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### The 2003-2004 occupation of Iraq : between social transformation and transformative belligerent occupation / Susan Power

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Abstract:	<p>Following the invasion of Iraq in 2003, the United States and the United Kingdom established a governing administration in Iraq, operating under United Nations Security Council Resolution 1483 and international humanitarian law to reconstruct Iraq. Immediately, the occupation provoked international academic debate, with Scheffer describing the occupation mandate as a transformative belligerent occupation. However, after the bombing of the United Nations (UN) headquarters in Baghdad on 19 August 2003, the UN vacated Iraq leaving only a skeleton workforce. From that point on, the Coalition Provisional Authority effectively operated alone as traditional belligerent occupants in Iraq. This article argues that the belligerent occupation, far from being a 'transformative' occupation extending beyond the traditional parameters of Article 43, instead represented a typical belligerent occupation and any changes undertaken are more accurately regulated under the framework of Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention. As such, the article proposes that many of the changes implemented during the belligerent occupation should be considered as social transformative measures permitted for the benefit of the occupied population while measures beyond this are simply illegal. In doing so, the article examines broadly national case law emerging after World War I and World War II belligerent occupations in Europe and provides an in-depth analysis of Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention.</p>
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