

The Legal Pluriverse Surrounding Military Operations in Areas of Limited Statehood:

ILA Study Group Meeting

SFB 700: Governance in areas of limited statehood

14/15 November 2014

Henry Ford Building – Freie Universität Berlin (by invitation only)

Modern military operations are generally conducted in areas of limited statehood permeated with violence. Examples include the conflicts in Afghanistan, the Central African Republic, the Democratic Republic of Congo, Iraq or Mali. These conflicts are dominated by military actors with significantly diverging military objectives, strategies and capabilities. The multitude of different actors with different objectives challenges the uniform application of the laws of armed conflict. The workshop wants to address these challenges

Friday, 14 November 2014

8:45 Welcome

9:00 – 11:00 Panel 1 – The geographical and temporal scope of the Law of Armed Conflict (LOAC):

Is the application of LOAC geographically confined or is it all a question of “nexus”?

Military interventions by NATO States are generally conducted in the Global South. The actual battlefield is hundreds of miles away from centers of political decision-making and local constituencies influencing political decision-making. Thus, in many democratic States the impression exists that modern armed conflicts do not have any particular impact at home. But is this perspective legally correct? Are there parallel worlds – a safe home-world and a far-away battlefield? And what are the legal confines of these battlefields? Are they limited to a hot-zone of combat or do they extend much further?

Chair: Robin Geiss

Speaker 1: The geographical scope of LOAC in IAC (*Robert Cryer*)

Speaker 2: The geographical scope of LOAC in NIAC (*Katja Schöberl*)

Speaker 3: The temporal scope of LOAC in IAC and NIAC (*Christian Schaller*)

Commentator: *Thilo Marauhn*

Discussion

11:30 - 13:00 Panel 2 – Law of Armed Conflict & International Human Rights Law

Modern military missions pursue a constantly widening spectrum of (military) objectives. While some deployments are combat missions, some are characterized as stabilizing missions, others support the administration of territory or aim at fighting crime. Typically these tasks overlap. Can the diverging types of interventions be regulated by the same legal standards? What is the role of human rights law here? What is the relevance of national law?

Chair: Heike Krieger

Speaker 1: Recent trends and developments regarding the interrelationship of LOAC and IHRL (*Ken Watkin*)

Speaker 2: Criteria determining the separation and interaction of LOAC and IHRL in times of armed conflict (*Paul Ducheine*)

Speaker 3: Substantive convergence? – How is human rights law influencing LOAC and vice versa? (*Gentian Zyberi*)

Speaker 4: Fighting crime in times of armed conflict (house searches, poppy crop eradication) (*Hector Olasolo*)

Commentator: *Charles Garraway*

Discussion

14:00 – 16:30 Panel 3 – The role of general public international law and national law in times of armed conflict

Chair: Robert Heinsch

Speaker 1: Implications of general public international law in times of armed conflict (*Kirsten Schmalenbach*)

Speaker 2: Domestic law of the territorial and the sending state (*Aurel Sari*)

Speaker 3: Legal challenges in joint military operations (*Jochen Katze, External Expert – German Ministry of Defense*)

Speaker 4: Maintenance of general security (*Yael Ronen*)

Commentator: *Oluwabunmi Lar*

Discussion

17:00 – 18:00 Panel 4 – Minimizing risks in modern military operations engaged in hostilities (general aspects)

While NATO interventions are generally characterized by high military capabilities, UN Missions often lack adequate means. Armed Groups in areas of limited statehood mostly hold small arms and guided light weapons or sometimes only primitive arms. Does this pluriverse of military capabilities influence the law?

Chair: Terry Gill

Speaker 1: Challenges of asymmetric conflict structures (*Robert Frau*)

Speaker 2: Common but differentiated standards? (How does the law deal with extremely diverging military capabilities of enemy parties?) (*Jann Kleffner*)

Discussion

Saturday, 15 November 2014

9:00 – 11:00 Panel 5 – Minimizing risks in modern military operations engaged in hostilities (specific aspects): Precautions in and against the effects of attacks

Chair: Gabriella Venturini

Speaker 1: Precautions in attack: Article 57 (2) lit. b and c AP I (*Jeroen van den Boogaard*)

Speaker 2: Precautions against the effects of attacks: Article 58 AP I (*Laurent Gisel*)

Commentator: *Wolff Heintschel von Heinegg*

Discussion

11:15 – 13:15 Panel 6: The way ahead - Substantive preparation of the next meeting

Speaker 1: Identification of specific challenges regarding new technologies (*Terry Gill*)

Speaker 2: Identification of specific challenges regarding the definition of military objectives (*Robin Geiss*)

Speaker 3: Identification of specific challenges regarding indiscriminate and disproportionate attacks (*Robert Heinsch*)

Discussion

13:15 – 13:30 Farewell