

rule of occupation

rule of occupation is a critical concept in international law, military strategy, and global politics. It refers to the legal and practical framework governing the control of a territory by a foreign power without annexation. Understanding the rule of occupation is essential for government officials, legal professionals, historians, and anyone interested in the laws of war and peace. This comprehensive article explores the definition of occupation, the legal foundations underpinning its rules, the obligations of an occupying power, its historical context, and modern-day examples. We will also analyze the impacts of occupation on local populations and discuss the challenges and controversies surrounding the rule of occupation. By the end, readers will have a thorough understanding of this vital topic and its far-reaching implications in today's world.

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Definition and Overview of the Rule of Occupation

The rule of occupation refers to the framework of laws that apply when a territory comes under the effective control of foreign military forces without formal annexation. Occupation is considered temporary and does not transfer sovereignty. Instead, it imposes specific obligations and limitations on the occupying power. The concept is rooted in both humanitarian and military law, ensuring the protection of civilians, the maintenance of order, and the preservation of the occupied state's rights. This rule is central to the conduct of wars and conflicts, as it balances military necessity with the protection of human rights. The rule of occupation applies regardless of the reasons for occupation and is enforced by various international bodies.

Legal Foundations: International Law and Treaties

The Hague Regulations

The Hague Regulations of 1907 are among the earliest international legal instruments governing the rule of occupation. These regulations set out the rights and duties of an occupying power, particularly regarding the administration and protection of civilian populations. The Hague Regulations emphasize that occupation is a temporary situation and prohibit the annexation of occupied territories.

Geneva Conventions and Additional Protocols

The Fourth Geneva Convention of 1949, along with its Additional Protocols, is the primary legal framework for the rule of occupation in contemporary international law. This convention outlines the responsibilities of occupying powers, including the protection of civilians, the prohibition of collective punishment, and the obligation to maintain public order and civil life. Violations of these rules can constitute war crimes and trigger international accountability.

Customary International Law

Beyond treaties, customary international law also governs the rule of occupation. Customary law develops from the general and consistent practice of states, accepted as legally binding. It reinforces the principles set out in treaties and adapts to evolving situations where formal treaties may not provide specific guidance.

Rights and Responsibilities of the Occupying Power

Maintaining Law and Order

One of the primary responsibilities under the rule of occupation is maintaining law and order within the occupied territory. The occupying power must ensure public safety and civil life while respecting the existing laws of the territory unless absolutely prevented. This duty aims to prevent chaos, protect civilians, and guarantee the basic functioning of society.

Protection of Civilians

The occupying power must protect the rights and well-being of civilians in the occupied area. This includes providing food, medical care, shelter, and security. The use of violence or coercion against civilians is strictly prohibited, and measures must be taken to ensure their safety at all times.

Prohibition of Unlawful Changes

The occupying authority is forbidden from altering the legal or administrative structure of the occupied territory unless absolutely necessary for security or to benefit the local population. Forced transfers, property confiscations, and changes to education or government are generally prohibited.

- Maintain public order and civil life
- Respect existing laws unless security requires change
- Protect civilians from violence and exploitation
- Provide essential services (food, health, shelter)
- Avoid unnecessary changes to local institutions

Impact on Local Populations

Humanitarian Concerns

Occupation often leads to significant humanitarian challenges for the local population. Displacement, disruption of essential services, shortages of food and medicine, and insecurity are common. The rule of occupation is designed to mitigate these harms, but in practice, violations can and do occur.

Economic and Social Disruption

Military occupation can disrupt economic activity, education, and daily life. Local businesses may be affected, access to employment may diminish, and families can be separated. Occupying authorities must work to alleviate these disruptions as much as possible, ensuring that essential services and economic stability are maintained.

Psychological and Cultural Effects

The presence of foreign military forces can have deep psychological impacts, including anxiety, fear, and a sense of loss of autonomy. Cultural heritage and identity may also be threatened if occupying powers fail to respect local customs, traditions, and historical sites.

Historical and Modern Examples of Occupation

World War II Occupations

During World War II, several territories in Europe and Asia experienced occupation by foreign powers. The German occupation of France and the Japanese occupation of parts of China are notable examples. These occupations were marked by violations of the rule of occupation, including forced labor, persecution, and mass displacement.

Israeli Occupation of the Palestinian Territories

A prominent modern example is the Israeli occupation of the West Bank and Gaza Strip, which began in 1967. This situation has been the subject of extensive international debate regarding the application and violations of the rule of occupation, particularly in relation to settlement building and the treatment of civilians.

Iraq and Afghanistan

Recent history includes the occupation of Iraq and Afghanistan by coalition forces. Administrations established during these occupations faced scrutiny regarding their adherence to international law, the protection of civilians, and the restoration of local governance.

Controversies and Challenges Surrounding Occupation

Legal Ambiguities

Despite clear legal frameworks, ambiguities persist regarding the beginning and end of occupation, the extent of permissible administrative changes, and the rights of the occupied population. These ambiguities can lead to disputes between occupying powers, local authorities, and international organizations.

Compliance and Enforcement

Enforcing the rule of occupation is challenging. International bodies such as the United Nations and the International Criminal Court play a role, but political considerations often influence enforcement. Violations may go unpunished, particularly when committed by powerful states.

Human Rights vs. Security Concerns

Balancing the protection of human rights with the security needs of occupying forces is a persistent dilemma. Occupying powers may justify restrictions or changes on security grounds, sometimes at the expense of civilian rights and

freedoms.

Conclusion: The Ongoing Relevance of the Rule of Occupation

The rule of occupation remains a cornerstone of international humanitarian law and global order. As conflicts and occupations continue to arise worldwide, the principles governing occupation are as important as ever. Understanding these rules helps ensure accountability, protect civilian populations, and promote the eventual restoration of peace and sovereignty. The evolving challenges and controversies highlight the need for clarity, enforcement, and a commitment to upholding the law in all occupied territories.

Q: What is the rule of occupation?

A: The rule of occupation refers to the body of international law that governs the conduct of a foreign power temporarily controlling a territory without annexation, outlining responsibilities and protections for the local population.

Q: Which international laws define the rule of occupation?

A: The Hague Regulations of 1907 and the Fourth Geneva Convention of 1949, along with customary international law, are the main legal sources defining the rule of occupation.

Q: What are the main obligations of an occupying power?

A: An occupying power must maintain law and order, protect civilians, provide essential services, and avoid making unnecessary changes to local institutions and laws.

Q: How does occupation affect the local population?

A: Occupation can lead to humanitarian challenges, economic disruption, social upheaval, and psychological distress for the local population, making the protection of their rights essential.

Q: Can an occupying power annex the occupied territory?

A: No, under international law, occupation is considered temporary and does not grant the occupying power the right to annex the territory.

Q: What are some historical examples of occupation?

A: Examples include the German occupation of France during World War II, the Israeli occupation of Palestinian territories, and the coalition occupation of Iraq and Afghanistan.

Q: How is the rule of occupation enforced?

A: Enforcement relies on international organizations such as the United Nations and the International Criminal Court, but enforcement can be inconsistent due to political factors.

Q: Are there any exceptions to the rule of occupation?

A: The rule of occupation allows for limited exceptions, such as changes to local laws or administration only when absolutely necessary for security or the welfare of the population.

Q: What challenges exist in applying the rule of occupation?

A: Challenges include legal ambiguities, inconsistent enforcement, balancing security and human rights, and the political complexities of international relations.

Q: Why is understanding the rule of occupation important today?

A: Understanding the rule of occupation helps ensure the protection of human rights, accountability for violations, and the promotion of peace and lawful conduct during conflicts and occupations.

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The Rule of Occupation: Understanding its Legal and Historical Significance

Introduction:

The "rule of occupation" might sound like a dry legal term, but its implications are far-reaching and deeply impactful, shaping the destinies of nations and populations throughout history. This blog post delves into the complexities of the rule of occupation, exploring its legal foundations, historical applications, and the ethical dilemmas it presents. We will unravel the nuances of this critical concept, clarifying its meaning, scope, and enduring relevance in contemporary international relations. Understanding the rule of occupation is crucial for comprehending conflicts, peacebuilding efforts, and the intricate tapestry of international law.

What is the Rule of Occupation?

The rule of occupation, in essence, governs the behavior of a military power that occupies a territory belonging to another state. It's not simply about physical control; it's about the legal framework governing the occupant's actions and responsibilities towards the occupied population and territory. This framework stems from customary international law, supplemented by the Hague Regulations of 1907 and the Geneva Conventions of 1949. These international instruments articulate the rights and duties of occupying powers, aiming to mitigate the suffering inflicted on occupied populations during armed conflict.

Key Principles of the Rule of Occupation

The rule of occupation rests on several key principles:

1. Military Necessity and Proportionality:

Occupying forces can only take actions strictly necessary for the security of their troops and the effective occupation of the territory. Actions must be proportionate to the military objective and must not cause unnecessary suffering to the civilian population.

2. Protection of the Civilian Population:

The occupying power has a duty to protect the lives, dignity, and property of the civilian population under its control. This includes ensuring their access to food, water, healthcare, and other essential necessities. Acts of violence, looting, and other atrocities against civilians are strictly prohibited.

3. Respect for International Humanitarian Law (IHL):

The rule of occupation is intrinsically linked to IHL, including the Geneva Conventions. This means occupying powers must comply with the laws of war, prohibiting acts such as the targeting of civilians, the use of prohibited weapons, and the torture or ill-treatment of prisoners of war.

4. Administration of the Occupied Territory:

Occupying powers generally have the authority to administer the occupied territory, but this power is limited. They can issue regulations necessary for maintaining order and security but cannot enact legislation that fundamentally alters the legal system of the occupied territory. They should, as much as possible, respect existing local laws.

5. Reprisals are Forbidden:

The occupying power is forbidden from taking reprisals against the civilian population, even in response to acts of violence by resistance groups.

Historical Examples of the Rule of Occupation

The rule of occupation has played a significant role in shaping many historical events. The occupation of Germany after World War II is a prominent example, demonstrating both the application and the challenges of the rule. The Allied powers implemented a system of administration, aiming to denazify and democratize Germany while ensuring its stability and preventing further aggression. However, this occupation also involved significant challenges related to maintaining order, dealing with war criminals, and ensuring fair treatment of the German population. Other examples include the Israeli occupation of Palestinian territories and the US occupation of Iraq, both fraught with complexities and ongoing debates regarding adherence to the principles of the rule.

Challenges and Criticisms of the Rule of Occupation

The rule of occupation, while aiming to protect civilian populations, is not without its limitations and criticisms. Enforcement remains a major challenge, as accountability for violations is often difficult to secure. The definition of "military necessity" can be subjective, potentially leading to abuses. Furthermore, the protracted nature of some occupations can strain the capacity of occupying powers to fulfill their obligations while also raising questions about self-determination and the long-term consequences for the occupied population. The very act of occupation, regardless of adherence to legal principles, can be profoundly disruptive to the social, economic, and political fabric of a nation.

Conclusion:

The rule of occupation represents a crucial component of international humanitarian law, aimed at minimizing the suffering caused by armed conflict. While it provides a framework for the conduct of occupying powers, its implementation remains challenging, demanding ongoing efforts to improve accountability and ensure the protection of civilians. Understanding its principles and historical applications is vital for analyzing contemporary conflicts and promoting respect for international law. The complexities of the rule necessitate careful consideration of its ethical and practical implications, particularly in prolonged occupations where the line between military necessity and abuse can become blurred.

FAQs:

1. What happens if an occupying power violates the rule of occupation? Violations can constitute war crimes under international law, potentially leading to individual criminal prosecutions before

international courts or tribunals.

2. Can an occupying power annex occupied territory? No, the annexation of occupied territory is illegal under international law.
3. What are the rights of the occupied population? The occupied population retains its fundamental rights, including the right to life, liberty, and security of person.
4. What is the role of international organizations in monitoring compliance with the rule of occupation? Organizations like the UN and the International Committee of the Red Cross (ICRC) play a crucial role in monitoring compliance, investigating allegations of violations, and providing humanitarian assistance.
5. How does the rule of occupation relate to the concept of sovereignty? The rule of occupation acknowledges the continued sovereignty of the occupied state, even though its effective exercise is temporarily suspended by the occupation. The occupying power does not gain sovereignty over the occupied territory.

rule of occupation: The Law of Occupation Yutaka Arai, 2009 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.

rule of occupation: 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.

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2018-03-29 A detailed and highly authoritative critical commentary appraising the vitally important United States Department of Defense Law of War Manual.

rule of occupation: 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.

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rule of occupation: 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.

rule of occupation: The Second Colonial Occupation Bekeh Utietiang Ukelina, 2017-07-28 In this insightful book, development historian Bekeh Utietiang Ukelina addresses the crisis of development in Africa by locating it in its colonial historical past. Using Nigeria as a case study, he argues that the nature and practice of British colonialism in this colony created social and economic deficiencies that have left a legacy of underdevelopment. Ukelina outlines the processes that led to the 1945 Nigerian Development Plan and the evolution of colonial agricultural policy and practices in Nigeria. He argues that a few key factors led to the failure of development in the late colonial

period: the imperial and neocolonial imperative to exploit African resources and people, poor planning as a result of this imperative, and the racial ideologies of the colonial state that resulted in a total rejection of local African experience and knowledge in favor of Western 'experts.' The Second Colonial Occupation uncovers and analyzes the short and long term impact of colonialism. It reveals that though colonial rule was promoted as a benevolent mission, at heart, it was a system that guaranteed that Africans continuously paid for their own exploitation. Ukelina argues that 'postcolonial' Africa will continue to face development challenges unless it breaks free from the intellectual relics of colonial rule and the economic shackles of neocolonialism.

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rule of occupation: Egypt's Occupation Aaron G. Jakes, 2020-08-25 The history of capitalism in Egypt has long been synonymous with cotton cultivation and dependent development. From this

perspective, the British occupation of 1882 merely sealed the country's fate as a vast plantation for European textile mills. All but obscured in such accounts, however, is Egypt's emergence as a colonial laboratory for financial investment and experimentation. Egypt's Occupation tells for the first time the story of that financial expansion and the devastating crises that followed. Aaron Jakes offers a sweeping reinterpretation of both the historical geography of capitalism in Egypt and the role of political-economic thought in the struggles that raged over the occupation. He traces the complex ramifications and the contested legacy of colonial economism, the animating theory of British imperial rule that held Egyptians to be capable of only a recognition of their own bare economic interests. Even as British officials claimed that economic development and the multiplication of new financial institutions would be crucial to the political legitimacy of the occupation, Egypt's early nationalists elaborated their own critical accounts of boom and bust. As Jakes shows, these Egyptian thinkers offered a set of sophisticated and troubling meditations on the deeper contradictions of capitalism and the very meaning of freedom in a capitalist world.

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rule of occupation: German Rule, African Subjects Jürgen Zimmerer, 2021-06-11 Although it lasted only thirty years, German colonial rule dramatically transformed South West Africa. The colonial government not only committed the first genocide of the twentieth century against the Herero and Nama, but in their efforts to establish a “model colony” and “racial state,” they brought about even more destructive and long-lasting consequences. In this now-classic study—available here for the first time in English—the author provides an indispensable account of Germany's colonial utopia in what is present-day Namibia, showing how the highly rationalized planning of Wilhelmine authorities ultimately failed even as it added to the profound immiseration of the African population.

rule of occupation: The One-State Condition Ariella Azoulay, Adi Ophir, 2012-11-28 Since the start of the occupation of Palestinian territories in 1967, Israel's domination of the Palestinians has deprived an entire population of any political status or protection. But even decades on, most people speak of this rule—both in everyday political discussion and in legal and academic debates—as temporary, as a state of affairs incidental and external to the Israeli regime. In *The One-State Condition*, Ariella Azoulay and Adi Ophir directly challenge this belief. Looking closely at the history and contemporary formation of the ruling apparatus—the technologies and operations of the Israeli army, the General Security Services, and the legal system imposed in the Occupied Territories—Azoulay and Ophir outline the one-state condition of Israel/Palestine: the grounding principle of Israeli governance is the perpetuation of differential rule over populations of differing status. Israeli citizenship is shaped through the active denial of Palestinian citizenship and civil rights. Though many Israelis, on both political right and left, agree that the occupation constitutes a problem for Israeli democracy, few ultimately admit that Israel is no democracy or question the very structure of the Israeli regime itself. Too frequently ignored are the lasting effects of the deceptive denial of the events of 1948 and 1967, and the ways in which the resulting occupation has reinforced the sweeping militarization and recent racialization of Israeli society. Azoulay and Ophir show that acknowledgment of the one-state condition is not only a prerequisite for considering a one- or two-state solution; it is a prerequisite for advancing new ideas to move beyond the trap of this false dilemma.

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the international plane.” —Vasuki Nesiah, New York University, founding member of Third World Approaches to International Law (TWAAIL) Justice in the Question of Palestine is often framed as a question of law. Yet none of the Israel-Palestinian conflict’s most vexing challenges have been resolved by judicial intervention. Occupation law has failed to stem Israel’s settlement enterprise. Laws of war have permitted killing and destruction during Israel’s military offensives in the Gaza Strip. The Oslo Accord’s two-state solution is now dead letter. Justice for Some offers a new approach to understanding the Palestinian struggle for freedom, told through the power and control of international law. Focusing on key junctures—from the Balfour Declaration in 1917 to present-day wars in Gaza—Noura Erakat shows how the strategic deployment of law has shaped current conditions. Over the past century, the law has done more to advance Israel’s interests than the Palestinians’. But, Erakat argues, this outcome was never inevitable. Law is politics, and its meaning and application depend on the political intervention of states and people alike. Within the law, change is possible. International law can serve the cause of freedom when it is mobilized in support of a political movement. Presenting the promise and risk of international law, Justice for Some calls for renewed action and attention to the Question of Palestine. “Careful and captivating . . . This book asks that the Palestinian liberation struggle and Jewish-Israeli society each reckon with the impossibility of a two-state future, reimagining what their interests are—and what they could become.” —Amanda McCaffrey, *Jewish Currents*

rule of occupation: Occupations Code Texas, 1999

rule of occupation: *The Occupation of Havana* Elena A. Schneider, 2018-10-29 In 1762, British forces mobilized more than 230 ships and 26,000 soldiers, sailors, and enslaved Africans to attack Havana, one of the wealthiest and most populous ports in the Americas. They met fierce resistance. Spanish soldiers and local militias in Cuba, along with enslaved Africans who were promised freedom, held off the enemy for six suspenseful weeks. In the end, the British prevailed, but more lives were lost in the invasion and subsequent eleven-month British occupation of Havana than during the entire Seven Years' War in North America. *The Occupation of Havana* offers a nuanced and poignantly human account of the British capture and Spanish recovery of this coveted Caribbean city. The book explores both the interconnected histories of the British and Spanish empires and the crucial role played by free people of color and the enslaved in the creation and defense of Havana. Tragically, these men and women would watch their promise of freedom and greater rights vanish in the face of massive slave importation and increased sugar production upon Cuba's return to Spanish rule. By linking imperial negotiations with events in Cuba and their consequences, Elena Schneider sheds new light on the relationship between slavery and empire at the dawn of the Age of Revolutions.

rule of occupation: Occupational Therapy Practice Framework: Domain and Process

Aota, 2014 As occupational therapy celebrates its centennial in 2017, attention returns to the profession's founding belief in the value of therapeutic occupations as a way to remediate illness and maintain health. The founders emphasized the importance of establishing a therapeutic relationship with each client and designing an intervention plan based on the knowledge about a client's context and environment, values, goals, and needs. Using today's lexicon, the profession's founders proposed a vision for the profession that was occupation based, client centered, and evidence based—the vision articulated in the third edition of the *Occupational Therapy Practice Framework: Domain and Process*. The Framework is a must-have official document from the American Occupational Therapy Association. Intended for occupational therapy practitioners and students, other health care professionals, educators, researchers, payers, and consumers, the Framework summarizes the interrelated constructs that describe occupational therapy practice. In addition to the creation of a new preface to set the tone for the work, this new edition includes the following highlights: a redefinition of the overarching statement describing occupational therapy's domain; a new definition of clients that includes persons, groups, and populations; further delineation of the profession's relationship to organizations; inclusion of activity demands as part of the process; and even more up-to-date analysis and guidance for today's occupational therapy practitioners. Achieving health,

well-being, and participation in life through engagement in occupation is the overarching statement that describes the domain and process of occupational therapy in the fullest sense. The Framework can provide the structure and guidance that practitioners can use to meet this important goal.

rule of occupation: The Right to Life Christian Tomuschat, Evelyne Lagrange, Stefan Oeter, 2010-03-08 The right to life stands at the heart of human rights protection. Individuals cannot enjoy any of the rights guaranteed to them unless their physical existence is ensured. All human rights instrument list the right to life as the first one of their safeguards. Nonetheless, in many situations human life finds itself under structural threat. Although obligated by law to protect the right to life, State authorities time and again engage in deliberate acts of killing. Fortunately, international review bodies have devised many imaginative counter-strategies. Another one of those structural threats is global warming. Obviously, armed conflict puts human life inevitably at risk; the limits of the 'license to kill' given by the laws of war must be scrupulously observed.

rule of occupation: Internationalized Armed Conflicts in International Law Kubo Macak, 2018-07-12 This book provides the first comprehensive analysis of factors that transform a prima facie non-international armed conflict (NIAC) into an international armed conflict (IAC) and the consequences that follow from this process of internationalization. It examines in detail the historical development as well as the current state of the relevant rules of international humanitarian law. The discussion is grounded in general international law, complemented with abundant references to case law, and illustrated by examples from twentieth and twenty-first century armed conflicts. In Part I, the book puts forward a thorough catalogue of modalities of conflict internationalization that includes outside intervention, State dissolution, and recognition of belligerency. It then specifically considers the legal qualification of complex situations that feature more than two conflict parties and contrasts the mechanism of internationalization of armed conflicts with the reverse process of de-internationalization. Part II of the book challenges the conventional wisdom that members of non-State armed groups do not normally benefit from combatant status. It argues that the majority of fighters belonging to non-State armed groups in most types of internationalized armed conflicts are in fact eligible for combatant status. Finally, Part III turns to belligerent occupation, traditionally understood as a leading example of a notion that cannot be transposed to armed conflicts occurring in the territory of a single State. By contrast, the book argues in favour of the applicability of the law of belligerent occupation to internationalized armed conflicts.

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Donald F. Johnson chronicles the everyday experience of ordinary people living under military occupation during the American Revolution. Focusing on day-to-day life in port cities held by the British Army, Johnson recounts how men and women from a variety of backgrounds navigated harsh conditions, mitigated threats to their families and livelihoods, took advantage of new opportunities, and balanced precariously between revolutionary and royal attempts to secure their allegiance. Between 1775 and 1783, every large port city along the Eastern seaboard fell under British rule at one time or another. As centers of population and commerce, these cities—Boston, New York, Newport, Philadelphia, Savannah, Charleston—should have been bastions from which the empire could restore order and inspire loyalty. Military rule's exceptional social atmosphere initially did provide opportunities for many people—especially women and the enslaved, but also free men both rich and poor—to reinvent their lives, and while these opportunities came with risks, the hope of social betterment inspired thousands to embrace military rule. Nevertheless, as Johnson demonstrates, occupation failed to bring about a restoration of imperial authority, as harsh material circumstances forced even the most loyal subjects to turn to illicit means to feed and shelter themselves, while many maintained ties to rebel camps for the same reasons. As occupations dragged on, most residents no longer viewed restored royal rule as a viable option. As Johnson argues, the experiences of these citizens reveal that the process of political change during the Revolution occurred not in a single instant but gradually, over the course of years of hardship under military rule that forced Americans to grapple with their allegiance in intensely personal and highly contingent ways. Thus, according to Johnson, the quotidian experience of military occupation directly affected the outcome of the American Revolution.

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codes.

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rule of occupation: La Promotion de la Justice, Des Droits de L'homme Et Du Règlement Des Conflits Par Le Droit International Marcelo Gustavo Kohen, 2007 This *Liber Amicorum* is published at the occasion of Judge Lucius Caflisch's retirement from a distinguished teaching career at the Graduate Institute of International Studies of Geneva, where he served as Professor of International Law for more than three decades, and where he has also held the position of Director. It was written by his colleagues and friends, from the European Court of Human Rights, from universities all around the world, from the Swiss Foreign Affairs Ministry and many other national and international institutions. The *Liber Amicorum* Lucius Caflisch covers different fields in which Judge Caflisch has excelled in his various capacities, as scholar, representative of Switzerland in international conferences, legal adviser of the Swiss Foreign Affairs Ministry, counsel, registrar, arbitrator and judge. This collective work is divided into three main sections. The first section examines questions concerning human rights and international humanitarian law. The second section is devoted to the international law of spaces, including matters regarding the law of the sea, international waterways, Antarctica, and boundary and territorial issues. The third section addresses issues related to the peaceful settlement of disputes, both generally and with regard to any particular means of settlement. The contributions are in both English and French.