

The Principle of Non-interference in International Law

Abstract

The principle of non-interference is one of the most important principles of international law. However, despite being well established in customary international law, the principle is uncertain in scope. Yet the development of information and communication technologies has enabled States to use more subtle methods to interfere in the affairs of other States, making the threat of unlawful interference increasingly relevant. This thesis examines the nature and content of the principle of non-interference between States in contemporary international law, focusing on interference not involving the use of force. The aim of the thesis is to assess whether the principle of non-interference is currently capable of providing sufficient protection to States against certain type of undesirable conduct. To this end, the historical development of the principle of non-interference in international law is first examined, including the identification of sources containing expressions of the principle of non-interference. Attention is then drawn to two constitutive elements of the principle in question. The first element represents the object of unlawful interference, i.e. the sphere of matters in which each State is permitted, by the principle of State sovereignty, to decide freely. The second of these elements forms the very essence of prohibited interference and consists in the coercive conduct of the interfering State. Although the precise definition of coercion in the context of the non-interference principle has not yet fully crystallised in international law, the risks associated with activities in cyberspace have prompted States to express their positions on a number of international law institutes, including the principle of non-interference and the element of coercion. The conclusions reached are then applied to electoral process, where accusations of interference have been frequent, especially in recent years. In this regard, the legality of three types of conduct is examined, namely the disinformation campaigns, the financing of political parties and candidates and the direct manipulation of election results.

Key words: the principle of non-interference, unlawful interference, coercion