## THE CONTEMPORARY LAW OF MILITARY INTERVENTION

## I DEFINITIONS

(i) Intervention is defined in *Oppenheim's International Law* as 'the forcible or dictatorial interference of a state in the affairs of another state, calculated to impose certain conduct or consequences on that other state'.

- This definition refers to military operations that are mounted deliberately to influence the internal affairs of another state. It is not, therefore, about military operations that are to do with the conduct of international disputes. It excludes self-defence (e.g. the British military operations in the South Atlantic in 1982), the provision of traditional peacekeeping forces whose objective is to help create the right circumstances for international dispute resolution (e.g. the UN peacekeeping operation in Suez from 1956), and enforcement operations mounted under the terms of a UN Security Council resolution (e.g. the coalition operation to recover Kuwait in 1991). All of these types of military operation are essentially to do with disputes between two or more states rather than with the influencing of situations within them.

- This definition also excludes military operations mounted with the agreement of the state in whose territory they are taking place. The deployment of US military forces into South Vietnam in the early 1960s would not constitute an example of 'military intervention' with the consent of the South Vietnamese Government. Notwithstanding difficulties experienced in establishing the actual degree of consent, if it is clearly given – and not under duress – any military operations will fall outside the Oppenheim definition[1].

(ii) Intervention as defined is ordinarily illegal because it runs counter to the general principle of non-intervention that was a feature of customary law incorporated in Article 2(7) of the *UN Charter*. International law is the law existing between states, all of which have traditionally been regarded as equal sovereign entities and free to administer their own territory and treat their own people as they saw fit.

(iii) However there is a legal tradition which asserts that states only have the absolute right to deal with their own internal affairs as long as their actions do not cause them to fail to meet their international obligations, in particular those of a profound nature *(jus cogens)*[2]. If a state fails to meet these obligations *ergo omnes*, other states may have a legitimate reason for taking a keen interest in its internal affairs. Sovereignty is not unlimited.