Institute for Law and Policy Program:

Israel and International Law
(Part II)

Summer 2018
July 2 – 26, 2018
45 Academic Hours, 3 Academic Credits

Instructors
Dr. Leonard Hammer
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Feel free to contact me with questions or if you want to meet. I am here to assist you!

Course Description
The goal of the course is to provide an overview of a variety of public international law issues from an Israeli context. Israel as a functioning sovereign state is beset by a host of issues pertaining to its role in engaging states and adhering to norms of international concern. This course shall assist the student in understanding the international legal framework as well as Israel's position in that framework.

Following a very brief introduction to the international legal system, the course and lectures will be broken down into parts relating to international relations, international organizations, some human rights issues, and matters of cultural heritage protection (including as well its relations with the Holy See).

Course Requirements

- **Class attendance and Participation**
  It is mandatory for all students to attend classes, guest lectures, field trips, etc.
Failure to attend classes will result in a student being denied the right to partake in the final assignment and receive a final grade in the course. Students who have a justified reason to miss class (illness, mourning, etc.) must communicate with me and the Department of Summer Courses and Special Programs, and complete the material that they have missed. Students who have missed class due to illness must obtain a signed and stamped sick note from a treating physician and submit it to the Dept. of Summer Courses and Special Programs immediately following their return to class. Failure to do so will result in an unexcused absence. The Department reserves the right to refer the issue to an Academic Committee. In some cases, the Academic Committee may decide, in light of the requirements of the course, that it is not possible to make up the missing course work.

You MUST attend lectures and participate in the discussions. I will account for your attendance and participation as part of the final grade.

In lieu of a final written exam, I expect a written paper of 5-10 pages addressing a topic relevant to our course. Your paper topic must be approved by me before the beginning of the third lecture of the course. Please hand in the paper (at the latest) 3 weeks after the course has finished.

- **Grading Rubrics**
  1. Participation and attendance: 20%
  2. Final Paper: 80%

- **Readings**
  The reading is designed to stimulate class discussion as well as sharpen some ideas that will be discussed in the lecture. Reading sources are noted in the syllabus.

**Course Outline**

**Topic I**

**Public International Law - An Overview**

The key here is to understand the sources of public international law. Consideration will be given to the universal nature of international law and to the nature of obligations within the international legal framework. Think about the meaning of obligation and whether there is a necessity for “law” here. We will also account for where the issues of sources fit in to the Israel context.

- Akehurst, *Introduction to Public International Law* 35-46, 48-55
- Kennedy, *Aspects of International Law* – to be uploaded

**Topic II**
International Law, International Relations, and Jerusalem

Consider the manner in which international law affects international relations and how the two can or cannot conform. The notion here is to account for developing frameworks for addressing the issue of Jerusalem – such that please consider which approach YOU consider most relevant.

- Simmons and Steinberg eds., *International Law and International Relations* Chapter three (43-65)
- *Basic Law: Jerusalem*

**Topic III**

**International Personality and Statehood**

We will attempt to “define” a state – or at least identify its key elements. We also will consider recognition of states and governments. What significance is there to being a state? What is the meaning of autonomy and where does it fit into the international legal framework? What of other entities in the world? Is there any normative value to recognition?

You can imagine this is an issue for Israel – how do you think the recognition issue comes to the fore in this context? Specifically, we will discuss the International Criminal Court and the PA/Israel.

- Akehurst 75-90
- ASIL Insight on the UN General Assembly Vote on the Status of Palestine [http://r20.rs6.net/tn.jsp?e=0011Tb0NeakiAH9qzayCALz4MgUsf5KE9FmgSgGrnP SU4WSBoZvn3MY4n08dWY6xO7qc04wR1NzwqJ7D1PkHnoUEeS24-_hxrWKz1Wy7V3zYP51PYSNsNqXu4sxBD0xioykWPQSOqE6N68](http://r20.rs6.net/tn.jsp?e=0011Tb0NeakiAH9qzayCALz4MgUsf5KE9FmgSgGrnP SU4WSBoZvn3MY4n08dWY6xO7qc04wR1NzwqJ7D1PkHnoUEeS24-_hxrWKz1Wy7V3zYP51PYSNsNqXu4sxBD0xioykWPQSOqE6N68)
- International Criminal Court Situation in Palestine (April 3, 2012) - [http://r20.rs6.net/tn.jsp?e=001eiOiE3LvHj0r5VdT0uP3OQmbJIN7MM9aeiCa6_8SFguLyW4USNAC4X9_D47MO0NajMS4S2BCo4MaS1apyF NnrK2BHrfrcqLN oVdD7aXWZwxs7LEcZGck6HRB1nFKbI3](http://r20.rs6.net/tn.jsp?e=001eiOiE3LvHj0r5VdT0uP3OQmbJIN7MM9aeiCa6_8SFguLyW4USNAC4X9_D47MO0NajMS4S2BCo4MaS1apyF NnrK2BHrfrcqLN oVdD7aXWZwxs7LEcZGck6HRB1nFKbI3)
- [http://r20.rs6.net/tn.jsp?e=001eiOiE3LvHj0Ts_IVGW3sukMr9I2Wra7sqepiWZ9X 72UssdQ37NK76LuY-VLj-T9b5xq2LqG3Zm4yimUnpEcQ9Gts020goFkDFvqK2gtbmoI Kv88_KOUuFrJrN-XiXD-LLXslynVES8A_AxA6EFueWByJhFhvWL5xFxb_TvTP46wHoexYO7Fm_v7hx6 q_8XjYY5Orf5aqAfRaN4N73c_HNLxW4o0-J8AeijK2f21HSmJ804WACes_Og](http://r20.rs6.net/tn.jsp?e=001eiOiE3LvHj0Ts_IVGW3sukMr9I2Wra7sqepiWZ9X 72UssdQ37NK76LuY-VLj-T9b5xq2LqG3Zm4yimUnpEcQ9Gts020goFkDFvqK2gtbmoI Kv88_KOUuFrJrN-XiXD-LLXslynVES8A_AxA6EFueWByJhFhvWL5xFxb_TvTP46wHoexYO7Fm_v7hx6 q_8XjYY5Orf5aqAfRaN4N73c_HNLxW4o0-J8AeijK2f21HSmJ804WACes_Og)

**Topic IV**

**International Humanitarian Law and Human Rights**

This lecture shall account for the role of international human rights within the normative framework of international humanitarian law. The two systems are quickly converging and merit a thorough examination. We shall consider a number of issues, including, in particular, the right to life and Economic and Social Rights. We shall consider the significance for Israel in certain matters as well.
- Noam Lubell, Challenges in applying human rights law to armed conflict IRRC Volume 87 Number 860 December 2005
- On the relationship between human rights law protection and international humanitarian law Hans Heintze IRRC December 2004 Vol. 86 No 856
- Consider the following Israel Supreme Court case from December, 2011: http://www.yesh-din.org/userfiles/file/%D7%94%D7%9B%D7%A8%D7%A2%D7%95%D7%AA%20%D7%93%D7%99%D7%9F/psak.pdf

**Topic V**

Occupied Territory

The scope of international humanitarian law includes as well the area of application. Thus, instances apply where the law is applied even in situations that are outside the formal jurisdiction of a state. This is an important and seminal issue for Israel, especially places like the Old City of Jerusalem, where we will account for its status and the significance of international law in that context.

- Ruth Lapidoth article on naval blockade – to be uploaded

**Topic VI**

Cultural Heritage Protection and Israel – introductory issues

While protection of cultural property might seem insignificant, the importance of such objects many times serves as a catalyst for action. It is important to consider the normative structure, and critique the existing forms of protection that are in place for cultural property. Further, it merits examination of where Israel (and the PA) stands in this context, especially its relationship with UNESCO.

- UNESCO Declaration on the Old City and the Temple Mount (to be provided)

**Topic VII**

Holy Places in Israel and International Law

This section shall account for the role of holy places in the international sphere, especially in relevant treaties and agreements between Israel and other entities. This includes the 1993 Fundamental Agreement with the Holy See and subsequent agreements involving Israel, the Holy See, and the PA.


Relevant websites:

- UN http://www.un.org/
- American Society of International Law http://www.asil.org/resource/home.htm
- Using the Internet and International Law http://www2.lib.uchicago.edu/~llou/forintlaw.html#research
- International Affairs Resource http://www2.etown.edu/vl/research.html
- Ministry of Foreign Affairs http://mfa.gov.il/mfa/Pages/default.aspx
- The State of Israel, Judicial Authority https://www.court.gov.il/heb/home.htm
- Ministry of Justice http://www.jusitice.gov.il/Pages/default.aspx
- Reut Institute http://www.reut-institute.org/
- NGO Watch http://www.ngo-monitor.org/
- Shurat HaDin http://israellawcenter.org/
- Jerusalem Center for Israel and Public Affairs http://jcpa.org/
- Truman Institute http://truman.huji.ac.il/
- Institute for Jerusalem Studies http://www.jiis.org/
- Times of Israel http://www.timesofisrael.com/
- EISEL (electronic resource for international law) http://www.eisil.org/
- International Law and Internet Resources http://www2.lib.uchicago.edu/~llou/forintlaw.html#research
- Humanitarian Law https://www.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByDate.xsp?redirect=0
- Real Clear World http://www.realclearworld.com/