

The legal framework of intervention by invitation

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The Legal Framework of Intervention by Invitation

Laura Visser

1. Intervention by invitation is defined as a lawful exercise of the use of force by one state in the territory of another state upon the latter's invitation.
2. Intervention by invitation is a misnomer. It should rather be called use of force by invitation.
3. The force used must be limited to the requesting state's territory, which is where the difference lies with collective self-defence. Both concepts do overlap and more use should be made thereof to strengthen the prohibition of the use of force.
4. While use of force by invitation is a lawful manner for states to use force, state practice is inconclusive as to its particularities. Given the potential harmful impact of any use of force, it is vital that the rules surrounding this topic of public international law are well understood in theory so they can be applied correctly in practice.
5. Doctrinal research in legal scholarship is important as it unveils the framework of a certain topic and therefore helps to create a deeper and clearer understanding.
6. Doctrinal research does not mean issuing a value judgement. It is merely clarifying the status of the law as it is, whether or not one agrees with it.
7. The ambiguity that exists regarding many rules of international law means that (powerful) states are taking matters into their own hands, while the exact rules surrounding certain concepts are not sufficiently established.
8. At the moment, the world is witnessing a crumbling prohibition of the use of force, which constitutes a danger to international peace and security. This thesis has attempted to limit that crumbling by clarifying the doctrinal foundations of use of force by invitation.
9. Whatever you do, don't mention the war.