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# PRINCIPLE OF SOVEREIGN EQUALITY AND NON-INTERFERENCE IN THE INTERNAL AFFAIRS OF A STATE

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***ABSTRACT:***

*The principle of non-interference is one of the fundamental principles of international relations. It thus has a fundamental aspect. But questions were raised about the legitimacy of humanitarian interference as an exception to the principle. Chapter VII of the San Francisco Charter already provides for an exception of interference in the event of a breach of international peace and security. That said, reflection will be made on the very principle of non-interference, which calls on other principles that are its presuppositions. Only then will a theoretical examination be made of the exceptions limiting the very scope of the principle of non-interference. We will be comfortable in affirming the existence of the principle of non-interference only if and only if certain principles have been acquired, such as the prohibition of the use of force, the self- determination of peoples, respect for territorial integrity, to name but a few. However, it will be inconvenient for us to discuss the presuppositions of the principle of non-interference before identifying the scope and scope of the concept and its basis. In this study the author uses descriptive qualitative analysis. The theory used is the principle of non-interference. This research is classified into qualitative research with descriptive analysis techniques. The main findings of the study indicate that the principle of non-interference is the right of each State to exercise exclusively its competences within its national domain without external constraint.*

***Keyword**: Non-interference, International Law, Principle of Sovereign*

## A. Introduction

Based on Chapter VII of the UN Charter deals with action in the event of a threat to the peace, a breach of the peace and an act of aggression. This action is obviously an action that falls within the competence of the Organization through the CS/UN. Articles 39 to 51 dealing with the question under consideration define the situations in which the Organization may intervene, the measures taken; further on, the obligations of Member States with regard to the maintenance of international peace and security, the procedure for the measures to be taken. We generously bend our knees as to the limit that is ours from the perspective of an analysis of the first two situations: the understanding of the situations and the measures taken for the maintenance of international peace and security.

This work relates to the principle of the sovereign equality of the State, a corollary of sovereignty, assuming equal rights and obligations of States in their relations, as well as the corollaries that flow from it: non-interference, non-use of force, self-determination of peoples, territorial integrity - it is time for the zenith to commute this theory to the lucid practice that States have of the above-mentioned principles.

## B. Research Method

In this study the author uses descriptive qualitative analysis. The main sources of data consist of primary and secondary data. Primary data are obtained from reference books related to the issues raised in this paper. For secondary data obtained from international policies related to the principle of non-interference. All data (primary and secondary) that have been collected are subjected to a verification process to avoid bias and subjectivity to research conclusions. This verification process borrows the technique of Miles and Huberman (Huberman, 1984).

## C. Discussion

### 1. Non-Interference and Its Presuppositions

We will be comfortable in affirming the existence of the principle of non-interference only if and only if certain principles have been acquired, such as the prohibition of the use of force, the self- determination of peoples, respect for territorial integrity, to name but a few. However, it will be inconvenient for us to discuss the presuppositions of the principle of non-interference before identifying the scope and scope of the concept and its basis. These preliminaries are a data allowing an extensive understanding of the notion of non-interference in the field reserved for the exclusive competence of the State alone, a reserved field conceivable in the option of a State subject to international law.

In terms of formulation of the principle of non-interference, although enshrined in the Charter of the United Nations, this principle was the subject of various conceptions around the 19th century, especially in the Americas. The most important of these conceptions are those of the doctrines of Monroe and Calvo and Drago. Monroe's first doctrine[1] presents

[1] American President of the 1820s whose doctrine is reflected in the speech proclaimed on December 2, 1823 before the American Congress. Read usefully Colliard and Manin, "International Law and Diplomatie History," I.T. Vol. II, 1971, p. 756-757.

[2]non-intervention as one of the means of safeguarding the newly acquired independence of the States of the continent from the threats of the Holy Alliance. However, the second concept represented by the Calvo and Drago doctrines appears to be a response to the repeated military expeditions of the European powers against the Latin American States for the recovery of debts owed to their nationals.[3] Let us seek to determine the basis of the notion of the principle of non-interference and the scope of its scope.

**a. *Concept and basis of the principle of non-interference***

Combined doctrines, Mencer and Coste define intervention as pressure exerted by one State or group of States on another to impose a will external to its own.[4] As for Jean Salmon, according to the principle of non-intervention, States may not interfere in the affairs of other States, i.e. they may not exercise binding influence in the affairs of other States or require them to perform or fail to perform acts which are not governed by international law.

The principle of non-interference is based on the Charter of the United Nations, in particular Article 2 § 7, which *states:"Nothing in this Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of a State nor shall it oblige Members to submit such matters to settlement proceedings under this Charter; however, this principle shall not affect the application of the coercive measures provided for in Chapter VII"*. From the exegesis of these main lines, it emerges that the principle concerns only the organization. But questions revolve around its applicability to related States. The Mexico City Conference (preparatory to the San Francisco Conference) showed that this principle prevailed over the fact that it was *mutatis mutandis* applicable to States in contact with each other.

**b. Scope of the Principle of Non-Interference**

The exegesis of regulatory provisions in terms of their content and meaning often presents a difficulty, especially in international law, in its effective application by other States if there is no unanimity on its apprehension. With the help of preparatory work,

[2] "The Authors - the Majority - Agree on the Synonym Non-Intervention, Non-Interference, Non-Interference, Non- Interference, Non-Interference among Anglo-Saxons.,".
[3] J Noël, *Le Principe de Non-Intervention : Théorie et Pratique Dans Les Relations Interamérieaines*, Brussels: EUB, Bruylant, 1981.
[4] G Mencer, "Du Principe de Non-Intervention," *Revue de Droit Contemporain*, Bruxelles: Larcier, 1964, p. 39.

unanimous voting, sometimes with a majority, makes it possible to highlight the exact content, subject to any subsequent modification.

Let us try to give the very scope of the principle of non-interference by third States in the affairs of other States after having successfully discussed the scope of its application. Reading Article 2 § 7 of the Charter of the United Nations, it may be deduced at first sight that the principle of non-interference is a matter which concerns the Organization in its activities without interference in the affairs of one of its Member States. The preparatory work already supports the possibility, the evidence, but also and above all the report of the first Committee of the first Commission of the San Francisco Conference.

Another view was that the principle was applicable not only to the Organization, but also in inter-State relations. From these controversies dating from before the adoption of the Charter to the debates even in the 1970s, it was possible to deduce that "the prohibition of interference applies to all subjects of international law: States or international organizations". It is recognized that this principle applies to international law subjects such as States and international organizations, but its exact scope remains to be determined.

Thus, the countries of Eastern Europe, those of the Afro-Asian group and those of Latin America saw in the intervention not only the use of force to impose an external will on a State, but also any form of constraint, whether économie or political. This is the broad concept of the intervention that was proposed by several states such as Argentina, Ghana, India and Yugoslavia jointly at the Mexico City conference. However, it was rather the proposal of the representative of Mexico that was the most complete and detailed and was opposed by the British representative.

The inadequacy of this detailed list explaining the principle of non-interference alone generated the British opposition supported by the United States. For the British representative, he saw in principle any unlawful intervention that could be submitted to a UN body to which it was up to him to decide. Thus, he proposed the following:

1. *Each State has the right to political independence and territorial integrity;*
2. *Each State has a duty to respect the rights enjoyed by others in accordance with international law and not to interfere in matters within the national jurisdiction of another State.*

Until then, there had been no unanimous proposal. Thus, it was not until 1965 at the 21st session of theGA/UN that the debates that led to Resolution 2131 were resumed, which finally gave rise in 1970 to the insertion of the operative part of Resolution 2131 in Resolution 2625 (XXV) of 24 October 1970 on the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the United Nations Charter. It was the triumph of the broad concept advocated by Latin Americans and more specifically the Mexican proposal that proposed the scope of the principle. Surrounded not only in its notion and foundation, but also in its scope and scope, let us now say a few words about the reserved area.

Based on the principle of the equality of nationals and foreigners before the law, Dr. Calvo bases his doctrine on the non-liability of States for damages suffered by foreigners during civil wars because he did not see why only foreigners alone could benefit from compensation while all Mexican citizens were affected by these civil wars.

As for the Drago doctrine, Jaques Basdevant informs us that it existed following the bombing of the Venezuelan city of Puerto Cabello by the Anglo-Italian German collective force in 1902, as well as the blockade of the coasts and the seizure of the ships, two of which were sunk. These three States demanded that Venezuela compensate their nationals for the damage suffered during the civil wars, as well as repay debts contracted with their nationals and loans contracted by the State itself. This doctrine criticized the illegal nature of the armed intervention of these powers.[5]

**c. The Reserved Area and Its Determination**

The essence of the conception of the principle of non-interference lies in the violation, better the violation of cases falling exclusively within the jurisdiction of a State. In other words, the internal affairs of a State are the very basis of the reserved area, an area that falls within the plenary competence of the State alone.

Paragraph 7 of Article 2 of the Charter is limited to"... cases which are essentially within the national jurisdiction of a State... "without determining which matters fall within this jurisdiction. It is difficult to determine which matters are involved, as it is easy to allocate the specific competences of a federal state and its federated entities. Paragraph 7 of Article

[5] J Basdevant, *L'action Coercitive Anglo-Germano-Italienne Contre Le Venezuela (1902-1903)*, Brussels: R.G.D.I.P. Bruylant, 1904, p. 362+.

2 of the Charter is limited to"... cases which are essentially within the national jurisdiction of a State... "without determining which matters fall within this jurisdiction. It is difficult to determine which matters are involved, as it is easy to allocate the specific competences of a federal state and its federated entities.

There are international organizations, there is essentially a distribution of competences, especially since international organizations are governed by the principle of specialization, and their competence is limited to what States have assigned to them. It will still seem difficult when we all know that States have full, general jurisdiction. It took the input of the IDI resolution of 29 April 1954 for an attempt to determine the reserved area when it defined the reserved area as "State activities where the State's competence is not bound by international law".[6] He adds that "the scope of this field depends on international law and varies according to its development".

The CPJI has reached a definition of the notion of reserved domain. The ICJ, for its part, has confined itself to taking up and making use of the definition given by its predecessor: "The question of whether or not a certain matter falls within the exclusive domain of a State is essentially a relative one: it depends on the development of international relations. Thus, in the current state of international law, nationality issues are in principle in the Court's view included in this field. This definition gives effect to the criterion for determining the reserved area.

Under international law, since the definition is not precise, the criterion determining the content of the reserved area is aligned on the same wavelength. It should be noted, however, that the aims pursued by the drafters of Article 2 § 7 of the UN Charter and by the promoters of United Nations General Assembly resolutions are identical: in both cases, the aim is to leave "objects of legislative regulation or administrative activity (...) at the disposal of sovereign States to be freely treated according to their national competences".[7]

As implicitly stated above, -"where there are International Organisations, there is a conflict of competence"- the only determining criterion in the reserved field is that of *international commitment.* It is because the State has made an international commitment that

[6] C Rousseau, *Droit Internationale Public*, 10th ed., Paris: Dalloz, 1984, p. 356.
[7] O Corten and P Klein, *Droit d'ingérence Ou Obligation de Réaction*, Bruxelles: EUB, Bruylant, 1982, p. 83-84.

we are talking about the field. It is since the States have federated with the federal State that there is a division of powers. This parallelism between the federal State and the internationally subservient State explains this criterion better. This definition and this decisive criterion of the reserved area are not sufficient to better understand the concept. It is also necessary to highlight the different fields of competence recognised exclusively for the State alone. This is the content of the reserved area. Indeed, the State has a territorial competence that can be defined without forgetting its characteristics and scope. Thus, therefore, territorial jurisdiction is the State's jurisdiction over the people who live on its territory, the things that are there and the facts that happen there. It follows that the State is in a position to regulate any matter affecting the men who live there, whether nationals, foreigners or stateless persons, or to regulate the real right, the right to claim, the personal right. From this definition, accompanied by Rousseau, it appears that the territorial jurisdiction of the State extends to any person or thing on the territory of the State. This competence extends even to any activity taking place there and is exercised by any person, except in the case of international law (such as certain activities carried out by diplomatic and consular staff within embassies and chancelleries). Within the State, the latter performs all functions relating to the organization of national power or society. In other words, the State has legislative, judicial and executive competence.

Territorial jurisdiction has three characteristics in that it is a plenary jurisdiction, a jurisdiction exercised exclusively by the State, an autonomous jurisdiction: The fullness of State jurisdiction means that the State has unlimited jurisdiction, i.e. the State is able to regulate all matters within its territory unlike other local authorities which have limited jurisdiction, conferred on them by the State itself. *Ratione materiae,* state jurisdiction remains undetermined.

State jurisdiction is exclusive in the sense that in the territory of a single State there is only one and only one State jurisdiction. No other internal or external authority may exercise this competence. Charles Rousseau informs us that this exclusivity manifests itself mainly in three areas: the monopoly on coercion (exercise of coercive jurisdiction), the monopoly on the exercise of jurisdictional *jurisdiction,* which affects the monopoly on the organization of public services.

It is not enough to declare that the State is independent and therefore can act by itself in full exclusivity and with full competence but is it true that it must not be the subject of any injunction or directive imposed on it by another State. It is the autonomy of the exercise of state powers that is also an important element of a state's independence. In addition to territorial jurisdiction, the State also has personal jurisdiction, which is the jurisdiction vested in a State over certain persons, regardless of whether they are on its territory or participate in the operation of a public service. From this compétence, the State has a wide scope of application. Thus, this competence is exercised at:

- **a.** Mainly nationals. This position exposes the main criterion for its exercise, that of the bond of nationality between the individual and the State or between a company and the State.
- **b.** With regard to certain companies, the nationality criterion often determined by the registered office.
- **c.** With regard to ships and aircraft under the conditions referred to above Personal jurisdiction has two main effects, that of the right to legislate against nationals and essentially that of diplomatic protection.

The right to legislate against nationals is an application of general legislation and individual acts to the same nationals residing abroad. In criminal matters, for example, there is a tendency to recognize a dual competence, active and passive. Personal jurisdiction is active when it is based on the nationality of the perpetrator of the offence committed abroad *("Extradition is an international procedure by which a State (known as the requested State) agrees to surrender a person on its territory to another State at its request (requesting State) so that the latter can try him or, if he has already been convicted, have his sentence served"*.[8] Consequence of the general refusal to extradite a national.[9] Passive personal jurisdiction, on the other hand, is based on the nationality of the victim of an offence committed abroad.

As far as diplomatic protection is concerned, we will not get to the heart of the matter on its implementation, its triggering procedure, but rather will only refer to its understanding. Indeed, diplomatic protection is the right of the State to act in favour of its nationals with the receiving State.

[8] Nyabirungu Mwene Songa, *Droit Pénal Général Zaïrois*, DES, Kinshasa, 1989, p. 81. For further details, see also J Larguier, *Droit Pénal Général et Procédure Pénale*, 10th ed., Paris: Memento Dalloz, 1985, p. 143; R Merle and A Vitu, *Traité de Droit Criminel*, Paris: Cujas, 1984; G Stefani, G Levasseur, and B Bouloc, *Droit Pénal Général et Procédure Pénale*, 12ème, Paris: Dalloz, 1984, p. 92.
[9] D Ruzie, *Droit International Public*, 15th ed. Paris: Dalloz, 2000, p. 87.

Finally, the State has jurisdiction over public services, which is also called functional jurisdiction and constitutes the legal power granted to the State to operate, organize and defend its public services even abroad. This definition identifies three specific grounds of jurisdiction: a) the competence to organise the public service, i.e. to set it up; b) the ability to operate and influence public services; c) the competence to defend its public services.

This compétence in respect of public services is exercised as to its scope with regard to any public service of the State located abroad. Thus, it applies to diplomatic and consular public services; to foreigners collaborating in these diplomatic and consular public services (in the organisation and functioning of these services); and to military public services, i.e. armed forces stationed abroad.

**d. Characteristics of the Reserved Area**

The very first character of the reserved area is the variance in time and space. But there is also the question of which body is competent to determine the reserved area. The question of human rights and the threat of peace are controversial doctrinal issues. The exegesis of the definitions given by the IDI and the CPJI accuses the relativity of the reserved area in that a matter may be of exclusive jurisdiction in one State and not in another.

But it is also affirmative to note the absolute nature of the reserved area. This absolutism is limited to certain matters such as nationality issues, the choice of political system, to name but a few. These materials, *jus cogens,* are internationally recognized by the domestic regulations of the State alone.

In addition, the reserved area is an evolving subject with regard to certain issues that vary over time. This means that certain matters can now fall within the exclusive domain of a State and over time, following, for example, the voluntary surrender of competence to the international organization, become a domain of that Organization. The most eloquent example is the EU with its monetary zone based solely on the Euro.

Evolving on the empire of the Charter, it is appropriate to carry out a comparative historical study. Indeed, if art. 15§ 8 of the League's Covenant - *"If one of the parties claims, and if the Council acknowledges, that the dispute concerns a matter which international law leaves to the exclusive competence of that party, the Council will find this in a report, but without recommending any solution"* - the competence did not rest with States to determine

that such or such other matter fell within its national competence. Rather, it was the Security Council that was competent to do so. And since the question appears to be entirely legal, the task was reserved for the CPJI seized for an advisory opinion. On the other hand, Article 2§ 7 of the UN Charter does not determine the body responsible for hearing such a challenge. However, it was for States to determine the matters falling within their exclusive competence. Others believe that this would be left to the Court. But as far as we know, this matter falls within the scope of the Charter's interpretation. Thus, it has been concluded that, although the Charter does not expressly state this, practice has often given the ICJ the competence to determine the extent of the reserved area, i.e. whether a particular subject matter falls essentially within the exclusive competence of the State availing itself of it.

**2. Reaffirmation of the Principle of Non-Interference**

**a. From the main prerequisites to the principle of non-interference having a fine line with the principle of the sovereign equality of States**

We can identify several principles to be acquired in order to reaffirm the existence and autonomy of the principle of non-interference. Such as the principle of the prohibition of the use of force, the absence of the principle of mandatory legitimacy. But what seems important to us is not to analyse everything, but rather to look only at those principles that relate to sovereignty in interstate equality.

The essence of territorial integrity lies in the prohibition of attacks on the physical constitution of a State's territory or on the political unity of that State. This principle is conceived in the context of internal conflicts within a State, thus causing third States to be swamped with a view to their involvement. According to resolution 2625 (XXV), the prohibition of intervention in the internal struggles of another State also covers wars of secession. Thus, what is true of intervention in a civil war is also true of secession wars. Civil wars, secession wars are, under international law, considered as the internal affairs of a State.

The principle of respect for the sovereignty and territorial integrity of States has as a corollary that if secession breaks out in a country, third parties cannot support secessionists without violating these principles. That is why third parties can only recognise a secessionist state if it triumphs, otherwise it is premature recognition. The principle of respect for the sovereignty of other States refers here only to the sovereign equality of States, which has

been the subject of a fairly significant development in the first chapter of this part. The ACHPR even speaks of the principle of the equality of peoples, peoples with representatives, peoples embodied in a State constitution. The principle of non-interference finds its place in international law through the principle of equality. If States were not sovereignly equal, today interventions cannot be classified according to whether they are legal or illegal. Because it is this principle of equality that prohibits these kinds of illegal interventions.

**b. The principle of non-use of force and the principle of the right of peoples to self- determination**

To talk about the non-use of force implies talking about violence, which has evolved from a monopoly to its limits and finally to its prohibition, unless otherwise provided by international law. These exceptions will be discussed later.

Violence, in international law, is understood in the context of war. This framework knows or has known a classic dualist division: the right to war and the right to war. The right to wage war or *jus ad bellum* has evolved over time, from its prerogative to its prohibition, following the torments it posed, while favouring peaceful dispute settlement methods. On the other hand, the law of war or *jus in bello,* now known as international humanitarian law, is a law regulating the conduct of hostilities by belligerents; it is called *The Hague* law; and a law containing rules on the protection of victims of hostilities; it is called *Geneva law.*[10]

The primary legal framework of the principle of the prohibition of the use of force is the Charter of the United Nations in its first chapter on purposes and principles, Article 2 § 4, which states: *"Members of the Organization shall refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State or in any other manner incompatible with the purposes of the United Nations"*. In addition to the Charter, there is resolution 2625 (XXV) of 24 October 1970 and resolution 42/22 of the GA/UN adopted without a vote on 18 November 1987 on strengthening the effectiveness of the principle of refraining from the threat or use of force in international relations.

The principle of the right of peoples to self-determination, like the previous one, deserves a thorough analysis. For its important character, the word people or peoples,

[10] Vandermeersch, *Code of International Humanitarian Law*, Brussels: Inédit, 2002.

depending on whether the term is used in international legal instruments, will be the subject of general notions concomitantly with the characteristics of the principle under consideration. This principle has a universally known content, but the ACHPR specifically specifies it.

Let us state at the outset that international law does not provide a precise definition of the notion of people, it is limited only to being able to state it literally.[11] What is most surprising is that even the specific texts on the regulation of the principle of the right of peoples to self- determination do not give a precise definition of it, unless it is merely a statement, and state its content.

The dictionary of international law terminology refers to the right of peoples to self-determination applied to the State would mark its independence; but applied to a human collectivity considered to constitute a people because of its geographical, ethnic, religious, linguistic and other characteristics and its political aspirations, it shows that whoever uses it intends to recognize that collectivity's right to choose its political affiliation by means of a more or less close connection with a State, a change in sovereignty or an accession to public independence.

The people, since they have rights and obligations, certainly follow in the footsteps of States, international organizations as subjects of international law. Already the case law has shown this. The principle of the right of peoples to self-determination has a dual character of being imperative and permanent. As for its imperative nature, one author states that "the principle of the right of peoples to self-determination or self-determination remains the founding principle of international law, the driving force behind the international movement and its unceasing metamorphosis".[12] The permanence of the principle is evident from its inalienability and imprescriptibility.

The political content of the right of peoples to self-determination is acquired by virtue of the principle of the equal right of peoples and their right, in complete freedom, to determine, when and as they wish, their internal and external political status, without

[11] M P Dupuy, *Les Grands Textes de Droit International Public*, 4th ed. Paris: Dalloz, 2004, p. 73-83 ; 113-131 ; 131-145. Also see Dictionnaire de Terminologie de Droit International, Paris: Sirey, 1959, p. 233-235.
[12] A Lejbowiez, *Philosophy of International Law. L'impossible Capture de l'humanité*, Paris: PUF, 1999, p. 331.

external interference, and to pursue their political, economic, social and cultural development as they wish.[13] It is clear from this provision that each people has the right to internal and external self-determination.

The right of peoples to external self-determination prompts an exegetical analysis of the following texts to identify their content;

> *"The subjection of peoples to foreign subjugation, domination and exploitation is contrary to the Charter of the United Nations".*[14]
> *"The establishment of a sovereign and independent State, free association or integration with an independent State or the acquisition of any other political status freely decided by the people constitute means for that people to exercise their right to self-determination".*[15]
> *"All peoples are equal; they enjoy the same dignity and have the same rights. Nothing can justify the domination of one people by another".*[16]
> *"All colonized or oppressed peoples have the right to free themselves from their state of domination by using all means recognized by the international community".*[17]

It follows from these provisions that the principle of external self-determination is directly derived from the principle of the sovereign equality of States. From the equality of States flows the equality of peoples. No one people is superior to another, and cannot make an injunction on any other people. All the peoples of the world have equal rights, and none of this can interfere in business: the free disposition of one's wealth, for example. Only the people are entitled to determine their internal political status without another people, even through their representatives, being able to issue an opinion for a command. Despite this equality, people will have to exchange with each other. It is independence that is the expression of cooperation.

The right of peoples to internal self-determination evokes the same approach as the previous one. According to resolution 1514,*" All peoples have the right of free détermination; by virtue of this right, they freely determine their political status"* Edmond JOUVE reinforces to speak of the political system.[18] Res. 2625 speaks of each State having the right to freely choose and develop its political, social, economic, and cultural system. Seen from the perspective of decolonization as a right to independence, liberation and

[13] Edmond Jouve, *Droit Des Peuples*, 2nd ed. Paris: PUF, 1992, p. 79-80.
[14] Excerpt from Res. 1514 (XV) of 14 December 1960.
[15] Excerpt from Res. 2625 (XXV) of 24 October 1970.
[16] Article 19 of the ACHPR of 26 June 1981 in Nairobi.
[17] Art 20.2 of the ACHPR.
[18] Edmond Jouve, *Op.Cit*, p. 82.

secession, the right of peoples is being considered as the right of peoples to decide on the political regime within the State. It then becomes a right to democracy.[19]

From resolution 1514 to the 1966 covenants to resolution 2625, the right to freedom is affirmed. It is a freedom of individuals taken collectively as part of the people. At the political level, this freedom of peoples is expressed within the framework of their autonomy of determination through the choice of the political regime. Speaking of choice, reference is made to the faculty of option as required by deep aspirations. It is therefore up to the peoples to freely determine who their leaders are and what internal and external policy they should adopt, how political institutions should operate. As if to say free, or internal self-determination is a right of the people, which through it determines its policy that will be applied to it by its representatives: the power of the people by the people and for the people as if to paraphrase American President Abraham Lincoln. It is the right to democracy.

Other elements contained in the principle of the right of peoples to self-determination include economic, cultural, social and other rights such as the rights to food, development, peace and security. Economic rights are essentially the right of peoples to freely dispose of their natural resources and wealth and the right to freely pursue their economic development. Cultural rights include the right of the human being to education, to the free and complete development of his personality, to active participation in the creation of material and spiritual values and to their use for the advancement of modern civilization. Social rights are those that affect development and social progress.

In addition to the above-mentioned rights, the ACHPR, in its specificity, sets out other types of rights: art 19 sets out the right of peoples to equality; the right of colonized and oppressed peoples to libération and decolonization is set out in art 20 para. 2; the right to existence is set out in art 20 para. 1. In the struggle for liberation from foreign domination, oppressed or colonized peoples have the right to be assisted by other peoples whose States are parties to the Charter. This is the wording of art 20 al 3; *"Every people has an imprescriptible and inaliénable right to self-determination. It freely détermines its political status and ensures its economic and social development according to the path it has freely*

[19] Basue Babu Kazadi, "L'action En Faveur de La Démocratie: Reinterpretation Du Principe de Non-Intervention Dans Un Contexte d'émergence Démocratique" in Participation et Responsabilité Des Acteurs Dans Un Contexte d'émergence Démocratique," *Bibliothèque de La Faculté de Droit*, UNIKIN, 2007, p. 208.

*chosen colonized or oppressed peoples have the right to free themselves from their state of domination by using all means recognized by the international community".*

**c. Some prohibited methods of intervention**

As explained previously, the importance of cooperation in inter-State relations without which a State cannot aspire to its full development, to its full development.

As with unarmed intervention, coercion is the cornerstone of any unlawful intervention because it is through it that the State finds its sovereignty threatened. But this constraint seems obvious, especially with regard to armed intervention. The extracts from the declaration on friendly relations show us this aspect as the case law has not been silent. Then the prohibited armed intervention can be direct or indirect, mediated or immediate.

Prohibited direct armed intervention is that prescribed by the Charter in its art 2 § 4; it is that of interventions where a State intervenes directly through its public force, while infringing the sovereignty of another State - lack of consent of the latter for example, no declaration of war - to impose its views on a given question which may be foreign or internal policy.

Armed intervention becomes indirect in the event of an attack on territorial integrity or terrorism. This is another form still prohibited by Article 2 § 4 of the Charter, where a State gives itself the luxury of supporting and assisting armed gangs with a subversive vocation, as is the case behind the scenes with the CNDP and Rwanda at the moment.

## D. Conclusion

Based on the result of the exploration, collection, discussion and analysis of research data, the according to the main problem in this study can be conclude that the principle of non-interference is the right of each State to exercise exclusively its competences within its national domain without external constraint. Any State which strives to be able to impose injunctions of any kind and in any way that this presents itself to another State, when it is well known that this falls within the exclusive competence of the State alone, would violate the principle of non-interference and thus infringe its sovereignty. The determination of the reserved area is a visa for the discovery of different characters of the reserved area. It must be noted that interstate interdependence cannot legitimize any form of intervention. Illustrating this fact, not all external intervention would necessarily be an infringement of a

State's sovereignty. It should then be noted that unlawful interference prohibited by international law, which also determines the cases.

## E. Suggestion

Without the State's public force intervening directly or immediately, the State may infringe the sovereignty of another by its interference. For this interference to be effectively prohibited, there must to some extent be a constraint, a balance of power. Any power struggle is not necessarily a prohibited intervention. This is why prestige in inter-state relations inspires States to compete economically, as well as militarily, and it is deterrence. This prestige is a source of influence. The influenced State is then in this case an action that does not fall within the scope of the prohibited interference, and therefore the influenced State does not see its sovereignty threatened at all.

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