



Workshop Call for Papers

The law applicable to the use of biometrics by armed forces

Amsterdam, 25 May 2023

Introduction:

The War Studies Research Centre of the Netherlands Defence Academy is organizing an international workshop on the law applicable to the use of biometrics by armed forces, contractors working with armed forces and ICT companies involved in military acquisition and procurement. The workshop seeks to analyse different aspects of the law concerning such use. The workshop intends to bring together (legal) practitioners working in the area of the use of biometrics by armed forces, contractors working with armed forces and ICT companies as well as academics.

The workshop will take place on 25 May at the Marine Etablissement Amsterdam (Navy Yard Amsterdam) in Amsterdam, the Netherlands. The format is currently planned to be in-person.

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

Submission deadline: 1 December 2022

Background:

Biometric systems are systems used for the purpose of the biometric recognition of individuals based on their behavioural and biological characteristics. Such characteristics include fingerprints, face and finger topography, gait, voice and DNA. These characteristics are unique, which makes them very suitable for recognizing persons.

Biometric systems are used extensively in the civil domain. They are also increasingly used in the context of military activities and operations. Some of these applications concern the use of biometrics internal to the armed forces. Such applications are generally used to limit access to facilities or particular systems. For example, the Royal Canadian Navy is conducting a trial with a biometric system to let staff access certain mission-critical IT systems. Other applications are used in military operations abroad to identify personnel and potential security threats. The United States has been at the forefront of such use, but other States are increasingly following suit. A recent example of the latter is the use of biometric technology to identify dead Russian military personnel in the conflict in Ukraine.

The use of biometrics by armed forces raises a host of legal questions. Some of these have started to be explored in the literature in recent years. However, hitherto this has been limited to a handful of publications. Moreover, the literature has focused on certain specific discrete legal aspects without taking a broader view, and often taking a largely theoretical perspective. The workshop seeks to

delve deeper into the application of law to the use of biometrics by armed forces, bring out the link between different aspects of such use and different fields of law that govern such use, and look at the application of the law in practice.

The workshop organizers invite proposals to present papers dealing with questions concerning the law applicable to the use of biometrics by armed forces, including but not limited to the following questions:

- Applicability of domestic and regional data protection instruments to the use of biometrics in a military context;
- (Comparative) domestic legal regulation of the use of biometrics by armed forces;
- The use of biometrics internal to armed forces and the right to privacy;
- The use of biometrics internal to armed forces and data protection;
- International Humanitarian Law (IHL) applicable to the use of biometrics in military operations and the question whether additional regulation is needed;
- The legal framework for the sharing of biometric information in multinational operations, between operations and outside of operations;
- Rights of persons in mission areas or occupied territories whose biometric data has been captured and stored;
- Potential derogation from human rights and data protection instruments in the context of the use of biometrics in military operations;
- The interaction between IHL and human rights law in the context of the use of biometrics;
- Technical means to ensure compliance with legal requirements;
- Legal aspects of specific use cases of biometrics by armed forces, including the use of biometrics by Ukraine to identify dead Russian soldiers;
- Biometric data as the target of military operations or attacks;
- The use of biometrics by private (military) actors during crisis / armed conflict.
- Development, procurement and deployment of military and dual-use technologies that employ biometric data.

Submissions:

Researchers and practitioners interested in addressing the issues above 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 to prof. dr. Marten Zwanenburg (mc.zwanenburg@mindef.nl), no later than **1 December 2022**.

Publication:

The Military Law and the Law of War Review (an Edward Elgar publication) is interested in publishing selected full length papers based on workshop presentations, subject to its standard review and editing procedures.