

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

Tel Aviv University, May 22-23, 2017

## Day 1 / Monday 22.5

Ben Shemesh Hall (Room 308),  
Buchmann Faculty of Law, Tel Aviv University

### 09:00-09:15 Greetings

**Jacques de Maio** / Head of Delegation, International Committee of the Red Cross, Israel and the Occupied Territories  
**Aeyal Gross** / Tel Aviv University  
**Orna Ben-Naftali** / College of Management Academic Studies  
**Yuval Shany** / Hebrew University of Jerusalem

### 09:15-10:45 Session 1 / Changing Paradigms of Occupation

**Chair:** **Yaël Ronen** / Sha'arei Mishpat Academic Center and Hebrew University of Jerusalem  
**Speakers:** **Kyo Arai** / Doshisha University, Kyoto  
"Between Consented and Un-Contested Occupation"  
**Kristen Boon** / Seton Hall University  
"The (In)adequacy of the Law of Occupation and Post Bellum Peacebuilding"  
**Amichai Cohen** / Ono Academic College  
"Israel's Control of the Territories: An Emerging Paradigm Shift"

### 11:00-12:30 Session 2 / Changes in the Law of Occupation

**Chair:** **Ralph Wilde** / University College London  
**Speakers:** **Matilda Arvidsson** / Lund University  
"The International Law and Practice of Occupation Between Transformation and Preservation: The Case of Iraq and the American Lieber Code"  
**Sari Bashi** / Human Rights Lawyer; Co-founder of Gisha  
"Human Rights in the Interim"  
**César Yip** / MA Candidate, University of Brasília  
"The Third World and the Place for Resistance in the Law of Occupation"

### 12:30-13:45 Lunch Break

### 13:45-15:15 Session 3 / Historical Context

**Chair:** **Doreen Lustig** / Tel Aviv University  
**Speakers:** **Alan Baker** / Jerusalem Center for Public Affairs  
"Belligerent Occupation and Israel's Status in the Territories - Some Pertinent Questions"  
**Ehud Eiran** / University of Haifa  
"Post-Colonial Settlement Projects: Between Power and Norms"  
**Eugene Kontorovich** / Northwestern University  
"Israel as Outlier: Fifty Years of State Practice Related to Settlements in Occupied Territory"

### 15:30-17:00 Session 4 / The Israeli Legal System

**Chair:** **Eliav Liebllich** / Tel Aviv University  
**Speakers:** **Tamar Hostovsky Brandes** / Ono Academic College  
"The Declining Status of International Law in Israel's Supreme Court's Decisions Concerning the Occupied Territories"  
**David Kretzmer** / Hebrew University of Jerusalem and Sapir College  
"Geneva Convention IV in the Supreme Court of Israel"  
**Limor Yehuda** / PhD Candidate, Hebrew University of Jerusalem  
"Fifty Years and Counting: Should We Abolish Israel's Legal License to Discriminate?"

### 17:15-18:30 Session 5 / Fifty Years after 1967

**Chair:** **Ruti Teitel** / New York Law School  
**Speakers:** **Omar Dajani** / University of the Pacific  
"Tantamount to de facto annexation? Israel's Settlement Enterprise at 50"  
**Luis Moreno Ocampo** / Former Chief Prosecutor, International Criminal Court  
"The International Criminal Court and the Israel/Palestine Conflict"

### 18:45-19:45 Session 6 / Keynote Lecture

**Chair:** **Yuval Shany** / Hebrew University of Jerusalem  
**Speaker:** **Theodor Meron** / President, United Nations Mechanism for International Criminal Tribunals (UNMICT)  
"The Fourth Geneva Convention as a People-Oriented Convention"

## Day 2 / Tuesday 23.5

The Malka Brender Hall of Justice (Room 035),  
Buchmann Faculty of Law, Tel Aviv University

### 09:15-10:45 Session 7 / Occupation as a Competition over Resources

**Chair:** **Alon Margalit** / ICRC Delegation to Israel and the Occupied Territories  
**Speakers:** **Alexandre (Sandy) Kedar & Quamar Mishirqi** / University of Haifa  
"A Critical Legal Geography of Jewish Appropriation of Private Palestinian Land in the Occupied Territories: International and Domestic Legal Perspectives"  
**Susan Power** / Griffith College Dublin  
"Systematic Economic Exploitation of Occupied Territory: The Case of Iraq"  
**Michael Strauss** / Centre d'Etudes Diplomatiques et Stratégiques, Paris  
"The Hostile Occupation of Territory through Privatized Governance"

### 11:00-12:30 Session 8 / Occupation & Conflict

**Chair:** **Yoram Dinstein** / Tel Aviv University  
**Speakers:** **Rogier Bartels** / Legal Officer, International Criminal Court; Netherlands Defence Academy  
"The Impact of Occupation on the Classification of Conflicts and Applicable Rules of IHL for the Purposes of (International) Criminal Law"  
**Karen Loehner** / ICRC Delegation to Israel and the Occupied Territories  
"Shifting Use of Force Paradigms: Challenges in Troubled Occupation"  
**Noam Zamir** / City University of Hong Kong  
"The Classification of Armed Conflicts between Occupying States and Non-State Armed Groups"

### 12:30-13:45 Lunch Break

### 13:45-15:15 Session 9 / Occupation, Governance & Self Determination

**Chair:** **Charles Shamas** / Mattin Group  
**Speakers:** **Gregory Fox** / Wayne State University  
"The Rise and Fall of Transformative Occupation"  
**Adam Shinar** / Interdisciplinary Center Herzliya  
"The Constitution in the Occupied Territories: Friends, Enemies, and the Constitutional / Administrative Law Distinction"  
**Pål Wrangé** / University of Stockholm  
"Sources of Authority: Self-Determination, Occupation and Administration in Western Sahara"

### 15:30-17:00 Session 10 / Occupation as a System of Protection

**Chair:** **Yuval Shany** / Hebrew University of Jerusalem  
**Speakers:** **Eitan Diamond** / PhD Candidate, Tel Aviv University  
"Kettle Logic and the Frames of Occupation"  
**Rotem Giladi** / Hebrew University of Jerusalem and University of Helsinki  
"Protection under Occupation: Critical Genealogies"  
**Janique Thoele** / Office of the United Nations High Commissioner for Human Rights in the occupied Palestinian territory, Ramallah  
"The Protection of the Palestinian Population in the Context of the Occupation: Examining the Interplay Between Various Legal Frameworks and Duty Bearers"

### 17:15-18:45 Session 11 / The Future

**Chair:** **Orna Ben-Naftali** / Emile Zola Chair for Human Rights, College of Management Academic Studies  
**Speakers:** **Aeyal Gross** / Tel Aviv University  
"The Writing on the Wall: Whither the Law of Occupation?"  
**Guy Harpaz & Ashik Movshovich** / Hebrew University of Jerusalem  
"Judging the Judges?"  
**Itamar Mann** / University of Haifa  
"The Right to Vote of Palestinians in the Occupied Territories"

Conference discussions will be in English.

Please note that the entire conference will take place at Tel Aviv University and is open to the public. No pre-registration is required.

Parking is available in the parking lots surrounding Tel Aviv University and will not be possible inside the campus. For additional information: 03-6407719 or mchr@savion.huji.ac.il