

REPORT TO THE BOARD OF THE EUROPEAN SOCIETY OF INTERNATIONAL LAW
INTEREST GROUP ON ENERGY AND INTERNATIONAL LAW
2024 - 2025

ESIL IG Co-convenors:

Dr. Elena Cima, University of Geneva
Prof. Ilaria Espa, Università della Svizzera Italiana
Dr. Alessandro Monti, University of Copenhagen

1. ACTIVITIES

A) Roundtable on Critical Minerals at the 2024 Annual Conference of the African Society of International Law

The IG on Energy and International has organized a Roundtable in partnership with the African Society of International Law (AfSIL). The Roundtable was part of the 13th Annual Conference of AfSIL, which took place in Lagos, Nigeria on November 1 and 2 2024 on “*Africa and the Energy Transition*”. The Roundtable addressed the topic of “*Africa’s Role in the Global Critical Minerals Supply Chain.*”

B) Publication: Special Issue on the Journal of World Energy Law and Business

Selected papers from the Conference organized in June 2024 by the IG on Energy and International Law are featuring in a Special Issue of the Journal of World Energy Law and Business titled “*Trade-Related Climate Measures in Energy-Intensive Sectors: From Divergence to Interoperability through International Law?*”, edited by the three Co-convenors of the IG and which is being published in the fall 2025.

C) IG Joint Conference on “Towards a Global Ecological-Economic Legal Framework”, 6-7 June 2025

The Conference was co-organized with three other ESIL IGs (International Economic Law, International Environmental Law, European and International Rule of Law) and took place at *Paris Science et Lettre University* on June 6-7, 2025. The purpose of the conference was to

confront the tensions between international economic law and international environmental law – and the energy sector is often at the heart of such tensions – exploring how emerging legal tools and institutions can move beyond fragmented and weak measures to genuinely embed sustainability within global economic governance.

The program of the Conference is attached to this Report as Annex 1.

D) Workshop at ESIL Annual Conference in Berlin “Reconstructing International Energy Law in Times of Crisis” (Hybrid Format), Wednesday 10 September

On 10 September 2025, the IG on Energy and International Law organized a Workshop as part of the 20th ESIL Annual Conference in Berlin. The Workshop was titled “*Reconstructing International Energy Law in Times of Crisis*”, it was organized based on an international call for papers and took place in hybrid format.

The program of the Workshop is attached to this Report as Annex 2.

2. FUTURE ACTIVITIES

The ESIL IG on Energy and International Law is exploring the possibility to organize workshops as side events at both the 2026 ESIL Research Forum organized in Krakow, Poland, and at the 21st ESIL Annual Conference that will take place in Malaga, Spain. More detailed information on forthcoming activities will be communicated as soon as the relevant details are finalized.

3. GOVERNANCE

Since its creation in 2023 until 2025, the Energy and International Law Interest Group was governed by three Co-conveners: Elena Cima (Chair) (University of Geneva), Ilaria Espa (Università della Svizzera Italiana), and Alessandro Monti (University of Copenhagen). They run the Interest Group’s day-to-day business and organize its regular events. They have also managed to meet during Conferences and Seminars of common interest.

Following the call for applications for the Interest Group’s Coordinating Committee in September 2025, and in line with the current ESIL Interest Group Policy Guidelines, two members of the Coordinating Committee have agreed to renew their mandates. They are joined by the sole eligible candidate, resulting in the following new composition of the Coordinating Committee:

Elena CIMA – four-year term

Ilaria ESPA – four-year term

Martin ŠVEC – four-year term

CONFERENCE PROGRAMME

INTERNATIONAL CONFERENCE

TOWARDS A GLOBAL ECOLOGICAL-ECONOMIC LEGAL FRAMEWORK

DATES

6-7 JUNE 2025

VENUE

**UNIVERSITY PSL - ENS - CAMPUS JOURDAN
48 BD JOURDAN · +33 1 43 13 61 00**

ORGANIZED BY



CTAD
Centre de Théorie et Analyse du Droit
UMR 7074 CNRS



THIS CONFERENCE IS AN ESIL-SUPPORTED EVENT



6 JUNE 2025

8:45 – Welcoming Participants

9:00 – 9:05 Welcoming from Frédéric Worms, Director of Ecole Normale Supérieure, Paris, France

9:05 – 9:10 – Introduction from the Chair of the Conference (Florian Couveinhes Matsumoto & Paolo Davide Farah)

9:10 – 9:15 Address from the ESIL Interest Group Chairs and Conveners

Paolo Davide Farah – Chair of the ESIL IG on EU and International Rule of Law

Daria Boklan – Co-Convener of ESIL IG on International Environmental Law

Elena Cima – Co-Convener of the ESIL IG on Energy and International Law

José Gustavo Prieto Muñoz – Co-Convener ESIL IG on International Economic Law

9:15 – 10:15

Keynote Speaker: Gregory Shaffer, Georgetown University Law Center, Washington DC, USA
Addressing the Negative Externalities of Trade

10:00 – 10:15 – Discussants, Q&A and Debate – Florian Couveinhes Matsumoto & Paolo Davide Farah

10:15 – 10:30 Break

10:30 – 12:15 – Inaugural Panel: The Relationship between International Environmental Law and International Economic Law

Chair: Gregory Shaffer, Georgetown University Law Center, Washington DC, USA

The Emperor's Green Clothes: Exposing the Structural Pathologies of Environmental Exceptions in Trade and Investment Agreements

Caroline Henckels, Monash University, Melbourne, Australia

Promoting Corporate Environmental Standards Through Interlegality

Jaye Ellis, McGill University, Montreal, Quebec, Canada

Balancing the Energy Trilemma Through Dispute Resolution Reform

Guillermo Garcia Sanchez, Texas A & M University

Business, Human Rights, and the Environment: Indigenous Perspectives and the 2024 WIPO Treaty, Paolo Davide Farah, West Virginia University (USA) and gLAWcal – Global Law Initiatives for Sustainable Development

12:00 – 12:15 – Q&A and Debate

6 JUNE 2025

12:15 – 13:30 Panel 1: Reframing International Rules on Subsidies and Industrial Policy for a Sustainable Future – ESIL Energy and International Law

Chair: Ilaria Espa, University of Lugano, Switzerland

Green Subsidies and WTO Rules

Gabrielle Marceau, University of Geneva, Switzerland

Mapping Current Subsidy Practices and Their Effects

Elettra Bargellini, Dublin City University, Ireland

Subsidies, Industrial Policies and Dispute Settlement

Tetyana Payosova, International Trade Law and Policy Expert

Subsidies and Renewable Energy

Elena Cima, University of Geneva, Switzerland

13:15 – 13:30 – Q&A and Debate

13:30 – 15:00 – Lunch Break

15:00 – 16:00 – Panel 2 – Reframing International Trade Law – Principles and Exceptions

Panel Chair: Gabrielle Marceau, University of Geneva

Climate Change Interpretation of Trade Rules or Used as Guise for Protectionism?

Daria Boklan, HSE

Can Climate Change Be Considered "Other Emergency In International Relations" Under Article XXI(B) of the GATT94? The Potential Strengthening Of Environmental Restrictions in a Context of Securitization of International Trade

Justo Corti-Varela, UNED, Spain

Navigating Through a Fragmented International Legal Order: Is There a Place For Sectoral Agreements on Trade and Environment Outside the WTO?

Antoine Comont, Universite de Bordeaux, France

Q&A and Debate: 15:45 – 16:00

Break and Poster Presentations: 16:00 – 17:00

6 JUNE 2025

17:00 – 18:15 - Panel 3 - The Tools of Trade Agreements and Policies, and Their (In)Efficiency - Ecological-Economic Agreements

Panel Chair: Paolo Davide Farah, West Virginia University (USA) and gLAWcal – Global Law Initiatives for Sustainable Development

Towards a New Generation of Agreements for Sustainability
Rhea Tamara Hoffmann, University of Siegen, Germany

Strengthening International Climate Change Mitigation Law through Regional Trade Agreements?
Prospects and Obstacles for Concretization, Adjudication and Enforcement
Andreas Buser, Freie Universität Berlin, Germany

Sustainability Impact Assessments of Trade Agreements: Harm Prevention and Due Diligence
Johanna Aleria Lorenzo, University of Amsterdam

The Agreement on Climate Change, Trade and Sustainability (ACCTS): Check and Balances Between the Institutional System and the Environmental Commitments
Esther López Barrero, Autonomous University of Madrid (UAM), Spain

7 JUNE 2025

9:30– 10:15 - Panel 4 - The Tools of Trade Agreements and Policies, and Their (In)Efficiency - Ecological-Economic Agreements - Ecological-Economic Policies

Chair: Justo Corti-Varela, UNED, Spain

The Protection of Marine Ecosystems Through Trade: Assessing the European Union Toolbox
Justine Muller, National University of Singapore, Asia-Pacific Centre for Environmental Law (APCEL)

Biodiversity Protection in EU Policy: Balancing Disclosure Enforcement, and the Role of the Corporate Sustainability Due Diligence Directive in The Omnibus Review
Marco Corradi, ESSEC Business School, Paris, France
Silvia Grandi, University of Bologna, Italy
Marios Iacovides, Uppsala University, Sweden

Q&A and Debate: 10:00 – 10:15

7 JUNE 2025

10:15 – 11:15 – Panel 5 – Reframing International Investment Law

Panel Chair: Catharine Titi, French National Centre for Scientific Research (CNRS)-CERSA, University Paris-Panthéon-Assas, France

General Principles of International Law: Bridging Investment Arbitration and Environmental Protection
Marina-Elissavet Konstantinidi, Independent Researcher, Brussels

Should I Stay or Should I Go? A Comparative Analysis of the Exclusion of Protection for Fossil Fuel Investments Under the Modernized ECT and in the Event of Withdrawal from the ECT
Johannes Tropper, University of Vienna, Austria

Between Sovereignty and Systemic change: MDBs and Paris Alignment in Development Policy Lending
Katerina Akestoridi, Boston University, Global Development Policy Center, USA

Q&A and Debate: 11:00 – 11:15

Break and Poster Presentations: 11:15 – 12:00

12:00 – 13:15 – Panel 6 – Key “Hybrid” Institutions and Themes

Panel Chair: Jaye Ellis, McGill University, Montreal, Quebec, Canada

Revisiting and Comparing International Legal Arrangements Governing Transfer of Technology in International Economic Law For Sustainability
Felipe de Andrade, University of Antwerp and KU Leuven, Belgium

International Law and Circular Economy: The Case of Recycling Raw Materials Necessary for the Energy Transition
Victor Grandaubert, Université Paris Nanterre – Centre de droit international de Nanterre (CEDIN), France

The Challenges of Including The/A One Health Approach in a Legally Binding Instrument
María Juliana Tenorio Quintero, Permanent Mission of Colombia to the United Nations Office and other International Organizations in Geneva, Switzerland

Managing Regime Conflicts in Climate Governance: Towards a More Structured Approach to Systemic Integration
Huiwen Yang, National University of Singapore, Asia Pacific Centre of Environmental Law, Singapore

Q&A and Debate: 13:00 – 13:15

13:15 – 15:00 – Lunch Break and Poster Presentations

7 JUNE 2025

15:00 – 16:00 Panel 7 – Reconnecting the Global Ecological-Economic Legal Framework with General International Law and Theories of Justice

Panel Chair: Florian Couveinhes Matsumoto, Ecole Normale Supérieure, Paris, France

The Emergence of an Environmental Jus Cogens Norm: Rethinking General Obligations in International Economic and Environmental Law

Kasim Balarabe, O P Jindal Global University, Sonapat, Haryana, India

Bringing Ecological and Socioeconomic Justice Together: A Law & Political Economy Approach to Planetary and Earth System Justice

Gauthier Martens, UCLouvain Saint-Louis Bruxelles, Belgium

POSTER PAPER PRESENTATIONS

June 6, 2025, 16:00 – 17:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Benedicta Naa Sackiorkor Quarcoo, Luiss Guido Carli University Law School, Italy, The Carbon Border Adjustment Mechanisms: Legal Implications for International Trade and Cooperation

June 6, 2025, 16:00 – 17:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Mariela (Maidana-Eletti) de Amstalden, University of Cambridge, United Kingdom, Engineering Biology, Planetary Health and New WTO Law: Examining the Role of International Standards in Operationalizing the Principle of (Rebuttable) Presumption of Compliance under WTO law

June 6, 2025, 16:00 – 17:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Nehir ARSLAN, Paris 8 University Vincennes-Saint-Denis, France, Cultural and Natural Heritage in Investment Arbitration: A Misalignment that Needs Alternative Paths

June 6, 2025, 16:00 – 17:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Valerio Sinaj, IUSS Pavia & Università di Roma Unitelma Sapienza, Italy, Who Pays for Environmental Harm? State and Corporate Responsibility in International Law

June 6, 2025, 16:00 – 17:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Xiaofeng Li, Durham Law School, United Kingdom, China's Industrial Policy and World Trade Law

June 6, 2025, 16:00 – 17:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Farouk GHAZI Badji Mokhtar-Annaba University, Algeria, & Tareck ALSAMARA, Prince Sultan University, Saudi Arabia, The Environmental and Economic Dimensions of Litigation in National and International Courts: fossil fuels companies versus international climate change law

POSTER PAPER PRESENTATIONS

June 7, 2025, 11:15 – 12:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Claudia Pharaon, Leiden Law School, The Netherlands, Rethinking the Settlement of International Investment Disputes to Address Ecological Challenges

June 7, 2025, 11:15 – 12:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Preetkiran Kaur, Ministry of Commerce and Industry, Government of India, Centre for Trade and Investment Law, India, Assessing the “Sustainability” Aspect and Implications of the EU-Angola Sustainable Investment Facilitation Agreement vis-à-vis Critical Minerals Supply Chain

June 7, 2025, 11:15 – 12:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Laura Létourneau Tremblay, University of Inland Norway, Norway, Interpretation of International Investment Law: Towards an Ecological Approach?

June 7, 2025, 11:15 – 12:00 Break and Poster Presentations and June 7, 2025, 13:00 – 15:00 – Lunch Break and Poster Presentations: Mohamed Abubakr Abdelmaqsoud, Sultan Qaboos University, Oman, Causation in Climate Change Litigation: Legal Challenges and Alternative Approaches

CONFERENCE CHAIRS AND COORDINATORS

Florian Couveinhes Matsumoto, (École Normale Supérieure–Paris Sciences et Lettres (ENS-PSL), France) and Paolo Davide Farah (West Virginia University, John D. Rockefeller IV School of Policy and Politics, USA & gLAWcal – Global Law Initiatives for Sustainable Development, United Kingdom)



SCIENTIFIC COMMITTEE

Daria Boklan (HSE University), Chamu Kuppuswamy (University of Hertfordshire, United Kingdom), Matjaz Nahtigal (University of Ljubljana, Slovenia), Martin Svec (Masaryk University, Brno, Czech Republic and gLAWcal - Global Law Initiatives for Sustainable Development, UK), Till Patrik Holterhus (Leuphana Law School, Lüneburg, Germany), Denise Wohlwend (Harvard Law School, USA and Kellerhals Carrard, Zurich, Switzerland), Velimir Živković (University of Warwick School of Law, United Kingdom), Patrick Abel (University of Passau, Germany and European University Institute, Fiesole, Italy), Carlo De Stefano (Roma Tre University, Italy), José Gustavo Prieto Munoz (Ghent University).

CO-ORGANIZERS

This conference is organized as a European Society of International Law (ESIL)-supported event by the École Normale Supérieure-Paris Sciences et Lettres (ENS-PSL), Centre de Théorie et Analyse du Droit, gLAWcal - Global Law Initiatives for Sustainable Development, the ESIL Interest Group on the European and International Rule of Law, the ESIL Interest Group on International Environmental Law, the ESIL Interest Group on International Economic Law and the ESIL Interest Group on Energy and International law.



CTAD
Centre de Théorie et Analyse du Droit
UMR 7074 CNRS



gLAWcal
Global Law Initiatives for Sustainable Development



**International Economic Law
Interest Group**



**EUR & INT'L RULE OF LAW
INTEREST GROUP**



**ESIL INTEREST GROUP
ON ENERGY AND
INTERNATIONAL LAW**

**THIS CONFERENCE IS
AN ESIL-SUPPORTED
EVENT**





Reconstructing International Energy Law in Times of Crisis

**Pre-Conference Workshop of the Interest Group on Energy and International Law
Convened by Elena Cima and Ilaria Espa**

2025 ESIL Annual Conference on “Reconstructing International Law”

10 September 2025 15:00-18:00, Berlin

Hosted by the Department of Law of Freie Universität Berlin

The global energy landscape is undergoing profound transformations due to multiple crises, including climate change, energy security challenges, geopolitical tensions, and technological disruptions. These crises demand a rethinking of international energy law to ensure that it remains relevant, effective, and adaptable to new realities. This workshop seeks to explore how international energy law can be reconstructed to address these interconnected crises while balancing the need for energy security, sustainability, and justice.

The workshop is structured around two thematic panels, each addressing a key dimension of the reconstruction of international energy law. The first panel, *“Energy, Sovereignty, and Security in a Shifting Legal Landscape,”* investigates the legal tensions and opportunities arising from the interplay between state sovereignty, geopolitical dynamics, and the evolving principles of international law. This panel will explore key opportunities for advancing international energy law through both treaty-making and dispute settlement. The second panel, titled *“Decarbonization through International Law: Navigating Carbon Markets, Trade and Investment Disputes,”* turns to the role of economic instruments and dispute settlement in shaping the legal architecture of the energy transition. This panel will delve into transnational governance of carbon pricing, the challenges of integrating carbon markets within the framework of international trade law, and the legal frictions that arise when clean energy investments intersect with existing investment protection standards.

By bringing together diverse legal perspectives, this workshop contributes to a broader effort to critically examine and reconstruct international energy law in response to contemporary and future crises.

Program

15:00-15:15

Welcome and Introduction

Elena Cima, Senior Lecturer, University of Geneva and **Ilaria Espa**, Associate Professor, Università della Svizzera Italiana

15:15-16:15

Panel I – Energy, Sovereignty and Security in a Shifting Legal Landscape

Patrick Abel, Assistant Professor (tenure track), University of Innsbruck
Energy Solidarity Agreements

Mattia Colli Vignarelli, Post-Doctoral Research Fellow, University of Turin

The Future of Energy Law in the Face of The ICJ Climate Change Advisory Opinion: Is «Drill, Baby, Drill» Internationally Unlawful?

Valeria Fappani, Research Fellow, University of Bologna and PhD Candidate, University of Trento & **Blanca Marabini San Martín**, PhD Researcher, Madrid Autonomous University

Crisis, Control, and China: Rethinking Resource Sovereignty through International Law

Mengjing Kong, Post-Doctoral Max Weber Fellow, European University Institute

The Regulation of Sovereign Investors: Between National Security and Sustainable Development in Critical Mineral Investments

16:15-16:45

Coffee break

16:45-17:45

Panel II – Decarbonization through International Law: Navigating Carbon Markets, Trade and Investment Disputes

Alice Pirlot, Assistant Professor, Geneva Graduate Institute

Transnational Governance on Carbon Pricing

Kateryna Holzer, Senior Researcher, University of Eastern Finland & **Ilaria Espa**, Associate Professor, Università della Svizzera Italiana

Trade in Carbon Credits: The Role of WTO Law in Development of International Carbon Markets

Mirko Camanna, Lecturer in International and EU Law, Erasmus University Rotterdam – Erasmus School of Law

The Green Hydrogen Crossroads: Navigating the Tensions between International Investment Law and Just Transition

Claudia Wortmann, PhD Candidate, Hasselt University & KU Leuven

Practical Interpretations of the Fair and Equitable Treatment Standard in Energy Investment Arbitration

17:45-18:00

Conclusions