

## 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

**FATIH 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),  
Militaries 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](mailto:bmichal@geo.haifa.ac.il)