

INTERNATIONAL LAW ASSOCIATION
USE OF FORCE: MILITARY ASSISTANCE ON REQUEST

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INTERIM REPORT

2022

I. Introduction to the Interim Report

The third iteration of the International Law Association (ILA)'s Use of Force Committee was formed and had its mandate ('Military Assistance on Request') confirmed by the ILA Executive Council in November 2018, although all nominations were only confirmed, and thus the Committee properly composed, in early 2020. The officers initially had intended to deliver the Committee's Final Report at the ILA Biennial Conference in 2022. However, the onset of the COVID-19 pandemic unfortunately delayed our work. Committee activity nonetheless continued throughout 2020-2021, and notable progress has been made. The ILA Executive Council has now approved an extension of our mandate until 2026 to allow us to complete our work.

In this brief Interim Report, we aim to provide an initial insight into the developing shape of our work, to keep Association members and other interested parties updated. This is done in two ways:

- 1) The activities of the Committee – its programme of events and the written contributions of members (to date and planned) – are set out in section II.
- 2) A draft of the Introduction to our developing Final Report is provided in section III, and a draft structure for the full Final Report is provided in section IV. These are very much subject to change, but are included, again, to offer an indication of our progress and the direction of our work.

II. A Summary of the Activity of the Committee

A. Committee events

Although preceded by a number of informal meetings and initial planning sessions amongst the officers in 2019, the first formal meeting of the Committee membership had been intended for spring 2020. However, this unfortunately was delayed by the COVID-19 pandemic until 13 November 2020. This remote session involved open discussion amongst the Committee members about all aspects of our mandate and, in particular, developed a plan for future work. Members were also invited to submit their views on the topic and our planned work via email before and after the meeting, and this material was collated and then later fed back in by the rapporteurs.

The Committee's second meeting was a working session as part of the (delayed) ILA Biennial Conference in Kyoto, which took place on 7 December 2020. This session involved the presentation of two prepared background papers by Committee members, discussion of these papers, as well as more general discussion about the development of the Committee's work and the parameters for its report.

The Committee's third event was a much more extensive, two-day, meeting, which took place (again remotely) on 6 and 7 May 2021. A wide range of background papers were prepared in advance and circulated; these then were presented by their authors at the event. Each paper was also assigned a specific discussant. After the presenter and discussant had spoken, a wider

discussion of each paper took place. Also at this meeting, there was a more detailed exchange of views as to what should be included in the Committee's report – after which the officers drafted a provisional structure.

The fourth meeting of the Committee took place on 20 November 2021, again remotely. This involved the presentation and detailed discussion of another background paper, as well as further discussion of the (revised) draft structure, and planning for the next round of future work.

The fifth and most recent meeting of the Committee was a two-day (hybrid) event that took place in Graz, Austria, on 12-13 May 2022. This was the first opportunity for members of the Committee to meet in person. Four background papers were prepared ahead of the event and presented in Graz (again, with assigned discussants).

The next meetings of the Committee will be its open and working sessions at the Lisbon Conference in June 2022. Further papers are being prepared and will be presented during the open session.

B. Presentations/background papers

The following papers were prepared and presented at the events detailed in the previous section.

[note: other members have generously acted as discussants to support and develop the presentations of these papers]

- Eliav Liebllich – *Why Can't We Agree on When Governments can Consent to External Intervention?*¹
- Antonio Bultrini – *(Re-)Framing Military Assistance on Request in the Light of Conflict Minimisation*²
- Tadashi Mori, Tatsuya Abe, Aiko Nakai, Hirofumi Oguri and Sayoko Tanaka – *Regional practice: Asia*
- Gleb Bogush – *Regional practice: Russia (including Soviet Union)*
- Alonso Gurmendi Dunkelberg – *Regional practice: Latin America*
- Anan Al Sheikh Haidar – *Regional practice: Middle East*
- Erika de Wet – *Timing of Consent*³
- Eliav Liebllich – *Internal Self-Determination, Civil Wars, and The Legality of Consensual Intervention*
- Federica Paddeu – *The Defence of Consent in the Law of State Responsibility*⁴
- Brad Roth – *Intervention by Invitation: The (Uncertain) Significance of Democracy*
- Jennifer Trahan and Anne Peters – *Invitation to Atrocities: When Military Intervention on Request is Unlawful*

¹ A version of this paper was published as Eliav Liebllich, 'Why Can't We Agree on When Governments can Consent to External Intervention? A Theoretical Inquiry' (2020) 7 *Journal on the Use of Force and International Law* 5.

² This paper is based, in part, on elements of Antonio Bultrini, 'Reappraising the Approach of International Law to Civil Wars: Aid to Legitimate Governments or Insurgents and Conflict Minimization' (2019) 56 *Canadian Yearbook of International Law* 144.

³ A version of this paper was published as Erika de Wet, 'Military Assistance Based on *Ex-Ante* Consent: A Violation of Article 2(4) UN Charter?' (2020) 93 *Die Friedens-Warte* 413.

⁴ A key aspect of this paper was published as Federica I. Paddeu, 'Military Assistance on Request and General Reasons against Force: Consent as a Defence to the Prohibition of Force' (2020) 7 *Journal on the Use of Force and International Law* 227.

- Jennifer Trahan and Anne Peters – *Invitation to Atrocities: When Military Intervention on Request Violates the Ius contra Bellum and the Ensuing Consequences*⁵
- Mary Ellen O’Connell – *Necessity and Assistance*
- Constantine Antonopoulos – *Military Intervention at the Request of the Government the Negative Equality Principle – State Practice*
- Hannah Woolaver – *The Purpose-Based Approach to the Legality of Military Assistance on Request*

C. Upcoming background papers/in development

The following papers are being prepared and will be presented at upcoming events (either in Lisbon or beyond). The titles of these papers are provisional.

[note: other members will be acting as discussants to support and develop the presentations of these papers]

- Michał Kowalski and Patrycja Grzebyk – *Military Assistance on Request and Humanitarian Assistance*
- James A Green – *Military Assistance on Request and Collective Self-Defence*
- Michael Wood – *Military Assistance on Request and UN Security Council Practice*
- Robert Muharremi – *Military Assistance on Request: The Role of Recognition and Situations of Contested Statehood*
- Danae Azaria – *The Implications of State Silence for Military Assistance on Request*

III. Draft Introduction for the Final Report

As noted above, the following represents the Committee’s *first draft* of the Introduction to its Final Report. This is subject to change but is provided in this Interim Report to offer an initial sense of the direction of the work of the Committee at this stage.

A. Background and structure

Recent years have witnessed a considerable number of large-scale cross-border military operations, whereby the consent of the State on the territory of which the operation took place was invoked as a legal basis to justify the actions of the intervening State, be it as a standalone legal basis, or in combination with other justifications. Examples include French troop deployments in Mali (2012-2022), the Russian intervention in Crimea (2014-ongoing), the actions of the US-led coalition against the Islamic State (Operation Inherent Resolve) on Iraqi soil (2014-ongoing), the Saudi-led military intervention in Yemen (2015-ongoing), the Russian and Iranian intervention on the side of the Assad regime in Syria (2015-ongoing), or the

⁵ This paper was based on the one listed immediately above it by the same co-authors (*Invitation to Atrocities: When Military Intervention on Request is Unlawful*) but was significantly rewritten and further developed, to the extent that it rightly can be considered an additional paper.

ECOWAS intervention in the Gambia in 2017.⁶ The territorial State's consent has also been invoked as a justification for more targeted operations against suspected terrorists.⁷

As a starting point, the notion that consent can effectively provide a valid legal basis for cross-border military operations under the *jus ad bellum*⁸ (the international law on the use of force) is uncontested. It finds expression in the case-law of the International Court of Justice – which acknowledges that intervention is normally ‘allowable at the request of the government of a State’⁹ – and in State practice.¹⁰ It also is widely confirmed in legal doctrine.¹¹ At the same time, as the previous ILA Committee on the Use of Force observed in its 2018 Final Report, the relevant statements of the ICJ are deceptive in their brevity, “in that those providing consent, the parameters of consent, the determination of its existence, and the implications of its withdrawal raise important questions in relation to the prohibition of force”.¹² The conditions under, and extent to which, consent has a legalizing effect indeed merit closer consideration. This is all the more so as recent examples amply illustrate the risk of abusive invocation of expressions of consent that are *prima facie* of questionable validity.¹³

The topic of military assistance on request has attracted renewed attention in recent years.¹⁴ While the ILA has not addressed the issue directly in the past, its sister organization, the *Institut de droit International* (IDI), has done so on two occasions. In 1975, the IDI adopted a resolution at its Wiesbaden session.¹⁵ This resolution was, however confined to intervention ‘in civil

⁶ Relevant statements and materials pertaining to these recent interventions can be found in the periodic ‘Digests of State Practice’ in the *Journal on the Use of Force and International Law*.

⁷ See, e.g. Max Byrne, ‘Consent and the Use of Force: An Examination of “Intervention by Invitation” as a Basis for US Drone Strikes in Pakistan, Somalia and Yemen’ (2016) 3 *Journal on the Use of Force and International Law* 97.

⁸ It is observed that the ‘legalising’ effect of such consent is limited primarily to the compatibility of such operation with the *jus ad bellum*. It cannot in any case set aside the application of relevant provisions of international humanitarian law or international human rights law (when applicable).

⁹ *Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v United States of America)*, Merits [1986] ICJ Rep 14 (para 246); See also *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)*, Judgment [2005] ICJ Rep 168 (especially paras 39-54).

¹⁰ See Christian Henderson, *The Use of Force and International Law* (Cambridge University Press, 2018) 352 (noting that “[h]istory is replete with examples of states intervening upon the justification that there has been an invitation to intervene by the government of a state” and going on to provide a long list of examples).

¹¹ See, as some important recent examples: Erika de Wet, *Military Assistance on Request and the Use of Force* (Oxford University Press, 2020); Chiara Redaelli, *Intervention in Civil Wars: Effectiveness, Legitimacy, and Human Rights* (Hart Publishing 2021); Eliav Liebllich, *International Law and Civil Wars: Intervention and Consent* (Routledge, 2013); Karine Bannelier-Christakis, ‘Military Interventions against ISIL in Iraq, Syria and Libya, and the Legal Basis of Consent’ (2016) 29(3) *Leiden Journal of International Law* 74; three special issues of the *Journal on the Use of Force and International Law* comprising 14 major articles dedicated to the subject (issues 7(1) 2020; 7(2) 2020 and 8(1) 2021); Olivier Corten, Gregory Fox and Dino Kritsiotis, *Armed Intervention and Consent*, Max Planck Trialogues on the Law of Peace and War (Anne Peters and Christian Marxsen, series eds), vol. IV (Cambridge University Press, forthcoming).

¹² International Law Association, Committee on the Use of Force (2010-2018), *Final Report on Aggression and the Use of Force*, Sydney Conference (2018) 19.

¹³ See, generally, Farideh Shaygan, ‘Intervention by Invitation as a Tool of New Colonialism’, in James Crawford, Abdul Koroma, Said Mahmoudi, and Alain Pellet (eds), *The International Legal Order: Current Needs and Possible Responses: Essays in Honour of Djamchid Momtaz* (Brill Nijhoff, 2017) 766. See also Anne Peters, ‘Intervention by Invitation: Impulses from the Max Planck Trialogues on the Law of Peace and War’ (2019) 79 *ZaöRV* 635, 635-36.

¹⁴ Louise Doswald-Beck, ‘The Legal Validity of Military Intervention by Invitation of the Government’ (1985) 56 *British Yearbook of International Law* 189 was viewed as perhaps the authoritative work on the topic for decades. However, there has been a large number of high-quality publications on the topic in recent years, see, e.g. scholarship listed in *supra* note 11.

¹⁵ ‘The Principle of Non-Intervention in Civil Wars’, *Institut de droit international*, Session of Wiesbaden, Resolution (1975).

wars’, and proved controversial.¹⁶ At its 2011 Rhodes session, the IDI conversely adopted a resolution on ‘military assistance on request’, the scope of which was, however, limited only to situations remaining *below* the threshold of a non-international armed conflict.¹⁷

Against this background, the purpose of the present report is to provide a more holistic, comprehensive account of ‘consent’ as a justification under the *jus ad bellum*, building – among other things – on the prior work of the IDI and of its predecessor ILA Committee on the Use of Force. In particular, the aim is to provide greater clarity on the existing legal framework, to examine how that framework is shaped or influenced by recent State practice, and to pinpoint remaining uncertainties.

To this end, subsequent sections will, respectively, tackle the place of consent in international law and in the international law on the use of force more specifically (Section II) as well as the general conditions for the invocation of military assistance on request (Section III). Section IV focuses in on particular contexts in which consent may be problematic or controversial as a basis for military operations, including situations where competing factions claim to represent the State, where a State is experiencing a non-international armed conflict, or where the inviting government is implicated in genocide, crimes against humanity or war crimes. Before turning to these points of focus, however, this Introduction provides some more detail on the report’s scope, the terminology used, and the methodology employed.

B. Scope of the analysis

Military assistance on request can take many forms. The most prominent examples that come to mind are large-scale offensive cross-border operations involving the deployment of ground troops, or major air operations (such as Operation ‘Decisive Storm’ in Yemen). However, consent can also be invoked as a justification in connection with more small-scale operations, such as drone strikes against suspected terrorists abroad or the ‘hot pursuit’ of criminals or members of an armed group across a shared border. Furthermore, consent can serve as a legal basis for peacekeeping operations or mere troop stationing agreements, or for launching so-called non-combatant evacuation operations.

The present report casts the net wide and views the doctrine of military assistance on request as encompassing all types of assistance that would, absent (valid) consent, entail a violation of the prohibition on the use of force, as enshrined in Article 2(4) of the UN Charter and customary international law. The implication is that the analysis is not limited to cross-border deployments involving the actual use of lethal force, but also extends to so-called ‘bloodless invasions’ or situations where foreign troops overstay their welcome after consent is withdrawn – even in instances where no shots are fired.¹⁸ In addition, while the focus rests with the presence of

¹⁶ See ‘Délérations de l’Institut en séances plénières – Troisième question: Le principe de non-intervention dans les guerres civiles’ (1975) 56 *Annuaire de l’Institut de droit international* 411, 474; Yoram Dinstein, *Non-International Armed Conflicts in International Law* (Cambridge University Press, 2014) 76-8; Georg Nolte, ‘The Resolution of the Institut de droit international on Military Assistance on Request’ (2012) *Revue belge de droit international* 241, 243).

¹⁷ ‘Present Problems of the Use of Force in International Law: Military Assistance on Request’, *Institut de droit international*, Session of Rhodes, Resolution (2011).

¹⁸ In a similar vein, Nolte notes how the operations concerned “may involve actual fighting by the foreign troops, but their operations may also be limited to power projection or to other forms of active military support (eg guarding of important places).” See Georg Nolte, ‘Intervention by Invitation’, *Max Planck Encyclopedia of Public International Law* (Oxford University Press, entry last updated January 2010) <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1702?rskey=Jzk98C&result=1&prd=MPIL>, para. 1.

troops on foreign soil, the analysis also envisages support in the form of the provision of arms and military training that could, absent consent, constitute an unlawful ‘indirect’ use of force.¹⁹ By contrast, following the dichotomy introduced in the ICJ’s 1986 *Nicaragua* judgment,²⁰ the provision of funding, or mere humanitarian assistance²¹ are excluded from our purview. It is, however, not the purpose to engage in an in-depth discussion on the lower limits of the prohibition on the use of force.²²

As far as the form of request is concerned, the report covers both treaty-based expressions of consent, as well as *ad hoc* expressions of consent that are not undergirded by any pre-existing bilateral or multilateral treaty.

Furthermore, while the report’s focus rests squarely with the law on the use of force, it will also consider how consent, as a basis for military assistance, is conditioned and constrained by related norms of international law, such as the non-intervention principle and the right of self-determination, or, for instance, the obligation to respect and ensure respect with the law of armed conflict (Common Article I of the Geneva Conventions).

C. Terminology

The present report uses the label of ‘military assistance on request’ to describe the scenarios envisaged here. The same label was adopted by the IDI in its Wiesbaden resolution,²³ and also features in legal doctrine.²⁴

A competing label, which also features on a regular basis in legal doctrine,²⁵ is that of ‘intervention by invitation’. However, the term can be viewed as being problematic, not least because “[h]ardly any other expression used in international law is as vague, blurred, controversial and disputed as the term ‘intervention’”.²⁶ It has also been observed that the notion

¹⁹ *Nicaragua*, Merits, *supra* note 9 (para. 195). In this sense, the scope is broader than that of the IDI’s 2011 Rhodes resolution, *supra* note 17, Article 1(a), which defined military assistance on request as “direct military assistance by the sending of armed forces by one State to another State upon the latter’s request.”

²⁰ *Nicaragua*, Merits, *supra* note 9 (para 228). See also *ibid* (para. 242).

²¹ It is noted, however, that, from a legal perspective, there is a fundamental distinction between a situation where a State merely delivers humanitarian assistance at a border (e.g., to a humanitarian organisation), as opposed to one where it runs humanitarian convoys on foreign soil. Inasmuch as the latter scenario entails the deployment of State security personnel abroad, it is potentially within the scope of our analysis.

²² On the discussion of whether non-combatant evacuation operations, isolated drone strikes, or certain law enforcement operations come within the scope of the *jus ad bellum*, compare Tom Ruys, ‘The Meaning of “Force” and the Boundaries of the *Jus ad Bellum*: Are “Minimal” Uses of Force Excluded from UN Charter Article 2(4)?’ (2014) 108 *American Journal of International Law* 159 and Olivier Corten, *The Law Against War: The Prohibition on the Use of Force in Contemporary International Law* (Hart Publishing, 2nd edn 2021) 62-90.

²³ The 1975 Wiesbaden resolution also focused on various forms of ‘assistance’. The 2011 Rhodes resolution added the epitheton ‘military’, Gerhard Hafner, *l’Institut de droit international*, 10th Commission, ‘Problèmes actuels du recours à la force en droit international Sous-groupe: Intervention sur invitation / Present Problems of the Use of Force in International Law Sub-group: Intervention by Invitation’ (2009) 73 *Annuaire de l’Institut de droit international* 299, 311. Note, however, that the IDI uses a narrower definition. See *supra* note 19.

²⁴ See, e.g. de Wet, *supra* note 11; Patrick M. Butchard, ‘Territorial Integrity, Political Independence, and Consent: The Limitations of Military Assistance on Request under the Prohibition of Force’ (2020) 7 *Journal on the Use of Force and International Law* 35; Paddeu, *supra* note 4.

²⁵ See, e.g. Doswald-Beck, *supra* note 14; Gregory H. Fox, ‘Intervention by Invitation’, in Marc Weller (ed), *The Oxford Handbook of the Use of Force in International Law* (Oxford University Press, 2015) 816; Nolte, *supra* note 18; Peters, *supra* n 13.

²⁶ Hafner, *supra* note 23, 309.

of ‘intervention by invitation’ is not employed by States themselves²⁷ (although the same can perhaps be said for ‘military assistance on request’).

More fundamentally, inasmuch as the present analysis envisaged all types of military assistance that would, absent consent, entail a prohibited use of force, the main legal benchmark against which these operations are tested is the prohibition on the use of force, rather than the broader (and more elusive) principle of non-intervention under customary international law. For analogous reasons, one author has suggested replacing the label of ‘intervention by invitation’ with that of ‘use of force by invitation’.²⁸

Both the notions of ‘intervention by invitation’ and ‘use of force by invitation’ remain, however, problematic for a distinct reason. In particular, they appear internally inconsistent in the sense that a valid invitation would normally preclude the existence of an (unlawful) ‘intervention’ of ‘use of force’ to begin with, making the notion of ‘intervention by invitation’, ultimately, a *contradictio in terminis*.²⁹ For the same reason, terms such as ‘consensual/consent-based intervention/use of force’ are to some extent a misnomer. The concept of ‘military assistance’ then has the benefit of being more accurately descriptive in nature,³⁰ without pre-empting the normative appraisal.

The notion of ‘military assistance on request’ admittedly remains an imperfect one, especially because it suggests that the territorial State takes the initiative to seek support from abroad to deal with a challenge/crisis at the domestic level. In reality, however, it may be the intervening State that actively solicits the approval of the territorial State’s authorities e.g., to conduct a counter-terrorist operation or undertake an evacuation operation. From a *jus ad bellum* perspective, however, it is wholly immaterial from whom the first step emanated. Rather, what matters is that consent was validly provided prior to the operation concerned. Accordingly, it has also been suggested to refer instead to ‘armed action upon invitation or with the consent of the target State’.³¹

Rather than setting forth yet another label to describe the same phenomenon, this report maintains the terminology of ‘military assistance on request’, which has the benefit that it has already taken hold in scholarship³² as well as the advantage of brevity. It must be kept in mind, however, that the concept equally includes consensual operations at the initiative of the intervening State.

D. Method

This report takes a predominantly doctrinal approach to its subject-matter. It is worth noting that every effort has been made to engage with instances of state practice wherever possible.³³

²⁷ See Agata Kleczkowska, ‘The Misconception About the Term “Intervention by Invitation”’ 2019) 79 *ZaöRV* 647, 647.

²⁸ Laura Visser, ‘What’s in a Name? The Terminology of Intervention by Invitation’ (2019) 79 *ZaöRV* 651, 652-653.

²⁹ Hafner, *supra* note 23, 310-11.

³⁰ In a similar vein (i.e., suggesting the use of more descriptive terminology), see Kleczkowska, *supra* note 27.

³¹ Vaughan Lowe and Antonios Tzanakopoulos, ‘Humanitarian Intervention’, *Max Planck Encyclopedia of Public International Law* (Oxford University Press, entry last updated May 2011) <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e306>, para 2. Although, it might be more appropriate still to speak of the ‘territorial State’ rather than the ‘target State’.

³² See *supra* note 24.

³³ It should be noted that, at the start of the work of the Committee in 2020 and early 2021, a range of background papers were prepared by members considering in detail relevant practice from the different regions of the world,

It is important to clarify that positions both of *lex lata* and *lex ferenda* are covered in this report. It expresses views not just as to what the law is but also what it may or should be, in the view of its authors. However, every attempt has been made to ensure that the distinction between *lex lata* and *lex ferenda* is made explicit throughout. Finally, it is worth noting that both contrary state practice and, importantly, disputed or minority positions within the Committee membership have also been explicitly noted.

IV. Draft Structure for the Final Report

The draft structure for the Committee's Final Report present below is currently in its fifth iteration, based on repeated and ongoing discussion within the Committee. It still remains subject to change – indeed, it is highly likely to be adjusted ahead of the submission of the Final Report in 2026 – but it is presented here to offer an insight into the current direction and scope of the Committee's work.

It is also worth noting that in addition to the Final Report, that the Committee currently plans, in the Resolution ultimately to be submitted for consideration by the Association, to include Conclusions and Recommendations based on the findings of its work.

I. Introduction³⁴

A. Background and structure

B. Scope of the analysis

C. Terminology

D. Methodology

II. The place of military assistance on request within the broader *jus ad bellum* framework

A. The legality of military assistance on request in light of the prohibition on the use of force

1. *Consent built into the primary rule vs a defence to its breach*
2. *Peremptory character of the prohibition on the use of force/aggression*
3. *Interpretation of the primary norm (prohibition on the use of force)*

B. Relationship between military assistance on request and (collective) self-defence

C. Relationship between military assistance on request and humanitarian assistance and 'peacekeeping'

III. Military assistance on request – general conditions

to attempt to ensure both an empirical focus on practice and to avoid ethnocentric emphasis being placed on the practice of Global North States.

³⁴ A draft version of this Introduction is set out in section III, *supra*.

A. Consent must be given by a competent authority

B. Consent must be clear and certain

1. *The possibility of implicit or tacit consent*
2. *A requirement for publicity / 'covert consent'*

C. Consent must be freely given

1. *Error*
2. *Coercion (of State/State representative)*

D. Respect for the conditions set forth by the consenting State itself

E. Respect for binding obligations in UNSC resolutions

F. Timing of the consent

1. *Treaty-based consent and ad hoc consent*
2. *Can consent be given retroactively (or only a waiver)?*
3. *Withdrawal of consent*

IV. Particular contexts in which consent may be problematic or controversial

A. Challenges to parameter(s) of authority

1. *Effective control v. (democratic) legitimacy*
2. *The role of recognition*
 - By individual States/regional organizations
 - By the UN Security Council/UN General Assembly

B. Military assistance on request in the context of non-international armed conflicts/civil wars

1. *The legal conundrum*
 - The non-intervention principle
 - The right to self-determination (implications for NIACs but also civil unrest)
2. *Different approaches*
 - Government-preference approach
 - Negative equality
 - Counter-intervention as exception?
 - 'Purpose-oriented' approach

C. Military assistance at the request of a government implicated in serious violations of peremptory norms of international law (genocide, crimes against humanity, or war crimes)

1. State Practice

2. *Opinio Juris*

- Sovereignty as Responsibility
- Invalidity of Unlawful Consent

3. Consequences of Unlawful Consent

V. Conclusion