



Full Syllabus

Course Title

Environmental Law

Lecturer

Dr. Tamara Lotner Lev

Semester

Spring

Course requirements

Attendance in person is required in at least 80% of the classes

Final grade components

Reading responses (20%), presentation (20%), final paper (60%)

Course schedule

Date	Subject and Requirements (assignments, reading materials, tasks, etc.)
21.2	<p>Please note! The class will be on <u>Monday 21.2 at 08:30-10:00</u> instead of Thursday 24.2</p> <p>Introduction Reading: - Free search: the definition of "Environmental law" - David Schorr, <i>Historical analysis in environmental law I: Introduction</i> https://environmentlawhistory.blogspot.com/2017/12/historical-analysis-in-environmental.html</p>
10.3	<p>Environmental law basics (A) – environmental ethics and the conceptualization of environmental problems Reading: - Aldo Leopold, <i>The Land Ethics</i>, in: A SAND COUNTY ALMANAC (1949) - Christopher Stone, <i>Should Trees Have Standing? - Toward Legal Rights for Natural Objects</i>, 45 S.CAL. L. REV. 450 (1972) - Garrett Hardin, <i>The Tragedy of the Commons</i>, 162 SCIENCE 1243 (1968) - PIGOU, ARTHUR C., <i>ECONOMICS OF WELFARE</i> (1932) - Coase, Ronald H. <i>The Problem of Social Cost</i>, 3 J. L. & ECON. 1 (1960)</p>
24.3	<p>Environmental law basics (B) - legal and regulatory tools for environmental protection Reading: Carol M. Rose, <i>Rethinking Environmental Controls: Management Strategies for Common Resources</i>, 1991 DUKE LAW JOURNAL 1-38 (1991) - DANIEL J. FIORINO, <i>THE NEW ENVIRONMENTAL REGULATION</i> (2006) - Chapter 1 pp. 1-27 https://www.researchgate.net/publication/236219080_The_New_Environmental_Regulation - "Nuisance", https://law.jrank.org/pages/8873/Nuisance.html - Keohane, Nathaniel, R Revesz, and Robert N Stavins, <i>The Choice of Regulatory Instruments in Environmental Policy</i>, HARVARD ENVIRONMENTAL LAW REVIEW 22, 313 (1998) (please read pp. 313-325) - Biber, Eric and Ruhl, J. B., <i>The Permit Power Revisited: The Theory and Practice of Regulatory Permits in the Administrative State</i> 64 DUKE LAW JOURNAL 133 (2014)</p>



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31.3	<p>International environmental law in a nutshell</p> <p>Reading:</p> <ul style="list-style-type: none">- Edith Brown Weiss, <i>The Evolution of International Environmental Law</i> 54 JAPANESE Y.B. INTL. L. 1-27 (2011)- About the Paris Agreement: https://unfccc.int/process-and-meetings/the-paris-agreement/what-is-the-paris-agreement- Carl Bruch, <i>Is International Environmental Law Really Law?: An Analysis of Application in Domestic Courts</i>, 23 PACE ENVTL. L. REV. 423 (2006)
7.4	<p>Environmental law in Israel – nature protection from 1963 to 2019</p> <p>Reading:</p> <ul style="list-style-type: none">- Benny Furst, <i>Morphology of Cultural Transformation: The Campaign to Save Israel's Wildflower and its Spatial Impacts</i> (2017) https://natureisrael.org/cms_uploads/Publications/Benny-Furst-Research-Paper-1d1ri62.pdf- National Parks, Nature Reserves, National Sites and Memorial Sites Law, 5758-1998 (Israel) http://www.sviva.gov.il/English/Legislation/Pages/NatureBiodiversityOpenSpaces.aspx- Prevention of Environmental Nuisances (Civil Action) Law 5752-1992 available at: http://www.sviva.gov.il/English/Legislation/Documents/Nuisances%20Laws%20and%20Regulations/PreventionOfEnvironmentalNuisances-CivilAction-Law1992.pdf- Zafrir Rinat, <i>Israel Passes Law Allowing Civil Suits for Environmental Damage</i>, HAARETZ, Jan. 2 2019, https://www.haaretz.com/israel-news/.premium-israel-passes-law-allowing-civil-suits-for-environmental-damage-1.6804095
11.4	<p>Please note! The class will be on <u>Monday 11.4 at 08:30-10:00</u></p> <p>Students Presentations</p>
28.4	<p>Environmental law in Israel – air and coastal environment</p> <p>Air:</p> <ul style="list-style-type: none">- Ehud Zion Waldoks, <i>Knesset Approves Clean Air Act</i>, The Jerusalem Post, July 22, 2008 https://www.jpost.com/Israel/Knesset-approves-Clean-Air-Act- Yuval Azulai, <i>Clean Air Law benefits estimated at NIS 115b</i>, GLOBES, July.12, 2018 https://en.globes.co.il/en/article-clean-air-law-benefits-estimated-at-nis-115b-1001245985 <p>Coastal protection:</p> <ul style="list-style-type: none">- http://www.adamteva.org.il/?CategoryID=1113&ArticleID=1977- http://www.adamteva.org.il/_Uploads/dbsAttachedFiles/compressed-timeline.pdf- About the Planning and Building Law 5725-1965 (Israel): http://www.sviva.gov.il/English/Legislation/Pages/PlanningAndBuilding.aspx
12.5	<p>Environmental law in Israel – the natural gas case</p> <p>PETROLEUM LAW, 5712 – 1952 (articles 1-6) http://www.energy-sea.gov.il/English-Site/SiteAssets/PETROLEUM%20%20LAW,%201952.pdf</p> <ul style="list-style-type: none">- Peter Jan Honigsberg, <i>Conflict of Interest that Led to the Gulf Oil Disaster</i>, 41 ENVIRONMENTAL LAW REPORTER NEWS & ANALYSIS (2011)- Tamara Lotner Lev, <i>Liability for Environmental Damages from the Offshore Petroleum Industry: Strict Liability Justifications and the Judgment-Proof Problem</i>, 43 ECOLOGY L.Q. (2017) <p>From the media:</p> <ul style="list-style-type: none">- "Noble Energy warns Israel on gas roadmap", <i>lobes [online], Israel business news, September 3, 2015</i> https://en.globes.co.il/en/article-noble-energy-warns-israel-on-gas-roadmap-1001066459



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	- MoEP Opposes Natural Gas Plan in Current Form, http://www.sviva.gov.il/English/ResourcesandServices/NewsAndEvents/NewsAndMessageDover/Pages/2015/07-July/MoEP-Stance-on-Natural-Gas-Plan.aspx
19.5	Environmental law and institutional analysis Reading: - George J. Stigler, The Theory of Economic Regulation, 2 BELL JOUR. OF ECON. & MANAGE. SCI. 3 (1971); 2) - William Novak, A Revisionist History of Regulatory Capture, in PREVENTING REGULATORY CAPTURE: SPECIAL INTEREST INFLUENCE AND HOW TO LIMIT IT (D. CARPENTER AND D. MOSS EDS., 2013) - Biber, Eric, Too Many Things to Do: How to Deal with the Dysfunctions of Multiple-Goal Agencies 33 HARV. ENVTL. L. REV 1 (2009)
30.5	Please note! The class will be on Monday 30.5 at 10:15-11:45 (Make up for 3.3) Students Presentations
26.6	Climate change and the law Reading: - Sax, Joseph L., <i>The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention</i> 68 MICH. L. REV. 471 (1970) - Wood Mary Christina & Dan Galpern, <i>Atmospheric Recovery Litigation: Making the Fossil Fuel Industry Pay to Restore a Viable Climate System</i> . 45 ENVTL. L. 259, (2015) - Read the background and the latest briefs on <i>Juliana V. the U.S</i> , http://climatecasechart.com/case/juliana-v-united-states/
2.6	Students Presentations
9.6	Course Review
Required course reading	
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Optional course reading	
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Comments	
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