

National security and defense law and regulations, a comparative approach (Indian, Germany and France)

National security and defense is often addressed through the political and geopolitical lenses. The purpose of the research project launched with this tri-national winter university, which will be hosted by the Gujarat National Law University in February 2018 is to tackle the regulatory challenges of national security and defense. Indeed, globalization transformed the constraint network in which traditional national security and defense regulation were framed: terrorism, arm dealing, environmental risks, energy security, national intelligence, sedition to mention but a few domains could not be considered from a purely “national” perspective if regulations have to be efficient. Through an exchange between academics and professionals, both young and established, from three national traditions these regulatory challenges will be inquired into in a fertile way.

Considering the impossibility to address all these issues in one winter university, few topics have been singled out, each of them is scheduled to be presented during a morning or an afternoon session. During each, academics and professionals from the India, Germany and France will present their perspective. We nevertheless encourage comparative law studies.

Day 1. Defense as a hypothesis

1. Allocating decision power (e.g. what are the constitutional provisions? What are the links between political power and military power? What are the specific institutions that exist? National intelligence)

2. Lowering security risks (e.g. How to make an international agreement effective? Legal possibilities for offering the possibility of military bases in the country? Securing borders)

Day 2. Defense in time of emergency

1. Terrorism and the latent emergency (e.g. provision regarding state of emergency, consequences regarding liberties, the working of the justice system)
2. War and the permanent emergency (e.g. consequences for liberties, for the allocation of power, for justice – military courts –, dealing with war crimes)

Day 3. Securing the means to ensure an efficient defense

1. Securing the material inputs for an efficient defense (e.g. regulations and issues regarding arm dealing, technology transfer, protecting national industries, infrastructures, and gun policies)
2. Securing the human inputs for an efficient defense (e.g. regulation regarding military services, training, status of security and defense forces)

Day 4. New security and defense issues (one topic during the morning session, two during the afternoon session)

1. Dealing with environmental risks
2. Dealing with energy security
3. Cybersecurity

We are planning to publish the papers presented during this winter university in a book. Please consider that when submitting your projects. If you want to present a paper, please submit an abstract of about 500 words for consideration

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