

Ordine internazionale e diritti umani

International Legal Order and Human Rights Ordenamiento Jurídico Internacional y Derechos Humanos Ordre juridique international et Droits de l'Homme

FROM UKRAINE AND YEMEN TO CAR, MALI AND SYRIA: IS THIRD COUNTRY INTERVENTION BY INVITATION RESHAPED IN THE AFTERMATH OF RECENT PRACTICE?

The article focuses on the topic of military intervention following the invitation from a territorial State. The authors, with a practical approach, analyze the rules governing the non-intervention principle as established in the main instruments of international law, examining, in the end, principles and criteria for a legitimate invitation. In particular, they deal with some specific questions concerning the concept of "invitation". Who is the legitimate authority to extend an invitation for an armed intervention? Can an armed group fighting for democracy ask an external help? Has the Arab Spring changed the criteria for a legitimate request? Can we consider legitimately valid an invitation by governments lacking of effective control or authority on their territories?

The aforesaid questions are examined analyzing concrete cases such as: the Russian intervention in Syria, the military action of the multilateral force in Iraq aimed at expelling ISIS, the international operations in Libya supporting the National Transitional Council and other international crisis.

(Abstract by the editorial staff)