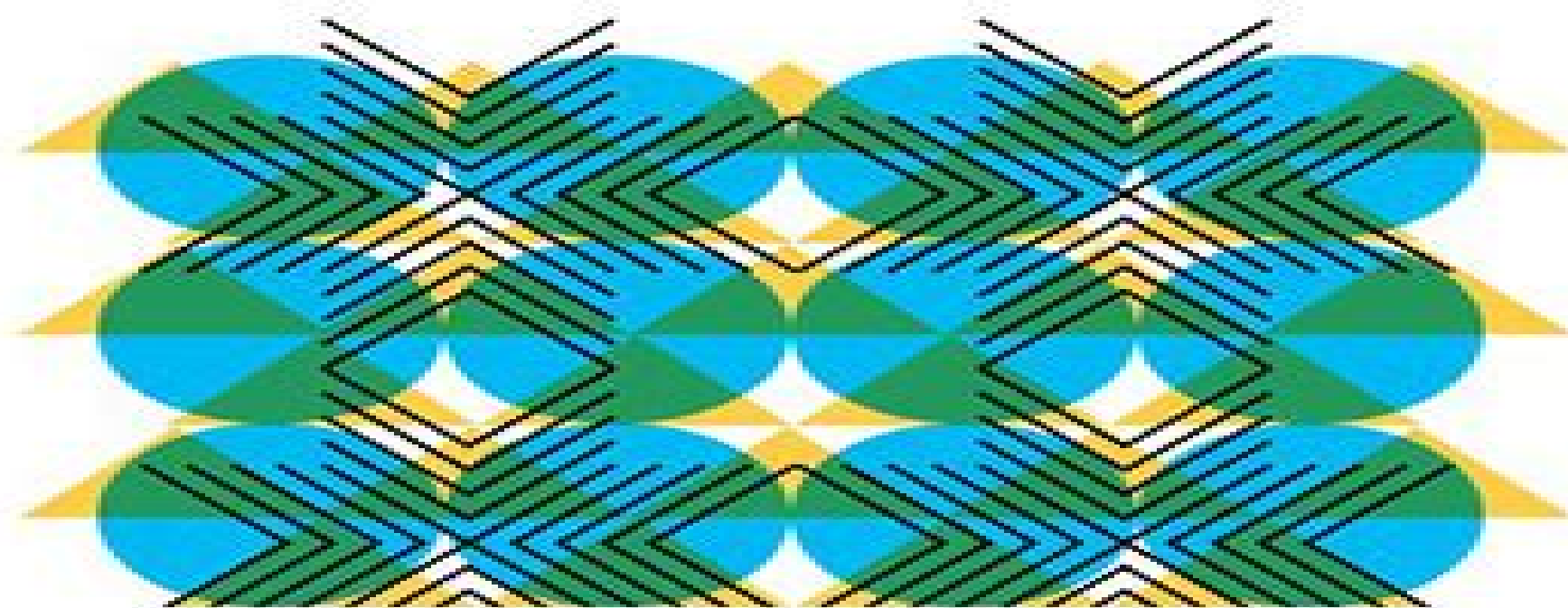


OCCUPATION IN INTERNATIONAL LAW

Eliav Lieblich and Eyal Benvenisti



ELEMENTS OF INTERNATIONAL LAW

The International Law Of Occupation

Yoram Dinstein



The International Law Of Occupation:

The International Law of Occupation Eyal Benvenisti, 2004 Codified in the 1899 and 1907 Hague Peace Conferences and later modified by the 1949 Fourth Geneva Convention the traditional international law of occupation has been challenged by advocates of human rights and self determination and tested by the numerous occupations of the last two decades among them Israeli occupation of the West Bank and Gaza Turkish occupation of Northern Cyprus the Vietnamese occupation of Cambodia U S operations in Grenada and Panama and occupations during the Persian Gulf crisis To address the new issues that have emerged Eyal Benvenisti formulates a contemporary theory of the law of occupation and establishes guidelines for the lawful management of occupation In his new preface the author addresses issues arising from the U S occupation of Iraq Benvenisti delineates the international responsibilities and obligations of governments that gain control over foreign territories through the use of force and examines the conduct of various occupying powers of the twentieth century beginning with the German occupation of Belgium during World War I He analyzes the actions of these occupants by contrasting them with the reactions of ousted governments of peoples under occupation and of other states and of supranational organizations Additionally he evaluates the legality of various measures taken by occupants with the result that the nature of occupation can now for the first time be systematically assessed

The International Law of Belligerent Occupation Yoram Dinstein, 2009-02-19 The customary law of belligerent occupation goes back to the Hague and Geneva Conventions Recent instances of such occupation include Iraq the former Yugoslavia the Congo and Eritrea But the paradigmatic illustration is the Israeli occupation lasting for over 40 years There is now case law of the International Court of Justice and other judicial bodies both international and domestic There are Security Council resolutions and a vast literature Still numerous controversial points remain How is belligerent occupation defined How is it started and when is it terminated What is the interaction with human rights law Who is protected under belligerent occupation and what is the scope of the protection Conversely what measures can an occupying power lawfully resort to when encountering forcible resistance from inhabitants of the occupied territory This book examines the legislative judicial and executive rights of the occupying power and its obligations to the civilian population

The International Law of Occupation Eyal Benvenisti, 2012-02-23 The law of occupation imposes two types of obligations on an army that seizes control of enemy land during armed conflict obligations to respect and protect the inhabitants and their rights and an obligation to respect the sovereign rights of the ousted government In theory the occupant is expected to establish an effective and impartial administration to carefully balance its own interests against those of the inhabitants and their government and to negotiate the occupation's early termination in a peace treaty Although these expectations have been proven to be too high for most occupants they nevertheless serve as yardsticks that measure the level of compliance of the occupants with international law This thoroughly revised edition of the 1993 book traces the evolution of the law of occupation from its inception during the 18th century until today It offers an

assessment of the law by focusing on state practice of the various occupants and reactions thereto and on the governing legal texts and judicial decisions The underlying thought that informs and structures the book suggests that this body of laws has been shaped by changing conceptions about war and sovereignty by the growing attention to human rights and the right to self determination as well as by changes in the balance of power among states Because the law of occupation indirectly protects the sovereign occupation law can be seen as the mirror image of the law on sovereignty Shifting perceptions on sovereign authority are therefore bound to be reflected also in the law of occupation and vice versa

Occupation in International Law Eliav Lieblich, Eyal Benvenisti, 2022-11-21 The international law of occupation is the body of law under international humanitarian law that regulates the actions of states that gain effective control over territory during armed conflict This body of law seeks to balance between several interests which are often in tension with one another Its most fundamental principle is that occupation does not confer sovereignty and that the powers of the occupant are limited to that of a temporary trustee What empowers the occupant to maintain public order and safety including that of its own forces How are the rights of the absent sovereign protected as well as the right to self determination and the individual rights of the local population In this new volume of the Elements of International Law series Eyal Benvenisti and Eliav Lieblich seek to provide an entry point to the topic by elaborating on general principles and key rules The book explores the tensions and dilemmas which characterize the modern law of occupation while highlighting when needed interpretations which best conform with the law's object and purpose All in all this book aims to guide relevant actors whether states academics NGOs or individuals under occupation when seeking to assess or to challenge state actions in occupied territories

The Transformation of Occupied Territory in International Law Andrea Carcano, 2015-09-29 This volume discusses the practice of transformative military occupation from the perspective of public international law through the prism of the occupation of Iraq and other cases of historical significance It seeks to assess how international law should respond to measures undertaken in the pursuit of a given transformative project whether or not supported by the Security Council A monographic study tackling the bulk of the international law issues that emerge during and as a result of a transformative occupation based on a comprehensive analysis of historical cases applicable norms and relevant facts With this thorough and thought provoking study Andrea Carcano has put us all in his debt From the foreword by Georges Abi Saab Emeritus Professor Graduate Institute of International Studies and Development

Revisiting the Law of Occupation Hanne Cuyckens, 2017-10-23 In *Revisiting the Law of Occupation* Hanne Cuyckens assesses the crucial challenges faced by the law of occupation Through examples such as the occupation of the Palestinian Territories and the 2003 occupation of Iraq the author convincingly demonstrates that although the law of occupation may no longer be perceived as adequate to address contemporary forms of occupation a formal modification of the law is neither desirable nor feasible The author identifies means by which the potential dichotomy between the law and the facts can be addressed without formal modification of the

former 1 flexible interpretation of the law itself 2 the role of International Human Rights law as gap filler and 3 the role of the UNSC as a modulator of the law The Oxford Handbook of the International Law of Global Security Robin Geiß, Nils Melzer, James Gerard Devaney, 2021 A unique overview of the relationship between international law and global security Major areas of coverage include armed conflict human rights the environment and technology Book jacket **The Oxford Handbook of the Use of Force in International Law** Marc Weller, 2015-01-15 The prohibition of the use of force in international law is one of the major achievements of international law in the past century The attempt to outlaw war as a means of national policy and to establish a system of collective security after both World Wars resulted in the creation of the United Nations Charter which remains a principal point of reference for the law on the use of force to this day There have however been considerable challenges to the law on the prohibition of the use of force in international law is one of the major achievements of international law in the past century The attempt to outlaw war as a means of national policy and to establish a system of collective security after both World Wars resulted in the creation of the United Nations Charter which remains a principal point of reference for the law on the use of force to this day There have however been considerable challenges to the law on the prohibition of the use of force over the past two decades This Oxford Handbook is a comprehensive and authoritative study of the modern law on the use of force Over seventy experts in the field offer a detailed analysis and to an extent a restatement of the law in this area The Handbook reviews the status of the law on the use of force and assesses what changes if any have occurred in consequence to recent developments It offers cutting edge and up to date scholarship on all major aspects of the prohibition of the use of force The work is set in context by an extensive introductory section reviewing the history of the subject recent challenges and addressing major conceptual approaches Its second part addresses collective security in particular the law and practice of the United Nations organs and of regional organizations and arrangements It then considers the substance of the prohibition of the use of force and of the right to self defence and associated doctrines The next section is devoted to armed action undertaken on behalf of peoples and populations This includes self determination conflicts resistance to armed occupation and forcible humanitarian and pro democratic action The possibility of the revival of classical expansive justifications for the use of force is then addressed This is matched by a final section considering new security challenges and the emerging law in relation to them Finally the key arguments developed in the book are tied together in a substantive conclusion The Handbook will be essential reading for scholars and students of international law and the use of force and legal advisers to both government and NGOs **Research Handbook on International Law and Terrorism** Ben Saul, 2020-04-24 This newly revised and updated second edition provides a comprehensive overview of international counter terrorism law and practice Brand new and revised chapters provide critical commentary on the law from leading scholars and practitioners in the field including new topics for this edition such as foreign terrorist fighters the nexus between organized crime and terrorism and the prevention of violent extremism **The**

Oxford Handbook of International Law in Armed Conflict Andrew Clapham, Paola Gaeta, Tom Haeck, 2014-03 Written by a team of distinguished and internationally renowned experts this Oxford Handbook gives an analytical overview of international law as it applies in armed conflicts The Handbook draws on international humanitarian law human rights law and the law of neutrality to provide a comprehensive picture of the status of law in war [Animals in the International Law of Armed Conflict](#) Anne Peters, Jérôme de Hemptinne, Robert Kolb, 2022-10-06 Animals are the unknown victims of armed conflicts Wildlife populations usually decline during warfare with disastrous repercussions on the food chain on fragile ecosystems and precarious habitats Belligerents take advantage of the chaos of war for poaching and trafficking of animal products Livestock companion and zoo animals highly dependent on human care are direct victims of hostilities The book is the first legal analysis of these issues It maps the framework of international humanitarian law examining which and how the concepts principles and rationales can be applied and adapted for a better protection of animals The contributions inter alia discuss precautions for animal civilians problems of animal combatants and prisoners a specific status for veterinarian personnel the recognition of biodiversity hotspots as specially protected zones and the potential of enforcement mechanisms The concluding chapter draws together novel interpretations and reform proposals **Leading Works in International Law** Donna Lyons, 2023-11-23 This volume provides an innovative and engaging way of assessing the development of international law scholarship and practice to date and its potential future development by focusing upon the leading works of the discipline International law has established itself as an important area of academic study and legal practice Given its academic legal and everyday significance and its prolific role within law school teaching and research it is important to question and analyse the development of international law exploring the complex and shifting interplay between law policy theory and culture and the role of international and national actors within a diverse and dynamic community of nations This collection presents contributions from leading scholars of public international law across the globe and the works chosen by the editor represent a diverse range of subjects within the broader discipline Each chapter analyses the importance and legacy of a specific work with a view to reflecting upon how that publication has contributed to shaping the broader literature in the field of international law and how it may continue to have an influence on both scholarship and practice in the future Taken as a whole the chapters included in this collection provide an original exploration of a variety of important themes about how the discipline has evolved over time The Prologue and Epilogue critically assess the development of international law in light of the reflections by contributors The book will be a valuable resource for lawyers international law practitioners students and academics alike [Yearbook of International Humanitarian Law Volume 17, 2014](#) T.D. Gill, Robin Geiß, Heike Krieger, Tim McCormack, Christophe Paulussen, Jessica Dorsey, 2015-12-22 This volume commemorates the centenary of the First World War 1914 2014 and aims to capture 100 years of warfare evolution Among the main issues addressed are the changing nature of means and methods of warfare the law of weaponry and challenges to humanitarian

assistance and protection of the civilian population affected by armed conflict Specific topics include the legal regime governing nuclear weapons the prohibition of chemical weapons and arms control the evolution of naval warfare asymmetric conflicts the law of occupation and cultural property A comprehensive Year in Review also describes the most important events and legal developments that took place in 2014 The Yearbook of International Humanitarian Law is the world's only annual publication devoted to the study of the laws governing armed conflict It provides a truly international forum for high quality peer reviewed academic articles focusing on this crucial branch of international law Distinguished by contemporary relevance the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars practitioners military personnel civil servants diplomats human rights workers and students

International Law Malcolm N. Shaw, 2017-09-14 The definitive and authoritative international law text updated to reflect key case law international practice and treaty developments Cyber Operations and the Use of Force in

International Law Marco Roscini, Leverhulme Trust, 2014-03 Recent years have seen a significant increase in the scale and sophistication of cyber attacks employed by or against states and non state actors This book investigates the international legal regime that applies to such attacks and investigates how far the traditional rules of international humanitarian law can be used in these situations

Post-Conflict Rebuilding and International Law Ray Murphy, 2017-03-02 This volume presents the research analysis of a range of scholars and experts on post conflict peacebuilding and international law from a variety of perspectives and missions The selected essays show that peacebuilding like the concept of peacekeeping is not specifically provided for in the UN Charter They also demonstrate that the record of peacebuilding like that of peacekeeping is varied and while both concepts are intrinsically linked neither lends itself to precise definition The essays consider the historical approaches to peacebuilding such as the role played by the UN in the Congo in the early 1960s and the work of the United States and its allies in rebuilding Germany and Japan in the aftermath of World War II Finally essays consider the major challenge for contemporary peacebuilding operations to make international administrations accountable and to ensure the involvement of the international community in helping rebuild communities and prevent the resurgence of violence

International Humanitarian Law and Human Rights Law Roberta Arnold, Noëlle N. R. Quénivet, 2008 Drawing upon previous theories on the relationship between human rights law and international humanitarian law this book examines on the basis of a series of individual case studies the new theoretical trend arguing for a merge of these two sets of norms

The Law of Armed Conflict and the Use of Force Frauke Lachenmann, Rüdiger Wolfrum, 2017 This volume collects articles on the law of armed conflict and the use of force from the Max Planck Encyclopedia of Public International Law to facilitate easy access to content from the leading reference work in international law

International Law in the Transition to Peace Carina Lamont, 2021-11-14 This book proposes a normative framework specifically designed for the complex and legally uncertain time period between armed conflicts and peace As such it contributes both to the furthering of

a jus post bellum framework and to enhanced legal clarity in complex and legally uncertain environments This in turn contributes to strengthened protection engagements and thus to improved prospects of enabling sustainable peace and security in both national and international perspectives The book offers a novel but persuasive argument for a legal framework specific for transitional environments Such legal framework it is argued is warranted in order to enable legal clarity to contemporary and outstanding legal issues as well as to furthering peace efforts in complex environments The legal framework suggested proposes a dividing line between applicable legal frameworks that it is submitted enhances both legal clarity on protection engagements and the quest for sustainable peace The framework proposed is founded on a legal analysis of the protective nature and function of law It thus provides a rare but important perspective on law that is of value in the quest for sustainable peace and security The research draws uniquely on both contemporary legal debates and on peace and conflict research It does so in order to enable legal analysis that is both legally sound as well as appropriate and adequate in today's peace and security realities The book provides a valuable resource for academics researchers and policy makers in the areas of Public International Law International Humanitarian Law International Human Rights Law the law of Peace Operations and Peace and Security Studies

International Law and the Principle of Non-Intervention Marco Roscini, 2024 This book provides a systematic analysis of the principle of non intervention from a historical theoretical and systematic perspective Roscini argues that the principle is strictly linked to some fundamental notions of international law such as sovereignty use of force self determination and human rights protection

Adopting the Track of Appearance: An Psychological Symphony within **The International Law Of Occupation**

In a global used by monitors and the ceaseless chatter of immediate interaction, the melodic elegance and emotional symphony created by the prepared term usually diminish into the background, eclipsed by the constant noise and disruptions that permeate our lives. Nevertheless, situated within the pages of **The International Law Of Occupation** an enchanting fictional prize brimming with organic thoughts, lies an immersive symphony waiting to be embraced. Constructed by an elegant musician of language, this captivating masterpiece conducts viewers on an emotional trip, skillfully unraveling the hidden tunes and profound influence resonating within each cautiously constructed phrase. Within the depths of this touching review, we can examine the book is main harmonies, analyze its enthralling publishing fashion, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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