



The Hebrew University of Jerusalem

Syllabus

International Energy Law - 62457

Last update 10-10-2021

HU Credits: 2

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: Law

Academic year: 0

Semester: 1st Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: David Kornbluth

Coordinator Email: dg.kornbluth@gmail.com

Coordinator Office Hours:

Teaching Staff:

David Kornbluth

Course/Module description:

The course will deal with the legal basis for exploitation of sovereign rights over Petroleum on land and sea in Israel.

This includes the definition of the Continental Shelf and its delimitation, maritime boundaries in the East Mediterranean basin, the regulation of the Petroleum industry in Israel, including tax, export, monopoly and competition in Statute and case law.

The International Petroleum Chain of Contracts will be covered in detail, including agreements between the partners (JOA), gas transport and processing, gas supply and sale (GSA), liquefied natural gas, risk management on a rig and settlement of disputes.

Then Petroleum and war, including occupied and disputed territories.

With further geographical problems like the Arctic and the South China Sea, and problems of the international regulation of boycott and OPEC.

Course/Module aims:

Learning outcomes - On successful completion of this module, students should be able to:

At the end of the course the student will:

Comprehend the jurisdiction of Israel on land and sea, and the legal infrastructure of petroleum joint development zones, together with the delimitation of the continental shelf in the East Mediterranean basin.

Be familiar with the Regulatory management of the oil and gas market in Israel, especially for concession licensing, tax, export and competition.

Understand and draft international petroleum contracts including joint operating agreements, transport and processing contracts, sale and purchasing agreements and risk management on the rig.

Grasp the law of the drilling of oil fields in disputed and occupied territories and petroleum property rights in wartime.

Attendance requirements(%):

Teaching arrangement and method of instruction:

Course/Module Content:

2. *Continental Shelf Delimitation. International Court of Justice Cases From North Sea Continental Shelf 1969 to Peru vs Chile 2010*
3. *The Maritime Boundaries of Israel , Lebanon, Gaza, Egypt.*
4. *Cyprus, relations with Israel and Turkey. Joint Development Zone and Unitization Agreements.*
5. *Regulation of the Petroleum Industry In Israel. On land and and sea. Comparison with UK and USA.*
 - (1). *1952 Petroleum Law (The License Regime), 2002 Gas Distribution Law).Downstream Infrastructure and Sales.*
 - (2). *History of Petroleum in Israel. Discoveries and Companies.*
 - (3). *Regulation: Tax, Export, Monopolies and Competition.*
 - (4). *The High Court of Israel cases.*
6. *The International Petroleum Chain Of Contracts (in detail).*
 - (1). *JOA. Joint Operating Agreements.*
 - (2). *TPA. Transportation and Processing Agreements*
 - (3). *GSA Gas Supply Agreements and SPA Sale And Purchase Agreements.*
 - (4). *LNG. Liquified Natural Gas Contracts.*
 - (5). *Risk Management on a Petroleum Rig.*
 - (6). *Dispute Settlement. Contract and Tort. Arbitration, Litigation, Expert Determination.*
7. *Petroleum and War*
 - (1).*Property in Occupied Territory, The Hague Rules of 1907.*
 - (2). *Territories in Dispute, Occupied Territories: Iraq, Sinai, Golan, the Palestinian Territories.*
8. *Further Geographical problems: South China Seas, Arctic Sectors, Persian Gulf.*
9. *OPEC Organization of Petroleum Exporting Countries. The Arab Boycott.*

Required Reading:

Energy Law - Reading list

1. *I. Brownlie and J.Crawford, Principles Of International Law. 8th Edition. 2008. Chapter 11, Section 3, The Continental Shelf. pp 269-274. Chapter 12. Sections 3 and 4. Sections on Continental Shelf and Exclusive Economic Zone Delimitation. pp 285-294.*
2. *M. Shaw, International Law. 7th edition. 2014. Sections on Continental Shelf Definition and Delimitation with Cases. pp 423-440.*

3. Y. Dinstein, *International Law (in Hebrew)*. Schocken. Volume 3 *The Law Of The Sea. Section on the Continental Shelf*.

4. L. Damrosch and B. Oxman, *Agora: The South China Sea*.
Vol 107 (2013) *American Journal of International Law* p 96.

5. Web Sites. (1) *United Nations Treaty Series. UNTS*.
(2) *United Nations, Department of the Law of the Sea. DOALOS*.
(3) *United Nations. Bulletin of the Law of the Sea*.
(4) *Israel Ministry of Energy. www.energy.gov.il*
(5) *INSS Tel Aviv University. Natural Gas In The East Mediterranean. Study*.
November 2012.

6. Margit Cohn. *Israel: International Encyclopedia Of Law: Energy Law*.
R. Blanpain and K. Deketelaere, *Kluwer International Law*, 2010.

7. M Alramahi, *Oil and Gas Law in the United Kingdom*. Bloomsbury Professional Publishing, 2013.

8. *The Petroleum Law 1952*. התשי"ב הנפט חוק.

9. *The Gas Law 2002*. התשס"ב הטבעי הגז משק חוק.

10. *Bagatz: High Court Cases*

(1). Samedan.

בג"צ 5812/00

סמך ים תיכון נ' הממונה על ענייני הנפט במשרד התשתיות הלאומית. נה (4) 312
,2001

(2). Davidian.

בג"צ 3734/11

חיים דודיאן ואח' נ' כנסת ישראל.

פורסם בנבו 15.08.12

(3). Hamercaz

בג"צ 4491/13

המרכז האקדמי למשפט ולעסקים נ' ממשלת ישראל.

פורסם בנבו. 02.07.14

10. Y. Dinstein, *The International Law Of Belligerent Occupation*. 2009.
Chapter 10. *Seizure and Use Of Property In Occupied Territories*. pp 210-236.

11. *United States, Department Of State. Memorandum of Law. Israel's Right to Develop New Oil Fields in Sinai and the Gulf of Suez*. 1977(Vol XVI) *International Legal Materials*, pp 733-753.

12. *Israel. Ministry Of Foreign Affairs. Memorandum of Law on the Right to Develop New Oil Fields on Sinai and the Gulf of Suez*. 1978 (Vol XVII) *International Legal Materials*. pp 432-444.

13. *Case Note. Bataafsche Petroleum vs War Damage Commission*. 1956.

*Singapore, Court of Appeals.
(1958) 74 Harvard Law Review 568.*

14. Langenkamp and Zedalis, What Happens to the Iraqi Oil: International Legal Questions Regarding Occupation of Oil Fields. 2003. 14 European Journal of International Law, p 417.

*13. Daniel Yergin.
The Quest: Energy, Security and the Remaking of the Modern World. 2011. Penguin Press*

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 100 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 0 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information:

Open to students who have taken Public International Law