

LEGAL AND POLITICAL ASPECTS OF THE APPLICATION OF THE PRINCIPLE OF NON-INTERVENTION IN THE INTERNAL AFFAIRS OF STATES

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Abstract

The principle of non-intervention in the internal affairs of a state is one of the fundamental principles of international law, ensuring the recognition of states' sovereignty, legal equality, and independence in the international arena. It is enshrined in the UN Charter, the Helsinki Final Act, and a number of other international instruments.

The current geopolitical situation shows that the principle of non-intervention is often used both to justify legitimate action and to justify politically motivated interference. Today we increasingly encounter cases in which states intervene in the internal affairs of other countries under various pretexts. Technological developments open new avenues for exerting external influence on systems of state governance without traditional military or physical invasion. The internet, artificial intelligence, social networks, and cyber tools are widely used to influence internal political processes. These phenomena complicate the legal-political field, compelling a reconsideration of what “interference” means and how to define the limits of its permissibility.

The study of this topic is relevant not only in theoretical political and legal terms, but also in practical terms, since it makes it possible to reassess the essence of the principle in light of current geopolitical and technological developments. A precise interpretation of the principle of non-intervention within the system of international law and the development of mechanisms for its application are important prerequisites for preserving states' sovereignty, legal equality, and international stability.

Keywords: Law, jurisdiction, principle, state, international community, internal affairs, external relations, cooperation, treaty, agreement.

ՊԵՏՈՒԹՅԱՆ ՆԵՐՔԻՆ ԳՈՐԾԵՐԻՆ ՉՄԻՋԱՄՏԵԼՈՒ ՍԿԶԲՈՒՆՔԻ ԿԻՐԱՌՄԱՆ ԻՐԱՎԱՔԱՂԱՔԱԿԱՆ ԱՌԱՆՁՆԱՀԱՏԿՈՒԹՅՈՒՆՆԵՐԸ

ԱՐԵՆ ՍԱՐԳՍՅԱՆ

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Համառոտագիր

Պետության ներքին գործերին չմիջամտելու սկզբունքը միջազգային իրավունքի հիմնարար սկզբունքներից է, որն ապահովում է պետությունների ինքնիշխանության, իրավահավասարության և անկախության ճանաչումը միջազգային հարթակում: Այն ամրագրված է ՄԱԿ-ի Կանոնադրությամբ, Հելսինկյան եզրափակիչ ակտով, ինչպես նաև մի շարք այլ միջազգային փաստաթղթերով:

Ներկայիս աշխարհաքաղաքական իրադրությունը վկայում է, որ չմիջամտելու սկզբունքը հաճախ օգտագործվում է ինչպես իրավաչափության, այնպես էլ քաղաքական նպատակներով չմիջամտության արդարացման համար: Այսօր ավելի հաճախ ենք հանդիպում դեպքերի, երբ պետությունները չմիջամտում են այլ երկրների ներքին գործերին տարբեր պատրվակներով: Տեխնոլոգիական զարգացումները բացում են նոր հարթակներ պետական կառավարման համակարգերի առջև արտաքին ազդեցություն գործելու համար՝ առանց ավանդական ռազմական կամ ֆիզիկական ներխուժման: Համացանցը, արհեստական բանականությունը, սոցիալական ցանցերը և կիբեռգործիքները լայնորեն օգտագործվում են ներքին քաղաքական գործընթացների վրա ազդելու նպատակով: Այս երևույթները բարդացնում են իրավաքաղաքական դաշտը՝ ստիպելով վերանայել, թե ինչ է նշանակում «չմիջամտություն» և ինչպես սահմանել դրա թույլատրելիության սահմանները:

Հոդվածի թեմայի ուսումնասիրությունը արդիական է ոչ միայն քաղաքական և իրավական տեսական, այլև գործնական առումներով, քանի որ այն հնարավորություն է տալիս վերաբժնորել սկզբունքի էությունը՝ հաշվի առնելով արդի աշխարհաքաղաքական և տեխնոլոգիական զարգացումները: Միջազգային իրավունքի համակարգում չմիջամտելու սկզբունքի ճշգրիտ մեկնաբանությունն ու կիրառման մեխանիզմների ձևավորումը կարևոր նախադրյալ են պետությունների ինքնիշխանության, իրավահավասարության և միջազգային կայունության պահպանման համար:

Բանալի բառեր՝ իրավունք, իրավասություն, սկզբունք, պետություն, միջազգային հանրություն, ներքին գործեր, արտաքին կապեր, գործակցություն, պայմանագիր, համաձայնագիր:

Introduction

The principle of non-intervention in the internal affairs of a state is one of the fundamental principles of international law, ensuring the recognition of states' sovereignty, legal equality, and independence in the international arena. It is enshrined in the UN Charter, the Helsinki Final Act, and a number of other international instruments.

The current geopolitical situation shows that the principle of non-intervention is often used both to justify legitimate action and to justify politically motivated interference. Today we increasingly encounter cases in which states intervene in the internal affairs of other countries under various pretexts. Technological developments open new avenues for exerting external influence on systems of state governance without traditional military or physical invasion. The internet, artificial intelligence, social networks, and cyber tools are widely used to influence internal political processes. These phenomena complicate the legal-political field, compelling a reconsideration of what "interference" means and how to define the limits of its permissibility.

The study of this topic is relevant not only in theoretical political and legal terms, but also in practical terms, since it makes it possible to reassess the essence of the principle in light of current geopolitical and technological developments. A precise interpretation of the principle of non-intervention within the system of international law and the development of mechanisms for its application are important prerequisites for preserving states' sovereignty, legal equality, and international stability.

The Concept of the Principle of Non-Intervention and Its Correlation with Other Principles of International Law

The principles of international law took shape in the second half of the 20th century.

"The fundamental principles of international law are the starting, guiding provisions underlying the conduct of subjects of international law. They represent the most general reflection of the practice that has formed in the sphere of international relations. A principle of international law is a norm of international law. The most important document enshrining the fundamental principles of international law is the UN Charter" (Tonoyan, 2014, p.1).

Since the fundamental principles are generally recognised norms, their binding force extends to all subjects of international law. However, fundamental principles are supreme, peremptory norms with a higher normative status than other rules of international law. In other words, the fundamental principles of contemporary general international law relate to norms possessing the character of *jus cogens* (peremptory norms). In such cases, two or more states may bind themselves by rules that differ from the general rules of international law currently in force on the same question. As for the peremptory norms of international

law, they contain a wholly specific requirement of conduct for the participants in the relations they regulate and, unlike dispositive (non-peremptory) norms, they do not permit derogation by agreement of the parties. This applies to both treaty-based and customary international legal norms (Ashvaskii, 2016, p. 69).

The principle of non-intervention in the internal affairs of states is one of the fundamental principles of contemporary international law. It forms part of customary international law and rests on the concept of respect for the territorial sovereignty of states. Intervention is prohibited in matters that each state may decide freely, in accordance with the principle of state sovereignty. This includes the choice of political, economic, social, and cultural systems and the formulation of foreign policy. Such conduct becomes unlawful intervention when coercive methods are applied to choices that must remain free. Actions constituting a violation of the principle of non-intervention will be regarded as a violation of the principle of non-use of force in international relations if they directly or indirectly involve the use of force (Shaw, 2008, p. 1147–1148).

The relevance of the principle of non-intervention in the internal affairs of states is growing on account of the characteristics of contemporary international relations, marked by an increase in local conflicts, transnational crime, ethnic and religious intolerance, the emergence of new principles of international law, and the strengthening of the role of protecting universal human rights and democracy (Dovgan, 2002, p. 31).

In the contemporary world, a state's actions contrary to universally recognised principles of international law cannot be regarded as matters falling exclusively within its domestic jurisdiction. Under the UN Charter, the UN Security Council may impose coercive measures on such a state by decision of the UN Security Council. Where a situation within a state's territory threatens international peace and security, or involves violations of human rights, the use of force under the auspices of the United Nations may become possible. The term "intervention" is understood differently in different contexts. In the West, the prevailing understanding of intervention is narrow, tied to the direct use of force or the threat thereof. Russian practice has traditionally held that even an attempt to place a matter on the agenda of an international organisation, and its discussion there, already constitutes intervention. On December 9, 1981, an overwhelming majority of states at the UN General Assembly supported this latter position, voting in favour of adopting the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States. More broadly, the 1975 CSCE Helsinki Final Act also addresses the inadmissibility of intervention. An analysis of the Act's texts in different languages shows that the terms "interference" and "intervention" are treated as synonyms. A state itself determines whether specific actions by other subjects constitute intervention in its internal affairs; this does not, however, apply to situations of generally recognised international significance. Under the UN Charter, the Security Council may determine that a situation requires the

application of coercive measures, thereby recognising it as an international problem and, in that case, the principle of non-intervention no longer applies. The UN Charter firmly establishes that the norm of non-intervention is a basic rule governing interstate relations and demonstrates that it is a fundamental guarantee for maintaining order and peaceful coexistence among states (Leytman, 2020, pp. 468–469).

“When interpreting and applying the principles of international law, it is important to bear in mind that they are interconnected, and each of them must be considered in the context of all the other principles. The content of the fundamental principles is stable. Reflecting the essential features of the system of international relations and of international law, they are not subject to the effects of any particular change in interstate relations. Another important feature of the mechanism by which the fundamental principles operate is that the obligations arising from them are universal in character (*erga omnes*). This grants every state the right — and also obliges it — to take measures against violations of the principles even where its own interests are not directly affected by such violations. Moreover, it is essential to understand the role of the fundamental principles that, taken together, form the central subsystem of international law. The existence and operation of the fundamental principles are systemic in nature: they are all closely interwoven with, and interact with, one another.” (Kocharyan, 2002, p. 84–85).

Accordingly, the fundamental principles of international law are: the principle of the sovereign equality of states; the principle of refraining from the threat or use of force; the principle of the inviolability of state borders; the principle of the territorial integrity of states; the principle of the peaceful settlement of international disputes; the principle of non-intervention in internal affairs; the principle of universal respect for human rights (“the principle of non-intervention and humanitarian intervention: the limits of permissibility”); the principle of the equal rights and self-determination of peoples; the principle of cooperation among states; the principle of the good-faith fulfillment of international obligations; and others.

From the standpoint of contemporary law, according to the object of cooperation, the following groups of principles may be distinguished:

- Principles ensuring peace and security: refraining from the threat or use of force; the peaceful settlement of international disputes and the inviolability of borders and territorial integrity of states.
- Principles connected with international cooperation: the sovereign equality of states; non-intervention in internal affairs; cooperation among states and the good-faith fulfilment of international obligations.
- Principles for the protection of human rights, peoples, and nations: universal respect for human rights and the equal rights and self-determination of peoples (Melissoy, 2017, p. 20).

The principles of international law are binding on all subjects of international law. In studying the content of the principle of non-intervention, it is important not to lose sight of its close connection with other principles of international law. Under the 1970 Declaration on Principles of International Law of October 24, 1970, “the principles are interrelated, and each principle should be construed in the context of the other principles.” (UN Declaration on Principles of International Law, 1970). Particular emphasis is placed on the connection between the principle of non-intervention and the principles of the non-use of force and the threat of force, the sovereign equality of states, their territorial integrity, the inviolability of borders, and the fulfilment of international obligations.

of analysing the principle of non-intervention in the internal affairs of states, its connection to the concept of state sovereignty takes on particular importance. Sovereignty rests on a state’s right to supreme authority within its own territory and to act independently in international relations. This includes the full exercise of legislative, executive, and judicial functions without foreign interference. Contemporary approaches often give rise to notions of various types of sovereignty — state, ethnic, national, parliamentary, territorial, and other forms. However, this multilayered interpretation of the term appears more characteristic of political science than of jurisprudence. In some instances, a tendency can be observed to substitute legally recognised institutions — for example, the protection of human rights is examined within the framework of individual sovereignty.

At the same time, states’ conduct in the international arena places limits on a country’s freedom of action in one sphere or another (domestic jurisdiction) without affecting state sovereignty as such. Defining the concept of “domestic jurisdiction” is among the most pressing problems of contemporary international law. Article 2(7) of the UN Charter prohibits intervention in matters essentially within the domestic jurisdiction of any state. Domestic jurisdiction is a reflection of state sovereignty. States mutually recognise one another’s independence and agree that each of them has spheres in which intervention is prohibited. International law has no generally accepted definition of domestic jurisdiction in the doctrine of international law. A state’s domestic jurisdiction is usually understood to cover any matter falling within its sovereign activity in the sphere of internal or external policy. The idea of the existence of a sphere in which intervention is prohibited emerged quite early. The arbitration treaty between France and Great Britain of October 14, 1903 (UK–France Arbitration Treaty, 1903), contained provisions under which matters touching upon the vital interests, independence, and dignity of the contracting parties were not subject to arbitration. Such provisions governed the specific rights and duties of the parties and were not regarded as matters of jurisdiction. In 1919, the Covenant of the League of Nations used the term “domestic jurisdiction” for the first time, marking the emergence of a new approach to the principle of non-intervention.

The principle of non-intervention is enshrined in both universal instru-

ments and the acts of regional international organisations. Article 2(7) of the UN Charter protects matters essentially within the domestic jurisdiction of any state. The CSCE Helsinki Final Act of August 1, 1975, calls for non-intervention in internal affairs and obliges participating states not to intervene in internal or external affairs falling within another participating state's domestic jurisdiction (CSCE Helsinki Final Act, 1975). Article 2 of the Charter of the Arab League prohibits violation of "the regime of internal affairs" of each state. The Arab League Charter is the only instrument in which the term "regime of internal affairs" has been used (Charter of Arab League, 1945). For the most part, the concepts used are "domestic jurisdiction," "matters within domestic jurisdiction," and "internal and external affairs." Doctrine examines the question of domestic jurisdiction, while legal instruments prohibit intervention in matters falling within it. It must be determined whether there are grounds for the use of a particular term. A state's domestic jurisdiction is understood as the sphere within which the country may act at its own discretion.

The realisation of rights and freedoms is possible only under conditions of democracy and the rule of law. The 1992 Helsinki Document proclaims as common values human rights, the rights of national minorities, democracy, the rule of law, economic freedom, social justice, and a responsible attitude toward the environment (CSCE, 1992).

International treaties define the scope of domestic jurisdiction only in general terms. An exhaustive definition is simply impossible, given the multifaceted nature of state activity, the constantly changing scope of domestic jurisdiction—which depends directly on the development of international relations and international law—states' participation in bilateral and multilateral treaties, and their membership in international organisations. As a rule, one can determine whether a given matter falls within a particular state's jurisdiction only at a given moment. The content of domestic jurisdiction is revealed in greater detail through a range of actions that violate the principle of non-intervention.

Thus, the principle of non-intervention in the internal affairs of states is one of the fundamental principles of contemporary international law. It is closely connected with, and to a great extent determined by, other principles of international law, in particular the principle of the non-use of force or the threat of force, the principle of the sovereign equality of states, and the concept of state sovereignty. The existence of the principle of non-intervention exists only through states' mutual recognition of one another's independence. State sovereignty is an inalienable attribute of every state: it comes into being and disappears together with the state and cannot be limited (Dovgan, 2002, p. 34–35).

Specific Features of the Application of the Principle of Non-Intervention in the Domestic Sphere of States

A state's internal and external relations are interconnected processes. Inter-

nal relations can significantly affect a country's external standing, and vice versa. For example, economic success resulting from well-managed internal relations can increase a state's diplomatic influence and raise its standing in the international arena. Good external relations can attract international investment while simultaneously stimulating internal economic growth. As a result, the development of interaction between internal and external relations is important for governments seeking to strengthen their national interests (Saaida, 2023, p. 1–2).

First of all, a distinction must be drawn between a state's internal and external functions. The former covers the principal spheres of organising the country's "internal" life; the latter covers the international arena — relations with the "external" world, that is, with other states and with international and regional organisations. The system of internal functions is shaped by the fact that every contemporary state addresses numerous important economic, social, political, oversight, and protective tasks, and actively participates in protecting the environment within its own territory. The internal functions of states are addressed in the UN Charter. Chapter I of the UN Charter provides: "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" (UN Charter, 1945). Within the country, the state primarily serves an economic function. The economic function is the most important, original direction of its activity, consisting of diverse influences on economic processes — from the organisation of property relations to the distribution of financial, credit, and other material resources accumulated at the disposal of the state and its territorial units. In carrying out the economic function, various methods of influencing economic processes are used; however, both the tasks associated with the economic function and the methods for addressing them fall within the state's competence only under conditions of market relations based on the diversity and equality of forms of ownership, the freedom and initiative of producers, sellers, and consumers, and competition among them. The practice of developed Western countries shows that, in countries with established market relations, the state carries out these economic functions fully.

Another central function of a democratic state is the social orientation of its activity, consisting of comprehensive support for and improvement of people's lives, which is its principal aim. This function is multifaceted and is expressed in the organisation of family, demographic, and migration relations; in improving people's health, education, and protection systems; in improving their living, working, and leisure conditions; and in the state's efforts to support the unemployed, persons with disabilities, the sick, pensioners, and other persons in acute need of state assistance. Not only the state's own social character but also the general standard of living of the people and their present and historical future depend on the attention given to this function and on its successful implementation.

No state, in influencing particular social relations, can fail to monitor how the policies it develops, the targeted programs it adopts, laws and regulations, and so forth, are being implemented; the state must therefore carry out an oversight function. The essence of the oversight function lies in the systematic and targeted monitoring of law enforcement processes.

Also important is the state's protective function, which consists of ensuring the inviolability of its borders and the integrity of its territory, maintaining constitutional order, law and order, and discipline, preventing and suppressing any deviant conduct, and taking measures of restoration and accountability on the grounds and in the manner established by law (Zinnurov, 2012).

In sum, states have the right to choose their political, economic, and social systems without external pressure. In the context of states' economic, political, and social systems, the principle of non-intervention means that every country independently determines its form of government, economic policy, and social arrangements, without external interference. Non-intervention in the economic sphere means that external forces do not impose economic reforms. Non-intervention in political systems underscores states' right to shape their government independently, without external pressure or attempts at regime change. Interference in elections, support for revolutions, or diplomatic pressure can limit this sovereignty. Non-intervention in social systems means every state determines its social arrangements, cultural policy, and protection of rights.

Specific Features of the Application of the Principle of Non-Intervention in States' Foreign Relations

External relations are a key component of a country's strategic framework, embodying goals aimed at protecting its interests and increasing its influence in the international arena. Foremost among these is the protection of national sovereignty — that is, the protection of the state's geographic integrity, political autonomy, and decision-making authority from foreign invasion or intervention. Alongside this, foreign policy seeks to advance economic interests by promoting trade ties, attracting foreign investment, and securing access to resources and markets in a globalised world.

In the international arena, a state performs two principal functions: the function of maintaining peace and the function of international cooperation. Article 1 of the UN Charter clearly sets out the functions of maintaining peace and of international cooperation. The peacekeeping function is intended to secure an international atmosphere in which, on the one hand, the national interests of members of the international community are respected and, on the other hand, armed conflicts among them are prevented, and wars and bloody conflicts are avoided.

In the 20th century, the world experienced two world wars and hundreds of regional military conflicts, in the course of which tens of millions of innocent people perished. The present state of international relations makes it possible to successfully combat this bloody scourge, which brings hardship and suffering to

entire peoples. Sovereign states, as is well known, maintain foreign affairs departments, embassies, and representative offices in other countries, where they hold consultations, conclude bilateral treaties and agreements, and promote mutual communication.

In the contemporary world, distinct centres of “power” have taken shape, such as the United States, Western Europe, the Russian Federation, China, and others. The tendency toward global hegemony has not disappeared, and it is evident in certain U.S. foreign-policy actions. As the most economically powerful state, the United States applies the norms and principles of international law exclusively in pursuit of its own interests, employing instruments such as human rights, humanitarian intervention, the responsibility to protect, and others. V. Leytman has concluded that an attempt has been made in international law to introduce a new norm — a right of external intervention in the internal affairs of a sovereign state where the international community finds that the government of that country is unable to discharge its duties properly and that this poses a threat to international security (Leytman, 2020, p. 467). Indeed, this is precisely the pretext that was used to justify the invasion of Libya.

These developments show that other states must further strengthen their exercise of the function of maintaining peace and protecting national interests. External relations encompass the economic, social, cultural, and other spheres of life of both each country and the international community as a whole. The international division of labour objectively determines economic cooperation, the necessity of specialisation and cooperation, the exchange of technologies, the development of credit and financial relations, and the coordination of trade exchanges. It finds expression in the creation of favourable conditions for external economic relations, the formation of joint ventures, mutual investment, loans, and coordinated rules for the import and export of goods, raw materials, and capital, as well as in banking payment procedures and taxation. To this end, bilateral and regional treaties, agreements, or conventions are concluded. Substantial work in the economic sphere is carried out by specialised UN agencies (for example, the World Trade Organisation, the Economic and Social Council, the International Monetary Fund, and the International Bank for Reconstruction and Development), as well as by regional organisations such as the European Union, which has eliminated all restrictions on the free movement of trade, entrepreneurs, capital, and services among its member states.

Cooperation in the social, cultural, and scientific and technological spheres takes place through the mutual training of students, postgraduate students, and interns; the exchange of information; the sharing of achievements in the arts, music, and stage culture; the sending of professionals in science, education, health-care, and culture; the organisation of exhibitions, festivals, and symposia; and the provision of humanitarian assistance. This occurs both based on intergovernmental agreements and through numerous international organisations — the IAEA, the

IOC, and others. Of no small importance, too, are contacts among businesspeople, scientists, cultural figures, and workers in education and healthcare, supported by all democratic states.

The effective pursuit of a state's external relations goals is inextricably linked to its internal relations and dynamics. A stable, well-governed nation is more likely to command trust and influence in its diplomatic dealings. Conversely, internal problems and political instability can limit a state's capacity to pursue its external relations goals effectively.

A state's external relations initiatives are intertwined with its internal relations, and vice versa. These spheres of policy must be coherent with one another to ensure a comprehensive and successful strategy for securing national interests in an increasingly interconnected world (Saaïda, 2023, p. 3–4). Internal affairs function as a synonym for matters within domestic jurisdiction and, accordingly, are not a territorial concept. Accordingly, the term “internal affairs” may serve as a synonym for the concept of matters within domestic jurisdiction, or of internal and external affairs generally, without carrying any distinguishing feature of its own. At the same time, the distinction between the categories of internal and external affairs appears justified, since a state's powers differ in these two spheres. The principle of non-intervention, accordingly, applies to both internal and external affairs.

Thus, external affairs are those areas governed by the general rules of international law, whether treaty-based or customary. The subject matter of bilateral treaties is excluded from the domestic jurisdiction of the states party to them only for the duration of the treaty. States are prohibited from undertaking actions that endanger international peace and security. Matters of concern to the entire international community likewise fall outside the sphere of domestic jurisdiction. It is impossible to draw clear boundaries around domestic jurisdiction. Domestic jurisdiction does not extend to spheres governed by the general rules of international law or affecting the international community as a whole. Internal and external affairs constitute the content of domestic jurisdiction. Its scope cannot be fixed, since it changes together with the development of international relations and differs from state to state.

Conclusion

In summary, the principle of non-intervention in the internal affairs of states remains one of the cornerstones of international law. However, under the conditions of contemporary globalisation and multifaceted challenges, it now requires reinterpretation and clearer delimitation of its boundaries. The principle of non-intervention has retained its central position in the international legal system, yet the field of its practical application has become considerably more complex. The realities of the contemporary world — including global security risks, information warfare, and the growing emphasis on the protection of human rights — compel us not to regard this principle as an inviolable dogma.

At the same time, some states use the principle of non-intervention as a pretext to keep their internal problems out of the international community's attention. In such situations, a serious question arises: should the international community remain a "silent observer," or are there situations in which intervention is justified for the sake of protecting universal values?

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