

## Rights of the Occupying Power

- can change the laws and regulations in force to the extent necessary (Art. 64, GC IV):
  - to permit it to fulfill its obligations under GC IV
  - to enable it to administer the territory
  - for its own security
- can hand over those accused of violating such laws and regulations to its own military courts in the occupied territory (Art. 66, GC IV)
- can intern the civilian population "for imperative reasons of security" (Art. 78, GC IV)
- can force the civilian population to work...but only in limited circumstances (Art. 51, GC IV)

# The Occupying Power

**Marco Longobardo**



## **The Occupying Power:**

**The 1949 Geneva Conventions** Andrew Clapham, Paola Gaeta, Marco Sassòli, 2015-10-15 The four Geneva Conventions adopted in 1949 remain the fundamental basis of contemporary international humanitarian law They protect the wounded and sick on the battlefield those wounded sick or shipwrecked at sea prisoners of war and civilians in time of war However since they were adopted warfare has changed considerably In this groundbreaking commentary over sixty international law experts investigate the application of the Geneva Conventions and explain how they should be interpreted today It places the Conventions in the light of the developing obligations imposed by international law on states armed groups and individuals most notably through international human rights law and international criminal law The context in which the Conventions are to be applied and interpreted has changed considerably since they were first written The borderline between international and non international armed conflicts is not as clear cut as was once thought and is complicated further by the use of armed force mandated by the United Nations and the complex mixed and transnational nature of certain non international armed conflicts The influence of other developing branches of international law such as human rights law and refugee law has been considerable The development of international criminal law has breathed new life into multiple provisions of the Geneva Conventions This commentary adopts a thematic approach to provide detailed analysis of each key issue dealt with by the Conventions taking into account both judicial decisions and state practice Cross cutting chapters on issues such as transnational conflicts and the geographical scope of the Conventions also give readers a full understanding of the meaning of the Geneva Conventions in their contemporary context Prepared under the auspices of the Geneva Academy of International Humanitarian Law and Human Rights this commentary on four of the most important treaties in international law is unmissable for anyone working in or studying situations of armed conflicts

**Law on the battlefield** A. P. V. Rogers, 2024-06-04 This book now fully updated and in its third edition explains the law relating to the conduct of hostilities and provides guidance on difficult or controversial aspects of the law It covers who or what may legitimately be attacked and what precautions must be taken to protect civilians cultural property or the natural environment It deals with the responsibility of commanders and how the law is enforced There are also chapters on internal armed conflicts and the security aspects of belligerent occupation

Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations Michael N. Schmitt, 2017-02-02 The new edition of the highly influential Tallinn Manual which outlines public international law as it applies to cyber operations

The International Law of Belligerent Occupation Yoram Dinstein, 2019-03-28 Addresses some fundamental issues underlying the regime of belligerent occupation

The Law of War William H. Boothby, Wolff Heintschel von Heinegg, 2018-03-29 In 2015 the United States Department of Defense published its long awaited Law of War Manual making a significant statement on the position of the US government on important military matters Whilst readers recognise the Manual s legal and strategic importance they may question whether particular

statements of law are legally accurate or complete This book offers a unique in depth review of the complete Manual including revisions on a paragraph by paragraph line by line and word by word basis The authors offer their personal assessment of the DoD s declared view as to the law that regulates the conduct of warfare a subject of unparalleled current importance William H Boothby and Wolff Heintschel von Heinegg offer a balanced articulate and authoritative critique for readers perusing the Manual in whatever capacity

**Law of Naval Warfare** ,1955

**The Law of Occupation** Yutuka Arai,2009-04-24 This monograph analyses the historical evolution of the laws of occupation as a special branch of international humanitarian law IHL focusing on the extent to which this body of law has been transformed by its interaction with the development of international human rights law It argues that a large part of the laws of occupation has proved to be malleable while being able to accommodate changing demands of civilians and any other persons affected by occupation in modern context Its examinations have drawn much on archival research into the drafting documents of the instruments of IHL including the aborted Brussels Declaration 1874 the 1899 1907 Hague Regulations the 1949 Geneva Conventions and the 1977 Additional Protocol I After assessing the complementary relationship between international human rights law and the laws of occupation the book examines how to provide a coherent explanation for an emerging framework on the rights of individual persons affected by occupation It engages in a theoretical appraisal of the role of customary IHL and the Martens clause in building up such a normative framework

**Documents on the Law of UN Peace Operations** Bruce Oswald,Helen Durham,Adrian Bates,2010 A collection of key law and policy documents and notes relevant to UN peace operations Pref

The Army Lawyer ,2002

*The Handbook of International Humanitarian Law* Dieter Fleck,Michael Bothe,2021 This updated and revised fourth edition of *The Handbook of International Humanitarian Law* offers a systematic assessment of applicable legal principles and rules by a team of distinguished and internationally renowned experts Book jacket

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**The Regulations of Hong Kong** Hong Kong,1959

International Law and the War with Islamic State Saeed Bagheri,2021-07-15 Armed non state actors ANSAs often have economic aims that international law needs to respond to This book looks at the aim of Islamic State to create an effective government with an economically independent regime which focused on key oilfields in Syria and Iraq Having addressed Islamic State s quest for energy resources in Iraq and Syria the book explores the lawfulness of the war with Islamic State from a variety of legal aspects It has been attempted to make inroads into the most controversial aspects of contradictions in the application of jus ad bellum and jus in bello particularly when discussing the use of extraterritorial armed force against ANSAs and the obligation to protect civilian objects including the natural environment The question is whether the targeting of energy resources should be regarded as a violation of the laws of armed conflict even though the

war with Islamic State being classified as a non international armed conflict Ambitious in scope the study argues that legal theory and state practice are still problematic as to how and under what conditions states can justify resorting to military force in foreign territory and to what extent they can target natural resources as being part of state property Furthermore it goes on to examine the differences between international and non international armed conflicts to establish whether there is any difference in the targeting of energy resources as part of the war sustaining capabilities of either party Through an examination of the Islamic State case the book offers a comprehensive study to close the gaps in jus in bello by contextualising the questions of civilian protection victimisation and state responsibility by evaluating the US s war sustaining theory as a justification for the destruction of a territorial state s natural resources that are occupied by ANSAs

**Understanding International Humanitarian Law** Mr. Rohit Manglik,2024-03-24 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels

**2006 Operational Law Handbook , International Law And Armed Conflict, Exploring the Faultlines** Michael N. Schmitt,Jelena Pejic,2007 International law and armed conflict exist in a symbiotic relationship In some cases law shapes conflict proactively by imposing normative limits in advance of the appearance of proscribed conduct Much more commonly armed conflict either reveals lacunae in the law or demonstrates how law designed for yesterday s wars falls short when applied to contemporary conflict When that happens international law reacts by allowing provisions to fall into desuetude embracing new interpretations of existing prescriptions or generating new norms through practice or codification In the 21st Century both international security and armed conflict are the subject of arguably unprecedented sea changes As a result claims that both the jus ad bellum and jus in bello are unwieldy and ill fitting in the context of modern hostilities have surfaced prominently Whether one agrees with such dire assessments what has become clear is that armed conflict is increasingly exposing faultlines in the law governing the resort to force The intent of this collection of essays in honour of Professor Yoram Dinstein on the occasion of his 70th birthday is to explore such faultlines first by identifying them and then by assessing their consequences In a sense then the essays contributed by the top minds in the field will serve to assist academics and practitioners to anticipate pressure on the law governing armed conflict and to the extent possible react accordingly Paralleling Professor Dinstein s classic works War Aggression and Self Defence and The Conduct of Hostilities Under the Law of International Armed Conflict the book addresses both ius ad bellum and ius in bello topics

**The Use of Armed Force in Occupied Territory** Marco Longobardo,2018-10-18 This book explores the international law framework governing the use of armed force in occupied territory through a rigorous analysis of the interplay between jus ad bellum international humanitarian law and international human rights law Through an examination of state practice and opinio juris treaty provisions and relevant international and domestic case law this book

offers the first comprehensive study on this topic This book will be relevant to scholars practitioners legal advisors and students across a range of sub disciplines of international law as well as in peace and conflict studies international relations and political science This study will influence the way in which States use armed force in occupied territory offering guidance and support in litigations before domestic and international courts and tribunals **The Oxford Handbook of**

**International Cultural Heritage Law** Francesco Francioni, Ana Filipa Vrdoljak, 2020-07-30 This Handbook provides a cutting edge study of the fast developing field of international law on the protection of cultural heritage by taking stock of the recent developments and of the core concepts and current challenges The legal protection of cultural heritage has come under renewed focus from the international community and states since the 1990s This is evidenced by the adoption of a range of international instruments Countries are also enacting cultural heritage legislation or overhauling existing laws within their own national territory Contributions address the protection of immovable and movable tangible and intangible cultural heritage in peacetime and in the event of armed conflict as well as the interaction between specific regimes of cultural heritage protection with other fields of international law including international criminal law human rights and humanitarian law environmental law international trade investments and intellectual property The last part of the Handbook covers diverse regional systems of heritage protection Protection of the Environment under International Law during

Occupation Waad Abualrob, 2024-12-09 This book examines the relationship between International Environmental Law and Human Rights Law regarding the protection of the environment in times of occupation Times of occupation create a tangible threat to the environment alongside human animal and plant rights This book uses international law to grapple with unprecedented environmental challenges from water air and soil pollution and severe damage to natural resources to the complexities of regulating emerging environmental challenges during extraordinary situations Using international case studies alongside the prominent and evolving role of international law agreements in particular Multilateral Environmental Agreements MEAs this book offers a comprehensive analysis of the legal tools available to navigate environmental challenges under occupation The book also discusses occupying power obligations under public international law and the demands of protecting the environment in occupied territory The book provides a valuable resource for researchers in the field of environmental law human rights law and humanitarian law **Commentary on the Additional Protocols** Claude Pilloud, Yves Sandoz, Christophe Swinarski, Bruno Zimmermann, 1987-05-07 Annex I is commented by Philippe Eberlin

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