1. Record Nr. UNINA9910816541103321 Autore Benvenisti Eyal Titolo The international law of occupation / / Eyal Benvenisti Pubbl/distr/stampa Oxford,: Oxford University Press, 2012 **ISBN** 1-283-58212-0 9786613894571 0-19-162152-8 Edizione [2nd ed.] Descrizione fisica 1 online resource (410 p.) Disciplina 341.66 Soggetti Military occupation Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Originally published: Princeton, N.J.: Princeton University Press, 1993. Note generali Nota di bibliografia Previous ed.: Princeton, N.J.; Oxford: Princeton University Press, 1993. Includes bibliographical references and index. Nota di contenuto Cover; Contents; List of Abbreviations; Table of Cases; 1. Introduction; 1.1 The Concept; 1.2 Challenges to the Law of Occupation; 1.3 Legal Sources: 1.3.1 Laws of international armed conflict: 1.3.2 Human rights law; 1.3.3 Law on the use of force, sovereignty, and selfdetermination: The "illegal occupation"; 1.3.4 Th e law on state responsibility; 1.3.5 Additional sources; 1.4 Conclusion; 2. Origins: The Evolution of the Concept of Occupation in the Eighteenth and Nineteenth Centuries: 2.1 The Evolution of a Concept; 2.1.1 The intellectual roots of an emerging European concept 2.1.2 The principle of humanity: The obligation to protect the property of enemy civilians 2.1.3 Enter national self-determination: "Occupation" becomes distinct from "conquest"; 2.2 The Transformation of the Concept of Occupation into European and International Law; 2.2.1 The doctrine on occupation arrives in the United States; 2.2.2 Meanwhile in Europe: The Franco-Prussian War and its aftermath: 2.2.3 Different conceptions of occupation beyond Europe; 2.3 Conclusion; 3. The Characterization of Occupation; 3.1 Spatial Scope; 3.1.1 Control of the land 3.1.2 A personal approach as an additional test3.1.3 "Virtual occupation"?; 3.1.4 Maritime resources and airspace; 3.2 Temporal

Scope; 3.2.1 When occupation begins; 3.2.2 When occupation ends;

3.2.3 Pre-and post-occupation obligations; 3.3 Occupation by Whom?; 3.3.1 Who is a foreign power (the "hostile army"); 3.3.2 Occupation in a non-international armed conflict?; 3.3.3 Occupation by proxies; 3.3.4 UN-led occupations; 3.4 The Lack of Sovereign Consent; 4. The Law on the Administration of Occupied Territories 4.1 Background: Three Different Approaches to Regulate an Inherent Conflict of Interests4.1.1 Article 43: "A seeming legal paradise": 4.1.2 Article 64 GCIV: Focusing on human welfare; 4.1.3 The human rights dimension; 4.2 The Scope of the Occupation Administration; 4.2.1 Generally; 4.2.2 The management of natural resources; 4.2.3 The external relations of the occupied territory; 4.2.4 The occupant's forward-looking and post-occupation obligations: 4.3 Stability versus Change: The Level of Respect for the Legal Status Quo; 4.3.1 Article 43 Hague Regulations; 4.3.2 Article 64 GCIV 4.3.3 Human rights 4.4 The Rights and Duties of the Ousted Government; 4.5 Nationals of the Occupying Power; 5. Occupations During and After World War I: Early Challenges to the Traditional Law of Occupation; 5.1 The German Occupation of Belgium, 1914-18; 5.1.1 Reorganization and regulation of the Belgian economy; 5.1.2 Changes in the court system; 5.1.3 Restructuring the Belgian political structure; 5.1.4 Reactions to German occupation measures; 5.1.5 The law of occupation in light of the occupation of Belgium; 5.2 The Armistice Occupation of the Rhineland; 5.2.1 Occupation policies 5.2.2 The German reaction

Sommario/riassunto

Codified in the 1899 & 1907 Hague Peace Conferences & later modified by the 1949 Fourth Geneva Convention, the international law of occupation has been challenged by advocates of human rights & self-determination, & tested on numerous occasions, most recently in Iraq.