

Resistance to Occupation in Int'l Law, Int'l Realities & Int'l Bodies



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ABSTRACT: Since the Second World War and after the adoption of the principle of the Prohibition of the use of force in international relations in the charter, many states still do not respect this principle and give priority to their interests, so they occupy other territories under various pretexts in order to legitimize their actions, and the occupation may continue for long periods without fulfilling their obligations under international and humanitarian law. In the face of occupation, States and peoples exercise their right to legitimate defense and resist the occupier by all civil and military means in order to exercise their right to self-determination. The int'l courts had a role in prosecuting the occupied countries and holding their officials accountable, so that it became a significant legacy in international relations, and the United Nations, through the Security Council and the General Assembly, contributed to confronting the issues of occupation and providing the necessary protection to the resistant peoples and the success of their attempts to counter the occupation.

KEYWORDS: occupation, resistance, violations, responsibility, UN, Security Council

INTRODUCTION

Many countries and peoples around the world have been subjected to foreign occupation, which is depriving people of their right to self-determination, which has become a peremptory norm of int'l law. The occupation operations were accompanied by serious violations of HRs, as the occupation was justified as legitimate defense, liberation, combating terrorism, removing weapons of mass destruction and other pretexts to legitimize the occupation, which there is an int'l consensus on its illegality, in addition to the illegality of subsequent actions and measures. The occupied countries tried to evade their obligations under int'l laws and conventions in preserving the interests of the peoples under occupation, not prolonging the occupation for a long period and prohibiting the annexation of the occupied territories in any form therefore, the peoples who fell under occupation struggled to remove it and make their decisions freely to determine their future, fate and relations with the int'l community. the Resistance took various means and measures, some of which may agree with int'l and humanitarian law and may constitute an overreach of these laws. On the other hand, the ICJ, the ICC and the UN have dealt with and issued decisions and directives that constitute a judicial and legal legacy to address the issues of occupation and the accompanying violations that represent the cornerstone of unresolved issues that may occur in the future.

Despite the above, states still have no qualms about occupying the territories of other states or peoples and continue to do so while committing gross violations of the rights of the peoples under occupation, calling the Resisters terrorists and mobilizing the int'l community against them in order to miss the opportunity for these peoples to be freed from occupation & self-determination

The definition of the concept of occupation, the extent of its legitimacy, the position of international law on it, the extent of Int'l responsibility for its commission and the forms of its commission will be dealt with in the first part of this research.

The concept of resistance, its types, factors of its success, and reviewing the experiences of peoples in their resistance to occupation are also the second part of the research.

The position of the Int'l judiciary represented by the ICJ and the ICC, in addition to the UN, constitutes an applied aspect on how to face the issues of occupation and the int'l rules to which it is subject and the extent of responsibility of the occupied countries, will be the subject of the third part of the research.

The search problem: Despite the explicit legal norms prohibiting the use of force in int'l relations and the fact that the occupation of a state of the territory of a state or a people is considered illegal, but states still commit it and the int'l community remains passive in confronting it and the actions of int'l bodies remain weak and unable to fulfill their duties and remove the occupation

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and stop the violations accompanying it, which makes int'l rules ineffective and of a theoretical and philosophical nature, and not applied for reasons related to the priority of the interests of states over the interest of the int'l community and the negative role played by permanent members of the SC to protect their interests or the interests of the states that support them, which requires his research in order to illuminate its aspects and identify ways to confront it and find A mechanism for activating int'l rules and addressing how the general interests of the int'l community prevail over the private interests of states .

Research method: Review recent research, books and reports on the occupation, research on legal norms in int'l conventions related to the subject of research, identify the main topics of research and find their details in an objective and temporal sequence covering all aspects of research, regardless of the researcher's negative or positive attitude to our national issues, and then analyze the information in accordance with the general line of research in order to fit the general position of the research title and its subheadings down to the results and recommendations reached so that they are logical and practical when applied .

Research methodology: A comprehensive curriculum has been adopted that covers all the basics of the subject and represents all schools of jurisprudence that need to be rooted and detailed, removes ambiguity from all their vocabulary, clarifies the basic terms used in the research, comment on opinions and analyze the ideas presented in the research by reviewing the latest research on the research topic, especially in English. The research represents a new addition to the researchers and the library in a vital subject whose importance does not cease.

Research questions: Many questions are raised about the research topics that need to be answered and clarified, which can summarize the main issues of the research and cover all the aspects that have been touched upon, and we list below the questions that the research will answer :

- What is the concept of occupation of all kinds and causes.
- What is the legality of the occupation in accordance with int'l law and its jus cogens norms.
- What are the obligations of the occupying power towards the people whose territory it occupies.
- What is the international responsibility of the occupying power.
- What is the legitimacy of resistance in int'l law, What are its types and factors of success, and what are the examples of it.
- What is the attitude of the state apparatus to the occupation.

Research plan: it was an integrated research plan that focuses on the most important topics and has sufficient branches to cover the main topic with a focus on applied aspects of practical issues that realistically cover the research of international rules, and this can be embodied in the research plan listed below :

Research plan

1-Occupation, Its Concept, Types, legality

1.1. The Concept of Occupation

1.2 Types of Occupation

1.3. Legality of the Occupation

2 - Resistance to Occupation, Its Types, Factors of Success, Experiences of Peoples

2.1. The Concept of Resistance

2.2. Types of Resistance

2.3. Factors of Resistance Success

2.4. Peoples ' Experiences of Resistance Occupation

3-The Position of the Int'l Judiciary on the Occupation & Resistance to it: The ICJ, ICC

3.1. ICJ

3.2. ICC

4-Conclusion (Results & Recommendations)

5-References (in Arabic & in English)

1-Occupation, Its Concept, Types, legality

Int'l efforts have been made to define the concept of occup. since the beginning of the last century until its concept was settled in int'l rules Conv. , and occup. has different types according to its scope and extent of independence or relationship with external parties, in addition to indicating the extent of its legitimacy as the occupied countries claim pretexts hide behind the real intentions of the occup. , which requires highlighting the legitimacy of the occup. .

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1.1. The Concept of Occupation

When codifying the law of war occupation and the law of war at The Hague conf. of 1899 and 1907 respectively, the doctrine of war occup. codified, and after the development of the law of war, imposed restrictions on the use of force, rejecting the right of invasion as codified by Section III of the regulation, Annex I to the second Hague Conv. of 1899 and later in the fourth Hague Conv. of 1907. The importance of the norms included in these int'l documents appears when they were subsequently recognized by judgments of int'l military tribunals, and more recently by the ICJ (ICJ, 2004) and the Int'l Criminal Tribunal for the former Yugoslavia , (ICTY, v. Duško Tadić, Case, 1997) later clearly binding on all, regardless of whether the state is a contracting party or not . It was an advanced step at the time in respecting the legal conditions of the occupied area and maintaining the application of existing legislation before the occup. . (Dinstein, 2004)

The concept of occup. has evolved in int'l law since the I World War to focus on military actions that involve the seizure of other people's lands and subjecting their populations to their control, inspired by the Latin term (*Occupatio Bellica*) as a primitive exercise of the right of conquest and subjugation to control and the accompanying killing of people and destruction of property, as confirmed by the precedents of the US Supreme Court, which gave it legitimacy . (Court, 2024) occup. can be defined as the effective exercise of stable authority over occupied territories .Post-World War II int'l practices such as the occup. of Germany and Japan are no longer examples of the application of the Gen. Conv. and The Hague Reg. (Ottolengh, 2004) this approach was recently recognized by the ICTY in the case of Prosecutor (V. *naliteli and Martynov*), , (ICTY, 2008) where the court established guidelines for the existence of military occup. , including:

(a)The occupying power must be in a position to replace the existing authorities, which must have become incapacitated; (b) surrendered to enemy forces; (c) the occupying power has sufficient force present, or the ability to send troops within a reasonable period of time to bring the authority of the occupying power; (d) has an interim admin. ; (e) the occupying power has issued to impose directives on the civilian population . Such a legal status entails the obligation to establish " a balance between the security interests of the occupying power and the presumed interests of the former power by maintaining the previous status. This new theory is based on a gradual development of int'l law through two stages, characterized by the interaction of two principles: the inalienability of sover., and the principle of sovereign equality of states, which represents one of the pillars of int'l law. (Nicolosi, 2012)

The restrictions imposed on the occup. authorities are based on the principle of the sovereign equality of states, which formed the basis of the laws of war. The occupying forces also can't interfere with the private property of the occupied peoples, as well as they cannot interfere with the property of the people represented by the territory of the state, (according to Article 55 of The (Hague Regulations) (Cummings, 974). the principle of non-retention of the legal sover. of the occupying power is not consistent with its exercise of de facto temporary authority only, and to work for the benefit of the people under occup. and leading to the exercise of the right of self-determination. (Bassioni, 1971)

The executive and judicial authorities of the occupying power are obliged to impose sufficient measures to preserve the former state" to the maximum extent possible" and not to act unconditionally , especially when the occup. is prolonged , as in the case of Palestine, because it means freezing the economic, political, social and cultural system of the "occupied state and the occupying power should stop canceling or suspending existing legislation, except in cases of necessity , and the only justified exception to the laws of the occupied state is for laws aimed at maintaining order and security for the occupying forces , and that any legislation issued by the occupying power in the name of necessity applies only to the extent that occup. , because occupation is a consequence of war. (Sassoli, 2005)

In the Gen. Conv. of 1949 provided for the protection of the population under foreign occup. and the obligation to distinguish them from participants in the armed conflict, as confirmed by the GA. (GA, 1968) imposed duties on the occupying power, which "is no longer a guard and control but is responsible and charged with specific duties, in addition to providing adequate protection of private property and prohibits the occupier from destroying personal, or public property," unless such destruction can be justified by military necessity. (Kolb, 2008) emphasizes the principle of inalienability of legal sovereignty through the use of force, which formed the cornerstone for further subsequent legal developments . (Imesis, 2003) in the case of the occup. of Iraq in 2003, the occupying power did not commit to respect Iraqi legislation, and did not achieve the Justice that the occupier must comply with in accordance with the principle (Just Post Bellum), (Boon, 2005) instead, it issued (100) legislation covering all economic, commercial, financial, judicial and administrative sectors without any authorization or legal basis and in contravention of the authority authorized by UN SC Res. (1483) of 2004, and some of them are still applied to this day . (Llorance, 2007)

That the UN Charter does not contain any specific provisions on war occup. , and indirectly condemns the occup. of territories caused by the use of force. The resort to force is no longer based on wars of conquest explicitly, but under the guise of legitimate defense, Hum. Interv. and the struggle for self-determination and respect for HRs, (Luckham, 2005) and military occup. has instead become an extreme trend contrary to the most important principles of the int'l community. The most significant result in the

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development of his concept was when he legalized the two protocols additional to the Gen. Conv. of 1977 . (Marcus, 2002) therefore, the UN, together with the Galloway Center for HRs and the US Institute of peace, sought to develop a work program that includes criminal codes that can be implemented during the temporary phase of the occupation in order to preserve the sover. of the occupied territory and the absence of a legal vacuum . (USA Web., 2000)

In cases that involved Territorial Admin. by int'l org. , as in the case of Afghanistan or Kosovo, sovereignty remained preserved, and the int'l mission has a function of limited authority, it complements and (*de jure*) supports the legitimacy of sover. . The hypothesis of State occup. is still problematic, since coexistence imposes two sovers. on the same territory. In fact, such cases highlight that in the case of the development of int'l practice, the occupying power may fail to fulfill some legal obligations arising from its ineffective performance, and (*de facto*) Sover. is used as a pretext to impose its sover. (*de jure*), causing confusion in determining the legal ownership of the occupied territories, and this concept is adopted by Israel in imposing its sovereignty on the Palestinian territories without recognizing the right of sover. of the Palestinians . (Nicolosi S. F., 2011) therefore, Israel's recognition of the Palestinian Authority in the West Bank and the Gaza Strip makes it the legitimate heir to sover. and cancels Israel's claim to *de facto* sover. .

There is no doubt that the occupation contradicts the right of self-determination, which is the inherent right of peoples to get rid of colonialism first and to determine the form of government and the method of admin. and the doctrine they believe in secondly The ICJ has repeatedly recognized the principle of sover. (ICJ, 1970,1971,1975) in its judgment in the East Timor case (ICJ E. T., 1995) made it clear that the right of peoples to self-determination is today the right of all, and the court adopted basic principles when presenting cases related to this right, such as determining the location based on maps and approved documents, accurately determining the procedures to which they were subjected and adjusting the date of events. (Shaw, 1978) in accordance with GA Res. No. (1541) of 1960, the concept of the right of self-determination was defined in the sense of the right to establish an independent state or join an existing state, and from this perspective the principle imposes obligations towards the int'l community, it can be believed that all states have a legal interest in its protection. Similarly, the principle of self-determination can no longer be disputed . (ICJ B. , 1970) Because it is approved in the HRs law and represents one of the principles of int'l law and protects the indigenous rights of peoples and minorities . (Barume, 2005) since *jus cogens* norms are characterized as embodying the int'l community's fundamental beliefs and values in terms of political and moral principles. Thus, the principle of self-determination is not only an obligation to everyone , but also a peremptory obligation, and the reason for the existence of (*jus cogens*) norms is the protection by the int'l community of the fundamental interests protected by them . (Castellino, 2008) as the principle of self-determination acts, in fact, as a "preservative of legal sover.", during the period of military occup., continues to exist, and that self-determination is the fulcrum of any claims to statehood for peoples who are subject to a foreign occup. regime, they have a legitimate right to establish a certain entity. This right, which Palestine, Ireland, South Sudan and the peoples of the Balkans, for example, have always claimed, as "the people who resist against the occupier have the right to self-determination, after fulfilling the conditions specified in that they are a people, have a common history and regional contact, enjoy cultural, ethnic and linguistic homogeneity, along with awareness and desire to be recognized as an independent entity. (Picone, 2008)

1.2 Types of Occupation

The occupation can be temporary or permanent, so they will be considered respectively :

1.2.1. temporary occupation

The first form of military occup., namely "temporary", has recently been recognized as an emergency situation caused by military occup., which is aimed at protecting the sover. of the *de jure* occupied state. It will continue for a temporary period until the cessation of hostilities and the handover of power to a national entity, because the occupied territory is as a secretariat to the occupying power, there is no basis in the Gen. Conv. and the two protocols annexed to the long-term occupation, and it will be a colonial means with an illegal cover, (Lynk, 2018) as confirmed by the ICJ in the case of the legality of the separation wall based on Art.(6) of the 4th Gen. Conv., and confirmed by the USA war manual for the year 2015 and the English war manual for the year 1888. (Arai-Takahashi Y. 2., 2019) formally, the occup. doesn't seem to contradict the "laws of war", but this perception provides a cover for deviation in its practice in the 20th century in proportion to information and communication technologies. Therefore, many occupying powers have preferred to deny that they are acting openly contrary to the law of war, to support their actions through bold theories that cover their desire for territorial expansion to appear legitimate on the occupied territories, they include effective control over an area, traditionally viewed as the " effective control of power whether it is from one or more countries or an int'l org. , such as the UN, on territories that have no Sovereign over it, without the will of sover. over that territory," while the legal concept of war occup. represents the classic type of military occupation. It has been developed to include situations in which the control of an area is by a force that is not hostile, but may be from a coalition of states, as in the case of Iraq, (Buchan, 2007) or from an int'l org. such as the UN, as in the cases of Kosovo and Afghanistan. . (Ronen, 2012) it is established in int'l law that the

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occup. does not grant sovereign rights on the Occupied Territories, no matter how long it lasts, and that the establishment of settlements and depriving the indigenous people of exercising their rights and confiscating property and land confirms the real intentions of the occupying power not to return sover. to the people under occup. . (Lynd M. , 2018) While the principle of good faith requires that the actions of the occupying power comply with int'l conv. on the one hand, and respond to the decisions and requests of int'l bodies such as the UN on the other hand, to respond to the right of self-determination, which intersects with the fact of occup. , which is impossible to continue and should be temporary. (Ben-Naftali, 2005)

1.2.2. Humanitarian Intervention (Hum. Interv.)

The concept of hum. Interv. was approved since the 19th century under the pretext of protecting Christians from persecution (2019، باغيوس) and then declined after the adoption of The Hague law of war before the I World War, and was not allowed by the UN Charter, and at the end of the twentieth century the concept of human. Interv. flourished with US and Western support, and its first experience began in Somalia, then in northern Iraq in 1991, and in Kosovo . (Charney, 1999)

The reality of human. Interv. is that it is an occup. under a human. Concept , a new form of colonialism, and in direct contradiction to the principles of the charter . (Marcus M. , 2002) and justifies human. Interv. on the basis of the assumption by the SC of its competence to maintain int'l peace and security in the event of serious violations of HRs or war crimes . (Henkin, 1993) However, this justification is not agreed upon and is opposed by most jurists because it contradicts the principles of the charter and is exploited for political motives and double standards . (Schachter, 1984) & (Ocran, 2002)

In 1991, the UN secretary-general tried to develop principles for human. Interv. as a guide to action, namely:

- a. Human. Derogation should not be used selectively on one case and not on another in case of gross violation of HRs.
- b. Be in accordance with a Res. of the UN in accordance with its charter and not unilaterally.
- c. It must be proportionate to the actual danger and not cause more damage than the danger for which it was decided to intervene (GAOR, 1991)

The occup. is considered temporary and the territory should regain its former status as soon as possible, and the occup. may not change the legal and judicial rules that prevailed before the occup., (Manual, 2023) unless the purpose of the change is to control the territory and maintain security in the areas under occup. and temporarily . (Geneva, 1949)

The extent of human. Interv. is still disputed as to its legitimacy or legality and the extent to which it contradicts the principles of int'l law, and what is the int'l responsibility that the occupying power entails starting from the first step and passing through its actions during the occup. and prolonging it for a long time, as is the case of the Israeli occup. of the Palestinian territories since 1948 until now, where the blur prevails the scene of human. Occup. while the scene in the military occup. is clearer . (Voon, 2002)

1.3. Legality of the Occupation

The form of government and its legitimacy are determined on the basis of a contract concluded between the government and its people in accordance with its constitution and the principles of int'l law .if a state occupies the territory of another state and imposes its authority on this area, it is illegal and violates national law in addition to violating int'l law. (Hahn, 2018) the occup. is not justified on the basis of a SC Res. , because such a Res. contradicts the charter as well as the principles of int'l law . (Johnstone, 2003) scholars such as (Orna Ben-Naftali, Ayal Gross and Michael Lynd ,Keren Michaeli) , are almost unanimous in int'l law on the illegality of an occup. if it lasts for a long time, involves gross violations of HRs, or is accompanied by seizure, annexation, or acting to the detriment of the interests of the people under occup. . (Committee 2. , 2023)

They use the pretext of confronting terrorism, such as (*al-Qaeda*) and the Islamic State, and they called it the ideology causing the occup., and that action against a non-state threat is justified, as long as the state in which the non-state actor is located isn't willing or unable to face it, as happened in Iraq and Somalia, so the USA claimed that it was working with the consent of governments to target non-state actors on its territory, and intervened in other countries without even claiming the consent of governments, as happened with Syria and Afghanistan, and in this way the occup. is illegal and contrary to the principles of int'l law that prohibits the use of force armed . (Ronen Y. 2., 2008) Whatever the justification for the occup., it contradicts the principle of the right to self-determination, which has become a jus cogens norm in int'l law . (Case, 1995) and in recent cases, the fact of occup. has not been recognized, as happened with the occup. of Northern Cyprus by Turkey (Dugard, 1987) and the annexation of the Golan Heights by Israel, (Comm. H.R. Res., 2005) and Iraq's annexation of Kuwait, (SC.Res. 1. , 1980) and the Israeli annexation of East Jerusalem, (SC.Res. 1. , 1980) the occup. by Armenia of the Nagorno-Karabakh region of Azerbaijan, the occup. by Vietnam of the territories of Cambodia and the occup. by Portugal of Guinea-Bissau, (Committee O. 2., 2023) and also didn't recognize the measures taken by the occup., such as the non-recognition of elections in South Africa, (SC.Res. 1. , 1985) and the non-recognition of the established electoral bodies in Namibia (*ex.a*), (SC.Res. 1. , 1978) and represents the advisory opinion of the ICJ in the case of (*the separation wall*) erected by Israel as illegal on the basis of the illegality of the Israeli occup. of the Palestinian territories,

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which was supported by the GA by an overwhelming majority, (GA.Res., 2004) and the prolongation of the occup., as happened with the Israeli occup. of the Palestinian Territories, was considered by the special rapporteur in his report to be illegal. (Rapporteur Especial, 2007) And in many cases of occup. that didn't last from four or five years or at most ten years, such as the occup. of France by Germany, the occupation of Uganda to the Congo and the occup. of Afghanistan and Iraq by the USA, (Committee, 2023) thus, it is not legally permissible for the occupier to annex, own, dispose of or change the the GA's definition of the crime of aggression in 1974, (Sahovic, 1972) which constitutes the legal basis for the civil resistance of the Palestinians in the (intifada) in 1991. (Weston, 1991)

The ILC has extended the concept of int'l responsibility to include serious violations of jus cogens norms of int'l law, including occup. (Talmon, 2006)

A distinction should be made between civilians and terrorists, as well as between civilian targets and terrorist targets, and even buildings or dual-use facilities such as transportation, bridges, power plants, communications and warehouses, and often fails to distinguish between the above under justifications such as the necessity of war and dual use when facing any target and causing large and unnecessary losses and victims.

During an armed conflict, everyone who has a combat function is a hostile target that can be targeted. a civilian who places an explosive device is considered a hostile target as long as he continues his mission in terms of preparation, preparation and implementation, i.e. direct participation. However, if his mission is over, he has not completed it, he has returned to his regular job, he is in training, or he is funded, he is not an enemy target.

The concept of dual use has increasingly made a wide range of civilian activities vulnerable to possible military action. An enterprise that is mostly used for civilian purposes, such as power plants and even furnaces, can become a target in the war if it somehow contributes support to the belligerents. And that the damage to civilians and civilian infrastructure must be proportionate to the potential military advantage achieved. But the USA and Israel take the position that any site that can be considered a dual use is a legitimate military target. So the harm to such a goal, then, is not part of the calculation of proportionality. If it is expected that non-combatant civilians will be harmed, this must be weighed before launching a strike, but the long-term loss of vital civilian services, such as those provided by a water treatment plant, electrical network, bank or hospital, is a violation of int'l law, as areas under occup. are supposed to be administered in the interests of the people present in them, including maintaining security and stability and leading to the restoration of their sover. as soon as possible. (Fox, 2012)

2- RESISTANCE TO THE OCCUPATION

The peoples who have been subjected to occup. exercise their natural and inherent right to resist the occupier, which requires defining the concept of resistance to the occup. to distinguish it from others, and resistance has multiple types according to the degree or form of resistance, and through the experiences of peoples in resistance, lessons and experiences have been obtained about the requirements of resistance and factoring its success.

2.1. The Concept of Resistance to Occupation

Resistance to occup. represents a natural response of peoples as soon as the fact of aggression becomes clear, in order to restore their sover., which was seized by the military forces of another state and lost its right to self-determination. It is a vibrant feeling against the occup. of a foreign power in preparation for its removal and the resumption of the exercise of its fundamental and inherent rights. It includes planning its work and preparing its requirements. (Fiala O. C., 2020)

2.2. Types of Resistance

The common image of resistance is an armed insurgency that is able to confront the occup., which depends on military activities to control other territories and the military operations that it includes. Nevertheless, the image of civil resistance exists in practice and has positive effects and results on its ability to work against the occup.. (Filia, 2019) in the experience of the Western confrontation of Soviet influence in eastern Europe (Cold War), only civil resistance was allowed, which largely succeeded in preparing societies for the change that took place when the Soviet Union collapsed. (Geeraerts, 1978) Civil resistance is more acceptable than armed resistance in the actions of the security authorities, despite mobilizing efforts to confront the occup. and providing supplies to the armed resistance. (Chenoweth, 2019) this resistance relies on economic, social, media and all peaceful means of protests, sit-ins and strikes to resist the occup.. (Horowitz, 2018) in the facts of civil resistance, it has caused an increase in the costs of the occup. and led to an accelerated end to the occup., as happened in the Afghan, Chechen and Polish resistance, or it has communicated to the int'l community the reality of the violations committed by the occup. and its attempts to obliterate the rights demanded by the people, such as the role played by the civil resistance in Western Sahara, (Mundy, 2015) as well as what the civil resistance did when Russia occupied Ossetia and Abkhazia from Georgia and Crimea from Ukraine. (Praks, 2015) Civil resistance can easily turn into armed resistance once it is organized and armed. (Saum, 2018) the resistance may have a

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negative role to benefit the occupier, as happened when Israel used the Druze community in the (*Golan*) to support the occup. (Schloterbeck, 2019) and also used them currently in its war in Gaza against the Palestinians. Historically, the French Resistance has caused very high costs for the German occup. during the II World War. It is worth mentioning what the Palestinian civil resistance did against the Israeli occup. in the West Bank in 1988, where hundreds of cases of Israeli soldiers' refusal to carry out orders to attack civilians were recorded, and it was a major reason for the negotiations that ended with the (*Oslo*) agreement in the nineties of the last century. (Croissan, 2018) after the assassination of Hariri in 2005, the efforts of the Lebanese civil resistance against the Syrian military presence resulted in the issuance of SC Res.No. (1559), which demanded the withdrawal of Syrian troops from Lebanon. (Barkowski, 2013)

Civil resistance can be made more effective and effective by the following:

- a. Revealing information about repression and its goals.
- b. Explain the occupation activities as illegal.
- c. Mobilizing internal and external support.
- d. Avoid financial and personal gains and not succumb to terrorism. (Martin, 2006)

Whether the resistance is armed or civilian, The Resistance Leadership should have the ability to manage both types of resistance effectively and effectively to confront the occupying power. (Lipert-Sowa, 2022)

2.3. Factors of Resistance

Success it is assumed that the countries that expect aggression on them should develop plans and org. of popular resistance that include basic details in terms of procedures, capabilities, means and training before the confrontation and the creation of all the requirements that ensure their success in resisting the occup. (Fiala, 2020) And be subject to command and control to ensure compliance with int'l standards and rules, so as not to be abused by the occupying power, ensure effectiveness and influence and protect its legitimacy. The composition of resistance orgs. includes two wings, military and civilian, with the recognition that the military wing is historically the most appropriate in resisting the occup. The integration of the underground Self-Defense Forces as a crucial part of the military wing with an underground resistance org. focused on resisting the occup. leads to positive and effective results, as happened with the Polish resistance, which lasted from the Nazi occupation in 1939 until independence and then continued until 1989 to get rid of the Soviet interv. and the accompanying counter-resistance operations that use hacks, provocateurs from agents, pseudo-operations (for example, the use of former revolutionaries to contact and detect active units), anti-partisan search and destruction operations, nomination camps to screen citizens for political loyalty, amnesty programs to uncover secret elements the remaining. Due to the flexibility and high efficiency of the Polish resistance, and despite the fact that it faced heinous murder, large-scale destruction and genocide, the following lessons were confirmed : a. The importance of civil control; b. Ambiguity, prolongation and Civil Defense Forces; c. Expand the scope of Civil Defense. (Richiie, 2019) Civilians can be a powerful asset in the competition for information and messages, as well as in the leadership of the ongoing national policy and promotes civil mobilization, civilians are also likely to have a key role in emergency plans for the economy that can promote national mobilization and, if successful, can mitigate the impact of the occup. on civilian communities and increase the costs of the occup. by depriving it of food, energy, necessary resources and provide opportunities for civilians to contribute on the basis of individual risk tolerance. When Russia annexed Abkhazia and Ossetia, the civil resistance led by Estonia and Latvia between 2011 and 2019 played a key role in mobilizing influential forces and liberating the Baltic states through the (National Defense Strategy), which united the efforts of the public and private sectors in confronting the occupation. (Binnendijk, 2021) The Polish resistance provided a secret justice system, controlled by the shadow government, working against secret collaborators with the occup. authority for the purpose of intelligence gathering, sabotage or assassination, and the population is informed of this secret system to prevent catastrophic repercussions, and at the same time provides a secret mechanism for informing the population about violations of behavior in conditions where the occupier controls all judicial and administrative proceedings, thus helping to legitimize the acts of resistance and ensure their continuation and the provision of suitable elements to work with the resistance. (Fuegner, 2014) For the success of the resistance, it depends on the following elements : (a) Create resistance requirements and take advantage of the terrain and nature of the area and the transportation network. (b) Identify a comprehensive, principled and moral strategy and adopt surprise raids, ambushes, camouflage and rapid withdrawal. (c) Adaptation to the secret org., cells, networks and guerrilla warfare, the adoption of communications that ensure the access of information and messages to convey the facts and refute the hostile propaganda in the shortest possible time. (d) Cooperate with civilians to obtain information and support, and support them when they are subjected to reprisals. (e) Proportionality between the reaction and the size of the damage caused by the occup. taking into account the law of self-defense, which includes the rules Int'l law, hum. law and HRs Law. (Buchan R., 2023) (f) And Organizing a central and secret military command that manages military operations, counterintelligence, control, sabotage, and purging the resistance from Clients. (g) Forming an open leadership for positive resistance, negotiating and

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obtaining political, financial, military, intelligence and administrative support And non-war Operations, Planning and public relations . (h) Agreement with partners and allies at home and abroad, and maintaining continued int'l support for the sover. of the state on its occupied territories .

(I) The existence of a post-liberation perception in terms of the form of the system, basic institutions, management style and org. of relations domestic and int'l . (Leonhard, 2013) On the other hand, the occupier is trying to reduce the resistance, especially the armed ones, and keep certain categories of the population away from recruiting for the resistance, such as those who have experience in national security or the military field or have specialized skills in resistance work and other secret work . Today, the resistance faces the risk of being detected through the use of (AI) in detecting secret resistance elements, which makes their participation pose a serious danger to their lives . (Stringer K. D., 2023) The resistance must also avoid illegal acts, especially those that violate int'l or national law, such as terrorist acts, kidnapping, murder, extortion, drug trafficking, cutting off int'l transport, and others . (Roscini, 2015) Int'l Res. , including SC Res., should not detract from the inherent right to self-defense, but rather support and promote it . (Halberstam, 1996) the ILC considers that the right to self-defense is not affected by collective security measures based on SC Res., as this right doesn't stop even in such exceptional circumstances. (ILC, 2001) some int'l Res. when imposing sanctions on a state may cause this to affect the right of self-defense and the ability to legitimate resistance, which necessitates that these cases be specifically excluded, as the GA tried in the case of Bosnia and Herzegovina . (UNGA 1. , 1992)

2-4- People's Experiences Resistance to the Occupation

2-4-1-Iraqi Resistance to the American Occupation

After the illegal American occup. of Iraq took place in 2003 (Perez, 2004) under the slogan (*the process of liberation of Iraq*) and the spread of democracy, (Presse, 2003) and on the basis that Res. (1441) of 2002 is based on the SC Res. (including Resolution 678) that made Iraq a source of threat and danger to int'l peace and security and the permissibility of appealing those decisions in order to use force to change the Iraqi regime, (Admin.USA, 2003) which is an unacceptable justification and makes the occup. illegal, (Wheatley, 2006) how to apply a res. issued in 1990 in the issue of Iraq's occup. of Kuwait, whose military operations ended in 1991, to the issue of the occup. of Iraq in 2003, and the said resolution was issued at the request of the state of Kuwait to help it in liberation from the Iraqi occupation, and the content of the res. Doesn't allow it to be applied to other issues in the future, (Wall, 2010) the res. does not allow the destruction of Iraq as the USA did, but rather aims to remove Iraqi forces from Kuwait only, making it a historical precedent and a dangerous interpretation of int'l res. and undermining the UN, (Murphy, 2004) in Res.(686) and the preamble of Res. (687) there is a clear reference to the termination of the work of Res. (678) after the liberation of Kuwait (Gray, 1992) and if this interpretation is correct, why did res. (1441) not explicitly mention this and be clear by authorizing the use of force, (Barringer, 2003) after Iraq's violation of this res. was proved, it was assumed to issue a new res. authorizing the use of force explicitly, and this wasn't agreed upon in the SC, (Greenwood C. , 2003) when reviewing the discussions that accompanied the issuance of this res. , Russia (Russia, 2003) , China and France did not agree with the use of force against Iraq because it was not commensurate with the circumstances of the case, (Gardam, Judith Gail - Lynch, Colum , 1993,2002) and its draft was changed by the opposing countries in order to make it weak in proving the authorization of the use of force, (Greenwood, 2003) in addition to not exhausting other peaceful means imposed by the charter, (Wal, 2008) the non-aligned group countries (116 countries) also objected to the use of force in addition to the objection of the Arab League, (States, 2003) and Germany, (Germany, 2003) Mexico , (Mexico, 2003) Brazil , (Brazil, 2003) and Switzerland, (Switzerland, 2003) as stated by the UN Secretary-General (Kofi Annan) that the use of force against Iraq is a violation of the charter , (Conference, 2003) and that the res. did not authorize the use of force against Iraq, (statement, 2003) Turkey refused to use USA bases or its territory against Iraq (Vick, 2003) then Germany, in addition to several countries of the E.U. (Denmark, Italy, Portugal) and candidate countries of the Union (Czech, Hungary, Poland) objected with an open letter to the use of force against Iraq, which causes deep friction with the policy of the USA and its allies, (Hofmann, 2002) so the USA claim other pretexts, such as countering weapons of mass destruction and terrorism, (Wedgwood, 1998) as it was later proved that this claim is a slander, and also based on the theory of preemptive war, which is an aggressive war in int'l jurisprudence, (O'Brien, 1983) and it is a flagrant violation of Art. (2/4) of the charter, (Damrosh, 2003) and when they felt their claims weakened, they based on the right of legitimate defense without proving its justification according to the charter, (STAHN, 2003) in addition, the decision to occupy Iraq was decided by the USA after the events of Sep. 11, 2001 on Afghanistan (**first**) and then on Iraq (**second**), (McGoldrick D. , 2004) and this was confirmed in the US strategy announced before the occupation . (Strategy, 2002) and the proven fact that the occup. was a personal desire of the USA admin. at that time, (Mitchell, 2002) and with the active participation of the British Prime Minister to change the Iraqi regime and control the oil wealth, (Sanger, 2002) where the oil wells were protected and continued to be managed from the beginning of the war to its end because its reserves amount to (112) billion barrels, (Langenkamp, 2003) the financial revenues of Iraq are still deposited in banks even today, American conditions are imposed on it when the Iraqi government disposes of it . . (Authority, 2003) also confirms the illegality of the

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continuation of Res. (678) when the migration crisis of millions of Kurds occurred due to their repression from the Iraqi government, it was not based on the said Res. , but the SC was forced to issue its Res. No. (688) of 1991 to provide protection for the Kurds . (O'Connell, 1992) As for the use of aerial bombardment and missiles to attack Iraqi military, security or vital positions , (Clines, 1998) it was due to Iraq's violation of Res. (687) on not allowing inspection committees for weapons of mass destruction, and the operations were limited and were not based on Res. (678) . (Gill, 1995) In 1998, the SC issued its Res. No. (1154) , which included a threat to Iraq to face severe consequences if it did not cooperate with the inspection committees, a phrase close to the terms of Res. (1441), but it was not interpreted as authorizing the use of force against Iraq, and the council only condemned Iraq by its Res.(1205) of 1998 . (Crossette, 1998)

And the Res. (1483) and (1511) didn't recognize the occup. authority (CPA) , (Boon K. 2., 2005) and yet an USA governor was appointed over Iraq, who falsely confirmed in his letter to the president of the SC his commitment to int'l and IHL, (Doc., 2003) because he was adopting the theory of (Bush) and his team of radical neoconservatives (such as Dick Cheney, Rumsfeld, Paul wolfowitz and Condoleezza Rice) (Diamond, 2005) to destroy Iraq by creating an atmosphere of bloody sectarian war through the security vacuum caused by the dissolution of the Iraqi army and security services and the replacement of a number of occup. soldiers by (116,000), which represents one third of the number sufficient to control and maintain security, (Dodge T. , 2009) and gave way to the growth and control of Iranian-backed militias equivalent to the latter for its positive role in the occup. of Iraq, and Res. (1483), which laid the foundation for the responsibility of the occupier as imposed by int'l law, (Iverson, 2017) pointed out the need for the occupying power to comply with The Hague Conv. as well as the Gen. Conv. in a confused manner, and also allowed taking measures that constitute a deviation from The Hague conv., such as the implementation of new legislation before publication, in addition to publishing it in English first and then requesting translation into Arabic and Kurdish later, that is, the Iraqi citizen will be responsible for compliance with the English text, which is an unofficial language in Iraq, and requires its implementation from the date of signing it, which is the date before publication contrary to legal principles, (Int'l, 2003) and for the first time the UN is a partner of the occupying power. (McGurk, 2005) In order to overcome the contradiction between Tahrir's claim and their actual control over all authorities, they transferred power to the Iraqi government in 2004 (الامن، 2004) and issued the state admin. law, the original version of which was written in English by the USA, replaced the Constitution in force and created new authorities and changed the form of the state to the federal system and created temporary institutions, some of which have continued to this day(such as the de-Baathification Commission) in contravention of the Gen. Conv. on the occupier's preservation of the State System, institutions and legislation and in violation of state sover. ; they have rushed through the transfer of power procedures to avoid their obligations under hum. law, maintain security and protect HRs Which is widely violated . (Boon K. E., 2009) they violated customary principles of being accountable, didn't manage Economic Affairs well, didn't observe proportionality between the right of self-determination and the imposition of their control over the country. (Chinkin, 1989) in 2005, a new constitution was issued, which was a copy of the State Admin. Law, and the occup. forces became present in Iraq at the request of the Iraqi government that they had established, (Wolfrum R. 2., 2005) despite the SCs affirmation of its responsibility to safeguard the interests of the peoples under occup. (introduction of its Res. No. 1645 of 2005), and their claim to liberate Iraq from dictatorship and spread democracy, but their real goals were towards redrawing the policy of the region and its future, especially with regard to the economic aspect (Bacon, 2003) and the expansion of foreign investment . (Bekker, 2003) & (Tadlock, 2004) it constitutes a flagrant violation of the principle of sover. , which remains a fundamental pillar of int'l law and is affirmed by SC Res. (1483). (McCarthy, 2005) As confirmed by all subsequent Res. (such as Res. No. 1500 of 2003 and No. 1546 of 2004), which means that the assertion of the principle of sover. was not with the intention of respecting this principle, but is a disguise and evasion from confronting what the occupier is doing, and there is no doubt that the occupying power has violated the int'l rules of occup. or the so-called (occupation law), including the established jus cogens, including Basic Rules of HL . (Robert, 2006) This is a controversial issue among those who believe that priority should be given to jus cogens norms, such as the right to self-determination and non-violation of sover., and the requirements for maintaining int'l peace and security should be balanced with hum. norms considered jus cogens norms . (Habermas, 1996)

The UN became a partner of the occup. authority in supervising the affairs of Iraq through the so-called Iraq Assistance Program (UNAMI) , (De Wet, 2004) and the US military presence and their control over all military , security, political and Economic Affairs continued, And when the promises made by the occup. Weren't fulfilled and the real intentions were revealed and the government established by the occupation failed, (Walker, 2004) which caused the emergence of the armed Iraqi resistance, in which all segments of Iraqi society participated and called it a delusion of terrorism, (Domisiewicz,2005) the number of resistance members according to USA estimates(20000-30000), (Editorial, 2005) therefore, they worked to split the resistance line by stirring up sectarianism among (Shiites) and (Sunnis) and national nervousness among Arabs, Kurds and Turkmen, and they succeeded in causing massacres that killed thousands of Iraqis and temporarily weakened the resistance (Kennedy D. , 2006) and this resistance was the reason for the conclusion of the Treaty on the withdrawal of US forces in 2009 to absorb the momentum of resistance and

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find legal cover after the occup. suffered thousands of dead tens of thousands of wounded, on the basis of continuing to confront terrorism in Iraq, training Iraqi forces and providing them with experience, and publishing rules and principles on the establishment of Democratic and respect for HRs, which are binding in all States parties to their conventions and violations of which have been raised in many cases before Int'l court, (Cerone, 2006) while the actual reality in Iraq after the occupation, represented by the killing, arbitrary detention and systematic torture of detainees and under the guidance of the highest US military leadership, contradicts. (Janet H., 2011)

During the first three months of the occup., the US admin. revealed its real goals when it replaced the reformist first admin., which tried to preserve the state entity with the replacement of only the top leadership by a second admin. that dissolved all state organs and started from scratch, and with insufficient security forces intentionally not provided for the destruction of infrastructure on a large scale by allowing the destruction, burning and looting of all state property and the assassination and arrest of its former leaders, creating chaos and a vacuum that makes it impossible to control, which they called (Creative Chaos). (Dodge T. 2., 2009) and did not comply with the Gen. Conv., which obliges them to respect and apply the existing legislation in the occupied area, but replaced it with more than (100) legislation in all aspects of life, especially economic aspects, such as the liberalization of foreign trade, the central bank and corporate law (Wolfrum R., 2005) on the grounds that Iraqi laws are repressive and contrary to HRs, (Boon K., 2005) in contravention of Art. (64) of the 4th Geneva Convention, which allowed the change of legislation related to the maintenance of security or related to the safety of the occup. forces, (Goodman, 1985) which entails these violations of int'l responsibility if demanded by the Iraqi national government in the future. (Paust, 2003) one of the violations of the occup. is that it confuses its ability to change Iraqi legislation with its practice of ending Iraqi institutions, such as the establishment of a Supreme Criminal Court by Order No. (13), which is not subject to the Iraqi judicial system to try officials of the former regime as well as the trial of those resisting the occup., contrary to the Gen. Conv., which emphasize the continuation of the existing judiciary to carry out its functions, and the occupation authority didn't commit to provide the rights prescribed for Iraqis in articles (27, 40, 42, 50 and 52) of the 4th Gen. Conv.. Since the first days of the occup., the occupying power has not complied with the rules (43 and 55) of The Hague rules of 1907, when a major battle took place between the Iraqi resistance and the US forces in Fallujah, the result of which was the destruction of the city and the killing of thousands of Iraqi resistance after the US forces used banned weapons (such as white phosphorus, cluster bombs and depleted uranium). (Burunham & O., 2006) The USA were able to transfer the confrontation with the Iraqi resistance to be with the Iraqi military forces, as happened in Basra, Najaf, Baghdad, Diyala and Mosul. The US occup. of Iraq represents the biggest setback to the concept of state sover. and became a pretext for other aggressions that occurred later. (Dodge T., 2009)

Since the beginning of the occup., indicators have been confirming that the occup. will be defeated and the USA will fail to continue to control Iraq due to the ability and severity of the effects of the Iraqi resistance. (Kennedy, 2006)

2-4-2- Occupation of the West Bank & Gaza Strip

Since the first days of Israel's occup. of the West Bank and the Gaza Strip in 1967, the UN has recognized that this occup. constitutes unjustified aggression, that it is illegal and in violation of int'l law. (UNGA, 1967) the Israelis confirmed that they had started the war and attacked the Egyptian planes while they were crouching at the airports. (Ministry, 2013) as a result of this aggression, Israel occupied both the West Bank and the Gaza Strip (Quigley, 2023) Israel still names the West Bank and the Gaza Strip (Judea and Samaria) in line with its goals of annexing them in the future, (Blum, 1968) Therefore, it acts on this basis in its non-application of The Hague Conv., Gen. Conv. and HRs conv. since its establishment in 1948, (Kontorovich, 2017) and considers these two areas to be sovereign and therefore their occup. and subjection to Israeli control on a de facto basis, (Cavanaugh, 2002) calls this interpretation a (patient definition) and contradicts the principle of good faith, (Meron T., 2017) and acting on the basis that it is sovereign, which makes it difficult to settle the issue in the future, (B'Tselem, 2016) in contradiction with The Hague Reg. (Art. 45), which rejects the idea of transferring sover. to the occupier and considers it a lost sover., (Ottolenghi, 2004) it also claims that it is not bound by HL nor by HRs conv. on Palestinians in the West Bank and the Gaza Strip because they aren't its citizens, (Rapporteur, 2002) the ICTY rejected the claim that domestic cases aren't covered by the concept of armed conflict for non-implementation of HL, (Boskoski, 2008) while in all cases they are covered by the first protocol of 1977 and (Art. 3) of the Gen. Conv., (Szpak, 2017) where racial discrimination is blatantly practiced with them, condemned by many HRs institutions, (State, 2015) and their open game is that they do not recognize the authority of Jordan on the West Bank nor the authority of Egypt on the Strip before their occup., in an attempt to mix papers and legitimize their illegal invasion and colonization, (Gross A., 2017) and then they will accept the recognition of the right of Palestinians on part of the West Bank and the Gaza Strip as they decide, so that the Palestinian Authority has a formal admin. and may not interfere in land ownership issues or in relation to Israeli settlements, which it considers legitimate according to int'l law and constitute a violation of articles (47 & 49) of the 4th Gen. Conv., (Ministry I. F., 1996) and Israel can violate its authority whenever and however it wants, (Cavanaugh K. A., 2002) Israel wants

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to continue imposing its control over the occupied territories under a cover that seems legitimate, (Malanczuk, 1996) and they claim not to impose their sover. over them except the East Jerusalem area, (Din, 2014) while imposing their sover. and laws on East Jerusalem and under religious and historical pretexts, (Quigley, John & Rempel, Terry, 1996/1997 & 1997) where the Knesset enshrined the annexation of Jerusalem since the law issued by him in 1980 and confirmed in 2000 and then in 2010, (Ben-Hillel, 2013) and recognize the unification of West and east Jerusalem with the intention of formally annexing it to Israel, (Prime Minister's Office, 2017) which contradicts the Oslo agreement 1995 and what the European Court of HRs recognized in the case of Turkey when it occupied Cyprus. (Cyprus v. Turkey, 1976) and in numerous decisions of the Israeli Supreme Court has recognized that the West Bank and the Gaza Strip are governed by the int'l law of occup. and it is prohibited to annex or subtract part of it, (HCJ 337/71, HCJ 256/72, HCJ 61/80, 1971, 1972, 1980) although this court is unclear when it comes to the issue of East Jerusalem, the court even considers that it is bound by national law even if it does not contradict int'l law, (HCJ, 2002) as Israel may not reoccupy the territories agreed to be administered by the Palestinian Authority, (Benenisti, 1994) Israel has made a demographic change, it has established settlements for more than (500,000) settlers in the West Bank and the perimeter that was separated from the Gaza Strip on the basis that the Jewish people have the right to own property because they were previously expatriates because of the war imposed on them (Meron, 2017) and decided to consider the city of Jerusalem as its capital in contravention of SC Res. No. (478) of 1980, where the GA asked the countries of the world to refrain from moving their embassies to Jerusalem, (UNGA 2, 2017) and then Israel destroyed more than (50,000) Palestinian homes, (Farrell, 2002) and the seizure and annexation of (70%) of the Palestinian lands to Israel once and for all, (United Nations-Habitat, 2015) monopolizing water sources, which are the nerve agent of life, which does not meet hum. needs, (Scobbie, 1995) and applying its laws to the occupied territories, (Zur, 2018) contrary to the Oslo agreement the Israeli approval of the US road map and their acceptance of the idea of the existence of a Palestinian state (Ariel Sharon, 2003) all constitute violations of int'l law and the right of the Palestinian people to self-determination. (Int'l A., 2017) and affirms its desire to continue the occup. and thus the de facto annexation of the occupied territories, which it adopts to achieve its interests in violation of int'l law, which is constantly confirmed by Israeli officials to this day. (Roberts, 1990) that the continuation of the occup. in such a deceptive way and circumvention of int'l rules reveals bad faith and unwillingness to leave the occupied territories. (Azarova, 2012) Israel's decision to treat sites traditionally protected from attacks as legitimate targets means destruction for civilians in Gaza. Hospitals and schools where people displaced by the war have taken refuge have been targeted in large-scale attacks, (Stauffer B., 2024) killing thousands. The problem has been exacerbated because Israel does not comply with the Gen. Conv. and the customary rules of HL because it didn't make them within its legislation under internal laws, and the West Bank and the Gaza Strip don't enjoy sover., and this opinion contradicts the careful review of the Gen. Conv., in particular joint art. (2), (LANCASTER, 2006) also, Israel didn't apply the Gen. Conv. to the Syrian Golan Heights, although it was subject to the sover. of Syria, and it dealt with these two areas on the basis that it was economically independent and that its citizens weren't Israelis, and they are trying to convince the int'l community that the West Bank and the Gaza Strip didn't have sover., so on the basis of reality (de facto), Israel has de facto authority and it hasn't violated sover. because it doesn't exist in the first place, this means that every state has the right to occupy any area in the world there is a dispute over the existence of sover. or not, (Amirav, 2007) and they forget that the state of Palestine existed before Israel and that it was subjected to the British mandate after the I World War and the majority of its people were Muslim Arabs and Jews were a minority, and as a result of Jewish immigration supported by all Western countries and the USA and armed with gangs, the balance of power became in their favor at the expense of the Arabs after the II World War, despite their percentage was (30%) of the total population (Quigley J., 1997) the Arab countries were also subjected to the mandate, and no one claimed that these countries didn't have sover., and in light of this mandate, Britain announced the fateful Balfour Declaration, and the Palestinian state continued to exist during the II World War, and then the UN Res. came to divide it into two states. Because of Israel's wide-ranging interpretation of proportionality. From Israel's point of view, it means that the collateral damage of a particular strike should be proportional to the expected military advantage. And that "the expected military advantage here is the destruction of the terrorist organization, according to its claim. Israel has turned a principle that was intended to protect civilians into a tool to justify violence. And their approach to assessing proportionality, not blow by blow but in light of the whole purpose of the war, is not the way armies are supposed to carry out their assessments. Rather, according to int'l law as codified in additional protocol I, the principle of proportionality prohibits a particular attack in which the expected harm to the civilian population and places is "excessive compared to the" direct military advantage "that the attack is supposed to achieve. By balancing any one case of harm to civilians with a perceived existential threat, Israel can justify virtually any strike as meeting the requirements of proportionality; the claimed benefits always outweigh any costs. With this logic and a broad interpretation of the principle of proportionality, the Israeli forces targeted hospitals, places of worship, shelters and schools as military targets because they could be used or used by (Hamas), as it is no longer a safe place for civilians in all of Gaza. (Ogirenko, 2024)

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The Gaza war represents a series of wars that were repeated after (9/11), where the law of war collapsed and HL is no longer considered in these wars, and the ICC and the ICJ are trying in vain to prevent the violation of int'l and HL due to the US domination of the new int'l order. It allows the soldiers of an aggressor state to violate the sover. of another state and kill its soldiers and provide them with immunity from accountability even if they burn, steal, destroy, rape, kidnap, torture, kill prisoners or mass exterminate human groups of civilians, contrary to customary rules since (Grotius) in the 19th century and before the adoption of HL conventions, as these measures represent The destruction of the principle of sover., which is the cornerstone of int'l legitimacy sought by all peoples. (Al-Haq, 2020) Since the sixties of the last century, the GA has condemned the Israeli occup. of the Palestinian territories and condemned the continuation of this occup. for decades without responding to int'l law and UN Res. (UNGA Res.) Because this occup. was the result of an aggression carried out by Israel against Egypt under the pretext of preemptive war, which is the concept of aggressive war agreed by most jurists and what int'l principles have settled on, (Ruys, 2010) that the continuation of the occup. contradicts the principle of the right of self-determination based on SC Res No. (242) in 1967, and that its presence on the Palestinian territories is a colonial occup. and a violation of int'l law. (Erakat, 2012) in light of these facts, the occupying power doesn't have the right of self-defense, because the Palestinian resistance was not classified as a state as required by Art. (51) of the charter, (Tams, 2005) and this was confirmed in the advisory opinion of the ICJ in the case (the separation wall), which stipulated that the source of the attack was from outside the state, (ICJ A., 2004) and thus all claims by Israel of its right to self-defense in its war in Gaza are inadmissible in int'l law. If Israel wants to act in good faith and respect int'l law and the Res. of the UN and the ICJ, including SC Res No. (2334) of 2016, which immediately calls for int'l diplomatic efforts to end the illegal Israeli occupation, it should take practical measures towards the transfer of sover., ending settlements, preventing settlers from attacking Palestinians, ((Dudai, 2001) ending the apartheid measures carried out by Israel since 1948, (Shah, 1997) and compensation for the damage caused to the Palestinians of its illegal occup., which is estimated at (300 billion dollars), except for the damage it has caused in its war in Gaza now. (UN, 2019) The US road map represents a practical attempt that can contribute to ending the crisis and the accompanying serious violations of int'l rules and to demonstrate good faith and respect for the principle of sovereignty, (U.S., 2003) and responding to the demands of the Second Intifada (year 2000), (Weston H., 1991), during which the Palestinians made dozens of martyrs and put great pressure on Israeli institutions, including the Supreme Court, (Dotan, 1999) and benefited from the experience of South Africa, which obeyed int'l law and the will of the int'l community and set an example for the success of peoples in self-determination. (Gross, 2004) and belief in the marriage between peace and justice, and today the Palestinians are facing the fiercest civil and armed resistance battle with the occupation authority, the number of victims in Gaza alone reached (40000) and the number of injured more than (87000) and more than (600) Palestinians were killed in the West Bank with the arrest of several thousand, as these figures confirm that Israel is committing genocide and war crimes are now pending in ICJ and the ICC, Arrest Warrants have been issued against the Israeli Prime Minister, his defense minister and chief of staff his army.

2-4-3- Russian Occupation of Ukraine

In 1994, the Russians and Ukrainians agreed to respect the independence and sover. of the two countries when Ukraine joined the Treaty on the non-proliferation of nuclear weapons and handed over to Russia what nuclear missiles it had inherited from the former Soviet Union. (Memorandum, 1994) however, Russia did not abide by this Agreement and invaded Ukraine under the pretext of the right of legitimate defense based on Art.(51) of the charter because of the threat of Ukraine to Russia's security and the ethnic Russians in eastern Ukraine were subjected to genocide on racial grounds. (Mulligan, 2022) and then recognized the (*Donetsk People's Republic*) and the (*Luhansk people's Republic*), which separated from Ukraine, (Decree, 2022) the invasion represents a threat to the independence and sover. of Ukraine and a clear violation of the provisions of the charter and all int'l charters and requires to be confronted through Chapter VII of the charter as aggression, (Hoffmann, 2022) the SC has become paralyzed due to Russia's objection to its decisions and failure to implement the arrest warrant of the Russian President issued from the ICC. (Hnativ, 2022)

During the invasion, Russia did not observe the principle of proportionality of HL in the size of military forces and the intensity of military operations, and Russian troops carried out summary executions, concealment and torture in Ukraine, in addition to barbaric attacks against civilians, the destruction of medical facilities and the shelling of the city of (*Mariupol*) indiscriminately and caused damage to the power grid left millions of civilians without electricity or water, and Russian troops did not distinguish between Ukrainian combatants and civilians, causing the migration of millions of Ukrainians outside the country. (Commissioner, 2022) that violation of int'l and HL, in particular the principle of Prohibition of the use of force in int'l relations and endangering int'l peace and security, which falls within the concept of the crime of aggression, gross violations of HRs and crimes of genocide, which are considered peremptory norms and constitute int'l crimes that do not pass the statute of limitations, will expose Russia

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to int'l responsibility sooner or later, which are the foundations adopted in the negative position of the ECHR from Russia, (Hnativ O. , 2023) and the case is now pending at the ICC, which has issued an arrest warrant for the Russian President .

The NATO-backed Ukrainian resistance, (Binnendijk A. &, 2021) in the face of the Russian occupation, an effective image of its potential to deter the occupier and disrupt his plans after it relied on organizing and arming civilians with modern weapons, especially since the Russian aggression was expected and not surprising since its occupation of the Crimea . (Bērziņš, 2014) although it was an invasion and occup. at the same time, resisting the occup. with a permanent character is more difficult and greater than resisting the invasion of a temporary nature, and organized a large number of civilians amounting to (400,000) Ukrainian civilians to work on an electronic application to provide Ukrainian forces with information documented by photos and videos about Russian troops, (Ogirenko, 2024) which makes these civilians targets for Russia, despite Russia's attempts to use electronic means in camouflage and deception on the Ukrainian resistance . (Satter, 2017) since the beginning of the Russian occup. , the Ukrainian resistance has worked within two wings: one is a military one that confronts the occupier with all kinds of weapons and in an organized manner with small units that carry out quick operations and withdraw(*guerrilla warfare*), and the second is a civilian one that mobilizes forces to support the armed resistance and the Ukrainian army with everything it can provide materially or morally from espionage, sabotage and Broadcasting counter propaganda . (Klisz, 2022) in order to increase the impact of the resistance, it coordinates with the regular military forces to implement military plans, organize their activities and increase their focus on specific goals . (Stringer K. D., 2021)

2.4.4. Resistance in Kosovo

The resistance in Kosovo began in 1991 with the support of Albania to confront the intervention of the Serbian federal government, which established a loyal regime in Kosovo and with the support of (NATO), which turned against the (Serbs) at the end of the nineties to work for the liberation of Kosovo, and after the failure of the Serbs to eliminate the Kosovo resistance, the (Kumanova Agreement) was concluded and the role of the UN began in its management . (Wikipedia, 1999) Where the UN Interim Admin. mission in Kosovo (UNMIK) was founded . (UNSC Res., 1999) Despite the absence of an explicit reference in the charter to the right of the UN to admin. certain areas, as some believe that it is based on Chapter VII after the inability of states to maintain int'l peace and security, as happened with Kosovo and East Timor, and on the basis that it is a temporary fiduciary function to transfer sover. to these two territories when their capabilities are completed. (Stahn, 2001) And in 2000 the Office of the Ombudsman was established to oversee and monitor the actions and procedures of the government in addition to monitoring the occup. authority, (Reg., 2000) in order to promote the Kosovar people and qualify them for advancement in the management of this new entity, the mission was given legislative, executive and even judicial powers to administer Kosovo civilly with supervision of the police until the declaration of independence in 2008 . (Nix, 2012) The UN admin. of this territory represents the desire of the int'l community, and it sincerely aims to enable the Kosovar government to manage the country's affairs without any desire to achieve benefits for one party at the expense of another . (Knoll, 2007) The UN admin. was unable to remove all obstacles, especially related to the economic aspect and the removal of failed admin. , which aggravated the reaction of the Kosovar resistance to continue its activities until the liberation of their territory and the establishment of their nation-state was completed . (Knoll B. 2., 2007) the Cooperation EU was also used in coordination with the OHCHR . There are indications at the ICC of the commission of int'l crimes by military leaders, and therefore the prosecutor general has begun to conduct his investigations in preparation for opening cases before the court . (Statement, 1999)

2.4.5. Resistance in East Timor

In 1975, Indonesia occupied East Timor after the Portuguese colonization, due to its fear of socialist aspirations and the leftist direction that the territory could turn to, as happened with the Cuban experience, and during the first months of occupation, the Indonesian army faced severe resistance in the mountainous areas of the island from the (*Frente Revolucionária*) de Timor-Leste Independente (FRETILIN) front, which includes teachers, students, workers, peasants and veterans, and was seeking independence from the Indonesian occup. . (Jones, 2010)

The civil resistance also played a big role through strikes, supporting the armed resistance and providing information to the int'l community . (Hess, 2006) But since 1977-1978, the army has obtained new advanced weapons from the USA, Israel and other countries to destroy the resistance, and (150,000) Indonesian settlers have been brought in to effect demographic change and the re-dissemination of Indonesian anti-communist culture, in addition to the establishment of new villages to resettle the population in order to serve the non-spread of revolutionary ideas .Indonesia made a serious mistake in the massacre (*Santa Cruz*) 1991 , which caused the Timorese resistance against them to intensify, and in 1997 the global economic crisis hit the Indonesian economy, which overthrew Sukarno's rule and the subsequent government accepted holding a referendum on the independence of East Timor. (Anderson, 1995) The last two decades of the century witnessed constant clashes between Indonesian and East Timorese groups over the status of East Timor managed to thwart the Indonesian project, (Rosser, 2009) at the 25th session of the GA, it issued its Res. No.(2625), in which it expressed its deep regret over the use of excessive force by Indonesian government forces

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against East Timor, and at the subsequent session, it issued its Resolution No. (3485), in which it demanded the cessation of violations and the speedy withdrawal from them, Indonesia has practiced recruitment of Timorese citizens to face resistance through offices spread in cities and villages, most of them were farmers, settlement operations indigenous people, whose percentage reached (80%) of the total number of demographic changes, (Budiardjo, 1986) and then the region came under the admin. of the UN Transitional Adm. under SC Res. No. (1272) based on Chapter VII, which granted broad legislative and executive powers to achieve justice and the advancement of the people to prepare them politically, administratively and technically to manage the affairs of the country, (UNSC, 1999) until 1999 when the majority of East Timorese generally voted for independence. East Timor gained independence on May 20, 2002, after two and a half years of transition and under the auspices of three different UN missions. (Brabandera, 2009) That the result of this occup. contradicted the established social realities that cannot be changed by military and repressive actions, no matter how long they last, because they are going against the normal course of free societies.

3-THE POSITION OF THE INT'L JUDICIARY ON THE OCCUPATION & ITS RESISTANCE

The int'l judiciary represented by ICJ & ICC, has responded to the issues of occup. and the accompanying resistance of the Peoples subjected to occup., and has applied int'l rules and established norms in int'l law, and has adopted int'l principles that represent an important reference when reviewing any case as int'l precedents as one of the sources of int'l law.

3.1. Position of the Int'l Court of Justice

The ICJ is competent to implement and interpret the rules of int'l law through the cases submitted to it, and among these cases the UNSC has taken a position on some of them, and there may be a contradiction between the positions of these two institutions, which requires the UN to have a clear opinion and for whom the priority is in the application. (Cronin-Furman, 2006)

In 1971, the ICJ issued an advisory opinion on the legal consequences of the continued presence of South Africa in Namibia, and in this judgment approved guidelines for measuring the legality of the occup. of South Africa, considering it an infringement on the principle of the right of self-determination, and put an end to the illegality of the presence of South Africa in Namibia, and that its status was considered an occup. (ICJ 1, Advisory, 1971) and in the activities of the SC and the GA also considered illegal occup., (UNSC, 1971) which led to the subsequent end of the occup..

Also in 2004, the court issued an advisory opinion on the Israeli wall that it constitutes a violation of IH and HRs Law and that the occup. is illegal and contrary to the right of self-determination. (ICJ I, 2004)

In the case of Nicaragua, the court affirmed the right to self-defense, in particular collective defense, which is the right of the victim state that claims it, and this affirmation doesn't cancel the right of individuals to defend themselves through armed and unarmed resistance. The court affirmed that the USA will refrain from anything that violates or violates Nicaragua's sover. based on customary rules and the agreement between them in order to preserve Nicaragua's sovereignty and non-abandonment of its affairs. (ICJ 1, 1984)

In the advisory opinion of the court issued on 19/7/2024, it considered the Israeli occup. of the Palestinian territories since 1967 illegal and a violation of int'l law and art. (53 and 64) of the 4th Gen. Conv. and demanded Israel to end its occup. and cancel its demographic and geographical changes and respect the right of Palestinians to self-determination because their lands have unity, continuity and sover. must be respected and called on the int'l community to implement this opinion and refrain from supporting Israel as an occupying power and its exploitation of Natural Resources and the expansion of settlements the deportation of the Palestinian population and the seizure of Palestinian property by settlers is a violation of int'l law and that their continued presence in the territories The Occupied Palestinian territory is illegal and it is obliged to end its occup. as soon as possible and compensate natural and legal persons for the damage caused to them. (2024, المتحدة)

3.2 position of the ICC

The USA welcomed the ICC's exercise of its jurisdiction over Russia for crimes committed in Ukraine, and passed a law allowing it to share evidence of Russian-Ukrainian war crimes with the prosecutor, however, the Trump admin. imposed sanctions on judges and lawyers at the court in response to the investigation into whether the USA committed crimes in Afghanistan, and still adheres to the law protecting U.S. service members from prosecution and prohibits government agencies from assisting the court unless specifically permitted (the Hague Invasion act of 2002), while the USA should expand cooperation with the ICC, which is the most effective int'l law enforcement mechanism. In the case of Russia's occup. of Ukraine, the prosecutor general launched his investigations on the basis that what Russia has done constitutes a war crime by deporting Ukrainian children to Russia, and managed to convince the court to issue an arrest warrant against the Russian president as an accused in this case. (Khan, 2023) This order was not implemented due to the paralysis of the SC and Russia's rejection of even the legitimacy of the court, and the extent of the shortcomings in the court system and the ineffectiveness of its procedures has become clear. (Green, 2022) In the case of the (Israel-Hamas) war, the prosecutor general, after his investigations, managed to convince the court to issue an arrest

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warrant against three Hamas leaders (Sinwar, Mohammed Deif and Ismail Haniyeh) and two Israeli leaders (the prime minister and the Defense Minister) for various crimes against humanity since the start of the war on November 1/2023 until the issuance of the statement, and this order has not been implemented so far due to weak int'l commitment and non-compliance with court orders . (Khan KC, 24/May 2024)

4. CONCLUSION (RESULTS & RECOMMENDATIONS)

4.1. Results

The continuation of states preferring their own interests at the expense of the general interest of the int'l community, represented by their quest for expansion and annexation of the territories of others, poses a great dilemma that causes a violation of int'l rules that have become jus cogens in int'l law, and no researcher doubts the illegality of the occup. under any pretext . Therefore, the peoples under occup. have turned to resist it by all means in order to seek liberation and exercise their right to self-determination . The int'l bodies have played an important role in enshrining int'l rules and finding a suitable ground for their application . Through the research, the following results have been achieved :

- (a) The military occup. of third-party territories is a violation of the peremptory norms of int'l law under any pretext, and its prolongation constitutes an additional crime .
- (b) The occupying power has obligations under int'l and HL to respect HRs and preserve the interests of The people under its occup. , otherwise it bears int'l responsibility .
- (c) Civil or military resistance is a right of the people under occup. , and the occupier does not enjoy the right of legitimate defense when confronting this resistance .
- (d) Violations committed by the occupier are considered int'l crimes that aren't subject to statute of limitations . E. The inefficiency of int'l bodies in deterring and paralyzing the occupier in violating it on the occupied territories for political reasons or the interests of one or several states Influential countries in int'l regulation .

4.2. Recommendations

In light of the above results, the following recommendations should be taken into account :

- (a) Considering the military occup. of third-party territories as one of the most dangerous acts that endanger international peace and security and necessitate taking urgent and urgent measures, starting with the imposition of sanctions on the occupied state, which requires at least the countries to sever all relations with it .
- (b) The int'l bodies concerned with HL and HRs Law are moving to follow up on the affairs of the occupied territories to monitor, follow up and document all violations .
- (c). The non-acceptance of the claim of the occupying state that it exercises the right of legitimate defense when confronting Resisters from the territories under occup. .
- (d) All states should provide all assistance, assistance and support to the resistance of the peoples under occupation to exercise their right to self-determination.
- (e) Review the working systems of int'l bodies to be more effective and have the ability to open occupation cases against any country in order to make a decision and implement it within a short period .

REFERENCES

References in English

- 1) Admin.USA (2003),Address to the Nation on Iraq. Washin. : 39 WEEKLY COMP. PRES. DOC. 338, 339 (Mar. 17
- 2) Al-Haq (2020),Establishing Guidelines to Determine whether the Legal Status of 'Area C' in the Occupied Palestinian Territory represents Annexed Territory under Int'l Law. Al- Haq , Defending HRs.
- 3) Amirav, M. (2007),The Jerusalem Syndrome Israel's Unification Policy Delusions, 1967-2007. Jerosalem: <https://kotar.cet.ac.il/KotarApp/Viewer.aspx?nBookID=68337791#9.5768.6.fitwidth>.
- 4) Anderson, B. R. (1995), East Timor and Indonesia: Some Implications'. In East Timor at the Crossroads : Forging of Nation, ed.P.Carey & G.C.Bebtley. Cassell, London.
- 5) Arai-Takahashi, Y. (2019), Unearthing the Problematic Terrain of Prolonged Occupation. Israel L. Rev. , 52 (2), 45.
- 6) Ariel Sharon, S. P. (2003), Herzliya Conference in 2002 on the website of the. Tel-Aviv: Prime Minister's Office: <http://www.pm.gov.il/PMO/Archive/Speeches/2003/12/Speeches8996.htm>.
- 7) Army,2023 Manual (2023), USA Army Field Manuals: A Resource Guide and Inventory: https://en.wikipedia.org/wiki/United_States_Army_Field_Manuals supra note 42, at 143.
- 8) Authority, C. P. (2003), Regulation Number 2, CPA/REG/10 June 2003/02, at 1,.

- <http://www.cpa-iraq.org/regulations/REG2.pdf>.
- 9) Azarova, V. (2012), 'Disingenuous "Disengagement": Israel's Occupation of the Gaza Strip and the Protective Function of the Law of Belligerent Occupation', *Opinio Juris*, 24 April. <http://www.opiniojuris.org/2012/04/24/disingenuous-disengagement-israels-occupation-of-the-gaza-strip-and-the-protective->.
- 10) B'Tselem, u. (2016), 17,898 Days: Almost Fifty Years of Occupation 4, June. at http://www.btselem.org/publications/201606_reality_check.
- 11) Bacon, D. (2003, Nov. 9), The Bush Administration War Against Iraqi Workers and Unions. *L.A.TIMES*, http://reclaimdemocracy.org/articles_2003/iraqi_workrs_unions.html.
- 12) Barkowski, M. J. (2013), *Recovering Nonviolent History: Civil Resistance in Liberation Struggles*. Boulder, Colo: Lynne Rienner Publisher, P.84.
- 13) Barringer, F. (2003, Mar. 20), Critics Say U.S. Lacks Legal Basis for Attack. *N. Y. Times*, p. at A19.
- 14) Barume, A. (2005), *Indigenous Battling for Land Rights: The Case of the Ogiek of Kenya*,. 365 (Joshua Castellino & Niamh Walsh eds.,).
- 15) Bassioni, C. (1971), Self-determination and the Palestinians. 65(4) *AJIL* 32, 32.
- 16) Bekker, P. H. (2003), The Legal Status of Foreign Economic Interest in Occupied Iraq. *Newsletter of the American Society of Int'l Law* 1, 9-11, n. 16 (July).
- 17) Benenisti, E. (1994), Responsibility for the Protection of HRs under the Interim Israeli-PalestinianA greements, . 28 *IsR. Law REV.*, 308.
- 18) Ben-Hillel, Y. (2013), *The Legal Status of East Jerosalem*. Norgian Refugee Council (NRC).
- 19) Ben-Naftali, O. . (2005), *Illegal Occupation: Framing the Occupied Palestinian Territory*. *BERKELEY JOURNAL OF INTERNATIONAL LAW*, Vol.23:3, 557.
- 20) Bērziņš, J. (2014), *Russia's New Generation Warfare in Ukraine: Implications for Latvian Defence Policy*. Riga: National Defence Academy of Latvia, Center for Security and Strategic Research, April, 10.
- 21) Binnendijk, A. & (2021), *Civilian-Based Resistance in the Baltic States*. RAND Corporation, Santa Monica, Calif.
- 22) Blum, Y. (1968), *The Missing Reversioner: Reflections on the Status of Judea and Samaria*, . 3 *ISR. L. REV.*, 279.
- 23) Boon, K. (2005), *Legislative Reform in Post-conflict Zones: Jus Post Bellum and the Contemporary Occupant's Law-Making Powers*. *MCGILL LAW JOURNAL / REVUE DE DROIT DE MCGIL*, Vol.50,293, 302,307
- 24) Boon, K. E. (2009), *Obligations of the New Occupier: The Contours of Jus Post Bellum*. *Loyola of Los Angeles International and Comparative Law Review*, Vol.31, No.1 Symposium—Transformation in Iraq: From Ending a Modern War to Creating a Modern Peace, Article 4, 65.
- 25) Boskoski, P. v. (2008), *J. Tarculovski (Judgment)*, 175. *International Criminal Tribunal for the former Yugoslavia*.
- 26) Brabandera, E. D. (2009), *Post- Conflict Administrations in Int'l L*. Library of Congress Cataloging-in-Publication Data.
- 27) Brazil, S. (2003), *UN Doc. S/PV.4721 at18*. New York: UN.
- 28) Buchan, R. (2007), *Int'l Community and the Occupation of Iraq*. *J. of Conflict & Security*, Vol.12, No.1, 37-64.
- 29) Buchan, R. (2023), *Non-forcible measures and the law of self-defence*. *Int'l and Comparative L.*, 72(1), 25.
- 30) Budiardjo, C. ..—1 (1986), *The Politics of Transmigration*. 16 *Ecologist* 1, 111-116.
- 31) Burunham, &. O. (2006), *Mortality after the 2003 invasion of Iraq: A cross-sectional cluster sample survey*. *Lancet Online*, 11 October, DOI:10.1016/S0140-6736 (06)69491. <http://www.thelancet.com/webfiles/images/journals/lancet/s0140673606694919.pdf>.
- 32) Case, E. T. (1995), *I.C.J. 90, 102, ¶ 29; ILC Draft Articles, supra note 19, at 113 (commentary to art. 40 ¶ 5)*. Hague: ICJ.
- 33) Castellino, J. (2008), *Territorial Integrity and the Right' to Self-Determination: An Examination of the Conceptual Tools*. 33(2) *Brooklyn JIL*, 507.
- 34) Cavanaugh, K. A. (2002), *Selective Justice: The Case of Israel and the Occupied Territories*. *FORDHAMINTERNATIONAL IAWJOURNAL*, Vol. 26, Issue 4, 944,954
- 35) Cerone, J. (2006), *HUMAN DIGNITY IN THE LINE OF FIRE : The Application of Int'l H. Rs.Law During Armed Confflict, Occupation, and Peace Operation*. *Vanderbilt Journal of Transnational Law*, *Vanderbilt Journal of Transnational Laol*.39, Issue 5, 1493.
- 36) Charney, J. (1999), *NATO's Kosovo Intervention: Anticipatory Humanitarian Intervention in Kosovo*. 93 *AM. J. INT'L L.*, 834,837.
- 37) Chenoweth, E. &. (2019), *"Violence Is a Dangerous Route for Protesters*. *Foreign Policy*, Dec.18.
- 38) Chinkin, C. (1989), *The Challenge of Soft Law: Development and Change in Int'l Law*,. 38 *INT'L & COMP. L.Q.*, 850, 856-859.

Resistance to Occupation in Int'l Law, Int'l Realities & Int'l Bodies

- 39) Clines, F. X. (1998, Dec. 17), Impeachment in the House Delayed Clinton Launches Iraq Air Strike, Citing Military Need to Move Swiftly. N.Y. TIMES.
- 40) Comm. H.R. Res. (2005), nonrecognition of the Israeli annexation of the Syrian Golan Heights/8. New York: UN.
- 41) Commissioner, H. f. (2022), Ukrainian asylum seekers were registered in European countries by 3 August 2022. UN.
- 42) Committee, O. 2. (2023), The Legality of the Israel Occupation of the Occupied Palestinian Territory , Including East Jerusalem, the Exercise of the Alienable Rights of the Palestinian People. Irish Centre of HRs, Uni. Galway, P.17,25
- 43) Conference, P. (2003), UN Secretary-General Kofi Annan. Press Conference UN Secretary-General Kofi Annan. Hague: The Hague, The Netherlands : <http://www.un.org/apps/sg/printoffthecuff.asp?nid=394#>.
- 44) Court, J. U. (2024), Justia U.S. Supreme Court Center. <https://supreme.justia.com/>.
- 45) Croissan, A. & (2018), Mass Protests and the Military. Journal Democracy , Vol.29, No.3 ,July.
- 46) Cronin-Furman, K. (2006), The ICJ and the UNSC: Rethinking a Complicated Relationship',. 106 Colombia L Rev., 435, at 459-460.
- 47) Crossette, B. (1998, Nov. 6), U.N., Avoiding Talk of Force, Criticizes Iraq on Arms Team. N.Y. TIMES6,, p. At A1.
- 48) Cummings, E. R. (1974), Note, Oil Resources in Occupied Arab Territories Under the Law of Belligerent Occupation, . 9 J. Int'l L. & Econ., 553,558.
- 49) Cyprus v. Turkey, (1976), App. No. 6780/74,. 4 EUR. H.R. REP. 482.
- 50) Damrosh, L. F. (2003), Agora: Future Implications of the Iraq Conflict , Vol. 97. AJIL , 553-555.
- 51) De Wet, E. (2004), The Direct Administration of Territories by the UN and its Members in the Post Cold War Era: Legal Bases and Implications for National War. Max Planck UNYB 8, 291 et seq.
- 52) Decree, P. N. (2022), On the Recognition of the Donetsk People's Republic & On the Recognition of the Luhansk People's Republic. Mosku: Russian Government.
- 53) Diamond, L. (2005), Squandered Victory. The American Occupation and the Bungled Effort to Bring Democracy to Iraq. New York: New York: Times Books.
- 54) Din, Y. (2014), A Legal Analysis of the Report of the Committee to Examine the Status of Building in Judea and Samaria [the West Bank] ("The Levy Committee") – Int'l & Administrative Aspects. The Emile Zola for HRs, The Haim Striks School of Law, PP.9-12.
- 55) Dinstein, Y. (2004), legislation Under Art. 43 of the Hague Regulations : Belligerent Occupation & Peacebuilding. In Y. Dinstein, OCCASIONAL PAPER SERIES (p. 4). Harv.Uni. - Program on Humanitarian Policy and Conflict Research-Occasional Paper Series.
- 56) Doc., U. (2003), S/2003/538 at paras. 90-93 , UN S/2003/538. New York: UN.
- 57) Dodge, T. (2009), Coming face to face with bloody reality: Liberal common sense and the ideological failure of the Bush doctrine in Iraq. Int'l Politics , Vol.46,2/4, 254,256, 267
- 58) Domisiewicz, R. (2005), Consolidating the Security Sector in Post-Conflict States: Polish Lessons from Iraq. In A. H. Ebnother, After Intervention : Public Security Management in Post Conflict Societies-From Instruction to Sustainable Local Ownership (p. 164). Vienna & Geneva : Bureau for Security Policy at the Austrian Ministry of Defence;National Defence Academy, Vienna & Geneva Centre for the Democratic Control of Armed Forces Geneva PfP-Consortium of Defence Academies and Security Studies Institutes.
- 59) Dotan, Y. (1999), Judicial Rhetoric, Government Lawyers and HRs: the Case of the Israeli High Court of Justice During the Intifada. 33 L. & Soc'Y REV. 319.
- 60) Dudai, R. (2001), Free Rein: Vigilant Settlers and Israel's Non-Enforcement of the Law. Library of Congress : <https://www.loc.gov/item/2010509754/>.
- 61) Dugard, J. 1.-1 (1987), Recognition and the UN. London: Cambridge.
- 62) Editorial (2005), Tal Afar Turning Point?,. WALL ST. J., Sept. 15, 2005, , p. at A20.
- 63) Erakat, N. (2012), No, Israel Does Not Have the Right to Self-Defense In Int'l Law Against Occupied Palestinian Territory. <https://www.jadaliyya.com/Details/27551>.
- 64) Farrell, B. (2002), Israeli Demolition of Palestinian Houses as a Punitive Measure: Application of Int'l Law to Regulation . 119, 28 BROOK. J. INT'L L, 871, 885-886.
- 65) Fiala, O. C. (2020), Resistance Operating Concept (ROC). The JSOU Press, MacDill Air Force Base, Florida , P. ix, 22.
- 66) Fila, O. (2019), Resistance Operating Concept. Stockholm: Swaden Uni.
- 67) Fox, G. H. (2012), "Transformative Occupation and the Unilateralist Impulse". 885 Int'l Review of the Red Cross, March, 237.

Resistance to Occupation in Int'l Law, Int'l Realities & Int'l Bodies

- 68) Fuegner, R. S. (2014), *A Nation Defiant: Polish Resistance to the German Occupation of Poland*. . Edina, MN: Beaver's Pond Press.
- 69) GA, R. (1968). GA Res.2444, 19Dec. New York: UN.
- 70) GA.Res. (2004), GA Res. ES-10/15, 20 July 2004, para. 3. New York: UN.
- 71) GAOR, U. (1991), Report of the Secretary-General , U.N. GAOR, 46th Sess., Supp. No. 1, at 10-11, U.N. Doc. A/46/1. New York: UN.
- 72) Gardam, Judith Gail - Lynch, Colum (1993,2002 , Oct. 23), Proportionality and Force in Int'l Law - France and Russia Raise New Objections to Iraq Plan. Wash.Post, pp. 391, At A22.
- 73) Geeraerts, G. (1978), Two Approaches to Civilian Defence. Security Dialogue, Vol.9, No.4, Oct., 316.
- 74) Geneva (1949), Geneva Civilian Convention, supra note 34, art. 64, 6 U.S.T. at 3558, 75 U.N.T.S. at 328. U.N.T.S.
- 75) Germany, S. (2003), UN Doc. S/PV.4721 at 4. New York: UN.
- 76) Gill, T. (1995), Legal and Some Political Limitations on the Power of the UNSC to Exercise its Enforcement Powers Under Chapter VII of the Charter. 26NETH. Y.B. INT'L L., 33.
- 77) Goodman, D. P. (1985), The Need for Fundamental Change in the Law of Belligerent Occupation,. 37 STAN. L. REV., 1573, 1585-1586.
- 78) Gray, C. (1992), After the Ceasefire: Iraq, the SC and the Use of Force. 65 BRIT. Y.B. INT'L L. , 135, 139-140.
- 79) Green, J. . (2022), Russia's Attack on Ukraine & the jus ad bellum. 9 J. on the use of Force & Int'l L., PP.4-30.
- 80) Greenwood, C. (2003), Int'l Law and the Pre-emptive Use of Force: Afghanistan Al-Qaida, and Iraq. SAN DIEGO INT'L L.J. , Vol.4:7, 31,33
- 81) Gross, A. (2017), *The Writing on the Wall: Rethinking the Int'l Law of Occupation*. London: Cambridge Uni.Press, Cambridge.
- 82) Gross, A. M. (2004), The Constitution, Reconciliation, and Transitional Justice: Lessons from South Africa and Israel. 40 STAN. J. INT'L L. 47.
- 83) Habermas, J. (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. trans. William Rehg.
- 84) Hahn, E. H. (2018), *Special Topics in Irregular Warfare: Understanding Resistance, Assessing Revolutionary and Insurgent Strategies*. Fort Bragg: United States Army Special Operations Command, PP.143-145.
- 85) Halberstam, M. (1996), 'The Right to Self-Defense Once the Security Council Takes Action' (1995–96). 17Michigan J Intl L ,Issue 2, 229, 244ff.
- 86) Harris, J. (2011), *Report in g Wa r? The Ch a r g e o f t h e Knight s*. ORCA, Re construction 11 , 4 , Cardiff Uni. institution alrepositary : <https://orca.cardiff.ac.uk/id/eprint/109654/>, 4-5.
- 87) HCJ 337/71, HCJ 256/72, HCJ 61/80 (1971,1972, 1980), Al-Jamaya al-Masahiya lil-Arabi al-Muqadasa v. Minister of Defense, PD 26(1) 574, 580. , Jerusalem District Electric Company Ltd. v. Minister of Defense, PD 27(1) 124, 137-8; HCJ Haetzni v. State of Israel, PD 34(3) 595, 597; HCJ 69/. Tel -Aviv: Higher Court Justice.
- 88) HCJ, 2 (2002), Rabah v. Jerusalem Court of Local Affairs. Tel Aviv: HCJ , 56(2) PD 930, 934-935.
- 89) Henkin, L. (1993), *Int'l Law: Cases & Materials* 930,3 ed. West Group, St. Paul, Minn., 2001.
- 90) Hess, D. & (2006), Repression, Backfire, and the Theory of Transformative Events. Mobilization , Vol.11, No.1, June , 257.
- 91) Hnativ, O. & (2022), The Effectiveness of Mechanism of Int'l . To Prevent the Breach of Peace in the Context of the Armed Attack of the Russian Federation on Ukraine. National Uni. of Lviv, Academia Letters, Article 5467.
- 92) Hnativ, O. (2023), Public Int'l Law in the Mechanism for Preventing Violations of Peace in the Context of an Armed Aggression by the Russian Federation on Ukraine. Pakistan Journal of Criminology, Vol. 15, No. 02, April-June, 296, 300.
- 93) Hoffmann, T. (2022), War or peace? – Int'l legal issues concerning the use of force in the Russia–Ukraine conflict. Hungarian Journal of Legal Studies 63: 3, 212.
- 94) Hofmann, R. (2002), Int'l Law and the Use of Military Force Against Iraq. German Year Book, Vol.45, 1.
- 95) Horowitz, M. C. (2018), Tactical Diversity in Militant Violence. Int'l Organization , Vol.72, No.1 , Winter.
- 96) ICJ (1970,1971,1975), Legal Consequences for States of the continued Presence of South Africa in Namibia (South West Africa) notwithstanding SC Res. 276 (1970) (Advisory Opinion), 21 June 1971, ICJ Reports 1971; Western Sahara (Advisory Opinion), 16 Octobe . Hague: ICJ.
- 97) ICJ, 1. (1984), Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America) (Judgement, Merits) . Hague: ICJ Reports 1984, p. 213, para. 237.
- 98) ICJ, B. (1970), Barcelona Traction Light and Power Co., Ltd., 5 February 1970, ICJ Reports 1970, para. 33. Hague: ICJ.
- 99) ICJ, E. T. (1995), East Timor (Portugal v. Australia), 30 June 1995, ICJ Reports 1995, para. 29. Hague: ICJ.

Resistance to Occupation in Int'l Law, Int'l Realities & Int'l Bodies

- 100) ICJ, I. W. (2004), Legal Consequences of the Construction of a Wall in the Occupied Palestinian. Hague: www.icj-cij.org/icjwww/idocket/imwp/imwpframe.htm.
- 101) ICTY (1997), V. Duško Tadić, Case. Hague: www.icty.org/x/cases/tadic/tjug/en/tad-ts70507JT2-e.pdf.
- 102) ICTY (2008), Naletilic` & Martnovic` (IT-98-34) Case. Hauge: https://www.icty.org/en/case/naletilic_martinovic.
- 103) ILC (2001), Responsibility of States for Internationally Wrongful Acts—Commentary. New York: ILC, (n 123) 52, - art 34, Report of the Int'l Law Commission on the work of its fifty-third session.
- 104) Imesis, A. (2003), "On the 4th Geneva Convention and the Occupied Palestinian Territory. 44 Harv. Int'l L.J., 65 at 87.
- 105) Int'l, A. (2003), Memorandum on Concerns Related to Legislation Introduced by the Coalition Provisional Authority. <http://web.amnesty.org/library/index/ENGMDE141762003>.
- 106) Int'l, A. (2017), Israel's Occupation: 50 Years of Dispossession. Amnesty International.
- 107) Iverson, J. M. (2017), The function of Jus Post Bellum in int'l law. Uni. Leiden, Netherlands, P.378.
- 108) Janet, H. (2011), Report ing War? The Ch a r g e of t h e Knights. ORCA , Kardiff Uni. , ins ti tut ion al r e posi tory:ht t ps://or c a c a r diff.ac.uk/id/ ep r int /10 9 6 5 4/, 4-5.
- 109) Johnstone, J. (2003), SC Deliberations: the Power of the Better Argumen . 14 EJIL, 437, at 457.
- 110) Jones, L. (2010), (Post-)colonial state-building and state failure in East Timor: bringing social conflict back inFootnote. Conflict, Security & Development , Vol.10, Issue 4, 5.
- 111) Kennedy, D. (2006), Iraq: The Case for Losing. BROOK. J. INT'L L.,Vol. 31:3, 667,671
- 112) Khan KC, P. K. (24/May 2024), Statement of ICC Applications for arrest warrants in the situation in the State of Palestine. Hague: ICC.
- 113) Khan, K. A. (2023), Statement of ICC Prosecutor, on the Situation on Ukraine;. <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-i-have-been-closely-following>.
- 114) Klisz, M. & (2022), Integrating Territorial Defence Forces into National Resistance Efforts: Lessons of the Polish Home Army's role within the World War II Polish Underground State and the Post-War Polish Independence Underground. Journal on Baltic Security,8(1), 96-97.
- 115) Knoll, B. 2. (2007), Legitimacy and UN Administration of Territory. JIL & POLICY Vol. IV, 2:5,13.
- 116) Kolb, R. (2008), Occupation in Iraq since 2003 and the powers of the UN Security Council. Int'l Review of Red Cross ,Volume 90 Number 869 March , 38.
- 117) Kontorovich, E. (2017), Unsettled: A Global Study of Settlements in Occupied Territories. NORTHWESTERN UNI. SCHOOL OF LAW, Journal of Legal Analysis, NO. 16-20 ,Volume 0, Number 0 ~: <https://doi.org/10.1093/jla/lax004>, Ref.5,P.3.
- 118) LANCASTER, M. N. (2006), Customary Int'l Occupational Law. MILITARY LAW REVIEW ,Vol. 189, 71-72.
- 119) Langenkamp, R. & (2003), What Happens to the Iraqi Oil ?: Thoughts on Some Significant, Unexamined Int'l Legal Question of Oil Fields. EJIL , Vol14, Issue 3, 424, 427.
- 120) Leonhard, R. e. (2013), Assessing Revolutionary and Insurgent Strategies: Undergrounds in Insurgent, Revolutionary and Resistance Warfare. 2nd Edition (Fort Bragg: USA Army Special Operations Command , P.140.
- 121) Llorance, C. (2007). Le principe du droit des peuples à disposer d'eux-mêmes et l'occupation étrangère, in Droit du pouvoir, pouvoir du droit. In m. o. Salmon, Droit du pouvoir, pouvoir du droit (p. 869). Bruxelles: <https://dialnet.unirioja.es/servlet/libro?codigo=277275>.
- 122) Lipert-Sowa, M. a. (2022). A Response: The Promises and Pitfalls of Developing Pre-Crisis Clandestine Underground Resistance Organisations - Lessons of the WWII Polish Underground State. Journal on Baltic Security, 13.
- 123) Luckham, R. (2005), The Int'l Community and State. In A. H. Ebnother, After Intervention: Public Security Management in Post Conflict Societies-From Intervention to Sustainable Local Ownership (p. 16). Vienna & Geneva : Bureau for Security Policy at the Austrian Ministry of Defence;National Defence Academy, Vienna & Geneva Centre for the Democratic Control of Armed Forces, Geneva in co-operation with PfP-Consortium of Defence Academies and Security Studies Institutes.
- 124) Lynk, M. (2018), Prologed Occupation or Illegal Occupant ? EJIL Talk ,16 May , Advanced Search,P.2.
- 125) Malanczuk, P. (1996). Some Basic Aspects of the Agreements Between Israel and the PLO from the Perspective of Int'l Law, . 7 EUR. J. INT'L L., 485.
- 126) Marcus, M. (2002), Humanitarian Intervention without Borders: Belligerent Occupation or Colonization? 25(1) Houston Journal of International Law, 1,102,113.
- 127) Martin, B. (2006), Justice Ignited: The Dynamics of Backfire. Lanham, Md.: Rowman & LitLittlefield.

Resistance to Occupation in Int'l Law, Int'l Realities & Int'l Bodies

- 128) McGoldrick, D. (2004), From '9–11' to the Iraq war 2003 . Oxford : Hart Publishing, P.135.
- 129) -McGurk, B. H. (2005), Essay, Revisiting the Law of Nation-Building: Iraq in Transition 45 VA J. INT'L L. 45 VA J. INT'L L., 451, 460.
- 130) McCarthy, C. (2005), The Paradox of the Int'l Law of Military Occupation: Sovereignty and the Reformation of Iraq. Journal of Conflict & Security Law 10, 43 et seq. (45).
- 131) Memorandum, B. (1994), Memorandum on Security Guarantees in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons.
<https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280401fbb>.
- 132) Meron, T. (2017), The West Bank & IHL on the Eve of the 15TH Anniversary of the 6-Day War. AJIL, Vol. 111:2, 358,371
- 133) Mexico, S. (2003), UN Doc. S/PV.4721 at12. New York: UN.
- 134) Ministry, I. (2013), "1967: The Six-Day War and the Historic Reunification of Jerusalem. Foreign Affairs.
- 135) Ministry, I. F. (1996), Israel's Settlements: Their Conformity with Int'l Law. Tel Aviv: <http://www.israel-mfa.gov.il>, pt.3 , last modified Dec.1996.
- 136) Mitchell, A. &. (2002, Sep. 4), Bush to Put Case for Action in Iraq to Key Lawmakers. N.Y.Times, p. at A1.
- 137) Mulligan, S. P. (2022), The Law of War and the Russian Invasion of Ukraine. Congressional Research Service.
- 138) Mundy, J. &. (2015), "Western Sahara: Violence as a Last Resort," in Véronique Dudouet, ed., Civil Resistance and -Conflict Transformation: Transitions from Armed to Nonviolent Struggle. New York: New York: Routledge.
- 139) Murphy, S. D. (2004), Assessing the Legality of Invading Iraq. 92 GEORGETOWN L. J. Issue No. 4, 5-7.
- 140) Nicolosi, S. F. (2012). The Law of Military Occupation & The Role of De Jure & De Facto. 31 Polish Yearbook on Int'l L., 166,172.
- 141) Nix, M. (2012), Kosovo Liberation Army (KLA) , 1966-1999. In C. Crosset, Case Book on Insurgency & Revolutionary Warfare , Vol.II:1966-2009 (p. 372). John Hopkins Uni. .
- 142) O'Brien, W. V. (1983), The Conduct of Just and Limited War. Michigan Law Review, Vol.81, Issue 4, 133.
- 143) O'Connell, M. E. (1992), Continuing Limits on UN Intervention in Civil War, . 67 IND. L.J. , 903.
- 144) Ocran, T. M. (2002), The Doctrine of Humanitarian Intervention in Light of Robust Peacekeeping. 25 ,B.C. INT'L & COMP. L. REV. 1, 2, supra note 27, at 18;.
- 145) Ogirenko, V. (2024, May/June 23Feb.), Portraits of Men Killed in Bucha , Ukraine . War Unbound :Gaza, Ukraine ,& the Breakdown of Int'l L. by Stuffer , Brian, p. 2,4
- 146) Ottolenghi, M. (2004), The Stars and Stripes in Al-Fardos Square: The Implications for the Int'l Law of Belligerent Occupation. FORDHAM LAW REVIEW, Vol.72, Issue 5, 2184,2192
- 147) Paust, J. (2003). The USA as Occupying Power over Portions of Iraq and Special Responsibilities under the Laws of War. Suffolk Transnational Law Review 17, 1 , 16 et seq.
- 148) Perez, A. F. (2004), Legal Frameworks for Economic Transition in Iraq - Occupation under the Law of War vs. Global Governance under the Law of Peace. Global Business & Development Law Journal, Vol. 18, Issue 1 Symposium: Markets in Transition: Article 8, 60.
- 149) Picone, P. (2008), La distinzione tra norme internazionali di jus cogens e norme che producono obblighi erga omnes. 91(1) Rivista di diritto internazionale 5, 7.
- 150) Praks, H. (2015), Hybrid or Not: Detering and Defeating Russia's Ways of Warfare in the Baltics—The Case of Estonia. Rome, Italy: Research Division, NATO Defense College, No. 124, Dec.
- 151) Presse, A. F. (2003, Mar. 17), The leaders' two declarations: "We uphold a vision of int'l security. New York Times, 17 Mar.
- 152) Prime Minister's Office, S. o. (2017), PM Netanyahu's Remarks at the Opening Ceremony Marking the 50th Anniversary of the Reunification of Jerusalem, 21 May. Tel Aviv:
<http://www.pmo.gov.il/English/MediaCenter/Speeches/Pages/specch50Jerusalem210517.aspx>.
- 153) Quigley, J. (1997), The Oslo Accords: More than Israel Deserves. AM. U. J. INT'L L. & POL'Y, Vol.21:2, 286.
- 154) Quigley, J. B. (2023), The Illegality of Israel's 1967 Occupation of Palestine territory. Ohio State Legal Studies Research Paper No. 783 : <https://ssrn.com/abstract=4502548> , P.9.
- 155) Quigley, John & Rempel,Terry (1996/1997 &1997), "Jerusalem The Illegality of Israel's Encroachment"& "The Significance of Israel's Partial Annexation of East Jerusalem. The Palestine Yearbook of International Law Vol. 9, 19,& The Middle East Journal ,Vol. 51(4),, 30& 520 autumn,526.

Resistance to Occupation in Int'l Law, Int'l Realities & Int'l Bodies

- 156) Raporteur Especial, U. (2007), The U.N. Special Rapporteur on the situation of HRs in the Palestinian territories occupied since 1967. New York: UN.
- 157) Rapporteur, S. (2002), Report of the Special Rapporteur of the Commission on Human Rights on the Situation of HRs in the Palestinian Territories Occupied By Israel Since 1967 (A/57/366), Aug.29. New York: UN.
- 158) Reg., U. (2000), On the Establishment of the Ombudsperson Institution in Kosovo. UNMIK Reg. No. 2000/38.
- 159) Richiie, A. (2019), Warsaw 1944: Hitler, Himmler, and the Warsaw uprising. New York: NY: Picador.
- 160) Robert, A. (2006), Transformative military occupation: Applying the laws of war and HRs. AJIL, Vol. 100, 614-615.
- 161) Roberts, A. (1990), Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967. 84 AJIL, 44, 47.
- 162) Ronen, Y. 2. (2008), Illegal Occupation and Its Consequences. Israel Law Review · Vol. 41 Nos. 1 & 2, November,, 205.
- 163) Ronen, Y. (2012), Illegal Occupation and Its Consequences. London: Cambridge Uni. Press.
- 164) Roscini, M. (2015), ON the 'Inherent' Right to Self-defence. Cambrie J. of Int`al and Comp. L. , Vol 4 Issue 3, 653.
- 165) Rosser, A. (2009), 'Rebuilding Governance in Failed States: The Case of Timor Leste'. In governance & the Depoliticisation of Development . ed.W.Hout & R.Robison, Routledge, London .
- 166) Russia, S. (2003), UN Doc. S/PV.4721 at 8 (Mar. New York: UN.
- 167) Ruys, T. (2010), "Armed Attack" and Article 51 of the UN Charter, Evolutions in Customary Law and. CUP, <https://www.amazon.com/Armed-Attack-Charter-International-Comparative/dp/0521766648>.
- 168) S.C., R. 1 (2004)., Res. 1546. Newyork: UN.
- 169) Sahovic, M. (1972), Principles of Int'l Law Concerning Friendly Relations and Cooperation. Belgrade.
- 170) Sanger, D. E. (2002, Sep. 8), Blair, Meeting with Bush, Fully Endorses U.S. Plans for Ending Iraqi Threat. N.Y.Times, p. at23.
- 171) Sassoli, M. (2005), Legislation and Maintenance of Public Order and Civil Life by Occupying Powers. EJIL, 16(4), 661.
- 172) Satter, R. &. (2017), Ukraine Soldiers Bombarded by 'Pinpoint Propaganda' Texts. Associated Press, May 11.
- 173) Saum, K. (2018), "Chapter 3: Small State UW Doctrine: Feasibility and Application for National Defense. In K. D. Stringer, Resistance Views: Essays on Unconventional Warfare and Small State Resistance. MacDill Air Force Base, Fla.: The JSOU Press,.
- 174) SC.Res. (1990), SC Res. 662 (1990), 9 August 1990, para. 2 (non-recognition of the Iraqi annexation of Kuwait. New York: UN.
- 175) SC.Res., 1 (1978), 439 (1978), 13 November 1978, para. 3 (non-recognition of organs established by elections in Namibia. New York: UN.
- 176) SC.Res., 1 (1980), SC Res 478 (1980), 2 August 1980, para. 5, non-recognition of the Israeli annexation of East Jerusalem. New York: UN.
- 177) SC.Res., 1 (1985), SC Res. 554 (1985), 17 August 1984, para. 5 (nonrecognition of the results of the so-called 'elections' in South Africa. New York: UN.
- 178) Schachter, O. (1984), The Right of States to Use Armed Force. 82 MICH. L. REV., 1620, 1629.
- 179) Schloterbeck, M. (2019), Golan Druze Resistance to Israeli Forced Citizenship. Global Nonviolent Action Database , June 17.
- 180) Scobbie, I (1995), H2O After Oslo II: Legal Aspects of Water in the Occupied Territories, L. 8 PALESTINE Y.B. INT'L, 79, 92.
- 181) Shah, S. (1997), On the Road to Apartheid: The Bypass Road Network in the West Bank. 29 COLUM. HUM. RTS. L. REV. 221, 283.
- 182) Shaw, M. (1978), The Western Sahara Case,. 44 BRIT. ,Y.B. INT'L L., 118.
- 183) Stahn, C. (2001), The UN Transitional Administrations in Kosovo & East Timor : A First Analysis. Max Plank UNYB, Vol.5, 139, 143.
- 184) STAHN, C. (2003), Terrorist Acts as "Armed Attack": The Right to Self-Defense Article 51(1/2) of the UN Charter & Int'l Terrorism. Young Scholars Conference, Yale Law School, March ,THE FLETCHER FORUM OF WORLD AFFAIRSVOL.27:2 SUMMER, 40.
- 185) State, U. D. (2015), Bureau of Democracy, H.R. and Lab., Israel 2015 HRs Report 108. https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=252929&year=2015#-wrapper.
- 186) Statement. (1999), On the Investigation & Prosecution of Crimes Committed in Kosovo. Hague: ICTY, <http://www.icty.org>.

Resistance to Occupation in Int'l Law, Int'l Realities & Int'l Bodies

- 187) Statement, M. (2003), UN Doc. S/PV.4726 at 7 (Mar. 26. New York: UN.
- 188) States, L. L. (2003), UN Doc. S/2003/365. New York: UN.
- 189) Stauffer, B. (2024, May/June 23 April), War Unbound: Gaza Ukraine , & the Breakdown of Int'l L. Foreign Affairs- by Oona A. Hathaway, p. 1.
- 190) Stringer, K. D. (2021), Force Integration in Resistance Operations: Dutch Jedburghs and US Alamo Scouts. Joint Force Quarterly 102 (July), 90-95.
- 191) Stringer, K. D. (2023), Urban Resistance to Occupation: An Underestimated Element of Land Warfare. The US Army War College Quarterly: Parameters, Volume 53, Number 3 , Autumn, Article 14 ,P.112.
- 192) Switzerland, S. (2003), UN Doc. S/PV.4721 at30. New York: UN.
- 193) Szpak, A. (2017), Legal classification of the armed conflict in Ukraine in light of int'l humanitarian. Hungarian Journal of Legal Studies 58, No 3, 267.
- 194) Tadlock, R. D. (2004), Comment, Occupation Law and Foreign Investment in Iraq: How an Outdated Doctrine Has Become an Obstacle to Occupied Populations. 39 U.S.F.L. REV., 227.
- 195) Talmon, S. (2006), The Duty Not to 'Recognize as Lawful' a Situation Created by the Illegal Use of Force or Other Serious Breaches of a Jus Cogens Obligation: An Obligation without Real Substance? Oxford Legal Studies Research, 106.
- 196) Tams, C. J. (2005), The Light Treatment of a Complex Problem - The Law of Self-Defence in the Israeli Wall Case - .ESIL Research Forum on International Law, Institute of Int'l Studies (HEI), Geneva, 26-28 May, 6.
- 197) T. N. (2002), The National Security Strategy of the USA 15 (Sept. 17. Washington: <http://www.whitehouse.gov/nsc/nss.pdf>.
- 198) U.S., Dep. of State (2003) , A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, Press Statement Office of the Spokesman ,Washington, DC, Apr. 30 . <https://2001-2009.state.gov/r/pa/prs/ps/2003/20062.htm>
- 199) UN, C. o. (2019), The Economic Costs of the Israeli Occupation for the Palestinian People: The Unrealized Oil and Natural Gas Potential. New York: UN , P.15, 25.
- 200) UNGA. (1967), 1548th Plenary Meeting Held at Headquarters,. New York: UN, 4 July.
- 201) UNGA Res., 1. & (n.d.), GA Res.,3414(1975) & 32/20(1977) & 33/29(1978) & 34/70(1979) & 35/122(1980) & 36/226(1981) & 40/168(1985) & 43/54(1988) & 44/40(1989) & 45/83(1990) & 47/63(1992). hague: UN.
- 202) UNGA, 1. (1992), Res 47/121 (18 December 1992) UN Doc A/RES/47/121. New York: UN.
- 203) UNGA, 2. (2017), ES-10/19 Status of Jerusalem , 21 December. New York: UN.
- 204) United Nations-Habitat, F. a. (2015), Spatial Planning in Area C of the Israeli Occupied West Bank of the Palestin Territory Report of an Int'l Advisory Board. UN , May.
- 205) UNSC. (1971), SC Res.276. Hague: UN.
- 206) UNSC Res., 1. (1999), UNMIK. Newyork: UNSC.
- 207) USA Web., P. C. (2000), USA Institute of Peace & National Uni. of Ireland, Galway, Irish Centre for HRs. National, <http://www.usip.org>.
- 208) Vick, K. (2003, Feb. 1), Turkey and U.S. Closer on Troops. Wash.Post, p. at A16.
- 209) Voon, T. (2002), Closing the Gap Between Legitimacy and Legality of Humanitarian Intervention: Lessons from East Timor and Kosovo,. 7 UCLA J. INT'L L. & FOREIGN AFF. 31, 48-52.
- 210) Wal, A. E. (2008), Was the 2003 Invasion of Iraq Legal? Int'l L. Studies , Vol.86, 77.
- 211) Walker, P. J. (2004), Iraq, Rule of Law: Iraq, Failed States and the Law of Occupation. 33 INT'L L.NEWS 1 (Winter).
- 212) Wall, A. E. (2010), Was the 2003 Invasion of Iraq Legal? Int'l L. Studies , Vol.86, 73.
- 213) Wedgwood, R. (1998), The Enforcement of SC Res. 687: The Threat of Force against Iraq's Weapons of Mass - Destruction. 92 AM. J. I. L., 724, 726.
- 214) Weston, H. (1991), The Relevance of Int'l Law to Palestinian Rights in the West Bank and Gaza: In Legal Defense of the Intifada. 32 HARV. INT'L L. J., 129.155.
- 215) Wheatley, S. (2006), The SC, Democratic Legitimacy and Regime Change in Iraq. The EJIL Vol. 17 no.3, 533.
- 216) Wikipedia (1999), Kosovo War . <https://ar.wikipedia.org/wiki/>.
- 217) Wolfrum, R. (2005), Iraq – from Belligerent Occupation to Iraqi Exercise of Sovereignty: Foreign Power versus Int'l Community Interference. Max Planck UNYB 9, 37,42.
- 218) Zur, Y. (2018), Israel's Creeping Annexation: Knesset Votes to Extend Israeli Law to Academic Institutions in the West Bank". Haaretz, 12 Feb.

5.2. References in Arabic

- الامم المتحدة (2024)، رأي استشاري، محكمة العدل الدولية: استمرار وجود دولة إسرائيل في الأرض الفلسطينية المحتلة غير قانوني . <https://news.un.org/ar/story>
- UN (2024). *Advisory opinion, ICJ: the continued existence of the state of Israel in the Occupied Palestinian territory is illegal* . <https://news.un.org/ar/story>
- باغيوس، مؤسسة، آر بي (2019)، *اطار عمل مناهضة العنصرية وانهاء الاستعمار*، بانكوك: شبكة Start Network
- Bagios , Founder, Arby's (2019), *Framework for action against racism and decolonization* . Bangkok: Start Network
- مجلس الامن (2004) ، *القرار 1546*، نيويورك: الامم المتحدة .
- The SC (2004), *Res. (1546)*, New York: UN .



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