

## *The Hebrew University of Jerusalem*

### *Syllabus*

## **LANDSTOWN PLANING AND PRESERVATION IN JERUSALEM - 62373**

*Last update 05-09-2019*

*HU Credits:* 2

*Degree/Cycle:* 1st degree (Bachelor)

*Responsible Department:* Law

*Academic year:* 0

*Semester:* 1st Semester

*Teaching Languages:* Hebrew

*Campus:* Mt. Scopus

*Course/Module Coordinator:* Sami Ershied

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*Coordinator Office Hours:*

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Teaching Staff:

Dr. Sami Ershied

Course/Module description:

the course offers practical learning of current legal issues in the disputed Jerusalem. the course method is based on the studies of transitional justice. during the course we try to explore ways to solve disputes and implement social and economic rights. the course tries to learn from the experience of other places in the world and find the way to resolve issues in the Israeli- Palestinian conflict.

Course/Module aims:

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

Students will be asked to prepare an academic paper which will analyze one of the existing conflicts in Jerusalem and propose an outline for a solution to the conflict.

The paper will be prepared by a group of four students and will examine a specific perspective of the conflict and propose a practical solution from the area of Western Law which, according to the students, can solve the conflict.

Attendance requirements(%):

Teaching arrangement and method of instruction:

Course/Module Content:

The course will focus on confronting and attempting to resolve conflict and/or resolve issues through the academic tools of Western Law. The course will offer students a variety of test cases from the current reality of Jerusalem and will seek to provide students with an opportunity to protect basic human rights, including social and economic rights, within the complex political reality. For example, the course will include a discussion of the following issues:

a) The complex situation in Silwan: Within the same geographic area, residents of Wadi Halwa live next to settlers of 'Ir David — City of David' while the National Park in the area is presented as an Historical Heritage Landmark and is cut off from the

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current reality. This area is sizzling with legal and political plans and procedures. It is an arena with daily clashes. Here, students will be exposed to the planning policies taken by Jerusalem from 1967 until today. Students will learn about the Old City of Jerusalem and areas surrounding it. How does 'City of David' exist within a populated Palestinian sphere. The course will include a meeting with representatives of 'City of David' and with representative Palestinian residents. We will make an attempt to bring in a guest lecturer from the Antiquities Authority who will speak about their work, and the work of the National Parks Authority there. Students will meet with issues related to freedom of religion and practice in Jerusalem. The fact that Silwan and 'City of David' are so close to the Old City, links the place to freedom of access to holy sites within the Old City. We will learn about the Status Quo and the desired changes to the Status Quo.

b) *Issues pertaining to absentee / refugee properties:* The city of Jerusalem has a refugee population numbering the tens of thousands. The large majority are Palestinian refugees, whom Israeli law prohibits from claiming rights to properties left inside the borders of the Green Line. The minority of these refugees are Jews who abandoned their properties in 1948 in the Eastern part of Jerusalem. These refugees have received, and are currently receiving, different treatment by Israeli Law. Is it possible to strive for equality before the Law? Sheikh Jarrah is a blatant case in point in Jerusalem. In 1948 Jewish refugees left the neighborhood, and Palestinian refugees who moved to the Eastern part of Jerusalem during or after the 1948 War populated the place. Recently, this issue has sparked academic debate and legal ruling. Michael Ben Yair, the former Attorney General, was called to discuss the awakening dilemma in Sheikh Jarrah. Students will learn about the various dilemmas pertaining to absentee properties and will propose desirable settlements re this complex issue.

c) *Land settlements, registering rights with the Land Registry and settling tradability of real estate in East Jerusalem.* The authorities are not managing to find a reasonable solution for the lack of registration of rights to properties in East Jerusalem. Furthermore, this is one of the most divisive issues between the Palestinian population and Israeli authorities. Students will have an opportunity to investigate the statutory situation of property in East Jerusalem, the planned status, and the possibilities of developing a real estate branch in East Jerusalem. We will learn in depth about the opportunities and the difficulties that the courts and the government present to the development of real estate initiatives or housing initiatives for the Palestinian population in East Jerusalem. Students will learn about the various master plans, especially the general planning policy and its relationship to the policy of demographic balance. In this regard we will invite Professor Moshe Amirav, the author of the book 'Jerusalem Syndrome' to lecture and share about his experience as former mayoral adviser to Teddy Kollek. Students will be exposed to the current debate over lands in the Negev and the issue of unrecognized villages. Students will have an opportunity to compare the existing reality in Jerusalem with other parts of the country.

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d) *The neighborly relations between the Hebrew University and the descendants of Lifta who live in the houses inside the Eidelson Dormitory compound is a case of win-lose. The dormitories were established on lands which were expropriated from the residents in 1967. The same six families who continued to live in their houses inside the compound where the dormitories were built, were asked at the end of the 70's to leave their homes so that more dormitories could be built. University professors who took a stand, blocked their expulsion. However, the Palestinian families watched high rises being built in front of their eyes, while to this day, they are not allowed to add even one brick to their homes since the expulsion order has not been cancelled, and the authorities have not authorised any plan that would allow further construction. The course enable a group of students to investigate this case, study the roots of the problem and attempt to bring development to this compound which would result in a win-win case for both sides.*

Required Reading:

Hirsch, Moshe. "The Legal Status of Jerusalem following the ICJ Advisory Opinion on the Separation Barrier." *Israel Law Review* 38 (2005): 298-315. Web.

Imseis, Ardi. "On the Fourth Geneva Convention and the Occupied Palestinian Territory." *Harvard International Law Journal* 44.1 (2003): 65-138. HeinOnline. Web.  
Kletter, Larry. "The Sovereignty of Jerusalem in International Law." *Columbia Journal of Transnational Law* 20 (1981): 319-64. HeinOnline. Web.

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 0 %  
Presentation 20 %  
Participation in Tutorials 20 %  
Project work 60 %  
Assignments 0 %  
Reports 0 %  
Research project 0 %  
Quizzes 0 %  
Other 0 %

Additional information: