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Intervention and consent : consensual forcible interventions in internal armed conflicts as international agreements / Eliav Lieblich

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Abstract:	<p>This article addresses the issue of consensual forcible intervention in internal armed conflict—meaning, intervention undertaken with the consent of a party to an internal conflict—and seeks to clarify the place of such interventions within the framework of the law of international agreements in conjunction with the law on the use of force. It analyzes the question of consent strictly in the context of relations between a consenting party and an external intervener (“procedural consent”), as opposed to questions regarding the internal legitimacy or capacity of a party to express consent (“substantive consent”)—which are not dealt with in this article. The article attempts to demonstrate that consensual forcible interventions, in their “procedural” sense, are regulated by firm and accepted norms of international law. These are found in the Vienna Convention on the Law of Treaties (VCLT), found in customary international law, found in the law on the use of force, and augmented by the law of state responsibility. The article seeks to systematically elaborate on these frameworks and to clarify them. It demonstrates the general dynamics of consensual interventions, as they occurred in the different stages of the conflict in the Democratic Republic of Congo; it then addresses the regulation of consensual interventions under the VCLT and customary international law; discusses the question of withdrawal of consent and aggression; analyzes the dilemma of forward-looking consent in the context of regional defense treaties; surveys the role of consent in relation to U.N. Chapter VII interventions; and briefly touches upon the question of consent and non-state actors, exemplifying this issue through the analysis of the development of the legal status of the Palestine Liberation Organization.</p>
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