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THE DEVELOPMENT OF THE PRINCIPLE OF NON-INTERVENTION IN INTERNATIONAL JURISPRUDENCE: A CRITICAL ANALYSIS OF ITS NORMATIVE SCOPE AND JUDICIAL INTERPRETATION

Abstract: This article offers a critical analysis of the principle of non-intervention in international jurisprudence, situating it as a functional corollary of state sovereignty and examining how coercion operates as the legal threshold that transforms influence into unlawful interference. Focusing on the jurisprudence of the International Court of Justice (ICJ) and other judicial bodies, the article traces how the legal contours of non-intervention have been developed, interpreted, and, at times, left unresolved. Although widely recognised in both treaty and customary law, the principle's judicial articulation remains uneven, particularly in relation to the definition of coercion, the attribution of indirect conduct, and the treatment of emerging forms of interference. Using a doctrinal and historical-legal method, the article analyses key decisions including *Corfu Channel*, *Nicaragua*, and *Armed Activities*, alongside relevant regional jurisprudence. The article concludes that addressing the principle's normative fragility requires a more coherent legal framework, one that integrates judicial interpretation, doctrinal clarification, and institutional engagement. Ensuring the relevance of the principle of non-intervention requires that it be capable of addressing the complex forms of pressure and influence that shape contemporary international relations.

Keywords: sovereignty, non-intervention, the International Court of Justice (ICJ), customary international law, coercion

1. Introduction

At the structural core of the international legal order lies the principle of sovereignty, understood not merely as the formal independence of states, but

as the legal right to exclusive jurisdiction over their internal affairs. This status, reflected in Article 2(1) of the United Nations Charter (UN Charter) and grounded in centuries of legal thought from de Vattel¹ to Lauterpacht,² establishes the state as the primary locus of authority within a territorially bounded sphere. Sovereignty, however, is not a free-standing norm in that it produces correlative duties on other states, key among them is the duty of non-intervention.³ The principle of non-intervention arises as a doctrinal corollary of sovereign equality: it protects the integrity of a state's decision-making autonomy by protecting it from coercive external interference in matters falling within their exclusive jurisdiction.⁴ As codified in arts 2(4) and 2(7) of the UN Charter,⁵ and later interpreted by the International Court of Justice (ICJ) and other tribunals, non-intervention has become a cardinal rule of international conduct.

While the principle of non-intervention has been reaffirmed in various institutional forums and is widely invoked in diplomatic discourse, its jurisprudential articulation remains incomplete. Key judicial decisions, particularly *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America) (Merits)⁶ and *Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v. Uganda),⁷ have established its core features, such as characterising intervention as requiring both *a breach of sovereignty* and *a coercive intent*. Yet these rulings do not provide a consistent or sufficiently detailed framework for identifying unlawful intervention.

The legal and conceptual bridge between sovereignty and non-intervention is the notion of coercion. It is coercion that transforms influence into intervention, and persuasion into unlawfulness. In doctrinal terms, coercion serves as the threshold criterion for establishing a violation of the principle of non-intervention. Yet this threshold remains deeply

1 Vattel, *The Law of Nations, or, Principles of the Law of Nature: Applied to the Conduct and Affairs of Nations and Sovereigns*.

2 Lauterpacht, *The Function of Law in the International Community*, 3-5.

3 Tams, "Art. 2(4)", para. 39; Corten, "The Prohibition of the Use of Force", 51, 54.

4 Roscini, "The Interaction between the Principle of Non-Intervention and that of Internal Self-Determination", 247; Crawford, *Brownlie's Principles of Public International Law*, 431-439.

5 *Charter of the United Nations*, adopted 26 June 1945, entered into force 24 October 1945, 1 UNTS XVI.

6 *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America), Merits, Judgment, [1986] I.C.J. Rep 14.

7 *Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v. Uganda), Judgment, [2005] I.C.J. Rep 168.

contested. As the ICJ observed in *Nicaragua*, ‘intervention is wrongful when it uses methods of coercion’, but the Court declined to define coercion abstract terms or to articulate a general test.⁸ This omission has significant implications, especially in contemporary contexts where external interference assumes less visible forms, such as cyber operations, disinformation campaigns, or proxy sponsorship. In such scenarios, sovereignty may be compromised not by the deployment of force but by the manipulation of political, informational, or institutional processes with the target state. Thus, while sovereignty provides the normative foundation of the principle, coercion defines its operational boundary. The lawfulness of external conduct depends not merely on whether influence occurs, but on whether such influence substantially constrains a state’s ability to act autonomously within its domestic sphere.

Divergences persist in the interpretation of coercion, the threshold at which influence becomes unlawful, and the legal criteria for attributing such conduct to states. As patterns of international engagement evolve, marked by emerging forms of interference, including cyber operations, proxy interventions, and economic pressure, the absence of a coherent and adaptable doctrinal framework renders the principle vulnerable to contestation, selective invocation, and normative erosion.

Against this backdrop, the article undertakes a critical examination of the evolution of the principle of non-intervention in international jurisprudence, focusing in particular on how its normative structure and legal scope have been interpreted by the ICJ and other international judicial bodies. The central argument is that although the principle enjoys widespread acceptance in both treaty and customary international law, it remains jurisprudentially underdeveloped and analytically fragmented. International courts have oscillated between a formalist commitment to sovereign equality and a more functional engagement with indirect coercion, thereby producing a body of case law marked by inconsistencies in both reasoning and application.

The article contends that this fragmentation is most acutely reflected in two interrelated areas: (i) the definition of coercion as the threshold of unlawful interference, and (ii) the legal tests for attributing indirect conduct, such as support for non-state actors, to states. These issues are not

8 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 205.

peripheral but central to the operation of non-intervention, as they delineate when interference becomes legally impermissible and who bears legal responsibility for it. The lack of doctrinal coherence across jurisdictions and adjudicative fora has thus compromised the norm's clarity, predictability, and enforceability.

Methodologically, the article adopts a historical-legal and doctrinal approach. It analyses primary judicial sources, interpretative instruments, and state practice, while also drawing on contemporary academic commentary to situate normative debates. The structure proceeds chronologically: Section 2 considers the doctrinal origins of non-intervention; Sections 3 to 5 examine the development of the principle in key ICJ jurisprudence; Section 6 assesses the contributions of regional and human rights courts; and Section 7 explores the challenges posed by cyber interference and non-physical forms of coercion. Sections 8 to 10 turn to the fragmentation of judicial interpretation and the potential for doctrinal refinement. Throughout, the article aims to evaluate the resilience of the principle of non-intervention in an international system increasingly defined by asymmetry, deniability, and strategic ambiguity.

2. Foundational Doctrinal Sources and Early Precedents

The principle of non-intervention in international law has evolved through layered doctrinal development and judicial interpretation. Its modern articulation, as a prohibition on coercive interference in matters within the domestic jurisdiction of states, derives from the classical doctrine of sovereignty, regional legal practice, and the UN Charter.⁹ However, the principle's content remained underdefined in early jurisprudence, creating interpretative vacuums only partially addressed in later case law.

2.1. Sovereign Equality and the Conceptual Architecture of Non-Intervention

The doctrine of sovereign equality, codified in Article 2(1) of the UN Charter, provides the conceptual foundation of non-intervention. Article 2(4) prohibits 'the threat or use of force', while Article 2(7) explicitly restrains both the United Nations and its members from intervening in matters 'essentially

⁹ Roscini, *International Law and the Principle of Non-Intervention: History, Theory, and Interactions with Other Principles*, 98-143; Kriener, "Intervention, Prohibition of"; Tams, "Art. 2(4)".

within the domestic jurisdiction’ of any state. The principle also finds early doctrinal grounding in the writings of classical international jurists. De Vattel conceived of sovereignty as the exclusive right of a state to determine its own affairs without external interference, a view later developed in the positivist tradition by Oppenheim.¹⁰

Oppenheim speaks of ‘prohibition of intervention’.¹¹ Kelsen affirmed the legal character of non-intervention as a necessary corollary of sovereign equality, grounded in customary international law.¹² Brownlie summarised the rule as ‘a duty of non-intervention in the area of exclusive jurisdiction of other states’ in a sovereign state’s domestic affairs, particularly by coercive means.¹³ Yet, as early literature reveals, there was no settled understanding of what amounted to coercion, a problem that would persist well into the jurisprudence of the ICJ.

2.2. Pre-Charter Customary Law and Regional Treaty Instruments

Prior to the UN Charter, non-intervention was primarily articulated as a regional legal norm, particularly within Latin American legal thought and practice. The *Montevideo Convention on the Rights and Duties of States* (1933) represents a seminal codification, explicitly stating in Article 8 that ‘[n]o state has the right to intervene in the internal or external affairs of another’.¹⁴ The Convention was the culmination of extensive regional debates. The *Drago Doctrine* (1902),¹⁵ later expanded into the *Calvo Doctrine*,¹⁶ rejected the use of force for debt collection and more broadly articulated a principle of political non-intervention by foreign powers. Both were

10 Vattel, *The Law of Nations, or, Principles of the Law of Nature: Applied to the Conduct and Affairs of Nations and Sovereigns*, paras. 49-62; Oppenheim, *International Law: A Treatise*, para. 70.

11 Oppenheim, *International Law: A Treatise*, para. 29b.

12 Kelsen, *Principles of International Law*, paras. 58-70.

13 Crawford, *Brownlie’s Principles of Public International Law*, 431.

14 *Montevideo Convention on the Rights and Duties of States*, adopted 26 December 1933, entered into force 26 December 1934, 165 LNTS 19.

15 Williams, *International Law and International Financial Obligations Arising from Contract: Including a Short Discussion of the Drago Doctrine and of the Hague Convention of 1907 on the Recovery of Contract Debts: Being Three Lectures Given in August 1923 at the Hague Academy for International Law*; Woolsey, “Drago and the Drago Doctrine”, 558-59.

16 Shan, “Calvo Doctrine, State Sovereignty and the Changing Landscape of International Investment Law”, 243-267; Shea, *The Calvo Clause: A Problem of Inter-American and International Law and Diplomacy*.

heavily influenced by postcolonial concerns and anti-imperialist resistance, particularly to United States' interventions in the Caribbean and Central America. Further codification followed in the *Charter of the Organization of American States* (1948),¹⁷ which in Article 15 it reaffirmed that '[n]o State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State'. These instruments were pivotal in elevating non-intervention from a political assertion to an emerging legal standard. The Latin American contributions can be considered a regional crystallisation of a universal principle.

2.3. *Island of Palmas* and the Doctrinal Centrality of Sovereignty

The arbitral award in *Island of Palmas* (Netherlands v. United States)¹⁸ is widely regarded as a doctrinal landmark in defining sovereignty. Arbitrator Max Huber concluded that '[s]overeignty in the relations between States signifies independence', and affirmed the exclusivity of authority over territory as a cardinal rule of international law.¹⁹ Although the case addressed territorial title and effective occupation, it affirmed that interference, particularly when it compromises the factual exercise of sovereign powers, constitutes a breach of international law. The award did not refer directly to the principle of non-intervention. Nevertheless, its conceptualisation of sovereignty as a barrier to extraneous authority laid the foundation for the prohibition of unilateral interference in domestic matters.

2.4. The UN Charter Framework and UN General Assembly Interpretation

The UN Charter elevated non-intervention to a treaty-based principle, but its textual provisions left much undefined. While Article 2(7) focuses primarily on institutional non-intervention by the United Nations (UN), subsequent developments in state practice and UN General Assembly (UNGA) resolutions extended the norm horizontally between states. The *Declaration on the Inadmissibility of Intervention*²⁰ provided an authoritative restatement,

¹⁷ *Charter of the Organization of American States*, adopted 30 April 1948, entered into force 13 December 1951, 119 UNTS 3.

¹⁸ *Island of Palmas (Netherlands v. United States)*, Award, 4 April 1928, II RIAA 829.

¹⁹ *Ibid.*, para. 838.

²⁰ *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty*, UNGA Res 2131 (XX), 21 December 1965.

declaring that '[n]o State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State'. The more detailed *Declaration on Friendly Relations*²¹ reiterated the principle and established coercion, whether military, political, economic, or other, as the defining criterion for unlawful intervention. This was later endorsed as evidence of customary international law by the ICJ in *Nicaragua*.²² As Reisman has observed, the UN Charter provided a wider framework around coercion and the use of force,²³ within which the principle of non-intervention is set.

2.5. Persistent Doctrinal Ambiguities

Despite these textual and interpretative developments, core aspects of the principle remain contested, most notably, the nature and threshold of coercion. Sir Michael Wood has maintained that '[t]he core of what is prohibited is 'coercive interference' in matters which international law leaves to the discretion of states, such as their political, economic, and legal systems, and their choice of government and foreign policies'.²⁴

Yet modern threats, such as cyber interference, disinformation, and economic sanctions, complicate these definitions. As Schmitt implies in the *Tallinn Manual*, the traditional coercion test may be ill-suited for intangible operations that have disruptive yet non-violent effects.²⁵ The limitations of early jurisprudence, grounded in the technological and geopolitical conditions of its time, have contributed to doctrinal gaps that still remain unresolved today in light of emerging forms of coercion.

21 *The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*, UNGA Res 2625 (XXV), 24 October 1970.

22 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14. 202.

23 Reisman, "Coercion and Self-Determination: Construing Charter Article 2(4)", 642.

24 Jamnejad and Wood, "The Principle of Non-Intervention".

25 Schmitt (ed.), *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, Rule 66 and Rule 69.

3. *Corfu Channel* and the Primacy of Territorial Sovereignty (1949)

The *Corfu Channel*²⁶ case is often regarded as the ICJ's earliest authoritative articulation of the sanctity of territorial sovereignty within the post-Charter legal order. Although the case did not revolve exclusively around the principle of non-intervention, its reasoning has been foundational for the doctrine's subsequent development. The Court's treatment of unauthorised military activity, evidentiary justification, and the limits of self-help laid critical groundwork for a norm that would later be systematised in *Nicaragua* and other decisions. At its core, *Corfu Channel* established that respect for sovereignty is not only a political expectation but a legal obligation, breach of which may constitute unlawful intervention.

3.1. Contextual Background and Legal Claims

In May and October 1946, British warships passed through the North Corfu Strait, a narrow waterway between Albania and Corfu. During the October incident, two vessels struck mines, resulting in significant loss of life. Subsequently, British forces entered Albanian territorial waters without consent to conduct a minesweeping operation (Operation Retail), ostensibly to secure evidence for future legal proceedings. Albania contested this operation as a violation of its sovereignty. The ICJ was asked to consider both Albania's responsibility for the mine-laying and the legality of the British incursion.

The case marked the first contentious matter before the ICJ involving state sovereignty and unauthorised intrusion in peacetime. Its significance lies not merely in its facts, but in how the Court responded to the underlying legal questions that are central to the principle of non-intervention.

3.2. Territorial Sovereignty as a Foundational Principle of International Law

The Court unequivocally held that the United Kingdom's unauthorised naval operation in Albanian waters breached the territorial sovereignty of Albania. In what has since become a canonical passage, the Court declared: 'Between independent States, respect for territorial sovereignty is an essential

26 *Corfu Channel Case (United Kingdom v. Albania)*, Merits, Judgment, [1949] ICJ Rep 4.

foundation of international relations.’²⁷ This pronouncement is more than declaratory in that it reflects a fundamental principle of the legal order, later affirmed in *Nicaragua* case, that the sovereign equality of states entails not only formal recognition but protection from intervention.²⁸

The Court rejected the idea that strategic or evidentiary necessity could justify a breach of another state’s sovereignty. The argument of ‘self-help’, a frequently invoked in pre-Charter state practice, was firmly dismissed. The United Kingdom had argued that its operation was conducted for the narrow purpose of securing evidence for the ICJ, and therefore could not be considered hostile. The Court, however, held that the action constituted a violation of Albanian sovereignty, affirming territorial sovereignty as a foundational norm of international law.

3.3. *Corfu Channel* and Its Contribution to the Post-Charter Doctrine of Non-Intervention

While *Corfu Channel* did not refer to ‘intervention’ in the specific sense later defined in *Nicaragua*, its implications for the principle are unmistakable. The Court’s reasoning rests on the premise that *coercive* or unauthorised acts by one state within the territory of another (absent consent or Security Council mandate) are unlawful *per se*. This resonates with the later jurisprudence that would characterise intervention as requiring both *a breach of sovereignty* and *a coercive intent*.²⁹

The judgment can therefore be understood as constituting a doctrinal bridge between pre-Charter notions of sovereign inviolability and the UN Charter-based prohibition on intervention. As Gray notes, *Corfu Channel* implicitly affirms a general prohibition on coercive unilateral action, regardless of whether such acts fall short of armed force.³⁰ This contributes to a broader understanding of intervention not merely as military aggression but as any form of uninvited intrusion that compromises a state’s autonomy in managing its own affairs.

27 *Corfu Channel Case (United Kingdom v. Albania)*, Merits, Judgment, [1949] I.C.J. Rep 4, 35.

28 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 202.

29 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14; *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, [2005] I.C.J. Rep 168.

30 Gray, *International Law and the Use of Force*, 38-39; *Corfu Channel Case (United Kingdom v. Albania)*, Merits, Judgment, [1949] I.C.J. Rep 4, 34.

Furthermore, the decision anticipates a move away from unilateral remedies in favour of institutional processes for dispute resolution. By denying the UK's claim to act unilaterally in pursuit of justice, the Court reaffirmed a structural commitment to collective security and procedural legality under the Charter regime.

3.4. The Limits of Forcible and Non-Forcible Justifications

The British government's argument that its operation did not amount to a use of force but was limited to evidence-gathering demonstrates a critical distinction in non-intervention law: whether violations of sovereignty must involve actual force or whether non-forcible but unauthorised intrusions are sufficient. The ICJ answered decisively in favour of the latter view. The United Kingdom's actions did not involve hostility in the military sense, but the lack of Albanian consent rendered them unlawful.

This principle was confirmed decades later in *Nicaragua*, where the Court stated that intervention does not require an armed attack, but is defined by coercion in matters within a state's domestic jurisdiction.³¹ *Corfu Channel* therefore anticipates the expansion of the doctrine of intervention beyond military conflict to cover a spectrum of coercive acts, which as an analytical step has proven critical for modern issues such as cyber operations and election interference.

The judgment also reflects concern for evidentiary standards in international adjudication. The UK's claim that it had to secure evidence unilaterally was rejected not only because it violated sovereignty but also because it would undermine the procedural integrity of the Court itself. This foreshadows the ICJ's later insistence on maintaining its role as the impartial arbiter, not legitimising coercive behaviour through evidentiary convenience.³²

3.5. Critical Reflections and Enduring Relevance

The *Corfu Channel* case established sovereignty as a legally enforceable principle, not a political formality. Although the Court did not construct a full doctrine of intervention, it excluded necessity, evidentiary interests,

³¹ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 205.

³² Kolb, *The International Court of Justice*, 166-211.

and self-help as lawful grounds for intrusion. This implicitly grounded the principle of non-intervention in strict territorial inviolability, a position that would echo through later jurisprudence.

However, the judgment remained confined to its time. It did not directly address non-physical interventions such as cyber operations, disinformation, or proxy engagement. Nor did it engage with the tension between sovereignty and competing legal values, such as human rights or accountability for international crimes. These gaps persist in later cases such as *Nicaragua* and *Armed Activities*, and continue to animate debate over the flexibility of non-intervention.³³

Nonetheless, the *Corfu Channel* judgment remains a foundational authority in the post-Charter law of intervention. Its treatment of sovereignty as a justiciable right helped shape the legal boundaries of state conduct under modern international law.

4. *Nicaragua v. United States* (1986): Customary Law, Coercion, and Indirect Force

The ICJ's judgment in *Nicaragua* remains the single most detailed and authoritative jurisprudential exposition of the principle of non-intervention. Delivered during the height of Cold War proxy conflicts, the decision clarified the legal status of indirect intervention, reasserted the legal autonomy of customary international law, and identified coercion as the core element of prohibited intervention. The Court's findings have since framed the modern doctrinal understanding of the principle, though not without raising enduring interpretative challenges, particularly around the threshold of coercion, the permissibility of indirect force, and the limits of unilateral self-defence.

4.1. Background and Legal Framework

Nicaragua filed its application before the ICJ in 1984, accusing the United States of conducting a sustained campaign of indirect and covert intervention.

³³ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14; *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, [2005] I.C.J. Rep 168; Reisman, "Coercion and Self-Determination: Construing Charter Article 2(4)", 642; Kohen, "The Principle of Non-Intervention 75 Years after the UN Charter".

Specific allegations included the funding, training, and arming of Contra forces; the mining of Nicaraguan ports; and the provision of logistical and intelligence support to insurgent groups operating within and across Nicaraguan territory.

In its merits judgment, the Court held that these actions breached Nicaragua's sovereignty and violated both the prohibition on the use of force and the principle of non-intervention. Critically, the United States had withdrawn from the proceedings after jurisdiction was affirmed, leaving the Court to adjudicate under Article 53 of the Statute of the Court.

4.2. Status of Non-Intervention in Customary International Law

The Court's foundational contribution was its affirmation that the prohibition of intervention; distinct from the prohibition on the use of force in Article 2(4) of the UN Charter; forms part of customary international law. This conclusion was significant, particularly because the United States had sought to limit the dispute to treaty-based obligations, from which it had unilaterally withdrawn.

The ICJ drew upon the *Declaration on Friendly Relations* as an authoritative restatement of custom. The Declaration provides that '[n]o State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State.'³⁴ The Court treated this text as reflecting widespread *opinio juris* and consistent state practice.³⁵ In this way, the Court solidified the binding nature of the principle of non-intervention and also treated it as analytically distinct from Article 2(4)'s prohibition on the use of force, applicable even where coercion stops short of an armed attack.

4.3. Coercion as the Defining Element of Intervention

Perhaps the most conceptually significant aspects of the *Nicaragua* judgment was the Court's identification of coercion as the 'essential element' of unlawful intervention. It held that '[i]ntervention is wrongful when it uses

³⁴ Principle 3, *Declaration on Friendly Relations*, UNGA Res 2625 (XXV).

³⁵ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 191.

methods of coercion in regard to such choices as the political, economic or cultural system of the State.’³⁶

Yet the Court refrained from elaborating a doctrinal test for coercion, leaving unresolved the threshold between permissible influence and prohibited intervention. This omission could be seen as a missed opportunity to provide greater legal clarity in an area of growing normative relevance. Around the same time, the International Law Commission, particularly through the work of Roberto Ago, approached coercion as a narrowly circumscribed concept within the framework of state responsibility. In his *Addendum to the Eighth Report*, Ago considered the role of coercion in the context of precluding wrongfulness of an otherwise unlawful act.³⁷ Like the Court, however, he did not advance a formal legal test or threshold.

The *Nicaragua* Court instead adopted a functional and effects-based approach. It concluded that the United States’ support for the Contras; through training, funding, and operational coordination; constituted coercion by materially impairing Nicaragua’s ability to exercise sovereign decision-making. Rather than applying a formal doctrinal standard, the Court assessed the consequences of the conduct, including its scale, intensity, and strategic impact. This analysis reflects a consequence-oriented understanding of coercion, one grounded less in formal legal abstraction than in the practical erosion of a state’s autonomy over its political and military affairs.

4.4. Indirect Force and Attribution: Distinguishing Intervention from Aggression

One of the *Nicaragua* judgment’s enduring legal innovations was its treatment of indirect force, especially the use of proxies, as falling within the scope of prohibited intervention. The Court found that funding and arming the Contras constituted a violation of Nicaragua’s sovereignty and amounted to unlawful intervention. However, it declined to characterise such support as an ‘armed attack’ sufficient to trigger Article 51 self-defence,

³⁶ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 205.

³⁷ Ago, “Addendum to the Eighth Report”, 39-43.

stating that '[s]uch assistance may be regarded as a threat or use of force, or amount to intervention in the internal or external affairs of other States.'³⁸

The Court's distinction between intervention and armed attack delineated a critical boundary in the law on the use of force by establishing that not all unlawful coercion triggers the right of self-defence under Article 51 of the UN Charter. By holding that assistance to armed rebels (though a breach of non-intervention) did not amount to an 'armed attack', the Court reaffirmed a restrictive threshold: only acts involving direct, attributable force of sufficient gravity justify unilateral defensive force. This interpretation narrows the scope of lawful self-defence and affirms the primacy of collective security under the Charter framework.

The Court declined to attribute the actions of the Contras to the United States, applying the effective control test to assess state responsibility. This narrow threshold, requiring proof that the United States directed or enforced specific operations, was later upheld in *Bosnian Genocide* but has been criticised for excluding forms of indirect or systemic influence.³⁹ Critics argue that it fails to account for structured dependence, sustained support, or strategic coordination, thereby undercutting accountability in cases where states operate through proxies while maintaining plausible deniability.⁴⁰

4.5. Implications for the Principle of Non-Intervention

The *Nicaragua* judgment left an enduring legacy for the doctrine of non-intervention, marking a watershed in its juridical development. First and foremost, it confirmed that the principle forms part of customary international law, binding on all states irrespective of their individual treaty obligations. This affirmation was especially significant given the procedural context of the case, whereby the United States had effectively insulated itself from UN Charter-based claims by invoking a jurisdictional reservation. By turning to customary law and relying on widespread state practice and *opinio juris*,

38 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 195; Jamnejad, Wood, "The Principle of Non-Intervention", 356.

39 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 115; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, [2007] I.C.J. Rep 43, paras. 398-407.

40 Cassese, "The Nicaragua and Tadić Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia", 650-655.

the Court preserved the integrity of the principle and ensured its continued applicability.

In addition, the Court's identification of coercion as the defining element of unlawful intervention marked a significant doctrinal clarification. While the judgment stopped short of offering a comprehensive definition, it affirmed that conduct designed to constrain a state's freedom of decision-making, particularly in its political, economic, or cultural systems, through means such as material support to armed opposition, amounts to prohibited interference under international law. This standard allowed the Court to examine a broad range of indirect actions, including the training, arming, and financing of the Contras, as violations of Nicaragua's sovereignty.

A further significant implication lies in the Court's treatment of indirect force. While the ICJ characterised the United States' support for the Contras as an unlawful intervention, it declined to qualify this conduct as an 'armed attack' capable of triggering the right of self-defence. The distinction drawn between coercion and armed attack introduced a layered approach to the use of force and clarified that not every unlawful intervention justifies the recourse to force in response. By establishing that only the gravest forms of forceful interference amount to an armed attack, the Court sought to limit the abuse of the self-defence doctrine as a blanket justification for intervention.

The decision also contributed to the law of state responsibility by addressing the attribution of conduct by non-state actors as the Court adopted the 'effective control' standard. Although this approach has been affirmed in subsequent decisions, such as the *Bosnian Genocide* case, it has also drawn criticism for setting an unduly restrictive threshold that may enable powerful states to evade responsibility for proxy conflicts.

While the *Nicaragua* judgment was undoubtedly a doctrinal milestone, its analytical silences are equally important. The Court did not explore whether other forms of non-forcible interference, such as economic coercion, disinformation, or cyber operations, might fall within the scope of the principle of non-intervention. Nor did it articulate a general test for identifying coercion beyond the facts of the case. Some have observed, these gaps limit the judgment's utility in addressing contemporary threats that do not involve

military force but nonetheless undermine sovereign autonomy through subtler means.⁴¹

The *Nicaragua* judgment stands as both a doctrinal anchor and a point of departure; it codified the core normative elements of non-intervention but left open the conceptual boundaries of coercion, including the contours of its future application. The challenge remains to articulate a more comprehensive and adaptable legal theory of coercion capable of addressing the evolving forms of strategic interference in the twenty-first century.

5. *Armed Activities on the Territory of the Congo* (2005): Consent, Force, and Indirect Occupation

The ICJ's judgment in *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*⁴² represents a significant reaffirmation and refinement of the principle of non-intervention, particularly in the context of military presence, consent, and indirect use of force. Delivered two decades after *Nicaragua*, this decision provided the Court with an opportunity to apply its earlier reasoning to a complex, asymmetric conflict involving not only conventional military operations but also indirect control over territory, support for rebel factions, and disputed consent. The judgment contributes to the jurisprudence on non-intervention by clarifying the legal significance of consent, the use of force by proxy, and the responsibilities of occupying powers under international law.

5.1. Background and Procedural History

The dispute originated from Uganda's prolonged military presence in eastern Democratic Republic of the Congo (DRC) during the late 1990s and early 2000s. Uganda asserted that its intervention was justified by an invitation from the Congolese government and by the right of self-defence against attacks from hostile armed groups operating from Congolese territory. The DRC, in turn, alleged multiple violations of international law, including

⁴¹ Cassese, "The Nicaragua and Tadić Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia"; Milanović, "Revisiting Coercion as an Element of Prohibited Intervention in International Law".

⁴² *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, [2005] I.C.J. Rep 168.

armed aggression, illegal exploitation of natural resources, and interference in its domestic affairs through support of rebel movements.

The ICJ's analysis of these competing claims was grounded in customary international law, the UN Charter, and principles derived from its prior jurisprudence. Importantly, the Court treated the principle of non-intervention as distinct from, but related to, the prohibition on the use of force under Article 2(4) of the UN Charter.

5.2. Requirement and Scope of Valid Consent

The Court's first task was to assess whether Uganda's military presence in the DRC could be justified by valid consent. Uganda submitted that its initial deployment had been authorised by the Congolese government at an early stage of internal conflict. The Court accepted that intervention by invitation does not in itself contravene international law, provided that the consent is legally valid, unequivocal, and maintained throughout the foreign presence.⁴³ However, it found that any such consent, assuming it was originally extended, had either been withdrawn or rendered inoperative by Uganda's unilateral conduct. This included the continued occupation of territory, the establishment of entrenched military positions, and support for insurgent forces opposing the Congolese authorities.

This finding affirms that the legality of intervention hinges not only on the initial manifestation of consent, but on its ongoing alignment with the sovereign will of the territorial state. That phrase, however, demands careful interpretation. It is not a mere formal act of governmental authorisation; rather, it encapsulates the internal dimension of sovereignty, namely the capacity of a people, through their institutions, to determine the conditions under which external military involvement may occur. As Roscini observes, the principle of non-intervention protects not only the external autonomy of states but also their internal political self-organisation. In this sense, the sovereign will of a state is inextricably linked to the right of peoples to self-determination. Intervention absent effective consent risks displacing not only governmental authority but the political agency of the population itself.⁴⁴

⁴³ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, [2005] I.C.J. Rep 168, para. 108-111.

⁴⁴ Roscini, "The Interaction between Non-Intervention and Internal Self-Determination", 246-308.

The ICJ's analysis in *Armed Activities* implicitly affirms this understanding. Consent to foreign intervention must be express, continuous, and unambiguous; it cannot be inferred from prior alignments, broad regional sympathies, or shifts in domestic control.⁴⁵ It must reflect the ongoing authority of the state to govern itself free from coercion or usurpation of legitimate authority by foreign powers. Where such consent is lacking or withdrawn, continued intervention not only breaches the principle of non-intervention but may infringe upon the foundational right of a people to chart their political destiny.

5.3. Use of Force and the Limits of Self-Defence

Uganda also attempted to invoke Article 51 of the UN Charter, claiming it had acted in self-defence against armed attacks from rebel groups operating in eastern DRC. The ICJ rejected this justification on multiple grounds. First, it held that Uganda failed to identify a specific armed attack attributable to the DRC or carried out with its complicity. Second, and more significantly, the Court ruled that self-defence under Article 51 may only be invoked against a state, or at least with evidence of that state's substantial involvement in the hostile conduct.⁴⁶

This aspect of the judgment reaffirmed the narrow scope of self-defence in international law, in line with *Nicaragua*, which had similarly denied the applicability of art. 51 in cases of indirect support or insufficient attribution. The decision reinforces the view that attacks by non-state actors do not automatically justify cross-border military responses unless they are attributable to the host state, thereby preserving the normative integrity of the principle of non-intervention.⁴⁷

Furthermore, the Court's reasoning implicitly rejected any right of 'preventive' self-defence or anticipatory measures against future threats posed by non-state actors, which has been a contentious issue in the post-9/11 legal discourse.⁴⁸ This cautious and textually grounded interpretation places

⁴⁵ Tladi, "The Nonconsenting Innocent State: The Problem with Bethlehem's Principle 12", 570-576.

⁴⁶ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, [2005] I.C.J. Rep 168, paras. 146-147.

⁴⁷ Ruys and Verhoeven, "Attacks by Private Actors and the Right of Self-Defence", 302-305.

⁴⁸ Schmitt, "Preemptive Strategies in International Law", 513-558; Tams, "The Use of Force against Terrorists".

sovereignty above strategic necessity, thus safeguarding the UN Charter's security framework.

5.4. Intervention by Proxy and Indirect Occupation

One of the most significant contributions of the judgment lies in its treatment of Uganda's support for armed groups in the DRC, including the Congolese Rally for Democracy (RCD). The Court found that Uganda had not only engaged in direct military operations but also exercised significant influence over territories through proxies. It concluded that this conduct violated the DRC's sovereignty and amounted to unlawful intervention, even if it did not constitute an armed attack in the sense required for self-defence.⁴⁹ The Court stated that '[t]he support given by Uganda to Congolese rebel groups... clearly violated the principle of non-intervention.'⁵⁰

This holding confirms that intervention can take the form of support to non-state actors, particularly where such support facilitates the destabilisation of lawful government authority. In so doing, the Court reaffirmed the principle developed in *Nicaragua*, but extended its application to situations of partial or indirect occupation, where foreign powers operate through intermediaries rather than formal annexation or declared hostilities.

This form of indirect control, while more difficult to characterise legally, is no less intrusive and can have equally grave consequences for sovereignty.⁵¹ The Court's insistence that such conduct breaches international law, regardless of whether it constitutes aggression, reflects a maturing jurisprudence that better addresses the realities of modern interstate interference.

5.5. Legal Consequences and Doctrinal Legacy

The ICJ held Uganda internationally responsible for multiple breaches of international law: violation of sovereignty, unlawful use of force, and intervention in the DRC's internal affairs. The Court also imposed an obligation to make full reparation, later addressed in a separate judgment

49 *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, [2005] I.C.J. Rep 168, paras. 162-165.

50 *Ibid.*, para. 164.

51 Akande and Tzanakopoulos, "The International Court of Justice and the Concept of Aggression".

on damages (2022), which awarded the DRC over \$325 million for personal injuries, damage to property, and plundering of natural resources.⁵²

Doctrinally, *Armed Activities* deepened the principle of non-intervention in three ways. First, it clarified the centrality of consent as a condition for lawful intervention, rejecting ambiguous or inferred permissions. Second, it reaffirmed the limits of self-defence, particularly against non-state actors operating without host-state involvement. Third, it recognised the unlawfulness of indirect intervention via proxies, thereby enhancing accountability in situations of asymmetric influence and hybrid control.

While the judgment did not provide an overarching theory of non-intervention, it demonstrated a more contextually attuned approach to modern patterns of intervention. The decision thus complements and expands the framework developed in *Nicaragua*, adapting it to a more fragmented and multipolar international order. It confirms that intervention is not confined to overt military action but includes more subtle forms of control that undermine state autonomy and territorial integrity.

6. Role of Regional Courts and Tribunals

While the ICJ has provided the most authoritative and coherent judicial pronouncements on the principle of non-intervention, regional courts and tribunals have also contributed, albeit in less direct and often fragmented ways. These contributions arise not through explicit doctrinal elaboration of the principle as such, but through decisions addressing related concepts of sovereignty, jurisdiction, and cross-border influence, particularly in human rights and conflict-related cases. The jurisprudence of the European Court of Human Rights (ECtHR), the Inter-American Court of Human Rights (IACtHR), and the African Court on Human and Peoples' Rights (AfCHPR) reveals implicit, and at times underappreciated, engagements with the normative dimensions of non-intervention, particularly in the context of foreign occupation, extraterritorial jurisdiction, and state responsibility for actions abroad.

⁵² *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Compensation, Judgment, [2022] I.C.J. Rep 21, para. 85.

6.1. European Court of Human Rights: Sovereignty, Occupation, and Extraterritorial Jurisdiction

The ECtHR has historically been reluctant to frame its jurisprudence in terms of the international law of intervention. Nevertheless, in a series of cases dealing with extraterritorial conduct by states, it has clarified important limits on state behaviour that intersect with the logic of non-intervention. Most notably, in *Loizidou v. Turkey*, the Court held that Turkey exercised ‘effective overall control’ over Northern Cyprus through its military presence and political support for the Turkish Republic of Northern Cyprus (TRNC), rendering it responsible for violations of the European Convention on Human Rights (ECHR) committed within that territory.⁵³

Although the Court’s analysis focused on jurisdiction under Article 1 ECHR, the reasoning acknowledged that sustained military and administrative control by a foreign state within the territory of another engages fundamental sovereignty concerns. The notion of ‘effective control’ used in *Loizidou* aligns conceptually with the ICJ’s view in *Nicaragua* and *Armed Activities*, whereby indirect authority exercised by a state in a foreign territory may breach international obligations, even absent formal annexation.⁵⁴

In *Ilascu v. Moldova and Russia*, the ECtHR went further, holding that Russia’s support for the breakaway Transdniestrian regime amounted to continued extraterritorial jurisdiction and state responsibility under international law. The Court found that Russia exercised ‘decisive influence’ and was therefore liable for human rights violations by proxy authorities.⁵⁵ Although not articulated in terms of non-intervention, these findings resonate with the principle’s concern for unauthorised interference in another state’s sovereign affairs, particularly through armed proxies or *de facto* occupation.⁵⁶

53 *Loizidou v. Turkey (Preliminary Objections)*, (1995) 20 EHRR 99, paras. 56-57.

54 *Loizidou v. Turkey (Preliminary Objections)*, (1995) 20 EHRR 99, paras. 56-57; see also *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, paras. 205-209.

55 *Ilascu and Others v. Moldova and Russia*, ECtHR, Grand Chamber, Judgment of 8 July 2004, App no. 48787/99, paras. 392, 433-436.

56 Tams, “Art. 2(4)”; Tams, “The Use of Force against Terrorists”; Ryngaert, “Attributing Conduct in the Law of State Responsibility: Lessons from Dutch Courts Applying the Control Standard in the Context of International Military Operations”.

6.2. Inter-American Court: Cross-Border Abductions and the Protection of Sovereignty

The Inter-American Court of Human Rights has also addressed scenarios that implicate the principle of non-intervention, albeit through the lens of human rights violations with cross-border implications. In *Velásquez Rodríguez v. Honduras*, the Court articulated the doctrine of due diligence, holding that states have a duty to prevent, investigate, and punish violations of rights whether committed by state or non-state actors.⁵⁷ Though primarily focused on internal responsibility, the Court's reasoning underscores the sovereign responsibility to prevent territory from being used as a base for harmful operations against other states.

This logic was echoed in *Gomes Lund (Guerrilha do Araguaia) v. Brazil*, where the Court condemned state complicity in enforced disappearances and systemic abuse under military regimes, illustrating how sovereignty may be compromised by unaccountable foreign or domestic interference.⁵⁸ While these cases do not formulate a non-intervention doctrine, they operate at its periphery by asserting that states must not allow their territory, or tolerate agents acting on their behalf, to engage in violations extraterritorially.

6.3. African Human Rights System: Fragile Engagements with Non-Intervention

The African Charter on Human and Peoples' Rights (1981) and its supervisory body, the African Court on Human and Peoples' Rights (ACtHPR), affirm non-intervention as a foundational principle of continental peace and solidarity.⁵⁹ This regional commitment is further entrenched in Article 4 of the Constitutive Act of the African Union, which provides that '[t]he Union shall function in accordance with the principle of non-interference by any Member State in the internal affairs of another.'⁶⁰

Despite this formal inclusion, the ACtHPR's jurisprudence remains relatively underdeveloped in applying or interpreting the non-intervention

⁵⁷ *Velásquez Rodríguez v. Honduras (Merits)*, Inter-American Court of Human Rights, Series C No. 4, 29 July 1988, para. 172.

⁵⁸ *Gomes Lund (Guerrilha do Araguaia) v. Brazil*, Inter-American Court of Human Rights, Series C No. 219, 24 November 2010, paras. 110-117.

⁵⁹ *African Charter on Human and Peoples' Rights*, adopted 27 June 1981, entered into force 21 October 1986, 1520 UNTS 217.

⁶⁰ *Constitutive Act of the African Union*, adopted 11 July 2000, entered into force 26 May 2001, Article 4(g).

principle in contentious cases. Most references to intervention arise in political or institutional rhetoric rather than in legally binding rulings. Nonetheless, cases such as *African Commission on Human and Peoples' Rights v. Libya* have involved implicit critiques of regime change efforts and external military action without Security Council authorisation, hinting at the normative relevance of non-intervention in regional adjudication.⁶¹

Moreover, the African Peace and Security Architecture (APSA) has incorporated elements of the non-intervention doctrine into its frameworks, particularly through the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, which balances non-interference with the right of the Union to intervene in grave circumstances under Article 4(h).⁶² This distinctive pairing of non-intervention with the principle of 'non-indifference' reflects a normative evolution in African regional law, one that seeks to reconcile sovereignty with collective responsibility, and may serve as a basis for future judicial interpretations that accommodate both autonomy and intervention in the face of grave threats.

6.4. Reflections on Fragmentation and Normative Convergence

Taken collectively, regional jurisprudence reveals a complex pattern of indirect engagement with the principle of non-intervention. Although the courts do not explicitly adjudicate 'intervention' in the doctrinal sense used by the ICJ, they routinely address forms of extraterritorial conduct, control over proxy forces, and sovereignty-based responsibility. In doing so, they contribute to what Higgins and Simma have called the 'thickening' of international law, wherein diverse legal systems reinforce overlapping normative boundaries.⁶³

Divergences in legal thresholds, such as the ECtHR's broader 'effective control' standard compared to the ICJ's more restrictive attribution test, reflect a degree of doctrinal fragmentation that challenges the coherence of international responsibility law. As commentators have observed, this divergence may create legal uncertainty, particularly in hybrid contexts

61 *African Commission on Human and Peoples' Rights v. Libya*, App no. 002/2013, African Court on Human and Peoples' Rights, Judgment of 3 June 2016, para. 68.

62 *Protocol Relating to the Establishment of the Peace and Security Council of the African Union* (2002), Article 4(h).

63 Simma, "Universality of International Law", 265; Higgins, "Keynote Address", 389.

involving both human rights violations and security threats.⁶⁴ Yet, the broader trajectory in international adjudication suggests increasing sensitivity to how indirect forms of power projection, including proxy control and strategic influence, may implicate state responsibility even in the absence of direct military force.⁶⁵

7. New Challenges and Emerging Jurisprudence: A Doctrinal Lacuna

The rapid proliferation of cyber technologies has reshaped the strategic landscape of international relations, enabling new forms of cross-border interference that often fall beneath the threshold of armed force but which may exert a coercive effect on sovereign decision-making. These developments pose significant conceptual and normative challenges to the principle of non-intervention.⁶⁶ Despite growing recognition of cyber operations as potential breaches of sovereignty, international jurisprudence remains underdeveloped in this domain.⁶⁷ No international court or tribunal has yet authoritatively adjudicated a case involving cyber intervention. As a result, key legal questions, such as the definition of coercion in cyberspace, the applicability of existing non-intervention norms to digital interference, and the threshold for attributability, remain unresolved. This absence constitutes a doctrinal lacuna of increasing relevance.⁶⁸

7.1. Cyber Operations and Sovereignty: Emerging State Practice

Several states have publicly affirmed the application of international law, including the principle of non-intervention, to cyberspace. The United Kingdom's 2018 statement on cyber operations explicitly recognised that 'intervention in the domestic affairs of other states by means of cyber

64 Cassese, "The Nicaragua and Tadić Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia", 649–668; Larsen, "Attribution of Conduct in Peace Operations: The 'Ultimate Authority and Control' Test".

65 Boon, "Are Control Tests Fit for the Future? The Slippage Problem in Attribution Doctrines"; Talmon, "The Responsibility of Outside Powers for Acts of Secessionist Entities".

66 Moynihan, *The Application of International Law to State Cyberattacks: Sovereignty and Non-Intervention*.

67 Schmitt, "Autonomous Cyber Capabilities and the International Law of Sovereignty and Intervention".

68 Milanović, "Revisiting Coercion as an Element of Prohibited Intervention in International Law".

operations may breach international law if it involves coercive action.’⁶⁹ France has similarly asserted that cyber operations may constitute a violation of sovereignty if they result in ‘effects on the territory or in the exercise of state functions.’⁷⁰

Such statements suggest an emerging *opinio juris*. In fields marked by limited practice, such as cyberspace, the legal positions of technologically advanced and specially affected states may carry enhanced normative weight. As the ICJ observed in the *North Sea Continental Shelf* cases, the formation of custom requires state practice that is both widespread and includes states ‘whose interests are specially affected’, accompanied by a belief in legal obligation.⁷¹

Nonetheless, consistent and generalised state practice remains lacking. There is no consensus, for instance, on whether every unauthorised cyber intrusion violates sovereignty, or whether sovereignty functions merely as a general organising principle without independent legal force. As a result, the law in this area cannot yet be said to have crystallised into a binding customary rule.

The *Tallinn Manual 2.0*, while non-binding, provides a structured legal analysis that has been influential in shaping state discourse. It takes the position that cyber operations interfering with inherently governmental functions, such as elections, judicial processes, or internal security, may breach the principle of non-intervention.⁷² At the same time, the Manual acknowledges substantial disagreement among international legal experts, particularly regarding whether cyber coercion requires physical force.

There is broad agreement that activities involving mere influence, such as disinformation or propaganda, does not generally amount to a violation of international law. However, the Manual suggests that cyber operations intended to compel a state to alter its conduct in sovereign domains, such as disrupting electoral infrastructure or paralysing financial systems, *may*

69 UK Attorney General, “Cyber and International Law in the 21st Century”, speech, 23 May 2018, <https://www.gov.uk/government/speeches/cyber-and-international-law-in-the-21st-century>, accessed 6 May 2025.

70 Ministry of the Armed Forces (France), “International Law Applied to Operations in Cyberspace”, 9 September 2019, <https://www.defense.gouv.fr>, accessed 6 May 2025.

71 *North Sea Continental Shelf Cases (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands)*, Judgment of 20 February 1969, I.C.J. Reports 1969, 3, at para. 74.

72 Schmitt, *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, Rule 66.

amount to prohibited intervention, depending on their scale, intent, and effects.⁷³

7.2. Legal Status of Cyber Coercion

The jurisprudence of the ICJ has thus far avoided direct engagement with cyber operations. In *Nicaragua*, the Court emphasised that coercion is the ‘very essence’ of unlawful intervention, but it did not define the concept or apply it beyond material support to armed groups.⁷⁴ This definitional gap creates difficulties when assessing cyber operations, which often do not involve physical damage or violence, but may nonetheless achieve strategic or political disruption.

Some scholars argue that cyber coercion should be assessed not solely by reference to its form, but by its effect, namely, whether it deprives a state of free policy choice in core sovereign matters.⁷⁵ On this account, coordinated interference in electoral processes, cyber sabotage of critical infrastructure, or the targeted disruption of financial systems could constitute coercive acts amounting to unlawful intervention.

However, absent a judicial pronouncement, this remains speculative. The reluctance of states to litigate cyber incidents before international courts, combined with difficulties in attribution and evidentiary standards, contributes to a broader pattern of legal uncertainty. The invisibility of cyber operations, their attributional ambiguity, and their technical complexity impede normative consolidation.

7.3. Attribution and the Problem of Indirect Responsibility

Another major challenge concerns the attribution of cyber operations to states. The ICJ’s *effective control* test, developed in *Nicaragua* and reaffirmed in *Bosnian Genocide*, requires a high threshold of operational control and specific direction over the relevant conduct.⁷⁶ This standard may be difficult

73 Schmitt, *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, Rule 66, commentary paras. 17–20; Tay, “Reconstructing the Principle of Non-Intervention and Non-Interference: Electoral Disinformation, Nicaragua, and the Quilt-Work Approach”.

74 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 205.

75 Schmitt and Vihul, “Respect for Sovereignty in Cyberspace”.

76 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 115; *Genocide (Bosnia v. Serbia)*, [2007]

to apply in the cyber domain, where operations are frequently conducted by non-state actors, private contractors, or loosely affiliated proxies. Critics argue that the *effective control* test, when rigidly applied, may under-attribute state responsibility in cases where states sponsor, enable, or tacitly permit cyber activities.⁷⁷ Others maintain that its high threshold preserves legal certainty and guards against over-extension of state responsibility in complex informational environments.⁷⁸

In response, some scholars and states have advocated for the adoption of the ‘overall control’ standard developed by the ICTY in *Tadić*, which focuses on whether a state has a role in organising, coordinating, or financing the group conducting the operation.⁷⁹ While this may offer a more pragmatic attribution framework, it has not been adopted by the ICJ, and thus lacks the same normative weight.

The UN Group of Governmental Experts (GGE) and the Open-Ended Working Group (OEWG) have both acknowledged the need for clearer standards, but their conclusions remain politically cautious and legally non-binding.⁸⁰ Until courts engage more directly with the evidentiary and doctrinal challenges of cyber attribution, the principle of non-intervention will struggle to retain its normative clarity and practical relevance in the digital domain.

7.4. Doctrinal and Institutional Gaps

The existing doctrinal framework governing non-intervention remains insufficiently adapted to the intangible, persistent, and often deniable character of cyber operations. The jurisprudence of the ICJ, though foundational, reflects legal constructs shaped by the geopolitical realities of the Cold War; centred on conventional armed force, proxy conflict, and materially coercive interventions. As a result, it provides limited normative guidance on

ICJ Rep 43, paras. 398-407.

⁷⁷ Boon, “Are Control Tests Fit for the Future? The Slippage Problem in Attribution Doctrines”, 6; Schmitt, *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, commentary to Rule 15.

⁷⁸ Talmon, “The Responsibility of Outside Powers for Acts of Secessionist Entities”.

⁷⁹ *Prosecutor v. Tadić* (Judgment), Case No. IT-94-1-A, Appeals Chamber, 15 July 1999, paras. 120-145.

⁸⁰ UN General Assembly, *Group of Governmental Experts on Advancing Responsible State Behaviour in Cyberspace in the Context of International Security*, UN Doc A/76/135 (14 July 2021), paras. 16-19.

whether, and under what conditions, technologically mediated interference falls within the scope of the principle of non-intervention.⁸¹

This gap is not merely theoretical. In the absence of authoritative judicial engagement, states increasingly exploit so-called ‘grey zone’ tactics, that is cyber operations designed to destabilise, coerce, or influence other states while remaining below the legal threshold of prohibited intervention or armed attack.⁸² Such calibrated ambiguity weakens the deterrent effect of the principle of non-intervention and creates strategic uncertainty that may discourage state compliance and weaken normative coherence.⁸³

Addressing this lacuna does not necessarily require contentious adjudication. Judicial or quasi-judicial bodies, including the ICJ, arbitral tribunals, or human rights courts, could begin to engage with cyber conduct through advisory opinions, interpretive *dicta*, or related proceedings.⁸⁴ Such interpretive developments could help clarify the legal significance of coercion, sovereignty, and attribution in the digital domain. Until such engagement occurs, the regulation of cyber intervention will remain an underdeveloped, yet increasingly critical, frontier in the evolving law of state responsibility and sovereignty.⁸⁵

8. Persistent Doctrinal Ambiguities and Legal Fragmentation

Despite its formal recognition as a norm of customary international law, the principle of non-intervention continues to be marked by doctrinal indeterminacies and interpretative divergence. These challenges arise not only from the evolving character of coercive conduct, such as proxy involvement, cyber operations, and economic pressure, but also from the variable ways in which international courts and tribunals have defined and applied the principle.⁸⁶ While *Nicaragua* established a foundational threshold based on coercion in

81 Schmitt, “Autonomous Cyber Capabilities and the International Law of Sovereignty and Intervention”, 549-576.

82 Kiessling, “Gray Zone Tactics and the Principle of Non-Intervention: Can ‘One of the Vaguest Branches of International Law’ Solve the Gray Zone Problem?”.

83 Milanović, “Revisiting Coercion as an Element of Prohibited Intervention in International Law”.

84 Kilovaty, “The International Law of Cyber Intervention”.

85 Delerue, *Cyber Operations and International Law*.

86 Moynihan, *The Application of International Law to State Cyberattacks: Sovereignty and Non-Intervention*, 6-10.

matters of sovereign discretion, subsequent jurisprudence has offered limited elaboration, particularly in light of contemporary modalities of influence.⁸⁷

This section addresses three interrelated difficulties that currently inhibit the principle's juridical coherence: first, the lack of a consistent and operational definition of 'coercion'; second, divergent standards of attribution across judicial bodies, particularly between the ICJ and human rights courts; and third, normative fragmentation stemming from the application of non-intervention across distinct legal regimes.⁸⁸ These gaps do not render the principle obsolete. However, they do constrain its doctrinal consolidation and reduce its normative clarity in regulating increasingly complex forms of transboundary influence.

8.1. The Conceptual Elusiveness of Coercion

The most fundamental ambiguity remains the definition and threshold of coercion. In *Nicaragua*, the ICJ characterised coercion as 'the very essence' of prohibited intervention, yet declined to offer a precise conceptual test.⁸⁹ The Court identified coercion in the form of military and logistical support to the Contras but refrained from extending the term to economic, diplomatic, or informational forms of influence. This judicial minimalism left states and scholars without clear parameters for distinguishing between unlawful coercion and lawful influence, a distinction that lies at the heart of non-intervention.

Subsequent academic attempts to refine the standard for coercion have produced divergent approaches. Some legal writers argue that coercion is present when a state's freedom of choice in matters within its exclusive jurisdiction ('matters in which a state is entitled to decide freely') is overridden by force or the threat of force.⁹⁰ By contrast, scholars such as Kohen and Hébié adopt a broader reading, suggesting that coercion may also encompass

87 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, paras. 202-205; Milanović, "Revisiting Coercion as an Element of Prohibited Intervention in International Law".

88 Cassese, "The Nicaragua and Tadić Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia", 649-668; Boon, "Are Control Tests Fit for the Future? The Slippage Problem in Attribution Doctrines", 1-23.

89 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 205.

90 Roscini, "The Content of the Principle of Non-Intervention", 146-147; Gray, *International Law and the Use of Force*, 9-26.

conduct that compels a state to alter its sovereign choices, whether through pressure, disruption, or deception.⁹¹ These divergent readings reflect a deeper conceptual tension between a narrow, force-based understanding of coercion and a more expansive, functionalist approach that prioritises the practical effects on state autonomy.

The issue is arguably compounded by the rise of hybrid and cyber threats, which often exert significant influence without traditional manifestations of force. The lack of a judicial test that adequately incorporates these modalities leaves the principle vulnerable to interpretive marginalisation and political manipulation.

8.2. Conflicting Attribution Standards and the Accountability Gap

A second major source of doctrinal inconsistency lies in the standards for attribution. The ICJ's continued reliance on the 'effective control' test, established in *Nicaragua* and reaffirmed in *Bosnian Genocide*, sets a high threshold for holding states responsible for acts committed by non-state actors.⁹² According to this test, a state must direct or control the specific operation in question for responsibility to attach. This standard, while preserving the integrity of state responsibility, risks immunising indirect intervention, particularly where states support, train, or finance non-state groups without exercising day-to-day operational command.

In contrast, the ICTY in *Tadić* adopted the 'overall control' test, requiring only that the state organise, coordinate, or provide substantial support to the group.⁹³ The divergence between these tests has generated significant uncertainty, especially in contexts involving proxy warfare, paramilitary support, or cyber actors operating with plausible deniability. This fragmentation 'produces doctrinal instability and invites forum-shopping among litigants.'⁹⁴

91 Klabbers, "Intervention, Armed Intervention, Armed Attack, Threat to Peace, Act of Aggression, and Threat or Use of Force: What's the Difference?"

92 *Genocide (Bosnia v. Serbia)*, [2007] ICJ Rep 43, paras. 398-406.

93 *Prosecutor v. Tadić* (Judgment), Case No. IT-94-1-A, Appeals Chamber, 15 July 1999, paras. 120-145.

94 Ryngaert, "Attributing Conduct in the Law of State Responsibility: Lessons from Dutch Courts Applying the Control Standard in the Context of International Military Operations".

The ILC's Articles on State Responsibility (2001) have not resolved the discrepancy.⁹⁵ Article 8 reflects the effective control standard, but its application remains heavily contextual and highly contested in emerging domains such as cyberspace. The absence of a unified standard undermines the ability of international law to hold states accountable for indirect coercive conduct.

8.3. Normative Fragmentation Across Jurisdictions

A third challenge is the increasing fragmentation of the non-intervention norm across different judicial and quasi-judicial regimes. While the ICJ has provided a relatively stable doctrinal core, regional courts, including the ECtHR and IACtHR, have engaged with the underlying themes of intervention through their own doctrinal frameworks, particularly extraterritorial jurisdiction and effective control.⁹⁶ While the regional courts have contributed valuable jurisprudence on the responsibilities of states operating beyond their borders, their analyses rarely employ the vocabulary of non-intervention.

This indirect approach may lead to normative diffusion, where intervention is assessed through the lens of human rights or humanitarian obligations rather than as a freestanding violation of sovereignty. While this trend reflects the evolving pluralism of international law, it also dilutes the coherence of the principle of non-intervention as a distinct legal norm.

Moreover, some legal systems and doctrinal traditions, particularly within the Global South, view non-intervention not only as a legal rule but as a political shield against neocolonial influence and coercive economic measures. This politicisation of the principle, while historically grounded, introduces further complexity to its doctrinal application, especially when contrasted with liberal justifications for humanitarian intervention or the emerging norm of the responsibility to protect (R2P).⁹⁷

95 International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries*, *Yearbook of the International Law Commission* 2001, vol. II, Part Two, UN Doc. A/56/10.

96 *Loizidou v. Turkey (Preliminary Objections)*, (1995) 20 EHRR 99; *Ilascu and Others v. Moldova and Russia*, ECtHR, Grand Chamber, Judgment of 8 July 2004, App no. 48787/99; *Velásquez Rodríguez v. Honduras (Merits)*, Inter-American Court of Human Rights, Series C No. 4, 29 July 1988.

97 Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*.

8.4. The Risk of Normative Erosion

These ambiguities, when compounded, risk undermining the normative authority of the principle of non-intervention. In the absence of clear judicial guidance, there is a risk that states may continue to exploit interpretive gaps to justify coercive conduct under the pretexts of counterterrorism, cyber resilience, or expansive self-defence.⁹⁸ This is particularly acute in the context of cyber operations, where attribution is complex, legal thresholds are unsettled, and ‘plausible deniability’ enables states to mask interventionist strategies behind non-state actors, disinformation campaigns, or indirect digital infrastructure attacks.⁹⁹ As scholars have noted, this strategic ambiguity not only complicates enforcement but may gradually erode the deterrent and normative value of non-intervention.¹⁰⁰

Ultimately, without further clarification through authoritative interpretation or consistent state practice, the continued relevance of the doctrine of non-intervention may become increasingly contingent on political discretion rather than legal principle. While such a development would not render the norm obsolete, it risks diminishing its normative coherence and practical enforceability. Over time, this may have broader implications for the integrity of the legal framework built on sovereign equality of states and the prohibition of coercive interference; principles that remain foundational to the contemporary international legal order.

9. Future of the Principle: Towards Reclarification and Coherence

The principle of non-intervention remains legally entrenched but increasingly subject to normative pressure. Its foundational status in customary international law is well-established, yet the emergence of new forms of coercion, particularly cyber operations, disinformation campaigns, and proxy warfare, has revealed significant doctrinal uncertainties. Concurrently, fragmented interpretations across judicial and institutional fora have contributed to inconsistencies in its application. Preserving the principle’s relevance within the international legal order may depend on a combination of renewed judicial engagement, clearer conceptual articulation of coercion

98 Moynihan, *The Application of International Law to State Cyberattacks: Sovereignty and Non-Intervention*.

99 Schmitt, “Cyber Activities and the Law of Countermeasures”.

100 Buchan, “Cyber Attacks: Unlawful Uses of Force or Prohibited Interventions?”.

and attribution, and institutional efforts to consolidate its normative framework.

9.1. Judicial Re-engagement and Authoritative Elaboration

The ICJ remains uniquely positioned to offer authoritative clarification of the principle. While *Nicaragua* and *Armed Activities* laid the groundwork, the Court has not addressed non-intervention in light of contemporary phenomena such as cyber interference or disinformation campaigns. Advisory opinions, such as that given in *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, demonstrate the Court's capacity to address complex legal questions in non-contentious proceedings, particularly where state consensus is difficult to achieve.¹⁰¹

Regional courts have also contributed indirectly. The ACtHPR in *African Commission v. Libya* and the Inter-American Court in *Velásquez Rodríguez* have confronted extraterritorial actions and state complicity, without expressly using the language of intervention. Encouraging these institutions to engage with non-intervention as a distinct legal principle, particularly in relation to sovereignty, consent, and coercion, would help consolidate its relevance.¹⁰²

Soft law also plays a complementary role. The *Tallinn Manual 2.0*, while not binding, reflects an expert consensus on the application of international law to cyber operations. It acknowledges that unauthorised interference in inherently governmental functions through cyber means may breach the non-intervention principle.¹⁰³ The ILC's *Draft Articles on State Responsibility* also provide a foundation for identifying breaches in contexts where coercion is indirect or non-physical.¹⁰⁴

101 *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion), [2004] ICJ Rep 136, paras. 94-101.

102 ACHPR v. Libya, App No. 002/2013; *Velásquez Rodríguez v. Honduras (Merits)*, Inter-American Court of Human Rights, Series C No. 4, 29 July 1988.

103 Schmitt, *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, Rule 66.

104 ILC, *Draft Articles on State Responsibility*, UN Doc A/56/10 (2001), Article 8.

9.2. Clarifying Coercion and Attribution Standards

Coercion remains the conceptual core of the principle but also its most underdeveloped element. The ICJ in *Nicaragua* identified coercion as the ‘very essence’ of intervention, yet failed to define it with precision.¹⁰⁵ This has led to divergent interpretations, with some arguing for a test centred on the deprivation of sovereign policy-making freedom, regardless of whether physical force is involved.¹⁰⁶

Coercion via economic pressure, cyber sabotage, or disinformation may escape the traditional force paradigm but can still undermine state autonomy. This view has gained support from scholars who stress the need for functional definitions that consider effects rather than modalities.¹⁰⁷ An impact-based approach, assessing whether conduct materially alters a state’s decision-making, may offer a more appropriate lens.

Attribution remains equally unsettled. The ICJ’s ‘effective control’ test, reaffirmed in *Bosnian Genocide*, requires operational direction over each specific act.¹⁰⁸ By contrast, the ICTY’s ‘overall control’ test in *Tadić* accepts broader organisational coordination. This divergence creates uncertainty, particularly in hybrid scenarios where direct command is obscured.¹⁰⁹ The ILC’s Articles on State Responsibility adopt the more restrictive standard under Article 8, but courts and tribunals continue to diverge in practice.

The development of a more harmonised attribution framework could enhance both legal certainty and the practical applicability of the non-intervention norm in contemporary contexts. One possible approach would involve a two-tiered model: maintaining a strict threshold for formal legal responsibility under state responsibility doctrine, while allowing for a more contextual standard when evaluating interventionist conduct through the lens of the non-intervention principle. Such a structure would acknowledge the legal distinction between responsibility and influence,

¹⁰⁵ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, [1986] I.C.J. Rep 14, para. 205.

¹⁰⁶ Gray, *International Law and the Use of Force*, 72-75.

¹⁰⁷ Moynihan, *The Application of International Law to State Cyberattacks: Sovereignty and Non-Intervention*; Boon, “Are Control Tests Fit for the Future? The Slippage Problem in Attribution Doctrines”; Reisman, “Coercion and Self-Determination: Construing Charter Article 2(4)”; Milanović, “Revisiting Coercion as an Element of Prohibited Intervention in International Law”.

¹⁰⁸ *Genocide (Bosnia v. Serbia)*, [2007] ICJ Rep 43, para. 406.

¹⁰⁹ *Prosecutor v. Tadić* (Judgment), Case No. IT-94-1-A, Appeals Chamber, 15 July 1999, paras. 120-145.

while offering greater analytical clarity in complex scenarios involving indirect or deniable state action.

9.3. Institutional Reinforcement and Normative Resilience

Beyond doctrinal refinement, the continued relevance of the principle may also depend on its reaffirmation by institutional actors through consistent practice, authoritative statements, and judicial interpretation. The UN General Assembly remains a key platform. Declarations such as Resolution 2625 helped crystallise the customary status of non-intervention. A revised resolution reflecting modern threats, particularly cyber and informational coercion, could serve a similar role today.

The African Union's dual commitment to non-intervention (Article 4(g)) and the right to intervene in grave circumstances (Article 4(h)) illustrates the legal tensions between sovereignty and collective security. These may be reconciled through principled interpretation, ensuring that interventions grounded in protection mandates do not slide into unlawful interference.¹¹⁰

The UN Secretary-General's annual reports on developments in information and telecommunications offer further opportunities to reaffirm legal limits on coercive digital conduct.¹¹¹ Incorporating the principle of non-intervention explicitly into such reports would help reinforce its applicability to emerging challenges.

In short, the legal framework governing the principle of non-intervention is firmly established in both treaty law and customary international law. What remains is the need for active judicial engagement, progressive doctrinal alignment, and sustained institutional reinforcement. The principle of non-intervention, far from being obsolete, continues to serve as a foundational safeguard of sovereign equality. Its enduring relevance will depend on whether it can evolve, coherently and credibly, in response to the complex and increasingly diffuse modalities of international coercion.

10. Conclusion

The principle of non-intervention, a doctrinal pillar of modern international law, faces unprecedented normative stress. Affirmed as a binding rule

¹¹⁰ *Constitutive Act of the African Union*, Articles 4(g)-4(h).

¹¹¹ Murray, *The African Charter on Human and Peoples' Rights: A Commentary*.

of customary international law in the ICJ's *Nicaragua* judgment, and reiterated in later jurisprudence such as *Armed Activities on the Territory of the Congo*, the principle enshrines a legal duty on all states to refrain from coercively interfering in the domestic affairs of others. Yet the resilience of the rule is increasingly tested by the emergence of indirect, asymmetric, and technologically mediated forms of coercion that lie beyond the traditional paradigm of armed force.

This article has traced the development of the principle across key judicial moments and doctrinal debates. The ICJ's jurisprudence has provided a clear if cautious framework, identifying coercion as the defining feature of intervention and affirming sovereignty as a principle protected by international law. However, by declining to develop a precise test for coercion, and by adhering to the restrictive 'effective control' standard for attribution, the Court has left open doctrinal gaps. These lacunae are particularly salient in contexts involving proxy warfare, non-state actors, and cyber operations; areas where attribution and coercion are diffuse, deniable, and technologically complex.

Recent state practice, such as official statements by the United Kingdom and France, alongside scholarly contributions like the *Tallinn Manual 2.0*, have attempted to clarify how the principle of non-intervention applies in cyberspace. They recognise that operations targeting electoral systems, critical infrastructure, or core governmental functions may constitute prohibited intervention even absent the use of armed force.¹¹² However, these interpretations remain non-binding and have yet to be tested before an international court or tribunal.

In this context, some scholars have argued for a more functional and effect-based conception of coercion; one that focuses on whether the conduct at issue materially impairs a state's sovereign freedom to make decisions in the political, economic, or cultural spheres.¹¹³ Such an approach would ensure the continued relevance of the principle while adapting it to contemporary realities.

Institutional actors also have a critical role in shaping the future trajectory of the principle of non-intervention. The ICJ, as the principal judicial organ of the UN, remains uniquely positioned to offer authoritative

¹¹² Schmitt, *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, Rule 66; UK Attorney General, "Cyber and International Law", 2018; Ministry of the Armed Forces (France), "International Law in Cyberspace", 2019.

¹¹³ Gray, *International Law and the Use of Force*, 72-75.

clarification through both advisory and contentious opinions. The UN General Assembly could contribute to normative development by adopting updated declaratory instruments, modelled on Resolution 2625 (XXV), that explicitly address emerging forms of coercion, including those involving digital infrastructure, disinformation, and economic pressure. Regional organisations, such as the African Union, already exemplify adaptive legal design in that its Constitutive Act accommodates a right of intervention in grave circumstances while preserving the foundational commitment to non-interference. This suggests that the normative core of non-intervention can evolve without forfeiting its structural coherence.¹¹⁴

The principle of non-intervention is not an anachronism. Its core value of protecting states from external coercion in matters of exclusive domestic jurisdiction remains vital to the integrity of the international legal order. However, if the principle is to retain its legal and normative force, it must be revitalised through jurisprudential engagement, doctrinal refinement, and institutional reaffirmation. Only through such sustained engagement can the principle be meaningfully equipped to confront the complex, diffuse, and increasingly contested modalities of global power projection and influence.

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7. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. Compensation. Judgment. [2022] ICJ Rep 21.

114 *Constitutive Act of the African Union*, arts. 4(g)-(h); *UNGA Res 2625 (XXV)* (1970).

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