

The Minerva Center for Human Rights
The Hebrew University of Jerusalem
The Minerva Center for Human Rights
Tel Aviv University
Emile Zola Chair for Human Rights
College of Management Academic Studies
and
The International Committee of the Red Cross (ICRC)
Delegation in Israel and the Occupied Territories

Conference Call for Papers

50 Years after 1967: Evaluating the Past, Present and Future of the Law of Belligerent Occupation

The 12th Annual Minerva/ICRC Conference on International Humanitarian
Law
Jerusalem and Tel-Aviv, 22-23 May 2017

Introduction:

The Minerva Center for Human Rights at the Hebrew University of Jerusalem and Tel Aviv University, the Delegation of the International Committee of the Red Cross (ICRC) in Israel and the Occupied Territories and the Emile Zola Chair for Human Rights at the College of Management Academic Studies are organizing an international conference that seeks to evaluate - 50 years after 1967 - the past, present and future of the law of belligerent occupation, using the Israel-Palestine context, as well as other relevant situations of occupation and domination, as case studies.

The conference, the twelfth in the series of Minerva/ICRC annual international conferences on IHL, is scheduled for 22-23 May 2017 in Jerusalem and Tel Aviv. The President of the International Residual Mechanism for Criminal Tribunals, Prof. Theodor Meron, will deliver the keynote address of the Conference.

Recipients of this call for papers are invited to submit proposals to present a paper at the conference. Authors of selected proposals will be offered full or partial flight and accommodation expenses.

Submission deadline: **15 January 2017**

Background:

The 1967 Middle East conflict, the assumption of control by Israel over territories formerly controlled by Egypt, Jordan and Syria, and the application of the laws of belligerent occupation by the Israeli authorities to most of these territories for most of the following fifty years, render the situation in those territories subject to what is probably the longest-running situation of belligerent occupation in modern history. The longevity of the situation poses in itself a significant challenge for the application of the laws of belligerent occupation, which were drafted envisioning relatively short-term situations of occupation pending a peace agreement.

To this temporal challenge, one may add the significant legal, political and military developments that have occurred in the region throughout the last 50 years, which further complicate the legal situation in the territories seized by Israel in 1967, as well as the legacies of the particular measures taken by the Israeli authorities in the said territories over this 50-year period.

While the 1967 conflict produced what is perhaps the most frequently cited example of a post-World War Two belligerent occupation - it is also a fundamentally atypical example of a belligerent occupation, as the conduct and positions of the parties to the conflict appear to have run contrary to some of the basic assumptions underlying the laws of belligerent occupation: no transfer of sovereignty, temporariness, maintenance of the status quo ex ante and reliance by the occupied in law enforcement powers. However, given the atypical features of other situations of foreign military control or involvement in places as diverse as Iraq, Afghanistan, Western Sahara, East Timor, East Congo, Nagorno-Karabakh, Northern Cyprus and Crimea, it is arguable that the “classic” occupation is now the exception and not the rule.

The factual complexities posed by the aforementioned situations of actual or potential belligerent occupation or domination are further exacerbated by normative developments outside the field of the laws of belligerent occupation, which introduce new elements of legal uncertainty into the normative debate. These developments include the extension of international human rights law to occupied territories, the emergence of the right to self-determination in the era of decolonization (and the possible interplay between this right with both *jus ad bellum* and *jus in bello*), the development of laws governing non-international armed conflicts, and the re-invigoration of international criminal law. Arguably, such developments put the traditional equilibrium between the rights and obligations of occupying and occupied entities under considerable legal pressure, questioning the adequacy and legitimacy of the law of belligerent occupation, and inviting reconsideration of its core principles.

Against this backdrop, the conference academic committee invites recipients to submit proposals to present a paper dealing with one or more of the following issues:

- The tension between stability and change in the law and practice of belligerent occupation;
- New forms of occupation and domination and their regulation under international law;
- The effects of occupation on internationally protected human rights and the cultural, social and national identities of the communities involved, and on their natural resources.
- The law governing conduct of hostilities in occupied territories
- The debate over the very legality of occupation – revisiting the *jus ad bellum* v *jus in bello* dichotomy;
- Critical Reflections on the legitimacy and effectiveness of the law in belligerent occupation: is it legitimizing the exercise of power? What lessons can be drawn from its mis/dis-application?
- The role of national and international institutions in advancing or inhibiting the implementation and reform of the laws of belligerent occupation;

The committee also welcomes additional proposals on other relevant and contemporary issues relating to the topic of the conference.

Submissions:

Researchers interested in addressing these and other issues are invited to respond to this call for papers with a 1-2 page proposal for an article and presentation, along with a brief CV. Proposals should be submitted by email to the Minerva Center for Human Rights at the Hebrew University of Jerusalem (mchr@savion.huji.ac.il) no later than **15 January 2017**.

Applicants should expect notification of the committee's decision by 15 February 2017. Written contributions (of approx. 10-25 pages) based on the selected proposals will be expected by 1 May 2017 at the latest. The *Israel Law Review* (a Cambridge University Press publication) has expressed interest in publishing selected full length papers based on conference presentations, subject to its standard review and editing procedures.

Conference Academic Committee:

Orna Ben-Naftali, College of Management Academic Studies
Tomer Broude, Minerva Center for Human Rights, Hebrew University of Jerusalem
Danny Evron, Minerva Center for Human Rights, Hebrew University of Jerusalem
Aeyal Gross, Tel Aviv University
Karen Loehner, ICRC, Israel and the Occupied Territories
Eliav Lieblich, Tel Aviv University
Doreen Lustig, Tel Aviv University
Alon Margalit, ICRC, Israel and the Occupied Territories
Yaël Ronen, Israel Law Review, Hebrew University of Jerusalem
Charles Shamas, The Mattin Group
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