



## **Conference Call for Papers**

The 18<sup>th</sup> Annual Minerva Conference on International Humanitarian Law

# **IHL and Constitutional Law**

Jerusalem, 18-19 December 2023

### ***Introduction:***

The 18<sup>th</sup> Annual Conference on International Humanitarian Law (IHL) at the Hebrew University of Jerusalem's [Minerva Center for Human Rights](#) will focus on key aspects of the interplay between IHL and the domestic Constitutional Law (ConL) of states involved in armed conflicts.

The conference will take place on 18-19 December 2023 in Jerusalem. Attendance at the conference will be in person only.

Recipients of this call for papers are invited to submit proposals to present a paper at the conference. Authors of selected proposals may be offered full or partial travel and accommodation expenses.

**Submission deadline: 15 September 2023**

### ***Background:***

Although rooted in different legal systems – international and domestic law – IHL and ConL have a number of significant points or areas of contact. Questions of political control and authority over the military and over the execution of specific military operations are often regulated by ConL, as are emergency powers and authority afforded to military organizations. Furthermore, developments in the conduct of hostilities – e.g., the “global war on terror” or cyber-conflicts – may result in re-evaluation by decision makers and commentators of the existing ConL framework and could even lead to changes thereof.

Specific conflict-related practices raise complex questions under both IHL and ConL, which may involve legal interactions and even conflicts between these two bodies of law. These questions include, but are not limited to, the legality and constitutionality of the use of lethal force outside theatres of hostilities, the exercise of detention powers in third states (e.g., “black sites”) or in territories with special legal status (e.g., Guantanamo Bay), the seizing of assets related to the war effort, the availability of conflict-related compensation claims, restrictions on “war propaganda”, and the application of constitutionally protected rights in occupied territories. In the Israeli-Palestinian context, specific questions arise in relation to the applicability of ConL principles, such as equality, property and the right to vote, in connection with policies aimed at annexing territories, *de facto* or *de jure*, which could also potentially re-delineate the respective political communities (*in casu*, Israeli and Palestinian). Arguably, some of the controversial changes recently promoted in Israeli ConL are related to debates over the applicability of ConL in the West Bank.

The conference seeks to map and discuss some of the main patterns of interaction between IHL and ConL, and to consider the extent to which their foundational *ethoi* and actual *modi operandi* can complement or hinder their parallel application. It will also investigate the influence of one branch of law on the development of the other, and whether in specific contexts such as application of governmental authority in occupied territories or counter-terrorism operations – hybrid norms reflecting both IHL and ConL are expected to emerge.

The conference organizers invite proposals to present papers dealing with any of the following questions:

- Freedom of expression and material support laws from the perspective of IHL and ConL, in territorial and virtual spaces
- Annexation of territories and the political rights of protected persons
- Interplay between ConL entitlements (e.g., nationality) and IHL protections
- Israel's constitutional crisis and its relationship to the Israeli-Palestinian conflict
- Detention powers under IHL re-evaluated under ConL
- The unique legal status of East Jerusalem under Israeli ConL and its IHL implications
- New technologies as a catalyst for changes in IHL and ConL
- Practices of de-nationalization and forced nationalization related to armed conflicts
- Enemy property laws, individual sanctions and property seizure practices: IHL and ConL dimensions
- The potential constitutional power to violate IHL and managing conflict of norms between IHL and ConL
- IHL implications of lack of legitimate constitutional authority: e.g., the case of Libya's multiple governments
- Constitutional limits upon conflict-related compensation claims: in the aftermath of the *Jurisdictional Immunities* litigation
- International human rights law as a potential bridge connecting IHL and ConL
- Application in occupied territory of rights protected in ConL
- The global war against terror as a case study for IHL/ConL interaction
- Constitutional courts and IHL
- Long wars as a challenge to IHL and ConL safeguards

The organizers also welcome proposals on other relevant and contemporary issues relating to the topic of the conference.

**Submissions:**

Researchers and practitioners interested in addressing these issues 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.

**Proposals should be submitted via email no later than 15 September 2023**, to the Hebrew University's Minerva Center for Human Rights: [mchr@savion.huji.ac.il](mailto:mchr@savion.huji.ac.il)

Applicants can expect notification of the committee's decision by 30 September 2023.

Written drafts (of approximately 20 pages) based on the proposals selected will be expected by 30 November 2023.

**Publication:**

The [Israel Law Review](#), the Minerva Center's journal of human rights, public and international law (published by Cambridge University Press), is interested in publishing selected full-length papers based on conference presentations, subject to its standard review and editing procedures.

**Conference Academic Committee:**

Ziv Bohrer, Bar-Ilan University

Tomer Broude, Hebrew University of Jerusalem

Danny Evron, Minerva Center for Human Rights, Hebrew University of Jerusalem

David Kretzmer, Hebrew University of Jerusalem

Barak Medina, Minerva Center for Human Rights, Hebrew University of Jerusalem

Tamar Megiddo, Hebrew University of Jerusalem

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Yuval Shany, Hebrew University of Jerusalem (Chair)