

NECESSITY AND PROPORTIONALITY IN INTERNATIONAL PEACE AND SECURITY LAW

The West Point Lieber Institute for Law and Land
Warfare The Haig Room, Jefferson Hall

SUNDAY, OCTOBER 28

6:00 – 8:00 P.M. NO HOST SOCIAL, PATTON’S TAVERN, THAYER HOTEL

MONDAY, OCTOBER 29

Breakfast on the economy is available in MacArthur’s Restaurant, located off the Thayer Hotel lobby.

8:15 A.M. TRANSPORTATION FROM THAYER HOTEL TO WORKSHOP

9:00 A.M. WELCOMING REMARKS

Brigadier General Cindy Jebb, Dean of the Academic Board, U.S. Military Academy, West Point, New York

Colonel Dave Wallace, Professor and Department Head, U.S. Military Academy Department of Law

Professor Michael N. Schmitt, Distinguished Lieber Scholar, U.S. Military Academy and Howard S. Levie Professor of Law and Armed Conflict, U.S. Naval War College

9:30 – 11:30 A.M. SESSION 1 – History and Fundamental

Issues Facilitator: Claus Kreß

Writers:

Dino Kritsiotis A Return to the *Caroline* Correspondence, 1838–1842 (Necessity and Proportionality)

Eliav Lieblich On the Continuous and Concurrent Application of *ad Bellum* and *in Bello* Proportionality

11:30 A.M. – 1:00 P.M. WORKING LUNCH, West Point Club

Keynote Speaker:

John F. Witt, Allen H. Duffy Class of 1960 Professor of Law, Yale Law School

1:15 – 3:15 P.M. SESSION 2 – Self-Defense: General Issues

Facilitator: Tim Bakken

Writers:

Geoffrey Corn The Essential Link between Proportionality and Necessity in the Exercise of Self-Defense

Laurie Blank Necessity and Proportionality at the End of Conflict: The Use of Force to Prevent Recurrence of Conflict

3:30 – 5:45 P.M. SESSION 3 – *jus in bello*: Specific Issues

Facilitator: Ryan Goodman

Writers:

Stefan Oeter Specifying the Proportionality Test and the Standard of Due Precaution – Problems of Prognostic Assessment in Determining What “May be Expected” and “Anticipated” Means?

Sarah Knuckey & Alex Moorehead Use of Force, Proportionality, and Mental Health

5:50 P.M. ADMINISTRATION AND TRANSPORTATION TO WORKING DINNER

TUESDAY, OCTOBER 30

Breakfast on the economy is available in MacArthur's Restaurant, located off the Thayer Hotel lobby.

8:15 A.M.

TRANSPORTATION FROM THAYER HOTEL TO WORKSHOP

8:50 – 9:00 A.M.

OPENING REMARKS

9:00 – 11:00 A.M.

SESSION 4 – Self-Defense & Non-State Actors

Facilitator: John Bellinger

Writers:

Jens Ohlin

The Unwilling and Unable Test for Extraterritorial Defensive Force: Why Force Is Permitted Against the Territorial State

Nehal Bhuta &
Rebecca Mignot-
Mahdavi

Proportionality and the Individualization of War

11:00 A.M. – 12:30 P.M.

TOUR & LUNCH IN THE CADET MESS HALL

12:45 – 2:15 P.M.

SESSION 5 – Internal Use of Force

Facilitator: Captain Rob Lawless

Writer:

Tom Ruys

Necessity and Proportionality in Internal Use of Force and Counter-Intervention

2:45 – 4:00 P.M.

SESSION 6 – *jus in bello* and Autonomous Weapons

Facilitator: Captain Brian Strang

Writer:

Masahiro Kurosaki

Toward the Special Computer Law of Targeting: “Fully Autonomous” Weapons Systems and the Proportionality Test

4:15 – 5:30 P.M. SESSION 7 – Procedural Issues

Facilitator: Major Chris Hartley

Writer:

Larissa van den Herik “Proceduralising” Article 51

5:30 – 5:40 P.M. ADMINISTRATION AND CONCLUDING REMARKS

5:45 P.M. TRANSPORTATION TO THE THAYER HOTEL

WEDNESDAY, OCTOBER 31

Breakfast on the economy is available in MacArthur’s Restaurant, located off the Thayer Hotel lobby.

8:15 A.M. TRANSPORTATION FROM THAYER HOTEL TO WORKSHOP

9:00 – 10:30 A.M. WORKSHOP SYNTHESIS

Claus Kreß, Colonel (Retired) Richard Jackson

10:30 – 11:30 A.M. LIEBER BOOK SERIES, EDITOR’S TIME

Lieutenant Colonel Shane Reeves, Professor and Deputy Head, Department of Law, West Point

11:30 A.M. – 11:45 P.M. CONCLUDING REMARKS

Professor Claus Kreß, 2018 Francis Lieber Scholar and Professor of Law, Director of the Institute for International Peace and Security Law, University of Cologne

Professor Michael N. Schmitt, Distinguished Lieber Scholar, U.S. Military Academy and Howard S. Levie Professor of Law and Armed Conflict, U.S. Naval War College

Colonel Dave Wallace, Professor and Department Head, U.S. Military Academy Department of Law

12:00 P.M. TRANSPORTATION TO THE THAYER HOTEL