced models of cooperation (ie 1969 Qatar/UAE agreement; 2003 Australia/East Timor agreement; 2001 Nigeria/Sao Tomé agreement); interplay between treaty and custom.Readings and exercises on **Weeks 4&5 Handout** |
| **WEEK 6  - STUDY WEEK**  |
| **Week 7:**  | **Shared Energy Resource Treaties – Joint Exploitation of International Watercourses**Water as a multi-purpose natural resource; the privative effect of hydropower production; state practice and jurisprudence emphasising benefits of a cooperative approach; state practice: 37 basic, intermediate and advanced models of cooperation (ie 1950 USA/Canada agreement; 1987 Syria/Jordan agreement; 1973 Brazil/Paraguay Tome agreement); interplay between treaty and custom.Readings and exercises on **Week 7 Handout** |
| **Week 8:** **GUEST LECTURE****Dr Emilio Bettoni****[ArbLit boutique law firm]** | **The Energy Charter Treaty: A Multilateral Treaty Promoting Trade, Transit and Investment in the Energy Sector** The basics of the ECT; the role of the ECT in promoting energy security; the importance of trade, transit and, most importantly, investment in the energy sector; investment-related disputes under the ECT; fossil fuels and renewable disputes; the future of the ECT Readings and exercises on **Week 8 Handout** |
| **Week 9:**  |

|  |
| --- |
| **Energy Activity Treaties – Cross-Border Transportation of Hydrocarbons**Project-driven agreements for cross-border transportation of hydrocarbons; cooperation as an imperative; state practice: 28 basic, intermediate, advanced models of cooperation (eg Trans-Saharan Gas Pipeline Agreement and Baku-Supsa Pipeline Agreement; Dolphin Gas Pipeline Agreement and Trans-Balkan Pipeline Agreement; West-African Gas Pipeline Project); interplay between treaty and customReadings and exercises on **Week 9 Handout** |

  |
| **Week 10****GUEST LECTURE****Kutalmiş Ersoy****[Correggio Consulting Ltd]** |

|  |
| --- |
| **The Energy Transition through the Lens of International Law: From the Resource Curse to the Fight for Critical Minerals**The energy transition through the lens of international law: from the resource curse to the fight for critical mineralsReadings and exercises on **Week 10 Handout** |

  |
| **Week 11:**  | **International Rules and Principles Governing the Decommissioning of Energy Installations**The specific topic for this lecture (offshore oil and gas installations, or nuclear energy installations, or solar panels) will be decided upon discussion in classReadings and exercises on **Week 11 Handout** |
| **Revision Class**  |  **Revision and Mock Exam**Revision; in-class Q&A and discussion; mock-exam and feedback  |

**Reading List**

|  |
| --- |
| - Morgandi, T. and Viñuales, J., ‘Energy Security in International Law’, in Gieß, R. and Melzer, N. (eds.) The Oxford Handbook of the International Law of Global Security, Oxford, OUP, 2020- Morgandi, T. and Davis, J., ‘Energy Security’ in Delimatsis, P. and Reins, L. (eds) Elgar Encyclopedia on Environmental Law – Volume X: Trade and Environmental Law (Cheltenham/Northampton: Edward Elgar, forthcoming 2021)- Morgandi, T., Bartels, L., 'Exiting the Energy Charter Treaty under the Law of Treaties' (2023) 34 King's Law Journal 145- Azaria, D., Treaties on Transit of Energy via Pipelines and Countermeasures (Oxford: OUP, 2015)- Fatouros, A.A., ‘An International Legal Framework for Energy’, RCADI, vol. 332, 2007, p. 367- Redgwell, C., ‘International Regulation of Energy Activities’, in Del Guayo, I., Redgwell, C., Roggenkamp, M., Rønne, A. (eds), Energy Law in Europe - National, EU, and International Regulation, Oxford, OUP, 2016, p. 15 |