COURSE MANUAL

Energy Law: E-EL-0672

Dr Hakeem Tahiru

Fall 2023
(AY2022-23)

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intends and purposes as far the elective course, ***Energy Law*****,** is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend, or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **Energy Law**
Course Code: **E-EL-0672**
Course Duration: **One Semester (15 Weeks)**
No. of Credit Units: 4 **Credits**
Level: **UG or PG or Both**
Medium of Instruction: **English**

Part II

1. Course Description

Energy is the central driver of economic growth and development from primordial to modern times and would determine economic growth paradigms, trajectories, and disparities of countries in the future. Energy has fundamental legal, economic, social and security implications for countries. Energy has been the main driver of industrial revolutions in the consolidation of State security as a sovereign and determinant of global political relations and rivalries. Besides, there is a strong correlation between energy, the environment and sustainable development.

Climate change has triggered the need for national and international institutions to reconsider and rethink current energy sources. Energy has been a functional determinant of global power politics, economic and political alliances, and partnerships. The Russian-Ukraine conflict has revealed how energy could be deployed as a weapon in times of war between nations.

The weaponization of energy and destruction of energy infrastructure during wars between nations hinges on national security and sovereignty. Due to the strategic importance of energy to social transformation, economic progress, and national security, governments have highly regulated their sector sectors whilst constantly reviewing and reinvigorating their energy policies to reflect the legal and economic realities of extant and emerging energy paradigms.

2. Course Aims

The course will impart to students a deeper understanding of the importance of energy to national development by mapping national economic development policies and strategies with national energy regulations and policy designs and strategies.

2.1 Introduce students to the legal and economic implications of national energy law and policy decisions by critically examining the energy choices of countries and how the crystallization manifest from such choices. A nuanced elaboration on the instrumentality of law and policy regiments impact on energy markets, energy security, energy access, energy justice, and sustainable development would be given conceptual and discursive impetus.

2.2 Besides, the course would enable students a gain cogent knowledge and understanding of the implications of energy sector for national security and sovereignty, global energy politics and diplomacy, and relations between economic power and energy independence in the geopolitical space.

2.3 The course will seek to inculcate and enhance students' ability to appreciate, at a deeper level, the normative nexus between energy law and climate change law, energy law and environmental law, just energy transition, climate change and environmental justice, and the energy trilemma: energy security, energy access and sustainable development.

3. Teaching Methodology

An interactive learning method would be adopted for discussing topics in class, focusing on the urge to acquire and share individual and group learning outcomes to enhance peer learning. Energy law experts would be featured to deliver insightful and cutting-edge knowledge in energy law scholarship and energy law professionals and experts in the industry. Both written and oral assignments would be assigned and evaluated as part of the internal assessment scheme.

4. Intended Learning Outcomes

Course Intended Learning Outcomes	Weigh-tage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
Students who fully and effectively participate in the Course are expected to be bequeathed with the intellectual acumen to surgically examine the robustness, fitness, and sustainability of national energy law and policy choices and decisions from an eclectic and collegial understanding and appreciation of national and global economic, political, and environmental considerations that underpin the world's extant and emerging energy law paradigms.	25%	**Reading** Students will be guided and encouraged to read recommended textbooks, articles, and reports, as well as current affairs and scholarly publications on the impacts of energy sovereignty, energy interdependence, sustainable development goals, energy geopolitics and economics, and climate change law obligations on the paradigmatic transitions in energy law and technology choices towards an engendering a just and sustainable energy future for the world. Students would be required to read and discuss in class, the India's energy law and policy frameworks and the law and policy frameworks of progressive energy law jurisdictions within the context of global environmental norms, sustainable development goals, energy geopolitics, and economic power dynamics. **Lectures** Lectures would focus on imparting knowledge, interactive learning and systematic and comprehensive delivery and digestion of key concepts and course topics with the help of practical examples and references to best practices worldwide. **Seminars/Conferences** Organized seminars for students in which leading energy law experts would discuss emerging trends and insightful developments and best practices in contemporary energy law. Marks may be awarded for attendance and participation.	**Assignments** Students would be assigned group and individual learning assignments to be discussed in class and assessed for marks as part of the internal assessment.
Students after completing the course, should be able to have intellectually engaging, stimulating, and acknowledgeable discourses on the energy law in diverse media and	25%	**Lectures** Lectures would be conducted with the focus of guiding students to understanding the conceptual and normative nexus between energy law and climate change law, energy law and national sovereignty, energy law and national energy diplomacy and international relations, energy law and sustainable	Written assignments and oral assessment schemes would be conducted to assess the recognitive appreciation and

Course Intended Learning Outcomes	Weigh-tage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
fora with respect to its normative connection with climate change law, national sovereignty, global energy law, politics, economics, and diplomacy.		development, and the policy matrix within the energy trilemma.	understanding of the normative nexus and dimensions to energy law. Marks may be awarded to rewarded performance, hard work, and participation.
By the end of the course, students who fully and actively undertake the course should have concrete, deeper and crystalized knowledge, and panoramic appreciation of the significance of sustainable energy law and policy on national sovereignty, economic progress, social transformation, and political alliances and energy diplomacy and climate change.	50%	**Lectures** Students would be guided and required to critically examine the legal implications of national energy law and policy frameworks, choices, and outcomes for realizing broader national aspirations of combating climate change, engendering sustainable development, and achieving energy independence.	An end-of-course, exam would be conducted to measure students' depth of knowledge and understanding of the course for a maximum score of 50 marks

5. Grading of Student Achievement

To pass this course, students must obtain a minimum of 40% in the cumulative aspects of coursework, e.g. internal assessments and final examination. **End of semester examination will carry 50 marks or 30 marks, as the case may be, out of which students have to obtain a minimum of 30% to fulfil the requirement of passing the course.**

Grade Sheet

Percentage of Marks	Grade	Grade Value	Grade Description
80 and above	O	8	**Outstanding** – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and

Percentage of Marks	Grade	Grade Value	Grade Description
			principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	**Excellent** - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	**Very Good** - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyse existing materials and originality in thinking and presentation
65 – 69	A-	6	**Good** - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	**Fair** – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	**Acceptable**- Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	**Marginal**- Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills

NEW COURSE LETTER GRADES AND THEIR INTERPRETATION			
Letter Grade	**Percentage of Marks**	**Grade Points**	**Interpretation**
P1	45 - 49	2	**Pass 1:** Pass with Basic understanding of the subject matter.
P2	40 - 44	1	**Pass 2:** Pass with Rudimentary understanding of the subject matter.
F	Below 40	0	**Fail:** Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course.

NEW COURSE LETTER GRADES AND THEIR INTERPRETATION			
Letter Grade	**Percentage of Marks**	**Grade Points**	**Interpretation**
I	Incomplete		Extenuating circumstances preventing the student from completing coursework assessment, or taking the examination; or where the Assessment Panel at its discretion assigns this grade. If an **"I"** grade is assigned, the Assessment Panel will suggest a schedule for the completion of work, or a supplementary examination.

6. Criteria for Student Assessments

Internal assessment of the participants will be based on the following criteria. In case any of the participants miss the IA tests, alternative internal assessments will be conducted (Please specify the alternative assessment)

Assessment	**Weightage**	**Remarks**
Oral Assessment/Group Powerpoint Presentation in Class	25%	The oral presentations and teamwork abilities/skills of students and to ascertain extent to which they have understood, and internalized key topics discussed in class.
Written Essay Assignments of 1000 words	25%	Students would be assigned individual written essay tasks of about 1000 words to evaluate their analytical skills and nuanced understanding of the course.
End Semester Examination	50 marks	They will be an end-semester examination/component for all participants of the course who have successfully completed the course work. The exam would be closed book exam only

Part IV

Course/Class Policies

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others

have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses accessible to students. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at **https://jgu.edu.in/disability-support-committee/**

Students who need support may register any time during the semester up until a month before the end semester examination begins. Those students who wish to continue receiving support from the previous semester, must re-register within the first month of a semester. Last minute registrations and support might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability.

All general queries are to be addressed to
disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Cell Phones, Laptops and Similar Gadgets

Cell Phones: Use of cell phones is strictly prohibited during the class. Students/participants who have the phones must either swift-off or activate flight-mode during class sessions.

Laptops and similar gadgets: Students/Participants are allowed to use laptops in the classroom only for the purpose of accessing the reading materials and other learning-related purposes. Under no circumstances shall laptops and gadgets be used in a manner that is found to be destructive to teaching and learning or used for accessing social networking sites, emails during whilst class is in session etc.

Part V

Keywords Syllabus

The course would introduce and guide students to acquire foundational and essential knowledge of Energy Law and Policy aspects pertaining:

i. Energy Law and Policy Implications for National Sovereignty
ii. Renewable Energy – Windmills, Solar, Hydrogen, and Biofuels
iii. Non-Renewable Energy – Coal, Petroleum, and Nuclear
iv. Energy Law and Policy Implications for Climate Change Mitigation and Adaption
v. Just and Sustainable Energy Transition
vi. Energy Taxation, Trade, and Investments
vii. Law Governing Electricity Market Liberalization, Competition and Consumer Protection

Part VI: Course Design and Overview (Weekly Plan)

Week	Topic and Description
1.	Introduction to Energy Law • Energy Justice and Access • Energy Dependency • Energy Security • The Energy Trilemma – Security, Equitable Access, and Sustainability • Energy Quadrilemma - Security, Equitable Access, Sustainability, and Energy Justice • National Sovereignty Energy and Global Politics – Ownership, and Control • Energy as a Political Tool
2.	Law Relating to the Coal Sector • Coal – with a focus to coal usage in India and China (as coal usage drops in G20)
3-4	Non-Renewable Energy Law – An Introduction to Oil and Gas Law ▪ Crude Oil – focus on Extraction and Safety ▪ Understanding Interest of Parties – State, IOCs, and Host Communities

	▪ Licensing Models – Joint Ventures (JOAs), PSAs, and Concessions ▪ Oil and Gas Risk and Risk Management – Operational risk, Investment/Economic Risk, and Political Risk ▪ Petroleum fuels: Diesel, Gasoline, Kerosene, etc … ▪ Natural Gas, Onshore Pipelines, and Offshore LNG Markets
5	Nuclear Energy law ▪ Nuclear Fission – traditional big plants ▪ Nuclear Fission – small and medium reactors (SMRs) ▪ Experimental Nuclear Fusion (venture capital, public initiatives)
6-7	Renewable Energy Law – Solar, Wind, Hydel and other sources ▪ Bio-Fuels (1st, 2nd, and 3rd Gen) ▪ US Alcohol fuel additives and Brazil's Alcohol Fuels ▪ Solar: o Public Utility provided Solar Voltaic Power o Public Utility provided solar heating facilities o Private/Home-owner Solar Voltaics and integration with public power utilities o Space-based solar power initiatives ▪ Windmills o Windmills, onshore o Windmills, offshore ▪ Hydrogen o Gray o Blue o Green o Ammonia hydrogen systems • Geothermal o Implications for Water Rights o Preservation of Eco-system and Groundwater o Land Rights and Ownership o Environmental Safety, and Health Implications
8	Role of Energy in the Global Political and Economic Relations • Energy as a tool of politics • Energy economics and implications for state energy policy • Strategic partnerships, and energy diplomacy
9	Just and Sustainable Energy Transitions • What is Just Energy Transition? • Adapting Energy Transition to "Climate Change" • Adapting Energy Law to UN SDGs

10-11	Electricity Law • Electricity Boards • Subsidy and Tariff • Competition and Consumer Protection
12	Technology, Innovations and Transformations in the Energy Sector: Challenges to Law and Policy Emerging Technologies – Carbon Capture,
13	Regulation of Energy, Trade (technology transfer), Investment and Taxation
14	Energy Disputes and Their Resolution

Part VII Relevant Readings

Anna-Alexandra Marhold, *Energy in International Trade Law: Concepts, Regulation and Changing Markets* (Cambridge University Press 2021).

Olivia Woolley, 'Renewable Energy and the Law of the Sea' in James Kraska and Young-Kil Park (eds), *Emerging Technology and the Law of the Sea* (1st edn, Cambridge University Press 2022) <https://www.cambridge.org/core/product/identifier/9781009042178%23CN-bp-2/type/book_part> accessed 5 March 2023.

Penelope Crossley, *Renewable Energy Law: An International Assessment* (1st edn, Cambridge University Press 2019) <https://www.cambridge.org/core/product/identifier/9781316888490/type/book> accessed 5 March 2023.

Gary C Hufbauer, Ricardo Meléndez-Ortiz and Richard Samans (eds), *The Law and Economics of a Sustainable Energy Trade Agreement* (1st edn, Cambridge University Press 2016) <https://www.cambridge.org/core/product/identifier/9781316137048/type/book> accessed 26 May 2023.

Rosemary Lyster and Adrian Bradbrook, *Energy Law and the Environment* (1st edn, Cambridge University Press 2006) <https://www.cambridge.org/core/product/identifier/9781139168762/type/book> accessed 5 March 2023.

Adrian J Bradbrook and others (eds), *The Law of Energy for Sustainable Development* (1st edn, Cambridge University Press 2005) <https://www.cambridge.org/core/product/identifier/9780511511387/type/book> accessed 5 March 2023.

Sanya Carley and David M Konisky, 'The Justice and Equity Implications of the Clean Energy Transition' (2020) 5 Nature Energy 569 <https://www.nature.com/articles/s41560-020-0641-6> accessed 5 March 2023.

David I Stern, 'Energy and Economic Growth', *Routledge Handbook of Energy Economics* (Routledge 2019).

Maria Madalena Das Neves, 'Offshore Renewable Energy and the Law of the Sea' in Elise Johansen, Signe Busch and Ingvild Ulrikke Jakobsen (eds), *The Law of the Sea and Climate Change* (1st edn, Cambridge University Press 2020) <https://www.cambridge.org/core/product/identifier/9781108907118%23CN-bp-9/type/book_part> accessed 26 May 2023.

Anatole Boute, 'Weaponizing Energy: Energy, Trade, and Investment Law in the New Geopolitical Reality' (2022) 116 American Journal of International Law 740 <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/weaponizing-energy-energy-trade-and-investment-law-in-the-new-geopolitical-reality/0BC65417FE02320FDAEBB46ABB0C7762> accessed 26 May 2023.

Jorge E Viñuales, 'Energy in International Law', *The International Law of Energy* (Cambridge University Press 2022) <https://www-cambridge-org.opj.remotlog.com/core/books/international-law-of-energy/energy-in-international-law/3F3C382F229207C41747045318D4CE18 > accessed 26 May 2023.

Articles

Roy Andrew Partain, 'Is a Green Paradox Spectre Haunting International Climate Change Laws and Conventions?' (2015) 33 UCLA Journal of Environmental Law and Policy <https://escholarship.org/uc/item/5dp5j3zh> accessed 26 May 2023

Roy Andrew Partain, 'Gored by a Cornucopia: The Risk of Green Paradoxes from Laws and Policies that Incentivize Competitive Energy Innovations' (2015) 3 LSU Journal of Energy Law and Resources <https://heinonline.org/HOL/PDFsearchable?handle=hein.journals/yjor37&collection=journals&section=24&id=&print=section&sectioncount=1&ext=.pdf&nocover=&display=0> accessed 13 November 2020.

Johannes Saurer and Jonas Monast, 'The Law of Energy Transition in Federal Systems' (2021) 10 Transnational Environmental Law 205 <https://www.cambridge.org/core/journals/transnational-environmental-law/article/law-of-energy-transition-in-federal-systems/15B85ECABE57AD436F705A9287819C36> accessed 26 May 2023.

Raphael J Heffron, 'Energy Law in Crisis: An Energy Justice Revolution Needed' (2022) 15 The Journal of World Energy Law & Business 167 <https://academic.oup.com/jwelb/article/15/3/167/6581841> accessed 26 May 2023.

Tim Martin, 'Peter D. Cameron, International Energy Investment Law: The Pursuit of Stability' (2011) 4 The Journal of World Energy Law & Business 95 <https://doi.org/10.1093/jwelb/jwq018> accessed 26 May 20

Journals

Oil, Gas & Energy Law (Global Energy Law & Regulation Portal)

International Energy Law Review

Journal of Energy Law and Business

Energy Law (E-EL-0672)

INTERNAL ASSESSMENT - GUIDELINES

Individual In-Class Power Point Presentations

- Each student will select a topic that is within the scope of the course – Energy Law.
- Identify essential sub-topics to discuss.
- Each student will choose a suitable presentation date. The date should not be after 22nd September and should coincide with the class sessions on Wednesdays and Fridays.
- Each presenter shall have about 10 minutes of presentation by five minutes Questions and Answers session.
- Course instructor and colleague students will ask relevant/critical questions, and the presenter's ability to understand and respond to the questions satisfactorily is a great sign that the class understood the presentation and the presenter prepared adequately.

Reflection Paper

- The reflection paper is a short essay of 800 - 1000 words (excluding footnotes and references, and bibliography) - which will be submitted to the course instructor by email not later than **Friday, 22nd September 2023.** The reflection paper will mirror either specific aspects of the topic or a summary of all critical aspects.
- The **presentations** will be marked **out of 25 points, a**nd the r**eflection pape**r will be marked out of **25 points.** Whatever mark a group obtains for the group presentation, the same mark will be allocated to each member. Ensuring each group member prepares adequately is the best guarantee of obtaining a good group score.
- Any student who has a challenge choosing a suitable topic (a topic not too narrow or too broad) should feel free to discuss it with either of us, course instructors, for assistance.

Some Rules

- I entreat students to refrain from requesting for reschedule of presentation when the date is due. I will not be able to accept requests for rescheduling unless it is absolutely necessary.
- We have from now **till 22nd September** to complete our internal assessment. It will therefore be prudent to choose your topics not later than **Tuesday, 15th August 2023**.
- A student that requests rescheduling the presentation date may lose 2 points and 2 for every subsequent rescheduling.
- A student who exceeds their allocated time during the presentation may lose one point for every minute exceeded.
- A maximum of two presentations will be allowed in one class session.
- Students presenting should desist from pre-ranging with non-presenting students to ask premeditated questions ahead of their presentation.
- Non-presenting students should fill free to ask critical questions. Course instructors will not deduct marks where the presenter is unable to answer difficult questions satisfactorily.

- Plagiarism – similarity index score, relative prior works (AI-generated text inclusive) should not exceed 10%. Half a mark (0.5) will be deducted for exceeding the plagiarism 10% limit by every 1%.

Assessment Criteria: Group Presentation

The assessor shall consider the following factors to determine a fair score for each group.

- The clarity in the definition of key concepts
- Persuasive and critical analysis
- Organization of slides – chronological coherence
- Accuracy of information and facts.
- Keeping to time
- Adequately preparation (level of confidence and demonstrating detailed knowledge and understanding of topic)
- Reading from prepared scripts may be deemed to be a sign that the group did not prepare adequately.
- Compare the weakness and strengths of different of presentations.

Assessment Criteria: Reflection Paper

I assessor consider the following factors to determine a fair score for each script.

- Relevance of the topic
- Demonstrate knowledge and nuanced understanding of the topic and concepts.
- Analytical rigour
- Case analysis
- Evidence of independent work.
- Plagiarism checks (including AI-generated text).
- Submitting paper on or before the deadline.
- Evidence of research (well-referenced work)
- Relevance to current legal issues in the Indian energy legal system
- Choosing and making a critical legal analysis on a trendy and futuristic topic and pitching the discussion on new paradigms in national and international energy law, will guarantee a good score for the reflection paper.

Thank you and best wishes!

If you any queries or doubts on the internal assessment, do not hesitate to contact any of the course instructor.

Course Instructor

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