

Conceptualising International Energy Law:  
Shaping the Future Amidst Transition in a VUCA World  
Centre for International Law, NUS

# **Regional Pathways in the Evolution of International Energy Law: Norm Creation, Governance Models, and Global Influence**

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# Structure

*focusing on insights drawn from papers of the panel*

- Dynamic nature of energy law
- Limitations of market-centric approach
- Primacy of justice and equity
- Need for innovative governance models
- Re-examination of core concepts
- *Pathways to a holistic framework*

# Dynamic Nature of Energy Law

- Energy law should be understood as a *dynamic* and *evolving* field, not a static set of rules. It functions as both a product and a driver of major societal and economic transformations.
- Regional blocs can serve as crucial laboratories for innovation, demonstrating how legal frameworks can be proactively used to manage complex transitions. These models of deep integration and innovative governance offer valuable insights for broader application.
- A fundamental critique asserts that any model of international energy law is incomplete if it does not centrally address issues of justice and decolonisation. Purely technical legal solutions risk perpetuating existing inequities without a strong ethico-political foundation.

# Limitations of Market-Centric Approaches

- A purely market-driven approach to energy is widely viewed as inadequate and often in direct tension with achieving broader goals of justice, sustainability, and equity.
- *Balancing market-based approach with state intervention:* A key structural tension exists between market-based, liberalised energy systems and the significant state intervention and strategic planning typically required to catalyse a rapid and just energy transition.
- *Incorporating justice and equity:* The traditional prioritisation of investor rights and market logic through international investment agreements can have the effect of marginalising other critical rights, such as those of indigenous communities and local populations.

# Primacy of Justice and Equity

- Concerns of justice and equity are central to contemporary debates in energy law. This encompasses a spectrum of issues, from fairness between citizens and states within integrated markets to restorative and recognitional justice for historically marginalised groups.
- *Justice is context-dependent*: Many developing economies prioritise distributive justice, esp. affordable energy and development, to combat poverty.
- *Inherent tension*: This domestic development imperative can conflict with global environmental principles or local community rights.
- *The core challenge*: This highlights the multi-scalar complexity of implementing a unified concept of energy justice.

# The Need for Innovative Governance Models

- The complexity, scale, and interconnectedness of the energy transition reveal the limitations of traditional, hierarchical governance models that operate primarily through nation-states and central command.
- *Polycentric governance*: Multiple, overlapping decision-making centres (e.g. municipal, regional, private) operate independently under shared rules. This enables local adaptation, innovation, and system-wide resilience.
- *Networked & participatory governance*: Cross-boundary collaboration, e.g. through public-private partnerships, city networks, and civil society integration, creates more agile, informed, and legitimate governance structures for complex transitions.

# Re-examination of Foundational Concepts

- The energy transition is forcing a critical re-examination of the most foundational concepts in legal domains, such as sovereignty, consent, and core regulatory principles.
- *Sovereignty reimagined*: Moving from absolute state control to a shared responsibility, e.g. balancing national authority with sub-state, supranational, and global imperatives.
- *Relational consent*: Shifting from one-time approval to ongoing, participatory processes, emphasising continuous dialogue and community agency.
- *Principles evolved*: Concepts like solidarity now entail sustained cooperation, including technology transfer, financing, and capacity-building, to ensure an inclusive transition.

# Pathways to a Holistic Framework

- A legitimate and effective future for international energy law must synthesise these diverse perspectives.
- This synthesis should incorporate the regulatory ambition and multi-level governance innovations demonstrated by leading regional blocs.
- It must also integrate the decolonial, justice-oriented, and pluralistic foundations demanded by a more inclusive global discourse.
- The ultimate goal is to transition from a system designed primarily for efficiency and carbon reduction to one explicitly designed for justice, equity, and recognition.



Thank you!

Questions/comments are most welcome.

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