## Contents

*page* ix

		oduction: Principle and Practice of Armed Intervention				
	and Consent					
	Anı	Anne Peters				
	I.	Recent Events and Possible Shifts of the Law	1			
	II.	Some Key Issues of Legal Concern	3			
		A. The Power to Consent Revisited	4			
		B. Legal Limits on the Intervener	11			
		C. The Combination of Legal Grounds for Intervention				
		and the Involvement of the UN Security Council	19			
	III.	The Trialogue Method	20			
	IV.	An Overview of the Book	21			
	V.	In Lieu of Conclusions: Principle and Practice Revisited	24			
1.	Inter	vention and the Problematisation of Consent				
	Dine	Kritsiotis	26			
	I.	Introduction	26			
	II.	Three Preliminary Matters	32			
		A. Force and Intervention: The Laws of the Ius ad				
		Bellum	32			
		B. The Third State	37			
		C. Method and the <i>Nicaragua</i> Case	41			
	III.	Intervention, Coercion, and Force	47			
		A. Intervention and Coercion	47			
		B. Dictatorial Interference	50			
		C. Consent and Force	54			
	IV.	The Limitations of Consent	64			

Preface

Contents

		А.	The Basis of Allowability	64
		В.	Resolutions of the Institut de droit international	67
		С.	Consent within Non-International Armed Conflicts	73
	V.	The	Function of Consent within the Ius ad Bellum	76
		А.	Collective Self-Defence	, 76
		B.	Counter-Intervention	82
		С.	Pro-Democratic Intervention	86
		D.	Authorisation from the UN Security Council	95
	VI.	Cond	clusion	98
2.	Inter	ventio	on by Invitation: The Expanding Role of the UN	
	Secu	rity C	ouncil	
	Olivi	er Cor	ten	101
	I.	Intro	duction	101
		А.	Legal Conditions: What Legal Effects Exist for the	
			Right of Peoples to Self-Determination?	102
		B.	Aim and Methodology	107
	II.	Cour	nter-Intervention: The Saudi-Led Intervention in	,
		Yeme	en	113
		А.	The Existing Legal Framework: Counter-Intervention	-
			and Self-Determination	113
		В.	Invocation of Counter-Intervention in the Yemeni	ŕ
			Context	115
		С.	Problems Raised by the Invocation of Counter-	
			Intervention in the Yemeni Context	120
		D.	The Decisive Role of the UN Security Council	
			in the Yemeni Context	123
	III.	The	Fight against International Terrorism: The War	
		again	nst ISIL in Iraq and Syria	128
		А.	The Existing Legal Framework: Self-Determination	
			and the Fight against International Terrorism	128
		В.	Invocation of the Fight against International	
			Terrorism in the Iraqi and Syrian Context	132
		С.	Problems Raised by the Invocation of the Fight	
			against International Terrorism in the Iraqi	
			and Syrian Context	136
		D.	The Decisive Role of the UN Security Council	
			in the Iraqi and Syrian Context	141

	IV.	Repression of Secession? The French-Led Intervention	
		in Mali	146
		A. The Existing Legal Framework: Secession and	
		Self-Determination	146
		B. Was the Repression of Secession Invoked in the	
		Malian Context?	149
		C. Problems Raised by the Invocation of Intervention	
		by Invitation in the Malian Context	153
		D. The Decisive Role of the UN Security Council	
		in the Malian Context	156
	V.	Protection of Democracy? The ECOWAS Intervention	
		in The Gambia	160
		A. The Existing Legal Framework: Democracy and	
		Self-Determination	160
		B. Was the Protection of Democracy Invoked in the	
		Gambian Context?	163
		C. Problems Raised by the Invocation of Intervention	
		by Invitation in the Gambian Context	165
		D. The Decisive Role of the UN Security Council in	
		the Gambian Context	169
	VI.	The Expanding Role of the UN Security Council	172
		A. Towards a Rationalisation of the Appraisal of the	
		Right to Self-Determination of Peoples?	172
		B. A Lawful Practice? What Legal Effects?	175
3.	Invit	tations to Intervene after the Cold War: Towards	
5.		ew Collective Model	
		ory H. Fox	179
	I.	Introduction	179
	II.	The State of Debate	187
	11.	A. The Cold War Setting	189
		B. The <i>Nicaragua</i> View	109
		C. The IDI View	196
		D. The Democratic Legitimacy View	201
		E. Anti-Terrorist Operations	209
	III.	Methodology for Assessing Recent State Practice	209
		A. Selecting Conflicts	213
		B. Defining Civil Wars	215
	IV.	Post-Cold War Practice: An Overview	222

V.	UN Security Council Views on the Prevalent Legal	
	Theories	226
	A. The Nicaragua View	227
	B. The IDI View	231
	C. The Democratic Legitimacy View	238
	D. Anti-Terrorism	249
	E. Conclusions	250
VI.	A New Paradigm? The Multilateralisation of Consensual	
	Interventions	250
	A. The Demise of Rules for a Polarised World	250
	B. The Contribution of UN Security Council Practice	259
VII.	Conclusions	268
	ndix I. Coding Manual	270
Appe	ndix II. Cases of Intervention by Invitation, 1990–2017	277
Conc	lusion: Half-Hearted Multilateralisation of a Unilateral	
Doct	rine	
Chris	tian Marxsen	319
I.	Limitation: The State of Negative Equality	320
II.	Institutionalisation: The Role of the UN Security Council	325
III.	Legislation? The UN Security Council's Contribution to	
	Lawmaking	326
IV.	Politicisation: Increasing the Complexities	328
V.	Multilateralisation and Its Limits	329
Index		331