



Full Syllabus

Course Title

Environmental Law

Lecturer

Dr. Tamara Lev

Semester

Spring 2023

Course requirements

Final grade components

Reading response 10%
presentation 20%
final paper 60%
Class participation 10%

Course schedule

Class
no. /
Date

Subject and Requirements (assignments, reading materials, tasks, etc.)

16/3

Introduction

Environmental law approaches and justifications 1

- Leopold, Aldo, The Land Ethics, in: **A Sand County Almanac** (1949)
- Stone, Christopher, Should Trees Have Standing? - Toward Legal Rights for Natural Objects, 45 **S.CAL. L. REV.** 450 (1972)
- Perry, Nick, New Zealand Rivers' personhood status offers hope for Mauri, **AP**, August 15, 2022, <https://apnews.com/article/religion-sacred-rivers-new-zealand-86d34a78f5fc662ccd554dd7f578d217>
- Hardin, Garrett, The Tragedy of the Commons, 162 **Science** 1243 (1968)
- Optional:*
- Edenhofer O, Franks M, Kalkuhl M. Pigou in the 21st Century: a tribute on the occasion of the 100th anniversary of the publication of The Economics of Welfare. **Int Tax Public Finance** 2021;28(5):1090-1121. doi: 10.1007/s10797-020-09653-y. Epub 2021 Jan 19. PMID: 33495672; PMCID: PMC7814863.
- Coase, Ronald H. The Problem of Social Cost, **3 J. L. & ECON.** 1 (1960) *Read:* p 1-15 <http://www.ycu.edu.cn/upload/2018110111250375.pdf>

23/3

Legal tools for environmental protection part 1 - Tort law and civil action

- Schorr, David, Historical Analysis in Environmental Law (July 18, 2017). **Oxford Handbook of Historical Legal Research**, (Markus Dubber & Christopher Tomlins, eds., 2018), Available at SSRN: <https://ssrn.com/abstract=3004639>
- "Nuisance", <https://law.jrank.org/pages/8873/Nuisance.htm>



Full Syllabus



	<p>-Klement, Alon, and Robert Klonoff. "Class actions in the United States and Israel: a comparative approach." <i>Theoretical Inquiries in Law</i> 19, no. 1 (2018): 151-202.</p>
30/3	<p>Legal tools for environmental protection part 2 - Regulation</p> <p>-Fiorino Daniel J., <i>The New Environmental Regulation</i> (2006) - Chapter 1 pp. 1-27 https://www.researchgate.net/publication/236219080_The_New_Environmental_Regulation</p> <p>-Biber, Eric and Ruhl, J. B., The Permit Power Revisited: The Theory and Practice of Regulatory Permits in the Administrative State 64 <i>Duke Law Journal</i> 133 (2014)</p>
20/4	<p>Legal tools for environmental protection part 3 – Criminal law</p> <p>-Faure, M. (2017). The development of environmental criminal law in the EU and its member states. <i>Review of European Community and International Environmental Law</i>, 26(2), 139-146. https://doi.org/10.1111/reel.12204</p> <p>-Helena Du Rées (2001) Can Criminal Law Protect the Environment?, <i>Journal of Scandinavian Studies in Criminology and Crime Prevention</i>, 2:2, 109-126, DOI: 10.1080/140438501753737606</p>
27/4	<p>Legal tools for environmental protection - International environmental law</p> <p>-Weiss, Edith Brown, The Evolution of International Environmental Law, 54 <i>Japanese Y.B. Intl. L.</i> 1-27 (2011)</p> <p>-Bruch, Carl, Is International Environmental Law Really Law?: An Analysis of Application in Domestic Courts, 23 <i>Pace Env'tl. L. Rev.</i> 423 (2006)</p> <p>-United Nations Convention on the Law of the Sea, articles 2-4, 24-25,56-58</p> <p>-About the Paris Agreement: https://unfccc.int/process-and-meetings/the-paris-agreement/what-is-the-paris-agreement</p>
4/5	<p>Environmental law in Israel – nature protection</p> <p>-Furst, Benny <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</p> <p>-National Parks, Nature Reserves, National Sites and Memorial Sites Law, 5758-1998 (Israel) https://www.gov.il/BlobFolder/guide/natl_parks_nature_reserves_council/en/open_area_natl_parks_nature_reserves_natl_sites_and_memorial_sites_law_1998_eng.pdf</p> <p>-Prevention of Environmental Nuisances (Civil Action) Law 5752-1992 available at: https://www.gov.il/en/departments/legalInfo/environmental_nuisances_prevention_law_civil_actions_1992</p> <p>-Rinat, Zafir, <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</p>
11/5	<p>Students presentations A</p>
18/5	<p>Environmental law in Israel – the natural gas case</p> <p>-Israeli Petroleum Law, 5712 – 1952 (articles 1-6) http://www.energy-sea.gov.il/English-Site/SiteAssets/PETROLEUM%20%20LAW,%201952.pdf</p>



Full Syllabus

	<p>- "Noble Energy warns Israel on gas roadmap", <i>lobes [online]</i>, <i>Israel business news</i>, September 3, 2015 https://en.globes.co.il/en/article-noble-energy-warns-israel-on-gas-roadmap-1001066459</p> <p>- 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</p> <p>- Lotner Lev, Tamara, Liability for Environmental Damages from the Offshore Petroleum Industry: Strict Liability Justifications and the Judgment-Proof Problem, 43 Ecology L.Q. (2017)</p>
1/6	<p>Environmental law in Israel - The Dead Sea –</p> <p>- Dead Sea Concession Law, 1961(1) https://www.sec.gov/Archives/edgar/data/941221/000104746914007594/a2221184zex-10_1.htm</p> <p>- Hammer, Joshua ,The Dying of the Dead Sea, <i>Smithsonian magazine</i> October 2005 https://www.smithsonianmag.com/science-nature/the-dying-of-the-dead-sea-70079351/</p>
8/6	<p>Students Presentations B</p>
15/6	<p>Climate change and the law</p> <p>- Climate laws – choose a country with a climate law and read the main article of that law, can use this site: https://climate-laws.org/</p> <p>- Climate litigation – choose a case from this database: http://climatecasechart.com/ and prepare the following facts about it: parties, cause, current status</p> <p>- Read the background and the latest briefs on <i>Juliana V. the U.S.</i>, http://climatecasechart.com/case/juliana-v-united-states/</p> <p>- Sax, Joseph L., The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention 68 Mich. L. Rev. 471 (1970)</p>
22/6	<p>Students Presentation C</p>
29/6	<p>Course Review</p>
<p>Required course reading</p>	
<p>Optional course reading</p>	
<p>Comments</p>	