Call for Papers

Legalities and Legacies:
The Past, Present, and Future of the Palestine Mandate in International Law
Jerusalem, 21-22 June 2015

The Faculty of Law of the Hebrew University of Jerusalem and the Columbia Law School invite the submission of written proposals for an international conference on the international law legacies of the Palestine mandate, to be held in Jerusalem on 21-22 June 2015, and for a subsequent publication.

Recipients of this call for papers are invited to submit proposals to present a paper at the conference. Some authors of proposals selected for the conference will be offered partial or full coverage of flight and accommodation expenses.

**Deadline for Submitting 1-2 Page Proposal:** 30 September 2014

**Deadline for Submitting the Article (Selected Proposals):** 15 April 2015

**Background:**

On 24 July 1922, the Council of the League of Nations confirmed the mandate for Palestine. On midnight, 14 May 1948, the mandate came to an end. Much that happened before, during and beyond these dates remain contested — and much remain uncharted.

This is particularly patent when it comes to the international legal aspects of the Palestine mandate. Conflict historians have long been captivated by that period; historians of Israeli law have focused on the law of mandatory Palestine for some time now. Yet, since the 1940s, little to none of that attention has been turned to the role international law has played in the Palestine mandate, or the role of the Palestine mandate in affecting the course of international law. International law practitioners, scholars, and historians, it seems, are occasionally willing to reengage with some of the old debates surrounding the Palestine mandate (such as the locus of sovereignty in mandate territories), as has the International Court of Justice in the Wall Advisory Opinion. Seldom do they engage in a broader reflection on the legal import of the Palestine mandate or on its legacies.

The conference seeks to ponder on and rectify this glaring gap. By focusing on legalities and legacies of the Palestine mandate in international law, we intend to explore whether, today, there is more to the Palestine mandate than a crucial or futile contestation — legal or political?¹ — over historic rights, entitlements, and narratives.

A convenient point of departure may be the League of Nations mandate system. Here, renewed interest by international legal and diplomatic historians could furnish fresh perspectives on how the mandate system, and the Palestine mandate, were

¹ In 1925, the Supreme Court of Palestine, sitting as a High Court of Justice, entertained the view that the mandate was ‘a political and not a legal document … likely to contain expressions of good intention which are more easy to write than to read’.
conceived, enacted, theorized, practiced, and terminated. Equally, the Palestine and other mandates can provide new vantage points from which to gauge contemporary international law debates (e.g. the termination of belligerent occupation by fiat of an international organization resolution, or the legal framework(s) governing post-conflict governance and territorial administration.

Next, then, are questions about the specificities of the Palestine mandate: against what broader contexts can we understand the classification of the Palestine mandate as an ‘A-type’ mandate under Article 22 of the Covenant? Is the critical discourse of mandates as international, institutional extensions of colonialism and empire analytically conducive, or has that discourse now become no more than a vehicle of anachronistic denunciation? What do comparisons of present-day and past understandings of mandates as instruments of ‘a sacred trust of civilization’, dedicated to the ‘well-being and development’ of a people not-(yet?)-inhabiting its territory, tell us about the force of the Palestine mandate, the uses of the mandate system, or about the road since traversed by international law itself? Can we adduce or find coherence with general principles when we consider e.g. the Palestine mandate’s Transjordan provisions? Can these provisions and subsequent arrangements be understood outside the British Imperial context? Can we evaluate the clause preserving ‘civil and religious rights of existing non-Jewish communities in Palestine’ without historicizing the international law – on minority protection, self-determination, subjecthood and recognition – that may have informed its formulation? How were all these specificities theorized, defended, or contested then and since? How are they today?

The practice of the Palestine mandate gives rise to additional sets of questions. In this respect, it may be asked whether it is at all possible, rather than remain prisoners of dichotomous patterns of behavior setting apart ‘the Jews’ and ‘the Arabs’, to conduct a more nuanced inquiry, one that obeys doctrinal understandings of validity, of different actors within and without mandatory Palestine – were they bearers of international rights and obligations under international law? – and how they conducted themselves, legally-speaking? What role did notions of consent, acquiescence, prescription, estoppel, protest and effectiveness play in the legal unfolding of the mandate? And what imprints have such practices left on the unfolding of the mandate, on its future interpretation, on international law doctrine – or on the theory of international legal personality? What impact have such notions had on the assertion and evaluation of rights and obligations emanating from the Palestine mandate? And what of the mandatory itself? What have been, or ought to have been, the legal consequences of how it adhered to or departed from its obligations?

Another set of questions, seldom asked any more, pertains to the impact of the Palestine mandate on the international legal status of Jewish individuals and communities elsewhere. How did the clause preserving the ‘the rights and political status enjoyed by Jews in any other country’ come into being, and how was it conceived, interpreted, and practiced by the Yishuv, the mandatory, the League of Nations institutions (e.g. the Minorities Section of the Secretariat), third-party governments, and Jewish Diaspora? What impact did it have on the international law status and recognition of Jewish collectivity, Jewish rights, or Jewish obligations? What were the ideological, doctrinal, and bureaucratic affinities (or tensions) between the League’s supervision of the governance of the ‘Jewish National Home’
and its oversight, through the Secretariat’s Minorities Section, over the situation of Jews in Central Eastern Europe?

Many of these queries converge unto a discussion of the *enduring effects and legacies of the Palestine mandate*. How did it affect what would transpire later, and what was the impact of subsequent developments – the Partition Resolution, successive wars, agreements and discords – on the legal understanding of the Palestine mandate? Was it committed to the dustbin of international law’s (and the conflict’s) history, to be redeemed unilaterally upon ephemeral convenience? Or does it continue to provide relevant data for analyzing individual and collective rights, self-determination, sovereign entitlements, territorial boundaries, and licit and permissible use of force and land?

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Applicants are invited to propose papers discussing these or similar questions falling broadly within the following and *other pertinent* themes:

1. The Mandate System: Historical and Legal Perspectives
2. The Legal and Historical Specificities of the Palestine Mandate
3. The Legal Significance of Practice Developed under the Palestine Mandate
4. Beyond Palestine: The Mandate and the International Legal Status of the Jewish People
5. The Palestine Mandate: The Impact of/on Subsequent Legal Developments
6. The Palestine Mandate: An Enduring Legal Significance for the World Community and International Law?

**Submissions:**
Researchers interested in addressing these and related questions are invited to respond to this call for papers with a 1-2 page proposal for an article and presentation, along with a brief CV, including a list of publications. Proposals should be submitted by email to Dr. Rotem Giladi of the Hebrew University of Jerusalem (pmilconf@gmail.com) no later than **30 September 2014**.

Applicants should expect notification of the Conference Academic Committee’s decision by early November 2014. Written contributions (of 10,000-12,000 words), based on the selected proposals, will be expected no later than **15 April 2015**.

**Academic Committee:**
Professor Tomer Broude, Vice-Dean, Hebrew University Faculty of Law
Dr. Hillel Cohen, School of History, Hebrew University
Ady Schonmann-Bethlehem, Visiting Professor, Columbia Law School
Professor Yuval Shany, Dean, Hebrew University Faculty of Law
Professor Matthew C. Waxman, Columbia Law School
Dr. Rotem Giladi, Hebrew University Faculty of Law – conference coordinator