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The United States and the Coalition Provisional Authority – occupation by proxy ? / Amy Elizabeth Chinnappa

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Abstract:	<p>The Coalition Provisional Authority (CPA) governed Iraq from 2003 following Resolution 1483 of the UN Security Council. This Resolution affirmed that Iraq was in a state of occupation and that there were occupying powers. The Resolution referred to the United States of America and the United Kingdom as ‘occupying powers under the unified command of the “Authority”’, the ‘Authority’ being the CPA. However, the legal status of the CPA and its relationship to the US (the focus of this article) is not entirely clear, both under US domestic law and international law. This lack of clarity could have significant implications for the US’s responsibility for the CPA’s conduct. As with private military companies, a CPA-style administration of territory could become a tool for states to quarantine their risk under the law of occupation. This article contends that the theory of occupation by proxy may help clarify the legal status of the CPA and its relationship to the US and could assist in closing the identified gap in responsibility. To support this argument, this article establishes a legal framework for the theory of occupation by proxy which is then applied to the CPA and US.</p>
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