In international humanitarian law, a territory is considered occupied when it is actually placed under the authority of the adverse foreign armed forces.

The occupation extends only to the territory where such authority has been established and can be exercised. A State's territory may therefore be partially occupied, in which case the laws and obligations of occupation apply only in the territory that is actually occupied. When a State consents to the presence of foreign troops there is no occupation.

Detailed rules set out the rights and duties of the occupying forces which are, generally speaking, bound to take the necessary steps to restore law and order and public life and maintain them as well as possible while respecting the laws in force, unless absolutely prevented from doing so.

### OUTLINE

- Chapter 2, III. 1. A. International armed conflict [1]
- Chapter 2, III. 3. Temporal scope of application [2]
- Chapter 8, IV. Special Rules on Occupied Territories [3]
LEGAL SOURCE

HR, 42 [4]-56 [5]

common 2/2 [6] (see ICRC updated Commentary [7])

GCIV [8], Sections I [9], III [10] and IV [11]

PI, 44/3 [12], 63 [13], 69 [14], 73 [15], 85/4/a [16]

DOCUMENTS

ICRC Appeals on the Near East (Part C.) [17]

ICRC, International humanitarian law and the challenges of contemporary armed conflicts in 2011 [18]

CASES

ICRC, The Challenges of Contemporary Armed Conflicts (Part A.) [19]

Israel, Power Cuts in Gaza [20]

Eritrea/Ethiopia, Awards on Occupation [21]

ICJ, Democratic Republic of the Congo/Uganda, Armed Activities on the Territory of the Congo [22] (Judgement, paras 80-81 [23], 172-179 [24]; Separate opinion, paras 36-49
Gaza: Health situation in the Gaza Strip [26]

ECHR, Al-Jedda v. UK [27]

ECHR, Hassan v. UK [28]

ECHR, Al-Skeini et al. v. UK [29]

Israel, High Court of Justice, Quarrying in an Occupied Territory [30]

Israel, Blockade of Gaza and the Flotilla Incident [31]

Georgia/Russia: Tbilisi Nervously Eyes Russia’s Border Barricade of South Ossetia [32]

European Court of Human Rights, Kononov v. Latvia [33]

ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 (Paras. 42-52) [34]

Israel/Palestine, Operation Protective Edge (Gaza, 13 June - 26 August 2014) [35]

Israel/Palestine, Accountability for the Use of Lethal Force [36]

ECHR, Jaloud v. The Netherlands [37]
Suggested reading:


Further reading:


DENNIS Michael J. & SURENA Andre M., “Application of the International


SCHIEFFER David J., “Beyond Occupation Law”, in AJIL, Vol. 97, 2003, pp. 842-
860.


**Further readings on international administration:**


DE SOLA Mercedes, “Competencia de administración de territorios por las organizaciones internacionales”, in *Revista española de derecho internacional,*


Source URL: https://casebook.icrc.org/glossary/occupation

Links
[1] https://casebook.icrc.org/law/fundamentals-ihl#b_iii_1_A