

## INTRODUCTION

As the *Israel Law Review* enters its jubilee year, this issue features articles from the variety of topics covered by the journal.

The first two articles follow the 9th Annual Minerva/ICRC Conference on International Humanitarian Law on the subject of ‘Access for Humanitarian Action: Legal and Operational Challenges in Assisting and Protecting People Affected by Armed Conflict’, held at the Hebrew University of Jerusalem in November 2014. Other articles from the same conference were published in issue 48(3).

In ‘Humanitarian Assistance and the Security Council’, Andreas Zimmermann considers the relevance of Article 2(7) of the United Nations Charter to the question of delivering humanitarian assistance in situations of non-international armed conflict. Zimmermann analyses whether a rejection of humanitarian aid by the territorial state may amount to a situation of threat to international peace and security, falling under Article 39 of the United Nations Charter. The article focuses on Security Council Resolution 2165, examining its legal status and impact on the interpretation of otherwise applicable rules of international humanitarian law in non-international armed conflict (in particular, the right of third parties to provide humanitarian assistance). It concludes with querying the obligations of Security Council member states under Common Article 1 of the Geneva Conventions when faced with a draft resolution providing for the delivery of humanitarian assistance.

In ‘Territorial Control by Armed Groups and the Regulation of Access to Humanitarian Assistance’, Tom Gal proposes that provisions regulating humanitarian relief operations in occupied territories apply to territories controlled by armed groups. She holds that this approach, which takes into consideration and gives weight to the control actually exercised by non-state armed groups over a given territory, has tremendous humanitarian advantages. It reflects the aims and purposes of international humanitarian law, while considering the factual framework of conflicts involving non-state armed groups.

The next two articles focus on proportionality in public law. Richard Moon’s ‘Limits on Constitutional Rights: The Marginal Role of Proportionality Analysis’ challenges the Canadian two-step structure of constitutional rights adjudication. The article maintains that few rights fit the individual liberty model, according to which constitutional rights are the basic conditions of individual autonomy or liberty, which must be protected from the demands of collective welfare. It also holds that these rights are better understood as social or relational in character – protecting different aspects of the individual’s interaction or connection with others in the community. Consequently, Moon argues that there can be no single generic test for limits on rights, and that the two steps of adjudication may often be difficult to separate, or that the separation may seem quite artificial.

Yossi Nehushtan, in ‘The Non-Identical Twins in UK Public Law: Reasonableness and Proportionality’, examines the meaning of ‘reasonableness’ and its relationship with ‘proportionality’. He holds that reasonableness is in its essence a balancing and weighing test, and that proportionality adds very little to already existing grounds of judicial review in UK public law. This addition is not necessarily focused on the administrative weighing and balancing process, and therefore there is no conceptual or normative reason that prevents having proportionality as a general ground of judicial review in UK public law.

The two final items featured in this issue relate to new books. In ‘Defying the Theoretical Constraints of State-Centric Approaches’, Marcos Kotlik reviews Math Noortmann, August Reinisch and Cedric Ryngaert (eds), *Non-State Actors in International Law* (Hart 2015), which focuses on the constraints of state-centric approaches in accurately depicting the role and status of non-state actors in the international arena. Finally, Laura Létourneau-Tremblay reviews Cathryn Costello’s *The Human Rights of Migrants and Refugees in European Law* (Oxford University Press 2016).

Before closing, we are pleased to announce that the 2016 *Israel Law Review* Prize for best unsolicited article has been awarded to Karin Loevy, for her article ‘Reinventing a Region (1915–22): Visions of the Middle East in Legal and Diplomatic Texts Leading to the Palestine Mandate’, published in issue 49(3).

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