

LEADERSHIP TRAINING SEMINARS ISRAEL ON TRIAL

An introductory program on the use and misuse of international law

This 5-part course aims to give insight into the way international law is used, abused and misused by different actors in relation to the Israel/Palestine conflict.

In each session, a panel of experts will give short presentations. These will be followed by Q&A and discussion.

All sessions start at 4 pm CET.

Duration: 75-90 mins.

Session 1, 23 Sep – The UN, international law and issues of legitimacy

Moderator: Dr Arié Bensemhoun, ELNET

Tutors: Dr Dov Jacobs, Leiden University; Prof. Gregory Rose, Wollongong University; Andrew Tucker, *thinc*.

What is international law? Why do so many people and organizations refer to international law to support their political positions? Who “makes” international law? What is the relationship between international law, religion and politics?

- International Law and The Rule of Law
- The United Nations and its institutions
- Genesis and growth of human rights law and international criminal law since the 1970’s
- The EU – a law-based polity: what does that mean?
- The changing global legal order: Who is the guardian of the Rule of Law?

Session 2, 27 Oct – What is the Jewish State of Israel?

Moderator: Andrew Tucker, *thinc*.

Tutors: Dr. Matthijs de Blois, *thinc*.; Prof. Amichai Cohen, Israel Democracy Institute ; Yitzhak Sokoloff, Keshet Educational Journeys

How, when and why did the Jewish State of Israel come into existence? Was the creation of the State of Israel an example of colonialism - or decolonization? What does international law say about the legitimacy of the State of Israel? How is the Jewish character of the State expressed, and in what way is Israel a democracy? Do Israeli Arabs and Jews have equal rights?

- What is Zionism?
- Balfour, San Remo and the Mandate for Palestine: legal roots of the State of Israel (1917-1948)
- The failed UN Partition Plan (1947)
- The creation of the State of Israel (May 1948)
- The battle for survival: 1948 – 1973
- Israel – a Jewish State for all people

Session 3, 10 Nov – Two States for two peoples?

Moderator: Dr Arié Bensemhoun, ELNET

Tutors: Dr. Einat Wilf, author; Dr. Kobi Michael, INSS; Andrew Tucker, *thinc*.

International law implications of the ‘two-state’ paradigm. When did the idea of two states in Palestine originate? What is its basis in international law? Why has it proven impossible so far to create an Arab/Palestinian state west of the Jordan River? On what basis do the Palestinians claim a ‘right to self-determination’, and does this amount to a right to statehood? What is the role of Jordan?

- The assertion of the Palestinian right to self-determination since 1973
- The PLO; denial of Israel’s legitimacy, the role of Islam
- The origins of the European Two-State solution – the politics of self-interest, neo-colonialism, and misunderstanding of the Middle East
- Is ‘Palestine’ a state?

Session 4, 24 Nov – ‘Lawfare’

Moderator: Andrew Tucker, *thinc*.

Tutors: Anne Herzberg, NGO Monitor; Joshua Kern, barrister, 9 Bedford Row; Col. (res) Daniel Reisner, IJL

How has the international legal system been manipulated over the past decades to undermine the sovereignty of the State of Israel. In what way has law been used as a weapon to undermine, delegitimize or even destroy the Jewish State of Israel? Who are the main players in this ‘lawfare’? Is the use of law to achieve military or political goals justified? What checks and balances does international law provide to prevent the misuse of law?

- The role of the United Nations with respect to Palestine
- ‘Lawfare’ and manipulation of the UN and its institutions by the PLO
- Case study: the International Criminal Court (ICC)
- “Zionism is racism” and the apartheid charge against Israel
- The use of terror as a political and legal weapon

Session 5, 9 Dec – A New Approach

Moderator: Andrew Tucker, *thinc*.

Tutors: Yael Gvirsman and Dr. Daphné Richemond-Barak, IDC Herzliya; Amb. Daniel Taub, Yad Hanadiv

The Middle East changes; what are the challenges facing international law in the pursuit of peace and security in the Middle East? What lessons can be learned from the way international law is interpreted and applied to the Israeli/Palestinian conflict? What is the way forward, and does international law provide answers to this intractable conflict?

- Israel, the Middle East and the future of International Criminal Law
- The Middle East and the ending of wars
- Peace based on cooperation: the implications of the Abraham Accords for resolution of the Israel-Palestine conflict

Course material

The program follows the outline of the book [Israel on Trial](#) by Dr Matthijs de Blois and Andrew Tucker of *thinc*. Participants may order the book directly by email to info@thinc.info for the special price of € 25 including postage.

Biographies



Dr Arié Bensemhoun has been the Chief Executive Officer of ELNET France since 2011. He is dentist by profession and made his career in the private sector as a consultant in communications PR and international relations dealing with Middle East and strategic affairs. Dr Bensemhoun plays a crucial role in the French-Israeli relationship through his commitment both at the community and political levels.



Dr Matthijs de Blois worked in the Law Faculty of Leiden University, in the Department of International Law, his main focus was the international protection of human rights and European substantive law. Since 1990, he has been an Assistant Professor at Utrecht University's Institute of Legal Theory of the Law Faculty. His academic interests there were the philosophical and historical aspects of the law, specifically the relationship between law and religion. Matthijs de Blois also taught for many years at the University College Utrecht. He writes i.a. about the position of the State of Israel under international law, which, after his departure from the Law Faculty in August 2017, has become the main focus of his research within the framework of *thinc*. Matthijs is *Senior Fellow* at *thinc*.



Prof. Amichai Cohen is a Senior Fellow and the director of the program on National Security and Democracy at the Israel Democracy Institute. He is a Professor of international law at the Ono Academic College – Faculty of law. He is a graduate of the Hebrew University of Jerusalem (LL.B.), and Yale Law School (LL.M., J.S.D.). Amichai's main areas of interest include international humanitarian law, the interaction between international law and domestic law and institutions, and Israel's National Security Law.



Mrs Yael Vias Gvirsman studied International Human Rights Law and International Criminal Law at Utrecht University with honours. She has been specializing in International Criminal Law since, both in practice and in academia. She has experience as a litigator in Prosecution (extradition, mutual assistance in criminal matters and cross-border crime), Defense and the representation of victims of international crime, including international terrorism.

In parallel, Yael heads the International Criminal and Humanitarian Law Clinic she established at the Harry Radzyner Law School, Interdisciplinary Center (IDC) Herzliya. She teaches ICL, IHL, IHRL, Business and Human

Rights and Transitional Justice both in Israel and abroad.



Mrs Anne Herzberg is the Legal Advisor of NGO Monitor. She is a graduate of Oberlin College and Columbia University Law School.

Prior to joining NGO Monitor, she worked as an attorney in New York. Her areas of research include business and human rights, international human rights law, the laws of armed conflict, universal jurisdiction, international fact finding, NGOs, and the UN.

She is the author of the widely cited "NGO Lawfare: Exploitation of Courts in the Arab-Israeli Conflict," co-author of *Best Practices for Human Rights and Humanitarian NGO Fact-finding*, and co-editor of *The Goldstone*

Report 'Reconsidered': A Critical Analysis and Filling in the Blanks: Documenting Missing Dimensions in UN and NGO Investigations of the Gaza Conflict.



Dr Dov Jacobs is a lecturer at the University of Leiden. He was a PhD Researcher at the European University Institute in Florence and a lecturer in Public International Law at the University Roma Tre. He holds degrees in Law from King's College in London, Paris I Panthéon-Sorbonne and Paris II Panthéon Assas. He is currently a member of the editorial board of the Leiden Journal of International Law and the senior editor of international law of the European Journal of Legal Studies.

Dov's current research interests cover international criminal law, public international law (particularly State Responsibility) and legal theory. He holds a position as Legal Assistant on a Defence Team at the ICC. He has

been involved as an Amicus Curiae in both the *Afghanistan* and *Palestine* situations at the ICC



Mr Joshua Kern is instructed in matters at the cutting edge of international criminal law and European extradition practice. His background is in landmark cases of historical importance, including: the trial of the Foreign Minister of the Khmer Rouge (Ieng Sary); the trial of the former Prime Minister of the Croat entity established in Bosnia-Herzegovina during the war in the former Yugoslavia (Jadranko Prlić); the first trial at the ICC of an incumbent Head of State (Pres. Uhuru Kenyatta

of Kenya).

He is currently instructed by both individuals as well as government and civil society organisations to represent them upon international criminal law and transnational criminal law matters.



Dr Kobi Michael is a senior research fellow at INSS and editor of "Strategic Assessment". Among his primary research interests are conflict resolution; strategy; national security; civil-military relations; socio-military relations; failed states and peace keeping and state building operations; and the Israeli-Palestinian conflict.

Dr. Michael served as the deputy director general and head of the Palestinian desk at the Ministry for Strategic Affairs. He was a member of the faculty at Ben Gurion University (2008-2011), a senior faculty member at Ariel University (2013-2015), and a visiting professor at Northwestern University in Illinois (2006-7) and Peking University in Beijing (2017).



Col. (res) Daniel Reisner served between 1995 and 2004 as the head of the Israel Defense Force's International Law Department and advised the Israeli leadership i.a. on Israeli-Palestinian relations and counter-terrorism operations.

Between 1994 and 2014, he served as a senior member of Israel's peace negotiation teams. Among the agreements which he negotiated and drafted are the Israel-Jordan Treaty of Peace of 1994 and the Israeli-Palestinian Interim Agreement of 1995.

Following his retirement from government service in 2004, Daniel went into private practice. Since 2018 he has undertaken a leadership position in the International Association of Jewish Lawyers and Jurists (IJL) where he has been active, submitting i.a. an *Amicus* brief to the ICC on behalf of the IJL.



Dr Daphné Richemond-Barak is Assistant Professor in the Lauder School of Government, Diplomacy and Strategy at IDC Herzliya, where she heads the International Program in Government. She also serves as Senior Researcher and Head of the International Law Desk at the International Institute for Counter-Terrorism (ICT), and as an Adjunct Scholar at the Modern War Institute at West Point.

Her research focuses on contemporary warfare, from unilateral humanitarian intervention to the interpretation of the laws of war in modern conflicts, the deployment of intelligent defense systems, the rise and return of foreign fighters, artificial intelligence, and tunnel warfare. Her approach is deeply grounded in multi-disciplinary research, at the intersection of international relations, international law, policy, and security studies.



Prof. Gregory Rose is a professor of Law at the Faculty of Business and Law of the University of Wollongong Australia, where he is a member of the Australian National Centre for Ocean Resources and Security (ANCORS). He is also Chair of the University Senate.

Gregory combines academic knowledge with practical experience as an international lawyer. He was Head of the Trade, Environment and Nuclear Law Unit in the Legal Office of the Australian Department of Foreign Affairs and Trade from 1994-1998 and has frequently been engaged by the UN's Environment Program to provide expert services on international and national environmental law topics. His expertise is in international law, and focuses on marine affairs, environmental protection and national security in the counter-terrorism and maritime contexts.



Mr Yitzhak Sokoloff is an Israeli educator and political analyst. A graduate of Columbia University, he taught Political Science and Jewish Philosophy at the Hebrew University and served in the IDF and the Prime Minister's Office of Israel. He is affiliated with Bar Ilan University as a Rennert Fellow for Jerusalem Studies and is the founder and President of Keshet Educational Journeys in Israel.



Amb. Daniel Taub is an Israeli diplomat, international lawyer and writer of British origin. He served as Israel's Ambassador to the United Kingdom from 2011 to 2015. He is director of strategy and planning at the Yad Hanadiv (Rothschild) Foundation in Jerusalem.

Daniel is an expert in international law, with specializations in counter-terrorism and the laws of war. He has served as legal adviser to Israel's missions to the United Nations in New York and Geneva. He headed Israel's observer delegation to the ICJ hearings on Israel's security barrier, represented Israel before the UN investigative committee on the Gaza flotilla incident, and negotiated the entry of Israel's Red Cross, Magen David Adom, into the International Red Cross, after 70 years of exclusion.



Mr Andrew Tucker (Canberra, 1963) studied law in Australia (BA/LLB), the United Kingdom (BCL) and The Netherlands.

Andrew was a Fellow of the Law Faculty of the University of Melbourne from 1994 to 2001, and Research Associate at the TMC Asser Institute in The Hague from 1996-1998. He was Legal Counsel to the European Coalition for Israel (ECI) from 2010-2019.

Since 1988 he has worked as an adviser and consultant to private companies, governments, (semi-)public entities and non-profit organizations in various fields of international law. Based in The Netherlands, he is Principal of Tucker & Associates.

Andrew is co-founder and Director of *thinc.* (2017), and co-author of

'Israel on Trial', Soest (NLD), *thinc.* (2018).



Dr Einat Wilf is the co-author of "[*The War of Return: How Western Indulgence of the Palestinian Dream Has Obstructed the Path to Peace*](#)"

(St. Martin's Press) and a leading thinker on matters of foreign policy, economics, education, Israel and Zionism. She was a member of the Israeli Parliament from 2010-2013, where she served as Chair of the Education Committee and Member of the influential Foreign Affairs and Defense Committee.

Born and raised in Israel, Dr. Wilf served as an Intelligence Officer in the Israel Defense Forces, Foreign Policy Advisor to Vice Prime Minister Shimon Peres and a strategic consultant with McKinsey & Company.

Dr. Wilf has a BA from Harvard, an MBA from INSEAD in France, and a PhD in Political Science from the University of Cambridge.