1 The General Framework

I. Belligerent Occupation as a Natural Phenomenon in War

1. A study of the legal regime of belligerent occupation must begin with the observation that it is frequently misconstrued or misunderstood, to a degree that shrouds it in many a myth. The most persistent myth is that the occurrence of belligerent occupation is an anomaly or even an aberration. In reality, when an international armed conflict breaks out, armies tend to be on the move on the ground whenever they have an opportunity to do so. Each Belligerent Party usually spares no effort to penetrate, and if possible take possession of, the territory of the enemy. Sometimes both sides in an international armed conflict do that simultaneously, in opposite directions, in diverse sectors of the front. Once combat stabilizes along fixed lines, not coinciding with the original international frontiers, the cross-border areas seized and effectively controlled by a Belligerent Party are deemed to be subject to belligerent occupation. As discerned by the 2015 US Department of Defense Law of War Manual, belligerent occupation 'involves a complicated, trilateral set of legal relations between the Occupying Power, the temporarily ousted sovereign authority, and the inhabitants of occupied territory'.[1]

2. Belligerent occupation ordinarily covers only a fraction of the overall territory of the enemy, so that the displaced sovereign loses only a part (or parts) of its land while continuing to exercise full control in the remaining area. Yet, if the armed forces of a Belligerent Party are singularly successful, they may overrun the entire enemy country: this is what happened in much of Nazi-occupied Europe during WWII (the Second World War) and in Iraq in 2003.

3. Even the total occupation of the territory of State *A* by State *B* does not by itself mean that the war between these Belligerent Parties is over. Territorial conquest by State *B* does not preclude the emergence of a Government-in-Exile acting as the 'depositary' of the sovereignty of State *A*.[2] As long as the

[1] US Department of Defense, *Law of War Manual* 771 (2015, updated 2016).
[2] S. Talmon, 'Who Is a Legitimate Government in Exile? Towards Normative Criteria for Governmental Legitimacy in International Law', *The Reality of International Law: Essays in Honour of Ian Brownlie* 499, 501–3 (G.S. Goodwin-Gill and S. Talmon eds., 1999).

war continues to be prosecuted by the armed forces of the Government-in-Exile of State *A* or its allies (States *C, D*, etc.), the armed conflict goes on and the status of belligerent occupation of the total territory of State *A* remains in effect.

4. However, complete military victory of State *B* may bring about a disintegration of State *A* through *debellatio*.[3] 'The principle that enemy territory occupied by a belligerent in the course of war remains the territory of the state against which the war is directed, can apply only as long as this community still exists as a state within the meaning of international law'.[4] If State *A* completely collapses as a result of utter military defeat, its *debellatio* puts an end to the war and to the legal regime of belligerent occupation.

5. That said, one must not rush to the conclusion that an enemy State has disappeared. The International Military Tribunal at Nuremberg – trying the major Nazi war criminals – bluntly proclaimed in its Judgment of 1946 that the doctrine of the subjugation (and dissolution) of an enemy State 'was never considered to be applicable so long as there was an army in the field attempting to restore the occupied countries to their true owners', as was the case in the struggle against the Nazis during WWII.[5]

II. Belligerent Occupation and the Legality of War

6. A second (by no means secondary) myth surrounding the legal regime of belligerent occupation is that it is, or becomes in time, inherently illegal under international law.[6] In truth, international law – far from stigmatizing belligerent occupation with illegality – recognizes its frequency and regulates its application in great detail. It is of more than passing interest that Resolution 1483 (2003) of the UN Security Council makes a matter-of-fact reference to the takeover of Iraq by 'occupying powers' (accompanied by a call to 'all concerned' to comply fully with their international legal obligations under the Hague Regulations and Geneva Conventions).[7] In and of itself, this text 'refuted the claim that occupation, as such, is illegal'.[8] In its Advisory Opinion of 2004 on the *Wall*, the International Court of Justice took Israel to task for multiple breaches of the law of belligerent occupation (see *infra* 769 *et seq.*),

[3] On the meaning of *debellatio*, see Y. Dinstein, *War, Aggression and Self-Defence* 52–3 (6th edn, 2017).
[4] H. Kelsen, *Principles of International Law* 75 (1st edn, 1952).
[5] International Military Tribunal (Nuremberg), 1946, 41 *AJIL* 172, 249 (1947).
[6] See, e.g., O. Ben-Naftali, A.M. Gross and K. Michaeli, 'Illegal Occupation: Framing the Occupied Palestinian Territories', 23 *Ber.JIL* 551, 609–12 (2005).
[7] Security Council Resolution 1483, 42 *ILM* 1016, 1017 (2003) (Preamble and para. 5).
[8] E. Benvenisti and G. Keinan, 'The Occupation of Iraq: A Reassessment', 86 *ILS* 263, 277 (R.A.P. Pedrozo ed., 2010).

but it conspicuously 'refrained from characterizing the Israeli occupation as "illegal" '.[9]

7. The Occupying Power may be waging a war of aggression or it may be the victim of aggression (militarily advancing in pursuit of a successful war of self-defence). The contemporary *jus ad bellum* is predicated on a striking contrast between wars of aggression – amounting to crimes – and wars of self-defence.[10] However, as an American Military Tribunal pronounced in the 1948 Judgment in the *Hostages* trial (part of the so-called 'Subsequent Proceedings' at Nuremberg):

> International Law makes no distinction between a lawful and an unlawful occupant in dealing with the respective duties of occupant and population in occupied territory. There is no reciprocal connection between the manner of the military occupation of territory and the rights and duties of the occupant and population to each other after the relationship has in fact been established. Whether the invasion was lawful or criminal is not an important factor in the consideration of this subject.[11]

Similarly, a Dutch Special Court stated in the 1948 *Christiansen* trial:

> The rules of international law, in so far as they regulate the methods of warfare and the occupation of enemy territory, make no distinction between wars which have been started legally and those which have been started illegally.[12]

8. The law of belligerent occupation is a branch of the *jus in bello*, otherwise known as law of international armed conflict or 'international humanitarian law' (IHL).[13] Obligations derived from the *jus in bello* apply equally to all Belligerent Parties, notwithstanding their unequal standing in the eyes of the *jus ad bellum*.[14] By the same token, the rights and obligations of an Occupying Power remain exactly the same, regardless of the chain of events in which the belligerent occupation was brought about (consisting of a war of aggression or a war of self-defence).[15]

9. In the *Demopoulos* case of 2010, the Grand Chamber of the European Court of Human Rights made the following remark about the Turkish occupation of Northern Cyprus (commencing in 1974): 'the mere fact that there

[9] R. Sabel, 'Book Review', 42 *Is.LR* 628, 631 (2009).
[10] See Dinstein, *supra* note 3, at 132–8, 279–88.
[11] *Hostages* trial (*List* et al.) (US Military Tribunal, Nuremberg, 1948), 8 *LRTWC* 34, 59.
[12] *Re Christiansen* (Netherlands, Special Court, 1948), 15 *ILR* 412, 413.
[13] The expression 'international humanitarian law' was once perceived as covering 'Geneva Law' (*infra* 17). It is now understood to cover both 'Geneva Law' and 'Hague Law' (*infra* 13). See the Advisory Opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, [1996] *ICJ Rep*. 226, 256.
[14] See Y. Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* 4–6 (3rd edn, 2016).
[15] See A. Gerson, 'War, Conquered Territory, and Military Occupation in the Contemporary International Legal System', 18 *Har.ILJ* 525, 539–42 (1976–7).

is an illegal occupation does not deprive all administrative or putative legal or judicial acts therein of any relevance under the [European] Convention'.[16] This language may appear to endorse the wrong assertion that a distinction should be made between legal and illegal occupations.[17] It would have been more accurate in the passage quoted (as in other, similar, texts) to have adverted to an illegal use of force generating occupation rather than to an illegal occupation. The crux of the matter is that, whether the use of force on which it is predicated is lawful or unlawful under the *jus ad bellum*, belligerent occupation is the font of the same body of law under the *jus in bello*.

III. The Strata of the International Law of Belligerent Occupation

10. The legal norms governing belligerent occupation are embodied in several strata[18] of international law. We shall address here customary international law and the leading treaties (additional treaties will be mentioned in specific contexts in other sections of the book).

A. Customary International Law

11. The definition of international custom, as formulated in Article 38(1)(b) of the Statute of the International Court of Justice, is 'general practice accepted as law'.[19] The customary layer of the law of belligerent occupation – as of any other branch of international law – has the downside of being *jus non scriptum* (incrementally consolidated in the general conduct of States), but this is counterweighed by the upside of being binding on all States (even if they never took part in the process leading to the custom's creation).[20]

12. The difficulty with custom is verifying the existence of a general practice of States accepted as law. On a host of issues, the practice of States in the domain of belligerent occupation is desultory. One may therefore question whether it lays sufficient ground for the development of customary international law. While the phrase 'general practice' is broad enough to cover domestic legislation, military manuals and the like,[21] these texts rarely address in depth

[16] *Demopoulos* et al. *v. Turkey* (European Court of Human Rights, Grand Chamber, 2010), para. 94.
[17] For such an assertion, see A. Zemach, 'Can Occupation Resulting from a War of Self-Defense Become Illegal?', 24 *Minn.JIL* 313–50 (2015).
[18] For the use of the term 'strata' (rather than 'sources'), see Y. Dinstein, 'The Interaction between Customary International Law and Treaties', 322 *RCADI* 243, 260–1 (2006).
[19] Statute of the International Court of Justice, Annexed to Charter of the United Nations, 1945, 9 *Int.Leg.* 327, 510, 522 (1950).
[20] See Dinstein, *supra* note 18, at 282–3, 313.
[21] See *ibid*., 272–3.

the minutiae of daily interaction between the Occupying Power and the civilian population of an occupied territory. An important ingestion of meaningful practice into the body of customary law has occurred in Iraq, but the occupation (by the United States and the United Kingdom) was limited in duration. The only extensive contemporary practice, spread over more than fifty years of belligerent occupation, is that of Israel in the Palestinian territories. Regrettably (as will be shown in this study), the practice of the Occupying Powers – either in Iraq or in the Palestinian territories – has not always been in harmony with what is commonly perceived as the customary *lex lata*.

B. The Hague Regulations

13. A series of Hague Conventions was concluded by the Peace Conferences held in 1899 and 1907. Belligerent occupation is the cynosure of Section III (Articles 42 through 56) of the Regulations Respecting the Laws and Customs of War on Land, first composed as an annex to Hague Convention (II) of 1899 and then revised and attached as an annex to Hague Convention (IV) of 1907.[22] In the present volume, references and quotes – unless otherwise indicated – will be made to and from the more recent, and modified, 1907 version.

14. Originally innovative, the Hague Regulations have gradually acquired a declaratory status as a reflection of customary international law (solidified post-1907 through the general practice of States accepted as law). This was first acknowledged in the Nuremberg Judgment of the International Military Tribunal:

> The rules of land warfare expressed in the [Hague] Convention undoubtedly represented an advance over existing international law at the time of their adoption. But … by 1939 these rules laid down in the Convention were recognized by all civilized nations, and were regarded as being declaratory of the laws and customs of war.[23]

The International Military Tribunal for the Far East, sitting in Tokyo for the trial of the major Japanese war criminals, echoed the Nuremberg dictum in its majority Judgment of 1948.[24] Both International Military Tribunals delivered their decisions on the subject in a generic fashion, relating to the *jus in bello* as a whole. Steering in the particular direction of belligerent occupation, the International Court of Justice twice gave its *imprimatur* to the same

[22] Hague Regulations Respecting the Laws and Customs of War on Land, Annexed to Hague Convention (II), 1899, and Hague Convention (IV), 1907, *The Hague Peace Conferences and Other International Conferences Concerning the Laws and Usages of War: Texts of Conventions with Commentaries* 206–7, 218–19, 244–53 (A.P. Higgins ed., 1909).
[23] International Military Tribunal (Nuremberg), *supra* note 5, at 248–9.
[24] International Military Tribunal for the Far East (Tokyo), 1948, 15 *ILR* 356, 365–6.

finding: first in the 2004 Advisory Opinion on the *Wall*,[25] and then in the 2005 Judgment in the *Armed Activities* case (Congo v. Uganda).[26]

15. The repercussions of the evolution in the standing of the Hague Regulations in the sphere of belligerent occupation are of tremendous import. Once the Regulations have acquired their declaratory nature, their provisions – as a mirror-image of customary law – have become binding on all States, whether or not they are Contracting Parties to the Hague Convention to which the Regulations are annexed.[27]

16. More than a century after their final revision, Hague Regulations 42 through 56 continue to form the keystone of the law of belligerent occupation. All the same, it cannot be forgotten that they were formulated prior to the two World Wars. The protection that they afford to the inhabitants of occupied territories is of fundamental value, but – as we shall see when we analyse these provisions in detail – their focus is property rights.[28] Although the life and liberty of the inhabitants are also safeguarded in the Hague Regulations, this is done in a more abstract manner. Tragically, the missing specifics proved to be of colossal significance in WWII, and the Holocaust (the systematic extermination by the Nazis of six million Jews in occupied Europe) demonstrated that the Hague Regulations are of little relevance to a savage occupation.

C. Geneva Convention (IV)

17. In 1949, four Conventions for the Protection of War Victims were adopted in Geneva. The first three Conventions recast earlier texts, but the fourth was new. Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War[29] contains a section confined to the treatment of aliens in the territory of a Belligerent Party in an armed conflict. However, the bulk of the instrument lends protection – either exclusively or *inter alia* – to the civilian population of occupied territories. The paramount purpose of the Convention was to provide this population with enhanced protection, as compared to the stipulations of the Hague Regulations, in order to make sure that the calamitous events of WWII would not repeat themselves.

[25] Advisory Opinion on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, [2004] *ICJ Rep*. 136, 172.
[26] *Case Concerning Armed Activities on the Territory of the Congo* (Congo v. Uganda), [2005] *ICJ Rep*. 168, 243.
[27] See *ibid*.
[28] See H.A. Smith, 'The Government of Occupied Territory', 21 *BYBIL* 151, *id*. (1944).
[29] Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 1949, *The Laws of Armed Conflicts: A Collection of Conventions, Resolutions and Other Documents* 575 (4th edn, D. Schindler and J. Toman eds., 2004).

18. As Article 154 of Geneva Convention (IV) sets forth, the Convention is 'supplementary' to the Hague Regulations.[30] In other words, the Convention builds on the Hague Regulations – either by extending their scope or by fleshing out their somewhat vague strictures – without superseding them. Admittedly, the ICRC (International Committee of the Red Cross) Commentary on the Convention goes as far as suggesting, for instance, that – in light of Article 31 of the Convention (quoted *infra* 178) – Hague Regulation 44 (quoted *infra* 176) 'no longer has any point'.[31] Contrary to that opinion, the present author believes that there is no escape from the conclusion that Regulation 44 remains in force today, side by side with Article 31 of the Convention. This is equally true of other Hague Regulations, even when they may seem to be redundant or 'very much out-of-date' when looked at from the angle of the Geneva Convention.[32]

19. At the time of writing, all four Geneva Conventions of 1949 are universal in their application, inasmuch as all States – bar none – have expressed their consent to be bound by them. Nevertheless, (i) this was not the case only a few years ago, and (ii) a State may come into being in the future without rushing to accede to the Conventions. Moreover, (iii) the question whether concrete provisions of Geneva Convention (IV) reflect customary international law may be of tangible consequence when they are applied by domestic courts on the domestic plane (see *infra* 89–90).

D. Additional Protocol I

20. In 1977, an Additional Protocol Relating to the Protection of Victims of International Armed Conflicts (Protocol I) was appended to the Geneva Conventions[33] (jointly with Protocol II, which is devoted to non-international armed conflicts[34]). Some of the clauses of Additional Protocol I deal with occupied territories. As a rule of thumb, the Protocol does not supersede the Geneva Conventions (including Convention (IV)), and the new text merely complements them. But, occasionally, the Protocol explicitly overrides earlier Geneva norms. For examples in which Geneva provisions relevant to

[30] *Ibid*., 625–6.
[31] *Commentary, IV Geneva Convention* 618 (ICRC, O.M. Uhler and H. Coursier eds., 1958).
[32] *Ibid*., 619.
[33] Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), 1977, *The Laws of Armed Conflicts*, *supra* note 29, at 711.
[34] Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), 1977, *The Laws of Armed Conflicts*, *supra* note 29, at 775.

belligerent occupation are clearly amended or abrogated by the Protocol, see *infra* 209, 213, 296, 551 and 865.

21. Unlike the Geneva Conventions themselves, Additional Protocol I is not universally accepted. Whereas a large majority of States has ratified or adhered to the Protocol, a determined minority – led by the US and including Israel – has utterly rejected crucial portions of it. Since the US issued a formal announcement in 1987 that it will not ratify the Protocol – due to the fact that it is 'fundamentally and irreconcilably flawed'[35] – the international community has been riven by what the present writer calls a 'Great Schism'.[36] Still, even the US does not deny that there are 'certain meritorious elements' in the Protocol.[37] As for Israel, the Supreme Court has expressly acknowledged that several of the Protocol's provisions enshrine customary international law. This happened in the *Targeted Killings* case (per President A. Barak),[38] in the *Fuel and Electricity* case (per President D. Beinisch),[39] and in other instances (see, e.g., *infra* 327). In 2005, the ICRC produced a massive three-volume Study of Customary International Humanitarian Law, which (*inter alia*) attempts to establish chapter-and-verse what components of the Protocol are declaratory of existing law.[40] Unfortunately, the Study has failed to assuage concerns by the US[41] and others.[42]

IV. A Brief Historical Outline

A. The Past

22. The germination of the international legal regime of belligerent occupation in the modern sense occurred only after the Napoleonic Wars, in the first half of the nineteenth century.[43] Embryonic normative measures were crafted in

[35] Message from the President of the United States to the Senate, 1987, 26 *ILM* 561, 562 (1987).
[36] See Y. Dinstein, 'International Humanitarian Law and Modern Warfare', *International Expert Conference on Computer Network Attacks and the Applicability of International Humanitarian Law* 17, 18–19 (K. Byström ed., 2005).
[37] Message from the President, *supra* note 35, at 562.
[38] HCJ 769/02, *Public Committee against Torture in Israel* et al. *v. Government of Israel* et al., 62(1) *PD* 507, 560. (The Judgment is excerpted in English in 37 *IYHR* 305 (2007). A full translation is available in 46 *ILM* 375 (2007)).
[39] HCJ 9132/07, *Albassiouni* et al. *v. Prime Minister* et al., paras. 13–14. (The Judgment is excerpted in English in 38 *IYHR* 324 (2008)).
[40] *Customary International Humanitarian Law* (ICRC, J.-M. Henckaerts and L. Doswald-Beck eds, 2005).
[41] See Joint Letter by the Legal Adviser of the US Department of State and the General Counsel of the Department of Defense to the President of the ICRC, 2006, 46 *ILM* 511 (2007).
[42] See Y. Dinstein, 'The ICRC Customary International Humanitarian Law Study', 36 *IYHR* 1–15 (2006).
[43] See N. Bhuta, 'The Antinomies of Transformative Occupation', 16 *EJIL* 721, 725 (2005).

the 1863 'Lieber Code' (a set of instructions for the US armed forces, prepared by F. Lieber and promulgated as General Orders).[44] The Code was followed by a section on military authority over hostile territory, incorporated in a Project (draft) of an International Declaration prepared in Brussels in 1874.[45] This text was the precursor of the Hague Regulations of 1899/1907 in which the law of belligerent occupation acquired the lineaments of positive international law (see *supra* 13–14).

23. Subsequent to the conclusion of the Hague Regulations, there were a number of instances of belligerent occupation, e.g., the occupation by Italy in 1912 of the Dodecanese Islands from the Ottoman Empire.[46] The occupation lasted for more than a decade until Turkey formally ceded the Islands to Italy in the 1923 Lausanne Treaty of Peace[47] (forming part of a series of treaties concluding the First World War (WWI)). Between 1945 and 1947, the Dodecanese Islands were subject to a second round of belligerent occupation in the aftermath of WWII, this time by the British.[48] In the Paris Treaty of Peace of 1947, Italy ceded the Islands to Greece.[49]

24. Of particular note were the occupations related to WWI. In the course of the hostilities, large tracts of land were occupied by a number of Belligerent Parties (mostly Germany). The best known occupation was that of almost the entire territory of Belgium by Germany, from the outset of WWI in 1914 to its end in 1918. In the legal literature, a whole slew of the policies and practices of the German Occupying Power in Belgium were put to the test of the Hague Regulations and found wanting.[50] Of course, there were other occupations as well, including some by Allied States. Those that stand out were carried out by Britain in segments of the Ottoman Empire – parts of Iraq from 1914[51] and of Palestine from 1917[52] – dragging on for years after the general close of hostilities in November 1918.

[44] Instructions for the Government of Armies of the United States in the Field, 1863, *The Laws of Armed Conflicts, supra* note 29, at 3, 7–9 (Articles 31–47).
[45] Brussels Project of an International Declaration Concerning the Laws and Customs of War, 1874, *The Laws of Armed Conflicts, supra* note 29, at 21, 23–4.
[46] See J.G. Gregoriades, 'The Status of the Dodecanese 1912–1923, 1923–1945', 2 *RHDI* 237, 237–41 (1949).
[47] Lausanne Treaty of Peace with Turkey, 1923, IV *Major Peace Treaties of Modern History 1648–1967* 2301, 2309 (F.L. Israel ed., 1967) (Article 15).
[48] See T.L. Chrysanthopoulos, 'The British and Greek Military Occupations of the Dodecanese 1945–1948', 2 *RHDI* 227, 227–30 (1949).
[49] Paris Treaty of Peace with Italy, 1947, IV *Major Peace Treaties of Modern History 1648–1967, supra* note 47, at 2421, 2429 (Article 14).
[50] See E. Benvenisti, *The International Law of Occupation* 108–20 (2nd edn, 2012).
[51] See A. Wilson, 'The Laws of War in Occupied Territory', 18 *TGS* 17–39 (1932).
[52] See N. Bentwich, 'The Legal Administration of Palestine under the British Military Occupation', 1 *BYBIL* 139–48 (1920–1).

25. During WWII, there were some occupations conducted by and large on the basis of the Hague Regulations (for example, the occupation of Libya by Britain from 1942 until well after the end of the War).[53] But WWII will always be remembered because of the barbarous occupations of vast swathes of Europe, Asia, North Africa, East Asia and the Pacific by Nazi Germany and Imperial Japan. The hallmark of the Axis occupations was the systematic perpetration of gruesome atrocities, culminating in the Holocaust inflicted by the Nazis on European Jewry. As put forth by an American Military Tribunal in the 1947 *Justice* trial (part of the 'Subsequent Proceedings' at Nuremberg), '[t]he undisputed evidence in this case shows that Germany violated during the recent war every principle of the law of military occupation'.[54]

26. Dismal memories of the outrages of WWII spurred the adoption, in 1949, of Geneva Convention (IV), which rewrote, expanded and transformed the law of belligerent occupation in the interest of humanitarianism (see *supra* 17–18). But war crimes trials, held in the wake of WWII, showed that – even prior to the entry into force of the Geneva Convention, and merely on the ground of customary international law – some of the heinous acts of the German and Imperial Japanese Occupying Powers were manifestly unlawful and carried criminal accountability.

B. Recent Decades

27. Following WWII there has been a considerable reluctance by States to admit that they were Occupying Powers. This may be due to the odium that the label of an Occupying Power seemed to imply against the background of the appalling Nazi and Imperial Japanese record. But it was also due to a reluctance to be 'saddled with the burdens of full compliance' with the law of belligerent occupation.[55]

28. Excuses have frequently been put forward by States that their cross-border coercive territorial expansion fell short of belligerent occupation. Thus, in 1950, China justified the dispatch of troops to Tibet by relying on an old suzerain-vassal feudal relationship which had led it to liquidate Tibet's independence.[56] The military takeover of Goa in 1961 was excused on the ground that the enclave was a part of India.[57] Most of Western Sahara was annexed by

[53] See G.T. Watts, 'The British Military Occupation of Cyrenaica, 1942–1949', 37 *TGS* 69–81 (1951).
[54] *Justice* trial (*Altstötter* et al.) (US Military Tribunal, Nuremberg, 1947), 6 *LRTWC* 1, 59.
[55] K.E. Boon, 'Obligations of the New Occupier: The Contours of a *Jus Post Bellum*', 31 *LLAICLR* 57, 65 (2009).
[56] See C.H. Alexandrowicz-Alexander, 'The Legal Position of Tibet', 48 *AJIL* 265–74 (1954). *Per contra*, see T.-T. Li, 'The Legal Position of Tibet', 50 *AJIL* 394–404 (1956).
[57] See Q. Wright, 'The Goa Incident', 56 *AJIL* 617–32 (1962).