



The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice

Sharon Korman

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The notion that a state that emerges victorious in war is entitled to claim sovereignty over conquered territory in virtue of military victory or conquest was a recognized principle of international law until the early years of last century. This study is an inquiry into the place of the right of conquest in international relations since the early sixteenth century, and the causes and consequences of its demise in the twentieth century.

Part 1 examines the theoretical foundations of the right of conquest, its historical importance both in the establishment of the European colonial empires and in the relations between the European states themselves, and provides an analysis of the traditional law of conquest. Part 2 shows how the First World War, which led to the rise of self-determination and to calls for the prohibition of aggressive war, prompted the reconstruction of international law and the consequent rejection of the right of conquest.

A number of case studies of the seizure of territory since 1945 - including East Jerusalem and the Golan Heights, Goa, the Falkland Islands, East Timor, and Kuwait - are used to evaluate the content and effectiveness of the modern law.

Dr Korman concludes by examining the merits and defects of the abolition of the right of conquest from the standpoints of international order and justice.

The Right of Conquest has been widely praised. It was quoted in the International Court of Justice in 2004, in submissions supporting the UN General Assembly's request for an Advisory Opinion on the legality of Israel's construction of the Separation Wall in the Occupied Palestinian Territory.

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