



19th Congress (Québec City, 1-5 May 2012)

Legal Interoperability and Ensuring Observance of the Law Applicable in Multinational Deployments

Programme for participants

Ref: ISMLLW 567 N E 31

Tuesday 1 May 2012

Arrival of Participants

- 09.00 – 12.00 **Meeting of the Managing Board (Lévis room - Managing Board members only)**
14.00 – 17.00 **Meeting of the Board of Directors (St-Louis room - Members of the Board of Directors only)**
14.00 – 18.00 *Registration*
18.00 – 20.00 **Welcome Reception (Petit Frontenac & Bellevue room - Open to accompanying persons)**

Wednesday 2 May 2012

Plenary session (with simultaneous translation – master of ceremonies: Brigadier General Jan Peter SPIJK, Head of the Military Legal Service, The Netherlands, Vice-President of the Society)

- 08.00 – 08.45 *Registration*
09.00 - 10.00 **Opening Ceremony (Salle de Bal & Foyer - Open to accompanying persons)**
Opening speeches by
- The Honourable Steven BLANEY, Minister of Veterans Affairs, Canada
- Mr Arne Willy DAHL, Judge Advocate General of Norway, President of the Society
10.00 – 10.30 Coffee/tea (Verchères room)
10.30 – 12.00 **General Report and discussion (Salle de Bal & Foyer)**
The Notions of Self-defence and their Application in Multinational Operations
Presenters: Prof. Dr. Terry GILL, Utrecht University, The Netherlands & Colonel Carl MARCHAND, Head International Humanitarian Law, Ministry of Defence, Switzerland
12.00 – 13.15 Lunch (Frontenac room)
13.15 – 14.45 **General Report and discussion – Continuation (Salle de Bal & Foyer)**
Presenters: Prof. Dr. Terry GILL, Utrecht University, The Netherlands & Colonel Carl MARCHAND, Head International Humanitarian Law, Ministry of Defence, Switzerland
14.45 – 15.15 Coffee/tea (Verchères room)
15.15 – 16.30 **Keynote Discussion (Salle de Bal & Foyer)**
The Principles of Necessity and Proportionality in Jus ad Bellum, International Humanitarian Law and International Human Rights Law – Meaning and Interaction
Chair: Brigadier General Jan Peter SPIJK, Head of the Military Legal Service, The Netherlands, Vice-President of the Society
Presenters: Prof. Dr. Yoram DINSTEIN, Professor Emeritus, Tel Aviv University, Israel & Prof. Dr. Jann KLEFFNER, National Defence College, Sweden & Prof. Dr. René PROVOST, McGill University, Canada
16.30 – 17.00 **Address (Salle de Bal & Foyer)**
Military Justice by Brigadier General Blaise CATHCART, TJAG for Canada
17.00 – 17.20 **Presentation of the International Society for Military Law and the Law of War (Salle de Bal & Foyer)**
Presenter: Mr Alfons VANHEUSDEN, Legal Advisor, Office of the Minister of Defence, Belgium, Assistant Secretary General of the Society
17.20 – 18.20 **General Assembly (Salle de Bal & Foyer – Members of the Society only)**
Free Evening

Thursday 3 May 2012

Parallel Specialised Sessions

08.30 – 10.00

Committee for the Law of Maritime and Air Operations (Salle de Bal & Foyer)

Selected Questions of Legal Interoperability Specific to Multinational Maritime, Air and Joint Operations (with simultaneous translation – master of ceremonies: Brigadier General Jan Peter SPIJK, Head of the Military Legal Service, The Netherlands)

Part I

- *NATO Approach to Legal Interoperability during Coalition Maritime and Air Operations*
- *Air Targeting in the Experiences of Operation Unified Protector and Before: An External Perspective*

Chair: Commander Gianmatteo BREDA, Italian Navy, SHAPE

Presenters: Lieutenant Colonel Mark DAKERS, SHAPE & Dr. Giulio BARTOLINI, University of Roma Tre, Rome, Italy

Committee for Military Criminology and Criminal Law (Bellevue room)

National Authorities Enforcing National Military and Criminal Law in Multinational Operations – Problems, Challenges and Solutions

Part I

Chair: Prof. Dr. Michael NOONE, Catholic University of America, Washington D.C., United States

Presenters: Colonel Michael GIBSON, Deputy Judge Advocate General for Military Justice, Canada & Mr Arne Willy DAHL, Judge Advocate General of Norway & Prof. Dr. Geoffrey S. CORN, South Texas College of Law, United States

Committee for History of Military Law and the Law of War (Salon Rose)

The Use and Status of Private Military and Security Companies - History and Future

Part I

The History of the Use of Private Military and Security Companies and the Ongoing Attempts of Standard-setting on the Supervision of PMSCs, in particular the Montreux Process

Chair Prof. Dr. Stefan OETER, University of Hamburg, Germany

Presenters: Mrs Christiane OEHMKE, Research assistant at Freshfields Bruckhaus Deringer LLP, Berlin, doctoral student at the University of Hamburg, Germany & Colonel Carl MARCHAND, Head International Humanitarian Law, Ministry of Defence, Switzerland

10.00 – 10.30

Coffee/tea (Verchères room)

10.30 – 12.00

Committee for the Law of Maritime and Air Operations (Salle de Bal & Foyer)

Selected Questions of Legal Interoperability Specific to Multinational Maritime, Air and Joint Operations (with simultaneous translation – master of ceremonies: Brigadier General Jan Peter SPIJK, Head of the Military Legal Service, The Netherlands)

Part II

- *Air Blockade and No-Fly-Zone: A Combined Jus ad Bellum and Jus in Bello Analysis*
- *A Series of Legal Issues of Modern Multinational Operations: Naval Blockade and Embargo; Maritime Law Enforcement in the Context of International Straits; Treatment of Captured Pirates*

Chair: Commander Gianmatteo BREDA, Italian Navy, SHAPE

Presenters: Prof. Dr. Wolff HEINTSCHEL von HEINEGG, Europa-Universität Viadrina Frankfurt (Oder), Germany & Commander Clive DOW, Royal Navy, United Kingdom

Committee for Military Criminology and Criminal Law (Bellevue room)

National Authorities Enforcing National Military and Criminal Law in Multinational Operations – Problems, Challenges and Solutions

Part II

Chair: Prof. Dr. Michael NOONE, Catholic University of America, Washington D.C., United States

Presenters: Lieutenant Colonel Ruud SCHOONDERWOERD, Legal Advisor, Royal Netherlands' Air Force & Mrs Alexandra PERZ, LL.M., Legal Advisor, Allied Command Transformation, NATO

Committee for History of Military Law and the Law of War (Salon Rose)

The Use and Status of Private Military and Security Companies - History and Future

Part II

The Use and Status of Private Military and Security Companies - Practical Experiences from the US and Canada

Chair: Prof. Dr. Stefan OETER, University of Hamburg, Germany

Presenters: James BURGER, Office of the General Counsel, Department of Defense, United States, Honorary President of the Society & Lieutenant Colonel David ANTONYSHYN, Director of International and Operational Law, Canadian JAG Office

12.00 – 13.30

Lunch (Frontenac room)

13.30 – 15.00

Defence Procurement Law (Salon Rose)

Organised by the Norwegian Group of the Society

Security on Steep Ground: Averting unnecessary Risks in Acquisitions of Major Defence Systems and the Related Intellectual Property Rights

Part I

Chair: Mr Roland TROPE, New York lawyer, partner in the U.S. and Netherlands firm of Trope and Schramm LLP, and Adjunct Professor in the Department of Law at the U.S. Military Academy, United States

Presenters: Mr George O. WINBORNE, Office of Command Counsel, U.S. Army Material Command Headquarters, Redstone Arsenal, Alabama, United States & Mr Peter S. MARTIN, Counsel, Montreal offices of McCARTHY TETRAULT (law firm), Canada & Mr Alan MacDONALD, Office of the General Counsel & Deputy Legal Advisor Commercial Law Advisory Services, Department of Justice - National Defence, Canada

Committee for General Affairs (Bellevue room)

The Soldier's Human Rights

Part I

Chair: Dr. Alexander PORETSCHKIN, Head Legal Advisor to the German Chief of Defence and his deputies

Presenters: Mrs Christina CERNA, Formerly Legal Expert at the Organisation of American States & Mr Emmanuel JACOB, President of EUROMIL & Mr Hellmut KÖNIGSHAUS, Parliamentary Commissioner for the Armed Forces, Germany

Committee for International Humanitarian Law (Salle de Bal & Foyer)

Observance of International Humanitarian Law by Forces under the Command of International Organisations (with simultaneous translation – master of ceremonies: Brigadier General Jan Peter SPIJK, Head of the Military Legal Service, The Netherlands)

Part I

Chair: Lieutenant Colonel Marc PHILIPPE, Judge Advocate General Corps, Canada

Presenters: Prof. Dr. Geoffrey S. CORN, South Texas College of Law, United States & Captain (Navy) Geneviève BERNATCHEZ, Deputy Judge Advocate General (Operations), Office of the Judge Advocate General, Canada

15.00 – 15.30

Coffee/tea (Verchères room)

15.30 – 17.00

Defence Procurement Law (Salon Rose)

Organised by the Norwegian Group of the Society

Security on Steep Ground: Averting unnecessary Risks in Acquisitions of Major Defence Systems and the Related Intellectual Property Rights

Part II

Chair: Mr Roland TROPE, New York lawyer, partner in the U.S. and Netherlands firm of Trope and Schramm LLP, and Adjunct Professor in the Department of Law at the U.S. Military Academy, United States

Presenters: Mr George O. WINBORNE, Office of Command Counsel, U.S. Army Material Command Headquarters, Redstone Arsenal, Alabama & Mr Peter S. MARTIN, Counsel, Montreal offices of McCARTHY TETRAULT (law firm), Canada & Mr Alan MacDONALD, Office of the General Counsel & Deputy Legal Advisor Commercial Law Advisory Services, Department of Justice - National Defence, Canada

Committee for General Affairs (Bellevue room)

The Soldier's Human Rights

Part II

General discussion at small tables as *World Café*

Chair: Dr. Alexander PORETSCHKIN, together with the presenters, who will chair the respective tables

Committee for International Humanitarian Law (Salle de Bal & Foyer)

Observance of International Humanitarian Law by Forces under the Command of International Organisations (with simultaneous translation – master of ceremonies: Brigadier General Jan Peter SPIJK, Head of the Military Legal Service, The Netherlands)

Part II

Chair: Lieutenant Colonel Marc PHILIPPE, Judge Advocate General Corps, Canada

Presenters: Dr. Frederik NAERT, Legal Service, Council of the European Union, Director of Publications of the Society & Mr Arne Willy DAHL, Judge Advocate General of Norway & Mr Stephen J. RAPP, Ambassador-at-Large for War Crimes Issues, Department of State, United States

20.30 – 22.15

Evening sessions

20.30 – 21.10 *Libya, Somalia, Democratic Republic of Congo, Ivory Coast... The Issue of IHL Applicability to Recent UN, NATO and African Union Peace Operations* (Salle de Bal & Foyer)

Chair: Dr. Dieter FLECK, Honorary President of the Society

Presenter: Dr. Tristan FERRARO, Legal Advisor, ICRC

21.15 – 21.40 *Presentation of the Defense Institute of International Legal Studies* (Salle de Bal & Foyer)

Presenter: Captain (ret.) Jonathan EDWARDS, JAGC, USN, United States

21.45 – 22.15 *Interpretive Guidance on the Notion of Direct Participation in Hostilities – A Selection of Reactions of Countries and Authors* (Salle de Bal & Foyer)

Presenter: Dr. Marten ZWANENBURG, Senior Legal Advisor, Ministry of Defence, The Netherlands

Friday 4 May 2012

Plenary Session (with simultaneous translation– master of ceremonies: Brigadier General Jan Peter SPIJK, Head of the Military Legal Service, The Netherlands)

09.00 – 09.15

Presentation of the Canadian National Group of the Society (Salle de Bal & Foyer)

Presenter: Colonel Michael GIBSON, Deputy Judge Advocate General for Military Justice, Canada, President of the Canadian National Group

09.15 – 09.45

The Use of Cyber Force (Salle de Bal & Foyer)

Chair: Mr Alfons VANHEUSDEN, Legal Advisor, Office of the Minister of Defence, Belgium, Assistant Secretary General of the Society

Presenter: Dr. Eneken TIKK, Post-Doctoral Fellow, University of Toronto, Canada

Respondent: Mr Marco BENATAR, Researcher, Vrije Universiteit Brussel, Belgium

09.45 – 10.15

Coffee/tea (Verchères room)

10.15 – 11.30

Paper Prepared for the Society's Project on International Law in Peace Operations (Salle de Bal & Foyer)

The Application of Human Rights Law in Peace Operations

Chair: Dr. Dieter FLECK, Honorary President of the Society

Presenter: Dr. Kjetil LARSEN, Associate Professor, Norwegian Center for Human Rights, University of Oslo, Norway

Respondent: Dr. Frederik NAERT, Legal Service, Council of the European Union, Director of Publications of the Society

11.40 – 12.00

Speech (Salle de Bal & Foyer)

By the Honourable Peter MacKAY, Minister of National Defence, Canada

12.00 – 13.30

Lunch (Frontenac room)

13.30 – 14.30

Paper Prepared for the Society's Project on International Law in Peace Operations (Salle de Bal & Foyer)

Operational Detentions and Independent Oversight in Peace Operations

Chair: Prof. Dr. Terry GILL, Utrecht University, The Netherlands

Presenter: Colonel (ret.) Roy ABBOTT, Consultant for International Law, Australia

14.30 – 15.00

Coffee/tea (Verchères room)

15.00 – 15.30

Award of the Ciardi Prize 2012 (Salle de Bal & Foyer)

Representatives of the jury: Prof. Dr. Wolff HEINTSCHELL von HEINEGG, Europa-Universität Viadrina Frankfurt (Oder), Germany & Prof. Dr. Jann KLEFFNER, National

Defence College, Sweden & Dr. Matteo TONDINI, Editor-in-Chief of *The Military Law and the Law of War Review*

Presentation of The Military Law and the Law of War Review 2011 (Salle de Bal & Foyer)

Presenter: Dr. Matteo TONDINI, Editor-in-Chief of *The Military Law and the Law of War Review*

- 15.30 – 16.15 **Closing Session (Salle de Bal & Foyer - Open to accompanying persons)**
 15.30 – 15.45 *Concluding Overview* by the General Rapporteurs
 15.45 – 16.15 *Closing speeches*
- 16.15 – 17.00 **Joint meeting of the Managing Board and the Board of Directors (St-Louis room - Members of the newly elected Boards only)**
- 19.00 – 22.00 **Closing Dinner (Salle de Bal & Foyer - Open to accompanying persons)**

Saturday 5 May 2012

Social-cultural Activity (Specific registration required, open to accompanying persons)

Sunday 6 May 2012

Departure of the Participants