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What is a military occupation ? / by Adam Roberts

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| Abstract: | <p>The efforts to develop IHL standards governing military occupations have been hampered by difficulty in defining what constitutes a military occupation. The author elucidates what a military occupation is by three means. The author first traces the evolution of this concept from the 1907 Hague Regulations to the 1977 Geneva Protocol I, showing that the concept of military occupation has remained international in character. Then, the author briefly surveys the factual criteria used by these successive IHL treaties, highlighting how difficult it can be to identify the temporal boundaries of occupations. Third, the author examines 17 different types of occupation, each distinctive in purpose, character, and outcome. In addition to demonstrating the wide variety of situations that may fall within the broad concept of occupation, these categories reveal a number of common features shared by all occupations. The author concludes by considering the following questions: who determines whether a situation is designated as an occupation; does the application of the law depend on such designation; and, can one set of rules can be applied effectively in different situations. The author concludes that the law of occupations is a single set of rules that is applicable to varied situations. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]</p> |
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