

HOW AND WHEN DO MILITARY OCCUPATIONS END?

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ABSTRACT

*The present article is an attempt to approach the issue of when and how a military occupation ends. Effective control over foreign territory appears to be the most important criterion for the existence and the end of military occupation. The article proceeds as follows: firstly it explains what a military occupation is and discusses the basic features of this legal regime. Then it examines the effect of the absence of each feature for the termination of military occupation before making some concluding remarks. In his concluding remarks, he maintains that the issue of external legitimacy, self-determination through elections or a referendum can boost the end of occupation. The ideal situation would be the combination of internal legitimacy with external approbation by the international community. With regard to the (almost) necessary mix of *ius ad bellum* and *ius in bello*: inescapably the end of occupation might deal with matters such as who used force first and if it was unlawful. Provided that the international community interferes, in the interest of peace and justice, this mixture might prove to be less detrimental for the law of occupation (and the individual who gains from its application) than one would expect. However there are many steps to be taken towards that direction: the regulation of international life is satisfactory, but the implementation of international norms is still not so self-evident.*

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