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Normative significance of the principle of non-intervention in contemporary international law

Abstract. The principle of non-intervention acquires particular relevance in the context of the transformation of international relations under the influence of hybrid threats, digital challenges, and growing tension between state sovereignty and international imperatives. The aim of the research was to analyse the transformation of the legal content of the principle of non-intervention, its normative consolidation, and practical application under modern threats, in particular in digital, humanitarian, and security dimensions. The methodology of the research was based on system-structural analysis, methods of legal hermeneutics, comparative jurisprudence, and the case method with elements of legal qualification. The results of the research confirmed that the principle of non-intervention underwent an evolution from a moral-political postulate to a clearly codified norm, enshrined in the Charter of the United Nations, the 1970 Declaration, and the resolutions of the General Assembly. In the case of *Nicaragua v. USA*, the principle of non-intervention was for the first time interpreted as a norm that prohibited not only armed but also indirect forms of intervention. In the case of *Ukraine v. Russia*, systematic violations of state sovereignty through military aggression, political pressure, economic expansion, and informational operations were established. Emphasis was placed on the Ukrainian case as a comprehensive example of multi-level intervention, encompassing classical aggression, cyber operations, and interference in elections. The analysis of digital sovereignty, in particular through acts of the European Union, demonstrated that international law lacked a harmonised approach to the protection of states from the transnational influence of digital platforms. A tendency was revealed towards revising the boundaries of permissible intervention in cases of humanitarian catastrophes, which required alignment with the principle of sovereignty. The research demonstrated the need to update normative standards and strengthen mechanisms of accountability for the violation of this principle. The practical significance of the research lay in the use of its findings for the preparation of amendments to international treaties and procedures regulating the limits of permissible intervention and the protection of state sovereignty under modern threats

Keywords: collective security; cybersecurity; hybrid war; sovereignty; intervention

Introduction

The principle of non-intervention in the internal affairs of states is one of the fundamental elements of the contemporary international legal order, serving as an institutional guarantee of sovereignty, territorial integrity, and political independence of states. Its normative value goes beyond a declarative political formula and acquires positive codification in international treaties, judicial decisions, and customary practices. At the same time, the modern system of international relations is under constant pressure from globalisation, regional, and technological changes, which creates new challenges for the implementation of this principle. In particular, there is increasing tension between the classical notion of sovereignty and new imperatives arising from the need to respond to human rights violations, humanitarian catastrophes, cyberattacks, and transnational threats. The issue of the normative significance

of the principle of non-intervention requires rethinking in the context of the transformation of state functions, the strengthening role of international institutions, and the changing nature of interstate interaction. The Ukrainian experience demonstrated that violations of this principle may occur both in the classical form of armed aggression and in the forms of economic, informational, or digital pressure, requiring comprehensive legal analysis. The literature on the issue of non-intervention revealed the multilayered nature and complexity of this principle in the altered international reality. The research of N. Zugliani (2021) demonstrated that state sovereignty, which had previously been grounded in the principle of non-intervention, was transformed under the influence of international investment law. Consequently, states lost part of the autonomy in decision-making through international

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obligations and ISDS (Investor-State Dispute Settlement) mechanisms, which limited the public regulatory space. This change reflected the transition from absolute sovereignty to “functional” sovereignty, where national interests had to be aligned with global standards, indicating the gradual erosion of the traditional principle of non-intervention. G.F. Arribas & R.A. Wessel (2023) examined the external normative activity of the European Union, which appeared ambivalent: on the one hand, it was grounded in the promotion of European values, while on the other, it faced restrictions dictated by the principle of non-intervention. The results showed that there was tension between the normative activity of regional associations and the general framework of international law, which required clearer regulation. In the research of O. Marukhovska-Kartunova *et al.* (2024), the need for the renewal of international legal mechanisms with the aim of effective conflict management was emphasised. It was demonstrated that an interdisciplinary approach contributed to the development of comprehensive strategies for maintaining peace and security in conditions of growing global instability. The research of I. Piskun & I. Dudnik (2022) revealed difficulties in the interaction of norms of international humanitarian law and human rights law during peace-keeping operations. A solution to such collisions was proposed through the application of the principle of *lex specialis*, which allowed priority to be given to special norms in particular circumstances. In the research of S.S. Ahmadi *et al.* (2021), the influence of the concept of “responsibility to protect” (R2P) on the traditional understanding of state sovereignty was highlighted, particularly in relation to sanction policies and anti-crisis international interventions. It was established that these processes significantly narrowed the scope of inviolable jurisdiction, opening new possibilities for international intervention under humanitarian pretexts. In the work of I.S. Filonenko (2025), attention was focused on legal gaps in the protection of civil infrastructure during armed conflicts, especially in conditions of hybrid warfare and cyberattacks. The author proposed concrete mechanisms for increasing accountability for war crimes, which could be implemented in the practice of international justice. N. Babarykina *et al.* (2022) argued that the principle of non-intervention remained a key instrument for the protection of sovereignty but required adaptation to contemporary challenges such as cyberthreats and economic pressure. The authors proposed the concept of “adaptive sovereignty”, which allowed states to flexibly integrate international norms while maintaining control over national decisions. The research emphasised the importance of balance between preserving autonomy and participating in global legal systems, in order to avoid undermining international stability.

H. Niemann (2022) examined the changing dynamics of international interventions after the end of the Cold War, focusing on the inconsistent practice of the UN Security Council. The findings of the research indicated that partiality in the application of the principle of non-intervention contributed to the loss of its universality and normative clarity. In the article of Y.D. Streltsova (2022), the practical aspects of the harmonisation of Ukrainian national legislation with international law were considered. It was noted that this process was carried out

through different models – from the direct application of norms to the incorporation into domestic judicial practice, which demonstrated the readiness of the Ukrainian legal system for integration into the international legal architecture. To modern challenges associated with digital transformation turned I. Kilovaty (2021), who discovered that cyber interference destroyed the classical boundary between the internal and external affairs of states. It was emphasised that there was normative uncertainty in the qualification of cyberthreats as forms of intervention, which complicated the international legal assessment. The research of S. Chesterman (2023) demonstrated that the concept of R2P did not overcome the legal uncertainty regarding humanitarian interventions, as its application remained politically motivated and selective. The author emphasised that the absence of clear criteria and mechanisms for the implementation of R2P led to its instrumentalisation by powerful states to justify the interests. The research warned that without systemic reforms, R2P risked remaining a contradictory instrument that undermined trust in international law. Thus, the analysis of the literature showed that, despite numerous references to the principle of non-intervention as a foundation of international law, there was a deficit of research that generalised its normative significance in modern conditions, especially in the context of new challenges such as digital interference, hybrid aggression, and competition of value regimes. The aim of this article was to determine the normative significance of the principle of non-intervention in contemporary international law, taking into account the latest transformations in the fields of security, human rights, digital interaction, and foreign policy pressure. The research hypothesis lay in the assumption that the principle of non-intervention was increasingly being reinterpreted in the context of humanitarian interventions and digital sovereignty.

Materials and Methods

The methodological basis of this research was grounded in a comprehensive approach to the analysis of the evolution of the principle of non-intervention in international law in the context of its normative consolidation, interpretations in law enforcement practice, as well as the transformational impacts of new challenges, in particular digital sovereignty and humanitarian interventions. In the course of the research, the method of system-structural analysis was used to determine the internal logic of the functioning of the principle of non-intervention as a component of the international legal order. The application of the method of legal hermeneutics made it possible to interpret basic sources, in particular the Charter of the United Nations (1945), United Nations General Assembly (1970) and the UN Declaration (1981). Additionally, the provisions of the World Summit (United Nations, n.d.), the United Nations Security Council resolution (1990) and the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (OSCE, 1990) were analysed. The Articles on Responsibility of States for Internationally Wrongful Acts (Crawford, 2001) were also examined, as well as acts relating to the digital dimension of sovereignty, in particular the Digital Markets Act (European Commission, n.d.a) and the Digital Services Act

(European Commission, n.d.b). In the regional context, the provisions of the Agreement between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on the Encouragement and Mutual Protection of Investments (1998) and the relevant United Nations General Assembly resolutions (2022a; 2022b; 2023) were examined as documents that demonstrated the evolution of the international community's positions regarding forms of external intervention.

The method of comparative legal analysis was applied to compare regional approaches to the codification of the principle of non-intervention, such as the Charter of the Organization of American States (United Nations, 1948) and the African Charter on Human and Peoples' Rights (African Union, 1981), with global normative standards. This method also made it possible to highlight differences in the legal interpretation of permissible forms of intervention, using the example of humanitarian intervention cases in Kosovo (Şener, 2021), Libya (Anyaebechi, 2024) and Syria (Houghton, 2024), which were considered within the framework of the UN Security Council, as well as from the perspective of states such as the USA, China, Russia, and a number of Global South countries. The case method, in combination with elements of legal modelling, made it possible to reconstruct the logic and structure of precedents that became key in shaping the content of the principle of non-intervention, in particular: *Nicaragua v. USA* (Tay, 2022), *Ukraine v. Russia* (Karami *et al.*, 2024), *Georgia v. Russia* (Longobardo & Wallace, 2022), *Netherlands v. Russia* (Stützel & Voeneky, 2022), as well as *Everest Estate LLC v. Russian Federation* (Permanent Court of Arbitration, n.d.). The method of content analysis was applied to study rhetorical constructions and legal assessments recorded in the official documents of international organisations, such as the Organization for Security and Co-operation in Europe (OSCE, n.d.), the International Committee of the Red Cross (n.d.), and the United Nations (2021). The method of legal qualification was also used to analyse the content of violations considered within the application of international conventions. In particular, the application of the International Convention for the Suppression of the Financing of Terrorism (United Nations, 1999) and the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations General Assembly, 1965) was assessed in terms of proving the facts of political, informational and military intervention. The research also contained empirical documentation of modern manifestations of indirect intervention, such as cyberattacks, regulation of Big Tech digital platforms (Democracy Story Unit, 2024), or the activities of institutions that acted without direct state authorisation – for example, the International Committee of the Red Cross (ICRC) or election missions of the Organisation for Security and Cooperation in Europe (OSCE). These examples were examined in an analytical context based on the analysis of normative frameworks and actual practice.

Results

Theoretical and legal foundations of the principle of non-intervention in international law. The principle of non-intervention is one of the key components of modern

international law, reflecting the fundamental postulate of state sovereignty. Its formation took place gradually, against the backdrop of the evolution of the general structure of international relations and the development of the collective security system after the Second World War (1945-1950). In the interwar period (1918-1939), the concept of non-intervention existed in practice but did not have proper legal codification. The twentieth century became the period of codification of this principle in a number of international legal acts, which led to its transformation from a political idea into a legal norm (Roscini, 2024). The first global document in which the principle of non-intervention was clearly formulated was the Charter of the United Nations (1945). The Charter contains a number of provisions that directly or indirectly protect state sovereignty from external influence. In particular, Article 2 (paragraphs 1 and 7) establishes the equality of all members of the Organisation and prohibits intervention in matters that fall within the domestic jurisdiction of states. In this context, non-intervention appears as a legal consequence of sovereignty, encompassing political, economic, social and cultural independence. However, it should be noted that the UN Charter does not provide an exhaustive definition of the concept of “non-intervention”, leaving room for further interpretation. A critical step in the codification of the principle was the UN General Assembly Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (United Nations General Assembly, 1970). This document deepens the understanding of the principle of non-intervention, giving it a clearer normative status. In particular, the Declaration states that no state or group of states has the right to intervene directly or indirectly for any reason in the internal or external affairs of any other state. For the first time at the universal level, it was enshrined that any intervention, regardless of form – economic, political or military – is a violation of international law. Thus, the principle acquired a universal character, binding on all subjects of international law.

The provisions of the principle of non-intervention were further specified in UN General Assembly resolutions, declarations of non-aligned states, as well as in the context of regional legal systems. For example, the UN Declaration (1981) emphasised the inadmissibility of the use of economic and political pressure to achieve foreign policy objectives. This was a response to the prevalence of indirect forms of intervention during the Cold War of the 1960s-1970s. At the regional level, it is worth noting the Charter of the Organization of American States (United Nations, 1948), which also prohibits any intervention in the internal or external affairs of another state. Similar provisions are contained in the African Charter on Human and Peoples' Rights (African Union, 1981), which demonstrates the global spread of the principle of non-intervention as an imperative norm of international law. After the end of the Cold War in 1991, the principle of non-intervention faced new challenges in connection with intensified discussions on the right to humanitarian intervention. In this context, the question arises of balancing non-intervention with the duty to protect, which was enshrined in the document World Summit (United

Nations, n.d.). Although this provision does not have binding legal force, it marked a shift in the normative climate, where humanitarian considerations sometimes outweigh the traditional doctrine of sovereignty. Thus, the principle of non-intervention is gradually evolving, retaining its fundamental character but requiring flexible application in accordance with new challenges of the global order. Overall, the development of the principle of non-intervention in the twentieth century demonstrates

its gradual transformation from a moral-political postulate into a specific legal norm recognised by the overwhelming majority of states. However, the dynamics of the geopolitical situation and the emergence of new spheres of intervention (cyberspace, information security, internal conflicts) require a rethinking of its content in light of modern realities. The normative consolidation and content of the principle of non-intervention in international law are reflected in Table 1.

Table 1. Normative consolidation and content of the principle of non-Intervention in international law

Source	Legal status	Key provisions	Legal significance
UN Charter (1945), Article 2(1) and 2(7)	Treaty law (universal treaty).	Establishes the equality of member states. Prohibits the un from intervening in the internal affairs of states. Exceptions are allowed only within chapter vii (actions concerning threats to peace, acts of aggression, etc.).	Consolidates the principle as a binding norm applying not only to states but also to the international organisation; defines the limits of Security Council powers in situations of threats to peace.
Declaration on Principles of International Law (1970) (UNGA Resolution 2625 (XXV))	Normative resolution (declaratory act reflecting customary law).	Prohibits any intervention in the internal or external affairs of another state. Use of force, economic pressure, propaganda, support for opposition – may be forms of intervention. Establishes the principle of respect for the political, economic and cultural system of a state.	Specifies the content of the principle in terms of forms of intervention; has codifying significance and is widely cited in court decisions, confirming its status as a source of customary international law.

Source: compiled by the author on the basis of United Nations (1945), United Nations General Assembly (1970), L. Deng (2023)

The presented table illustrates the gradual evolution of the principle of non-intervention – from its initial enshrinement in the UN Charter to its deeper substantive elaboration in the 1970 Declaration and practical application in the jurisprudence of the International Court of Justice. While the Charter emphasises the institutional dimension of the principle and the equality of states, the Declaration provides a clear specification of acceptable and unacceptable forms of influence. However, in the system of international law, there are situations recognised as exceptions to the principle, which are strictly regulated by international norms and subject to narrow interpretation. The most important exception is the exercise of the right to self-defence, enshrined in Article 51 of the UN Charter (United Nations, 1945). This article allows a state to resort to unilateral defensive actions in the event of an armed attack until the Security Council takes appropriate measures to maintain peace. Intervention in the form of self-defence is not considered a violation of the principle of non-intervention, but must meet the criteria of necessity, proportionality, and immediacy of response. For example, in the case of *Israel v. Lebanon* (2006), Israel justified its actions as the exercise of the right to self-defence against terrorist attacks by Hezbollah (Tsagourias, 2024). However, the international community was divided in recognising the legality of such actions, which once again highlights the complexity of applying this exception. The second exception is collective security, i.e., actions authorised by the UN Security Council under Chapter VII of the Charter (United Nations, 1945). If the Council determines that there is a threat to peace, a breach of peace, or an act of aggression, it may authorise member states to take enforcement measures, including the use of force. Such intervention is not a violation of the principle of

non-intervention, since it takes place within the UN mandate. An example is Operation Desert Storm (1991), carried out pursuant to Security Council Resolution 678 (United Nations Security Council, 1990) in response to Iraq's invasion of Kuwait (Carmichael & Anderson, 2021). In this case, the legal mechanism was strictly observed, which legitimised the intervention as a means of restoring international law and order. The most controversial exception is humanitarian intervention, which still lacks unequivocal normative consolidation in international law. In general terms, humanitarian intervention is understood as the use of force by one or more states without the consent of the UN Security Council to prevent mass human rights violations or end a humanitarian catastrophe (Ogunbanjo, 2021). The most well-known example is NATO's (North Atlantic Alliance) intervention in Kosovo (1999), carried out without Security Council authorisation but justified by the need to protect civilians (Şener, 2021). The legitimacy of this intervention sparked deep debates in the doctrine and practice of international law. Most states, including China and some countries of the Global South (e.g., India, Brazil, South Africa, Indonesia, Argentina), regard such actions as violations of the principle of non-intervention, regardless of humanitarian motives. Others emphasise that there is a moral imperative to intervene when a state massively violates the rights of its citizens.

In 2005, within the framework of the UN World Summit, the concept of Responsibility to Protect – R2P was endorsed, offering a new logic of action: if a state cannot or does not want to protect its population from genocide, ethnic cleansing, war crimes, or crimes against humanity, responsibility passes to the international community (Global Centre for the Responsibility to Protect, n.d.). However, R2P does not provide an automatic right to

the use of force without Security Council authorisation, leaving the question of humanitarian intervention open in legal terms. The doctrinal rethinking of the principle of non-intervention in the twenty-first century demonstrates the transformation of its interpretation in the light of new global challenges, particularly those associated with the development of digital technologies, the spread of information warfare, and the growing importance of cyberspace as a new sphere of interstate competition. Modern instruments of influence, unlike classical forms of military or economic intervention, generally lack a physical dimension but are no less effective in disrupting the political, economic, and social stability of other states. However, the practice of modern interstate conflicts demonstrates the need to reconsider the conceptual framework. Thus, during the presidential elections in the United States in 2016, attempts of foreign interference in the electoral process through cyberattacks and manipulation of information in social networks were recorded (Vičić & Gartzke, 2024). This case caused a resonance in the international community and raised the issue of the legal nature of cyber-interventions and the possible classification as violations of the principle of non-intervention. A contribution to the development of the doctrine was made by the Budapest Process (International Centre for Migration Policy Development, n.d.) and the documents of the UN Group of Governmental Experts on Cybersecurity (United Nations, 2021). Although these documents do not have binding legal force, the recommendations indicate the formation of a consensus regarding the application of existing principles of international law, including non-intervention, to cyberspace. In parallel with the evolution of doctrinal approaches, the role of the principle of non-intervention in the activities of international organisations is also changing. In particular, the United Nations plays a key role in developing the framework for permissible intervention in the internal affairs of states in order to preserve peace and security. However, practice demonstrates the ambivalent nature of its positions. On the one hand, Resolution 2625 (United Nations General Assembly, n.d.) emphasises the unconditionality of the principle of non-intervention. On the other hand, in a number of cases the Security Council authorised intervention in states whose internal conflicts were recognised as a threat to international peace. This applies, for example, to peacekeeping operations in Somalia (1992), Rwanda (1994), South Sudan (2011), which were carried out under Chapter VII of the UN Charter (Claire, 2024). Such intervention is interpreted as lawful only if approved by the Security Council, but the constant threat of veto from permanent members creates a situation of selectivity, which calls into question the universality of the norm.

The Organization for Security and Co-operation in Europe, in turn, relies on the “Helsinki spirit” of cooperation and emphasises the importance of preventing interference in electoral processes, the media, and civil society. The OSCE (n.d.) document recorded a principled position that democratic institutions cannot be created under external pressure. However, OSCE missions monitoring elections and political processes, despite the official recognition as “technical” and “non-interventionist”, are often perceived as political acts of interference, particularly by

states with authoritarian governance. This causes tension in relations between the OSCE and some of its participants, such as Russia and Belarus. Another example of the ambivalence of applying the principle is the activity of the International Committee of the Red Cross (ICRC), which formally adheres to neutrality but in practice carries out humanitarian intervention in armed conflict zones by sending missions without official government permission. Although the ICRC’s activities are consistent with international humanitarian law, these activities often contradict the positions of states that view such actions as violations of the sovereignty. Here arises a complex dilemma between adherence to the principle of non-intervention and the need for prompt response to humanitarian catastrophes.

Practical rethinking of the principle of non-intervention in modern international law. Humanitarian interventions as a manifestation of modern international law and the practice of state intervention demonstrated the opposition between two basic principles: on the one hand, the principle of state sovereignty, enshrined in the UN Charter, and on the other – the norms protecting fundamental human rights, including the duty of the international community to prevent mass violations of rights such as genocide, ethnic cleansing, crimes against humanity (Walling, 2015). A classic example of this tension was the situation in Kosovo (1999), when NATO forces, without a UN Security Council mandate, carried out a military operation against the Federal Republic of Yugoslavia, justifying the actions by the need to protect Kosovar Albanians from mass repressions (Bajrami, 2023). In this case, despite the humanitarian justification, the intervention in fact meant a violation of the principle of non-intervention in internal affairs and the sovereignty of the state, which caused prolonged debates on the legitimacy of NATO’s actions and the growing role of the concept of “responsibility to protect”. In the case of Libya (2011), the UN Security Council for the first time in its history approved a mandate to use force (resolution 1973) precisely within the framework of the R2P doctrine with the aim of protecting the civilian population from potential mass violence by the regime of Muammar Gaddafi (Anyaebechi, 2024). However, the subsequent actions of Western states, which in fact led to the overthrow of the government, provoked concerns about blurring the boundaries between humanitarian intervention and forced regime change. This precedent undermined trust in humanitarian interventions as an instrument of international legal responsibility, underlining the need for a clear distinction between the protection of the civilian population and the pursuit of geopolitical interests.

The Syrian conflict (since 2011) further complicated the balance between sovereignty and humanitarian responsibility. The constant blocking of UN Security Council resolutions by Russia and China made a consolidated response of the international community impossible (Houghton, 2024). As a result, the phenomenon of “asymmetric humanitarian action” emerged, when individual states (the USA, France, the United Kingdom) carried out limited military strikes in response to the use of chemical weapons, without having a UN mandate. Such an approach called into question not only the legal legitimacy, but also the effectiveness of humanitarian intervention as a mechanism for preventing crimes against humanity. In the

modern global environment, the conflict between sovereignty and humanitarian intervention was complemented by new challenges related to the digital dimension of state sovereignty. Digital sovereignty was interpreted as the ability of the state to control information flows, data infrastructure, and digital interaction within its borders (Saaida, 2023). In this context, cyberattacks and external interventions into digital systems (including the infrastructure of electoral processes) were regarded as direct violations of sovereignty, even in the absence of physical interference. A resonant example was the cyberattacks carried out against US government bodies within operations attributed to Russian hacker groups (APT28, Cozy Bear), particularly during the 2016 presidential elections (Vičić & Gartzke, 2024). Manipulation of the information space, the creation and dissemination of disinformation, the use of social networks to influence public opinion – all this became an instrument of a new hybrid aggression, which challenged the traditional understanding of aggression as a physical act. The issue of digital sovereignty was also directly related to the regulation of the activities of transnational corporations in the field of digital technologies, primarily Big Tech (Democracy Story Unit, 2024). These companies controlled a significant share of the global circulation of data, as well as the infrastructure of digital communication, which in fact gave the companies supranational powers. The attempts of states (in particular the EU through the Digital Markets Act and Digital Services Act) to restore control over the digital space represented an aspiration to establish digital sovereignty as a function of democratic legitimacy and the protection of the public interest (Chiarella, 2023). At the same time, such regulatory measures

provoked resistance from private actors and created tensions between internet freedom, economic globalisation, and the right of the state to protect its digital space from external influence. In the context of authoritarian regimes (for example, in China), digital sovereignty was realised as full control over information flows (including censorship, digital surveillance technologies, the “Great Firewall”), which generated ethical and legal dilemmas concerning the limits of permissible state intervention in the digital rights of citizens. The consideration of ICJ cases demonstrated a consistent line of recognition of the principle as a fundamental element of the international legal order. For example, in the case of *Nicaragua v. USA*, the Court directly qualified material, financial, and armed support for the armed opposition as a violation of the principle of non-intervention (Tay, 2022). A similar approach was traced in the jurisprudence of the Arbitral Tribunal, where disputes between states regarding direct or indirect influence on internal processes were considered, including in the forms of information warfare or economic pressure. The ECtHR, in its practice, although it did not have a direct mandate to assess interstate intervention in the political dimension, nevertheless repeatedly considered cases in which the actions of states influenced the sovereign rights of others. The cases shown in Table 2 allowed both the development of standards concerning the principle of non-intervention and the contradictions in the interpretation of forms of indirect influence to be seen. These cases demonstrated that the boundary between lawful international cooperation and unlawful intervention was often a matter of interpretation, depending on the context, the nature of the actions, and the degree of proof of the intent to intervene.

Table 2. Comparison of key judicial cases on the principle of non-intervention

Case	Year	State	Form of intervention	Legal assessment	Consequences
<i>Nicaragua v. United States</i> (International Court of Justice)	1986	Nicaragua, USA	Support for insurgents (Contras), mining of ports, financing of opposition forces	Intervention recognised as a violation of international law, in particular the principle of non-intervention and the prohibition of the use of force	United States condemned but did not comply with the decision; precedent in international law
<i>Georgia v. Russia</i> (ECtHR)	2021	Georgia, Russia	Armed intervention, occupation, creation of controlled administrations	Intervention qualified as a violation of human rights under conditions of effective control; ECtHR recognised Russia's jurisdiction	Compensation awarded; strengthening of standards in interstate cases before the ECtHR
<i>Ukraine v. Russia</i> (International Court of Justice, interim decision)	2017-2025 (ongoing)	Ukraine, Russia	Intervention through support for separatism, annexation, disinformation	The Court recognised the existence of indications of intervention; substantive examination is ongoing	Provisional measures oblige Russia to refrain from discrimination; final rulings expected
<i>Netherlands v. Russia</i> (Arctic Sunrise case, International Tribunal for the Law of the Sea)	2013	Netherlands, Russia	Seizure of a civilian vessel, arrest of crew	Intervention in the freedom of navigation, recognised as unlawful	Obligation to compensate for damages; reinforcement of international maritime law standards
<i>Intervention in Libya</i> (2011) – UN Security Council debate, indirect analysis	2011	USA, France, Great Britain, Libya	Armed intervention under the guise of humanitarian intervention	Controversial assessment: authorised by the UN Security Council, but mandate exceeded	Regime change; criticism of the doctrine of “Responsibility to Protect” (R2P)

Source: compiled by the author on the basis of X.W. Tay (2022), M. Longobardo & S. Wallace (2022), M. Stützel & Voenekey (2022), S.M. Anyaebechi (2024), M. Karami *et al.* (2024)

In general, a common trend across all the examined cases is the strengthening of legal mechanisms for the protection of sovereignty, as well as the broadening of the interpretation of forms of intervention – from military aggression to information campaigns and economic pressure. The gradual codification of the practice of international courts in this field indicates a growing need to review the definitions of non-intervention in light of the latest challenges to international security. In modern international law, state responsibility for violations is based on the general principles of responsibility (Crawford, 2001). This is confirmed by the practice of the International Court of Justice, the European Court of Human Rights, arbitral tribunals, and specialised international bodies. The key components of responsibility include: establishing the fact of a violation, legal qualification of the act, attribution of responsibility, as well as the application of mechanisms to restore the violated right. After the beginning of the full-scale armed aggression of the Russian Federation against Ukraine in February 2022, the issue of holding the aggressor state legally accountable for violations of the fundamental principles of international law, including the principle of non-intervention, acquired global significance. According to the norms of modern international law, a violation of the principle of non-intervention, especially when it involves systemic, armed, political, and informational interference, is qualified as an international offence that entails the legal responsibility of the state (United Nations, 1981). One of the leading mechanisms of legal response is recourse to the International Court of Justice. In the case of *Ukraine v. Russian Federation* (initiated in 2017, ongoing as of 2025), Ukraine substantiates violations of two key conventions: the International Convention for the Suppression of the Financing of Terrorism (United Nations, 1999) and the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations, 1965). Although the legal subject of the dispute concerns the mentioned instruments, the substantive content of the claim clearly indicates systematic interference in the internal affairs of Ukraine through political pressure, financing of illegal armed groups in Donbas, the occupation of Crimea, and a campaign of racial segregation against the Crimean Tatars. In January 2023, the International Court recognised its jurisdiction to consider most of Ukraine's claims, which creates a precedent for the further legal qualification of Russia's actions not only as violations of special conventions but also as breaches of the principle of non-intervention in the sovereign affairs of a state.

Ukraine also actively employs the potential of the European Court of Human Rights. In the interstate case *Ukraine v. Russia* (concerning Crimea), in its 2023 judgment, the ECtHR recognised that the Russian Federation exercised effective control over the territory of the Autonomous Republic of Crimea from February 2014, i.e., even before the formal holding of the so-called “referendum” and the subsequent annexation (European Court of Human Rights, 2024). Such legal qualification, although carried out within the human rights protection system, directly indicates a violation of Ukraine's sovereignty and constitutes a form of actual intervention. Additionally,

the Court established systematic human rights violations in occupied Crimea, which became possible precisely as a result of the unlawful influence of an external state on the internal affairs of another state. Arbitration practice is also significant in holding a state responsible for intervention, particularly in the context of investment protection. Ukrainian and foreign companies filed dozens of claims against Russia for the expropriation of assets in Crimea, referring to the Agreement between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine... (1998). In cases such as *Everest Estate LLC v. Russian Federation*, international arbitrations ruled in favour of the claimants, recognising Russia's actions as internationally wrongful (Permanent Court of Arbitration, n.d.). Since the expropriation of property without the consent of the state having jurisdiction over the territory is a classic example of indirect intervention, the relevant arbitral awards hold doctrinal significance for shaping the legal approach to the qualification of intervention. Although the European Court of Human Rights is not a specialised body for the application of international humanitarian law (IHL), in cases concerning human rights violations in the context of armed conflict, it takes IHL provisions into account when determining the applicability to a specific situation. At the same time, the Court analyses possible contradictions between the provisions of the Convention and IHL and applies the special norms of IHL, which ensures proper justification of its judgments and conclusions (Taran & Hryha, 2024).

Another instrument of responsibility is the universal mechanisms of the UN, in particular, the resolutions of the General Assembly and the work of investigative bodies. Since the beginning of the full-scale invasion, the General Assembly has adopted a number of key resolutions (United Nations General Assembly, 2022a; 2022b; 2023), in which Russia's actions were recognised as a violation of Ukraine's territorial integrity and calls were made for the withdrawal of all armed forces from Ukrainian territory. Although these documents are primarily political rather than legally binding, the documents enshrine international consensus on the fact of unlawful intervention, serving as a basis for strengthening political and legal responsibility. At the same time, the Office of the United Nations High Commissioner for Human Rights (OHCHR) documented mass violations of international humanitarian law, many of which were made possible solely as a result of unlawful external interference in an internal conflict. As a result, the full-scale invasion of Ukraine by Russia activated several parallel legal mechanisms of holding a state accountable for violations of the principle of non-intervention (OHCHR, n.d.). Ukraine consistently pursues its legal strategy in the International Court of Justice, the ECtHR, arbitral tribunals, and universal UN bodies. The legal establishment of Russia's responsibility will not only contribute to restoring justice in relation to specific violations but will also strengthen the normative significance of the principle of non-intervention in the context of hybrid and armed conflicts of the 21st century. The Ukrainian case is becoming a key benchmark of modern law enforcement in this field, with the potential to influence the further development of international legal doctrine. Another dimension is the international legal instrument

of sanctions, which functions as a form of countermeasure in response to violations. The sanctions imposed by the G7 states, the EU, the USA, Canada, and others against Russia after its 2022 invasion of Ukraine are a means of compelling the violating state to comply with international law. Although sanctions are predominantly unilateral, the sanctions have a legal basis in Articles 49-54 of the International Law Commission's Draft Articles on State Responsibility (2001), which allow for countermeasures in response to a serious international offence. One of the instruments under consideration is the creation of a special international tribunal for the crime of aggression, which envisages bringing the top leadership of Russia to justice. Although this tribunal will specifically address the crime of aggression, the act of aggression itself constitutes the most severe form of intervention in the internal affairs of another state, thereby reinforcing the connection between these two legal categories. In parallel, there arises the need to review and refine the norm of non-intervention in future international treaties, conventions, and declarations. In particular, it would be appropriate to include provisions on permissible forms of response by the international community to human rights violations within multilateral mechanisms such as the Universal Periodic Review of the UN Human Rights Council or EU sanctions regimes. An important step could be the adoption of a new international convention or an additional protocol to the UN Charter, which would clearly define the boundaries between legitimate non-intervention and international responsibility for non-compliance with humanitarian obligations. At the same time, a balance must be ensured: on the one hand, avoiding the abuse of intervention with political motivation; on the other, ensuring effective responses to mass human rights violations. The discussion on updating the principle of non-intervention also encompasses the need to enhance transparency and legal certainty of the grounds for international intervention. The absence of generally accepted legal criteria for the boundaries of legitimate humanitarian intervention leads to legal uncertainty and the risk of abuse. Against this background, the importance of forming a unified approach to the interpretation of international custom is increasing, especially in conditions where the practice of using force without a Security Council mandate (for example, in Kosovo or Syria) provokes legal disputes. The Ukrainian case highlights the need to clearly distinguish between intervention aimed at ensuring the protection of civilians and political interference in autonomous decision-making processes. In conclusion, the conceptual rethinking of the principle of non-intervention is not only a legal necessity but also a politically inevitable step towards building a fairer architecture of global governance. It must be carried out taking into account precedents such as the Ukrainian case, where state sovereignty became the object of external aggression, and at the same time a test of the effectiveness of international legal mechanisms of response. Updating the relevant norm in future treaties will make it possible to create a flexible but legally protected mechanism for balancing respect for state sovereignty with the need for international reaction to gross human rights violations, which will ensure both the stability of the international order and its humanistic legitimacy.

Discussion

As a result of the conducted study of the principle of non-intervention in international law, its evolution and transformation under the influence of historical, political, and technological factors were identified. The study by A. Trashani (2021) focused on humanitarian intervention as a form of transformation of the principle of non-intervention in connection with the necessity of protecting human rights in situations of internal conflicts. In this context, the main attention was paid to the tension between state sovereignty and international responsibility arising from humanitarian catastrophes. The findings of the study confirmed this tension, but at the same time highlighted the weakness of mechanisms for ensuring the legitimacy of such interventions. The study showed that the concept of the "responsibility to protect" did not acquire universal application and remained dependent on the political will of the UN Security Council member states. Thus, in comparison with the approach of A. Trashani, the emphasis was placed not only on the ideological but also on the procedural vulnerability of the mechanisms of humanitarian intervention, which confirmed the limited effect of attempts to institutionalise this practice. The work of P.K. Hüsch (2023) focused on the problem of cyber operations as an instrument of intervention, which did not have physical consequences but significantly influenced domestic political processes. The study demonstrated that the traditional category of "non-intervention" proved insufficiently flexible to take into account modern cyber threats. The analysis within this study confirmed these observations and additionally highlighted that state practice remained contradictory: despite calls for the development of clear norms, leading cyber powers refrained from formalising commitments, thereby increasing legal uncertainty. Compared with P.K. Hüsch, this study revealed that even in cases of hybrid intervention – as in the case of Ukraine – states avoided the direct qualification of actions as violations of the principle of non-intervention, resorting instead to political rhetoric and sanctions.

The study by B.P. Pijpers (2025) highlighted Russia's information war against European democracies in the context of the invasion of Ukraine, emphasising the problematic nature of the legal status of such actions in international law. The danger of the asymmetric application of norms was pointed out – particularly regarding freedom of expression – in the context of combating disinformation. The analysis within this study confirmed such asymmetry but also stressed the complexity of the violations committed by Russia against Ukraine. In particular, it was shown that violations of the principle of non-intervention in the Ukrainian case acquired a systemic character: from armed aggression to informational and economic expansion. Compared with B.P. Pijpers, this study provided a broader analytical dimension, considering not only the reaction of states but also the decisions of international courts and tribunals, which gradually formed a new legal framework for responding to complex acts of intervention. A comparison with the work of D.J. Hensley *et al.* (2024) revealed a similar interpretation of the principle of non-intervention as a norm that constantly remained under pressure from the practice of humanitarian interventions. Both studies concluded that the tension between the need to respect

sovereignty and the moral imperative of protecting civilians remained an unresolved problem of international law. While the present study focused mainly on the difficulties of authorising interventions through the UN Security Council and the influence of geopolitical considerations, its findings emphasised more the institutional response to new challenges in the form of hybrid types of intervention. At the same time, in the present study, humanitarian interventions were considered through the prism of the transformation of classical understandings of sovereignty in response to new crises, while the other study focused more on developing a unified legal approach to such interventions. The study by N. Soleymani Nezhad *et al.* (2023) viewed the principle of non-intervention as a multi-level construct that included not only the prohibition of intervention by states but also restrictions on the actions of the international community depending on the legitimacy of authority and the protection of citizens' rights. This made it possible to establish a distinction between this approach and the findings of the present analysis, where the principle of non-intervention was studied mainly through the prism of interaction with modern threats to the international legal order and in view of precedent-based practice. While the work of N. Soleymani Nezhad *et al.* emphasised the link between the principle and the right to self-determination and the equality of states, the study devoted to the modern stage of the development of the principle reflected a shift in emphasis towards hybrid challenges, among which cyber interference and information aggression proved crucial. Thus, the approach of N. Soleymani Nezhad *et al.* remained more theoretical and legal, whereas the conducted study demonstrated an empirical character using the example of a specific international conflict – Russia's invasion of Ukraine – and the reaction of international institutions. The work of D. Jemirade (2020) traced the historical trajectory of humanitarian intervention, reflecting the evolution of this phenomenon in the context of the growing global attention to human rights. The author paid considerable attention to the normative incompleteness of R2P, as well as critically assessing its political practice, which often proved selective and contradictory. Compared with this approach, the conducted study focused not only on the doctrinal aspect but also on the study of the application of the principle of non-intervention in new areas – particularly digital and informational, where traditional ideas of sovereignty proved limited. At the same time, both approaches converged in assessing the need for clearer international regulation, which would take into account new challenges without undermining the fundamental principles of international law. The work of A.N.V. Adamu (2023) offered an applied assessment of the applicability of R2P in the context of the Russian-Ukrainian conflict, emphasising the inefficiency of existing international mechanisms in situations where permanent members of the Security Council were aggressors. In contrast to the present study, which emphasised the adaptation of the principle of non-intervention to the conditions of hybrid warfare, including informational and cyber dimensions, the mentioned work focused on the military-political aspect, primarily from the standpoint of external intervention. Both approaches equally demonstrated the systemic crisis of the existing security architecture; however, Adamu's study interpreted

intervention as a necessary measure in response to UN inaction, while this analysis highlighted the potential of legal instruments, particularly the jurisdictions of international courts. The work of L. Willmer (2023) paid attention to digitalisation as a factor changing the structure of the international legal order. Compared with the results of the present study, where the principle of non-intervention was analysed through the prism of digital sovereignty, cyberattacks, and transnational informational influence, the mentioned study focused on the risks of excessive interpretation of the digital threat as grounds for strengthening sovereignty. Thus, L. Willmer emphasised the risk of legitimising protectionism through the expanded interpretation of non-intervention, while this study viewed digital challenges as a reason to modernise the basic norms of international law. Despite the difference in emphasis, both works agreed on the need for doctrinal rethinking of the limits of non-intervention in the age of information technology.

The work of M. Dogaru (2024) considered the principle of non-intervention mainly through the prism of its social nature and normative consolidation in international legal acts, with emphasis on its role as a stabilising norm of the international legal order. The conclusions of the study confirmed this position, detailing the complex path of the evolution of the principle – from a moral-political maxim to a codified norm enshrined in the UN Charter and the 1970 Declaration. The generalisation of judicial practice, primarily the decision in the *Nicaragua v. USA* case, deepened the understanding of the limits and forms of application of the principle, specifying responsibility for indirect intervention. Compared with the analysis by M. Dogaru, the present study provided a broader geopolitical and practical context for the development of the principle of non-intervention, especially through the consideration of modern threats – digital attacks, informational aggression, hybrid forms of pressure. In particular, emphasis was placed on the Ukrainian case as an example of a systemic violation of the principle of non-intervention in the form of armed aggression, informational warfare, and interference in internal affairs through proxy structures. While M. Dogaru focused on the normative stability of the principle, the findings of the present study revealed the dynamic nature of its content in the context of new challenges, such as humanitarian interventions, cybersecurity, and informational sovereignty. The work of A. Carty (2024) analysed the philosophical and dogmatic basis of the principle of non-intervention through the prism of legal pluralism. In contrast to the emphasis on modern violations and practical challenges in the study, this work highlighted the deep conceptual problems of international law, based on analogy with domestic law. The reference to the influence of Vattel's doctrine and the critique of the idea of unconditional pluralism revealed the internal contradictions of the normative system, which also corresponded with the limitations of the legal toolkit identified in the study for ensuring justice in interstate conflicts. The study by S.H. Ali & S. Al-Khuzai (2024) discussed the threats that international intervention posed to sovereignty, social justice, and domestic stability of states. Compared with the conducted analysis, which emphasised the growing importance of digital sovereignty and hybrid forms of intervention, this work more deeply revealed the

socio-economic and political consequences of the loss of sovereignty under the influence of international actors. The alignment of these conclusions with the results of the study confirmed the relevance of concerns regarding the dominance of supranational structures over domestic political processes in the context of globalisation. Overall, the existing academic literature confirmed the key findings of the study regarding the complexity and multidimensionality of the principle of non-intervention. Despite different research approaches, the common conclusion was the need to rethink the principle of non-intervention under the conditions of contemporary international transformations. Summarising the comparison results, it can be argued that the principle of non-intervention lost its former universality, becoming a dynamic norm whose balance between sovereignty and global responsibility continued to be shaped under the influence of conflicts, digital threats, and the evolution of international law.

Conclusions

The conducted study of the principle of non-intervention in international law revealed its complex evolution from a moral and political postulate to a codified norm enshrined in key international legal acts. It was established that this principle underwent a lengthy process of formation – from its implicit recognition in the interwar period to a clear normative formulation in the 1945 UN Charter and subsequent specification in the 1970 Declaration on Principles of International Law. The practice of the International Court of Justice played a role in shaping the modern understanding of the principle, particularly the case of *Nicaragua v. United States*, which confirmed that even such indirect forms of intervention as financing the opposition and propaganda campaigns could be considered violations of international law. Particular attention in the analysis was paid to modern forms of intervention, which include not only classical armed aggression but also economic pressure, information campaigns, cyber operations, influence on elections, and interference in national policies through digital platforms. The current stage of the development of the principle of non-intervention is characterised by the necessity of rethinking its content in the context of hybrid threats, where it is difficult to draw a clear line between internal and external aspects of state policy. The concept of the “responsibility to protect”, adopted in 2005, represented an attempt to combine the principle of non-intervention with the need to protect human rights,

but in practice its implementation proved inconsistent and contradictory in terms of respecting sovereignty.

The Ukrainian case served as a comprehensive example of the violation of the principle of non-intervention in the 21st century. The actions of the Russian Federation – from the annexation of Crimea and armed aggression in Donbas to the full-scale invasion of 2022 – illustrate the combination of all modern forms of intervention: military force, economic pressure, information warfare, cyber operations, and political blackmail. In response, the international community resorted to the use of sanctions, legal mechanisms, and decisions of international judicial institutions, which confirmed the effectiveness of certain elements of the system of collective protection of the international legal order. Similarly, arbitration cases related to the Ukrainian context supplemented the practice of interpreting non-intervention as a dynamic, yet at the same time legally fixed norm. Based on the conducted analysis, it was concluded that the principle of non-intervention, while remaining one of the foundations of the international legal order, requires updating in view of the transformation of interstate interaction in the conditions of the digital age, technological innovation, and globalised threats. The study confirmed the hypothesis about the rethinking of the principle of non-intervention, revealing its transformation under the influence of humanitarian interventions (for example, R2P) and new challenges of the digital era, such as cyberattacks and information wars. The analysis of the Ukrainian case and the practice of international institutions demonstrated that the principle, while remaining a normative foundation, requires adaptation to hybrid threats, which confirms its dynamic nature in the contemporary legal space. In the future, it is advisable to develop unified international legal standards for the information and cyber domains, as well as to update the interpretations of the principle of non-intervention within the framework of strengthening mechanisms of prevention, accountability, and legal qualification of hybrid forms of influence.

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Conflict of Interest

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