

## **Legal challenges at the end of the fossil fuel era: Shaping energy futures through legal intervention**

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### **PANEL 1. Diagnosis of the current energy crisis**

## **The climate crisis speaks ‘legalese’: exposing the lack of a shared vocabulary between International Environmental Law and International Law of Energy**

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The presentation aims at exposing and exploring a gap between International Environmental Law (IEL) and International Law of Energy (ILE), due to the lack of a shared vocabulary between these fields when it comes to the equilibrium of the Earth system. To this end, an assessment of the language used in IEL shows the gradual loss of the vocabulary richness put forward from 1972 to 1992, especially so by the ‘Stockholm Declaration’, the ‘World Charter for Nature’ and the ‘Rio Declaration’. These and other international legal instruments offered a clear conceptual pool regarding both the tangible and intangible aspects of nature, which was somewhat diluted in the past decades. The Paris Agreement’s usage of the all-encompassing term ‘environment’ greatly exemplifies such. On the other hand, the scrutiny of ILE shows a series of nature-related scissions done by the ‘European Energy Charter’, the ‘Energy Charter Treaty’ and the ‘International Energy Charter’. The most paradigmatic scission is the one between the ‘energy chain’ and the ‘environment’, as if the former could exist independently from the latter. This is illustrated by the seemingly transposing of IEL’s ‘principle of sovereignty over natural resources’ to the realm of ILE, worded as ‘sovereign rights over energy sources’. In other words, the decoupling of ‘natural’ from ‘resources’ in ‘natural resources’ results in ILE’s concept of ‘energy resources’. In addition to this, the presentation will also touch upon ILE’s conditioning of environmental protection to an acceptable, cost-effective, economic basis. The concluding remarks explore the vernacular gap between IEL and ILE, exposing it as a possible weakness of the still-on-the-way normative framework of the energy transition.