

**Paper Abstract for the upcoming Annual Conference of the International Society for Military Sciences, DGI Byen, Copenhagen, Denmark, 6-8 November 2023**

**1. Abstract of the proposed paper**

The author proposes to submit a paper on “*The Status of Ukrainian natural resources in territory occupied by Russia: what does the Hague Convention of 1907 say and is it time for a modernised rules on the governance and exploitation of public property in times of war?*”

It has been almost one year since Russia invaded and occupied parts of Ukraine’s territory. Large parts of areas that Russia invaded and sought to occupy appear to hold non-negligeable natural resources such as oil and gas fields.

The purpose of this paper is to determine the legal status of natural resources located in occupied Ukrainian territory under international law and what are Russia’s obligations in relation to these natural resources which have become under its control.

The author will consider the relevant provisions of the Hague Convention No. IV Respecting the Laws and Customs of War on Land and annexed Regulations Respecting the Laws and Customs of War on Land, and will attempt at drawing learned lessons from the existing case law from international courts, arbitral tribunals and mixed commissions.

The paper will consider the legal status of natural resources located in an occupied territory under the Hague Convention of 1907<sup>1</sup> by drawing learned lessons from the existing case law from international courts, arbitral tribunals and mixed commissions.

Building on the existing legal framework, the author will question whether it is time to refresh and modernise a century old treaty by aiming to propose ideas for a modernised set of rules governing the exploitation of natural resources in times of war.

Establishing a modernised rules on this issue will participate in providing answers to the following practical questions:

- i. What is the scope of the occupying power’s prerogatives to develop and exploit natural resources in the territory it occupies?
- ii. Does the occupying power have the right to grant commercial concessions for the exploration of such natural resources?
- iii. What is the legal status of licenses/concessions accorded to foreign investors prior to the occupation?
- iv. What is the legal status of concessions accorded to foreign investors during the occupation (and in the event the occupation ends)?

Instances of international litigation involving this particular scenario are rare but not non-existent. The proposed paper will contribute to fill a relative gap in the literature in this field.

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<sup>1</sup> Articles 53 and 55 of Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907.

## **2. Speaker's Bio**

Ahmed Abdel-Hakam is a French and British national. He is a PhD candidate at the University of Geneva (UNIGE) and Partner in the London office of Volterra Fietta, the world's leading Public International Law firm. Ahmed is a Solicitor-Advocate before the Higher Courts of England & Wales and a French Avocat. He is also an elected member of the Dispute Resolution Committee of the Law Society of England & Wales.

In September 2023, Ahmed will join the Cambridge University Lauterpacht Centre for International Law as a visiting Fellow to focus on the issue of the exploitation of public property during occupation.

In 2021, Ahmed's book "International Arbitration and Resolving Disputes Arising from Investments in Times of Crisis", was published by the American Bar Association, and received the following endorsement from Mrs Meg Kinnear, the Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID):

"This text takes a unique perspective, looking at the intersection of investment law and the circumstances arising when States are in crisis, transition, or conflict. It is a fascinating read and will be a wonderful resource for the practitioner advising investors and States in these very difficult circumstances."

In 2019, Ahmed has been selected as a Young Leader by the Franco-British Council which, each year, nominates a select group of young French and British individuals under 40, with distinguished careers across a variety of sectors such as sciences, arts, politics, law, finance.

## **3. The points of contact are as follows:**

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