

CONSTITUTIONALISM UNDER EXTREME CONDITIONS

THE MINERVA CENTER FOR THE RULE OF LAW UNDER EXTREME CONDITIONS in collaboration with
BOSTON COLLEGE LAW SCHOOL, under the auspices of THE ISRAELI ASSOCIATION OF PUBLIC LAW

University of Haifa, Israel
Rabin Building, Rabin Observatory
18-19 July 2016

Conveners

Prof. RICHARD ALBERT and Dr. YANIV ROZNAI

Symposium Organizing Committee

Prof. GAD BARZILAI, Dean of University of Haifa Faculty of Law and Principal Investigator, Minerva Center for RLUEC
Prof. ELI M. SALZBERGER, The Director of the Minerva Center for RLUEC
Prof. AMNON REICHMAN, Principal Investigator, Minerva Center for RLUEC
Prof. RICHARD ALBERT, Associate Professor, Boston College Law School
Prof. SUZIE NAVOT, Chairperson, The Israeli Association of Public Law
Dr. YANIV ROZNAI, Fellow, Minerva Center for RLUEC

Monday, 18 July 2016

9:00-09:15 Registration

09:15-09:30 Welcoming Remark

09:30-11:00 Panel: State of Exception and Normalcy

MING-SUNG KUO (University of Warwick),
From Institutional Sovereignty to Constitutional Mindset:
Rethinking the Domestication of the State of Exception in
the Age of Normalization

Discussant: ELI SALZBERGER (University of Haifa)

KUMARAVADIVEL GURUPARAN (University College London),
Constitutions as Instruments for Normalising Abnormalcy:
The Sri Lankan and Indian Experience

Discussant: YAIR SAGY (University of Haifa)

11:00-11:30 Coffee Break

11:30- 13:00 Panel: Constitution-Making

MANAR MAHMOUD (Hebrew University),
Challenges of Reconciliatory Constitution-Making in Tunisia
and Egypt: A Comparative Perspective

Discussant: GAD BARZILAI (University of Haifa)

ANDREAS BRAUNE (University Erfurt/Friedrich Schiller
University Jena),
Authoritative Constitution-Making in the Name
of Democracy?

Discussant: AMNON REICHMAN (University of Haifa)

13:00-14:00 Lunch

14:00-15:30 Panel: The Next Frontier of Human Rights

PEDRO A. VILLARREAL (Max Planck Institute for Comparative
Public Law and International Law), Public Health Emergencies
and Constitutionalism: Between the International and
the National

Discussant: ANNA MROZEK (Universität Leipzig)

YORAM RABIN (Office of the The State Comptroller of Israel),
LIAV ORGAD (IDC) & **ROY PELED** (The College of Management),
The Law Governing the Right of Enemy Alien's Access
to Courts

Discussant: LUKAS HRABOVSKY (Palacky University Olomouc)

15:30-16:00 Coffee Break

16:00-17:30 Panel: Divided Societies

NIKOS SKOUTARIS (University of East Anglia) & **ELIAS DINAS**
(University of Oxford), The Paradox of Territorial Autonomy:
How Subnational Representation Leads to Secessionist
Preferences

Discussant: MAJA SAHADŽIĆ (University of Antwerp)

NASIA HADJIGEORGIOU (UCLan Cyprus) &
NIKOLAS KYRIAKOU (University of Cyprus),
Entrenching Hegemony in Cyprus: The Doctrine of Necessity
and the Principle of Bi-communality

Discussant: ILAN SABAN (University of Haifa)

17:30 Keynote Address:

AHARON BARAK, President (ret.) of the Supreme Court of Israel
and Professor of Law at the Interdisciplinary Center, Herzliya
"Human Rights in Times of Terror – A Judicial Point of View"

18:30 Dinner

Tuesday, 19 July 2016

09:15-09:30 **Registration**

09:30-11:00 **Panel: Economic and Financial Crises**

ANTONIA BARAGGIA (University of Milan),
The 'Judicialization' of Emergency: The Case of the
Eurozone Crisis

Discussant: DANIEL BENOLIEL (University of Haifa)

ELISA BERTOLINI (Bocconi University Milan),
Financial crisis as a New Genus of Constitutional
Emergency?

Discussant: SUHA JUBRAN BALLAN (University of
Haifa)

11:00-11:30: **Coffee Break**

11:30-13:00 **Panel: Actors in Constitutional Change**

FATİH ÖZTÜRK (Istanbul University),
Again: From 1867 to Today, Making a Constitution
under an Elite Umbrella in Turkey

Discussant: GUY LURIE (University of Haifa)

TILMANN J. RÖDER (Max Planck Foundation for
International Peace and the Rule of Law in Heidelberg),
Military as Actors in Constitutional Change
Processes

Discussant: Ricardo Sousa Da Cunha (Service of Legal
and Constitutional Affairs of the Presidency of the
Democratic Republic of Timor-Leste)

13:00-15:00 **Lunch & Poster Session**

Poster Presenters:

PATRICK GRAHAM (University of New England),
In Pursuit of Power: the Common Law Constitution

LUKAS HRABOVSKY (Palacky University Olomouc),
Emergencies and Constitutional Rights in a Time of
Terrorist Threat in the Czech Republic: Do We Need
a New Dimension of Emergency?

JOSHUA SEGEV (Netanya Academic College),
Detaining Unlawful Enemy Combatant in Israel. A Matter
of Misinterpretation?

MAJA SAHADŽIĆ (University of Antwerp), The Constitution
of Emergency - Reasons Behind Asymmetrical (Constitutional)
Arrangements in Bosnia and Herzegovina

RICARDO SOUSA DA CUNHA (Service of Legal and Constitutional
Affairs of the Presidency of the Democratic Republic of
Timor-Leste), The Constitutional "Big Bang" in Timor-Lest

15:00-16:30 **Political Emergencies and Political Trauma**

DANTE GATMAYTAN (University of the Philippines),
Reluctant Radical: Political Trauma and Judicial Review in
Post-Marcos Philippines

Discussant: JOSHUA SEGEV (Netanya Academic College)

IOANNIS A. TASSOPOULOS (University of Athens),
Political Emergencies as Challenges to the Impartiality of
Public Law: A Defense of the Constitutional Stability of
Practical Reason Based on Greek Experience

Discussant: PATRICK GRAHAM (University of New England)

16:30-16:45 **Concluding Remarks**

Admission is free, but seating is limited so advance
registration is required.
For registration: bmichal@geo.haifa.ac.il