

KENIS LAUREN

9th *Silent Leges Inter Arma* Conference - Bruges

16 September 2026



DEFENSIE
LA DÉFENSE

The Principle of Non-Intervention

A Practical Application



DEFENSIE
LA DÉFENSE

■ Hypothetical scenario

■ Hypothetical scenario

Disclosure by State A of compromising intelligence concerning international law violations and governmental misconduct by an authoritarian regime in State B



Hypothetical scenario

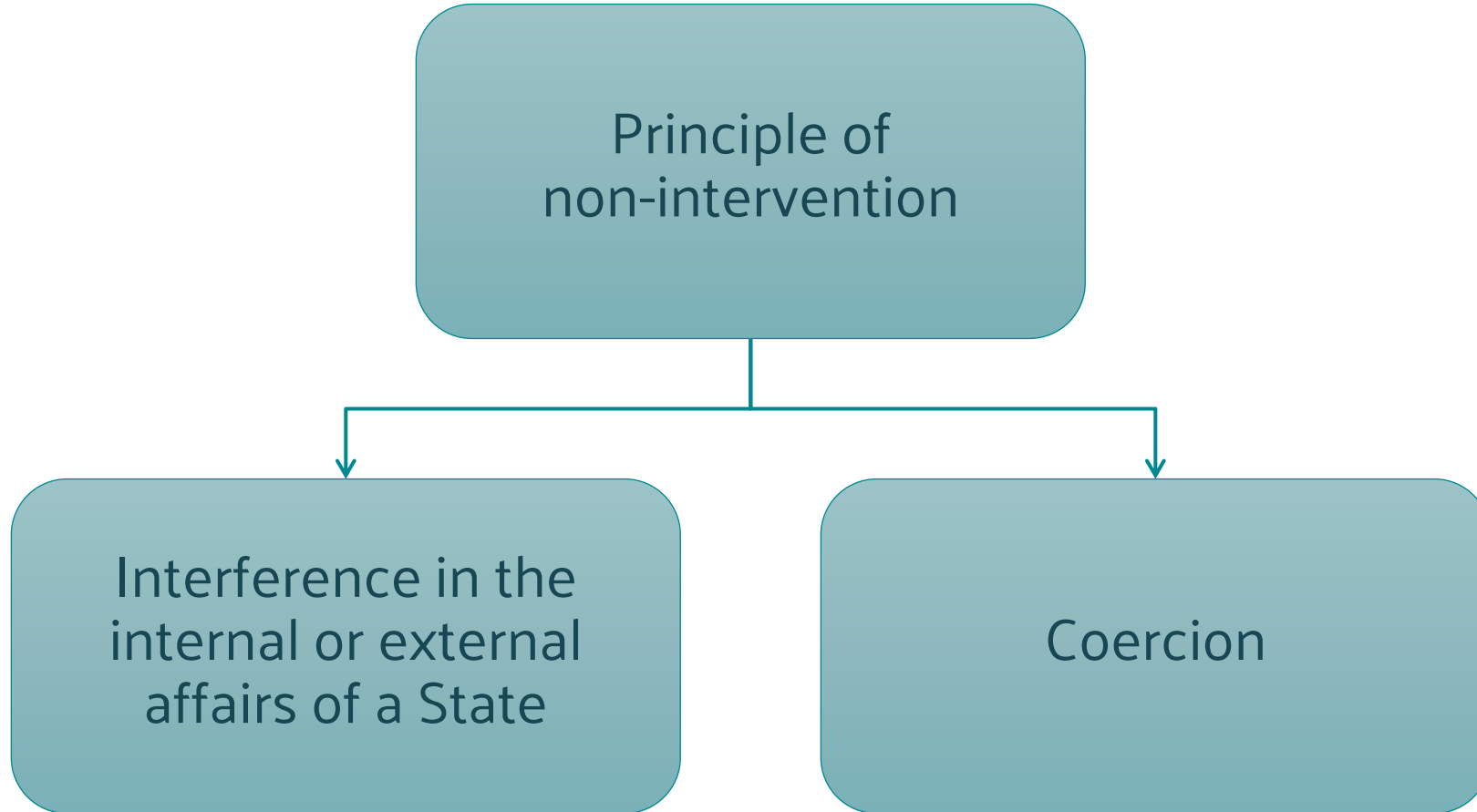




DEFENSIE
LA DÉFENSE

■ Legal analysis

Legal analysis





**DEFENSIE
LA DÉFENSE**

■ Reserved domain

■ Legal analysis – Reserved domain

International Court of Justice, Nicaragua case (§ 205)

“[...] matters in which each State is permitted, by the principle of State sovereignty, to decide freely. One of these is the choice of a political, economic, social and cultural system, and the formulation of foreign policy.”



**DEFENSIE
LA DÉFENSE**

■ Legal analysis – Reserved domain



No reserved domain



**DEFENSIE
LA DÉFENSE**

Legal analysis – Reserved domain



Matter is unregulated by international law

Reserved domain

Matter is comprehensively regulated by international law

No reserved domain

Matter is partly regulated by international law

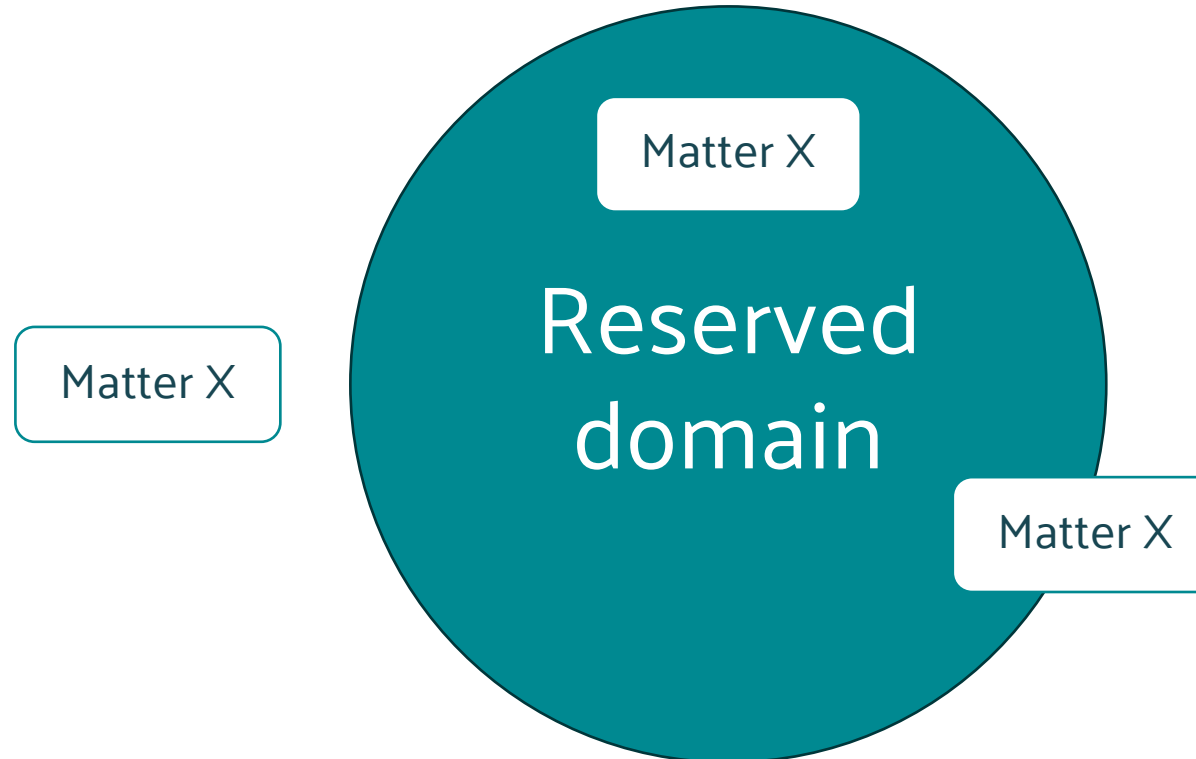
?



**DEFENSIE
LA DÉFENSE**

Legal analysis – Reserved domain

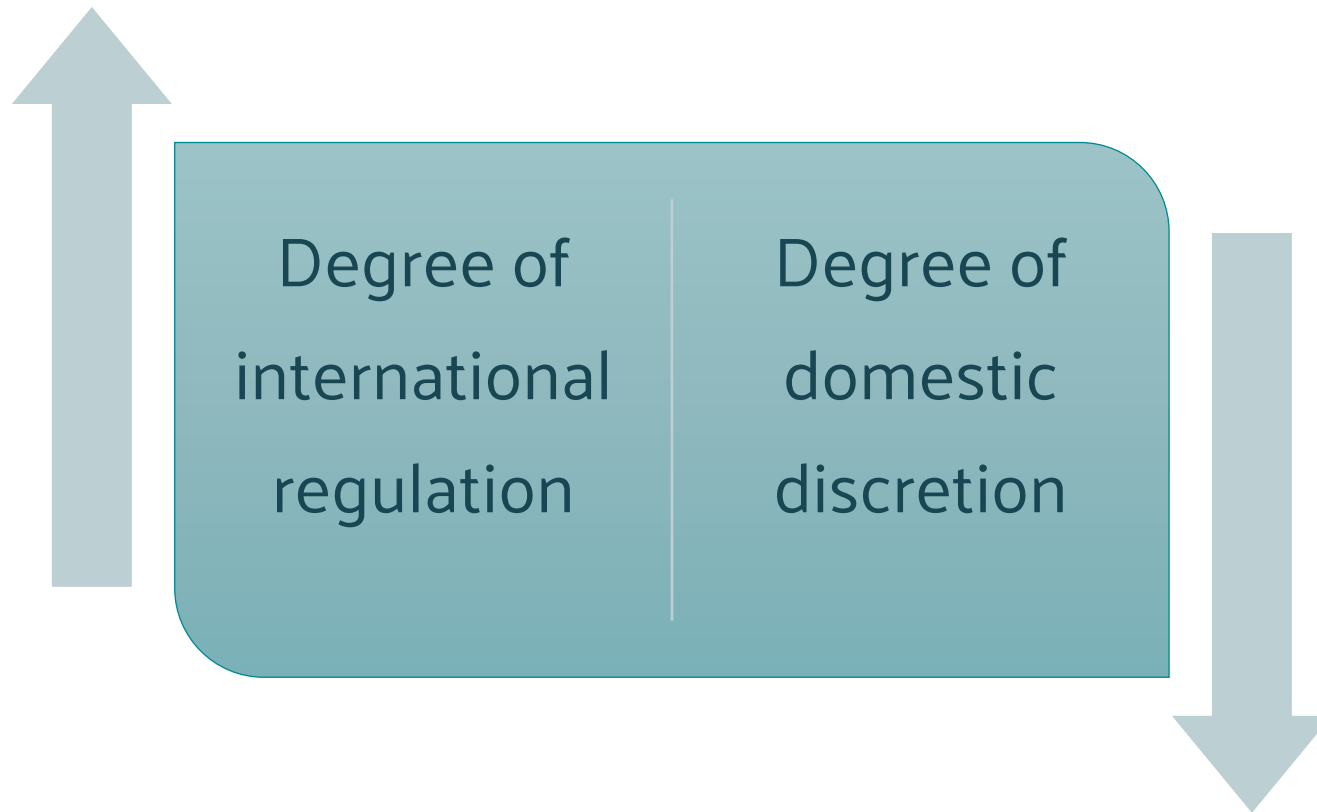
Matter is partly regulated by international law



**DEFENSIE
LA DÉFENSE**

Legal analysis – Reserved domain

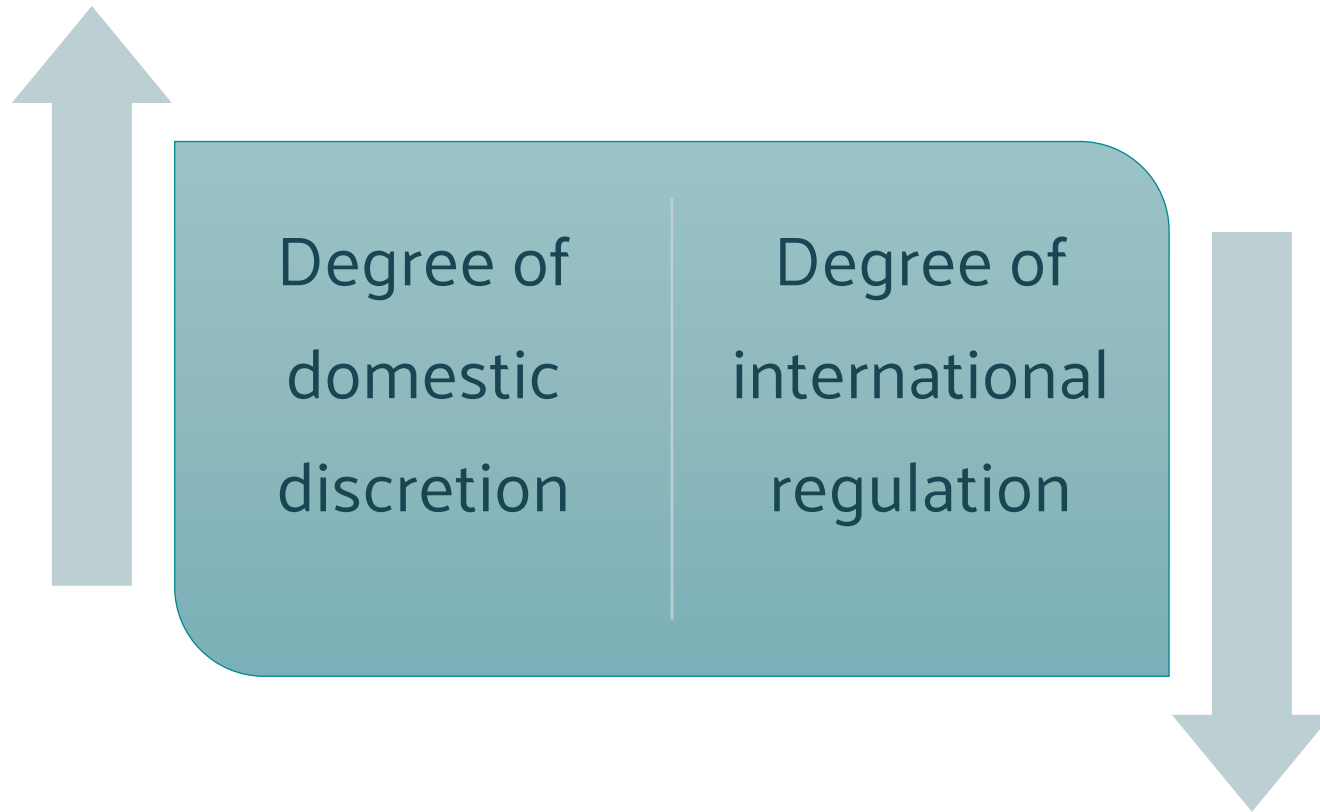
Matter is partly regulated by international law



Broad scope of lawful intervention

Legal analysis – Reserved domain

Matter is partly regulated by international law



Narrow scope of lawful intervention

Legal analysis – Reserved domain



International
law violations

Governmental
misconduct

Corruption - UN Convention Against Corruption

Regulated

- Prevention
- Criminalization and law enforcement
- International cooperation
- Asset recovery
- Technical assistance and exchange of information
- ...

Unregulated

- Design of anti-corruption institutions
- Enforcement priorities
- Administrative arrangements
- ...



**DEFENSIE
LA DÉFENSE**



**DEFENSIE
LA DÉFENSE**

■ Coercion

Legal analysis – Coercion

International Court of Justice, Nicaragua case (§ 205)

“Intervention is wrongful when it uses methods of coercion [...].
The element of coercion, which defines, and indeed forms the
very essence of, prohibited intervention [...].”



Legal analysis – Coercion

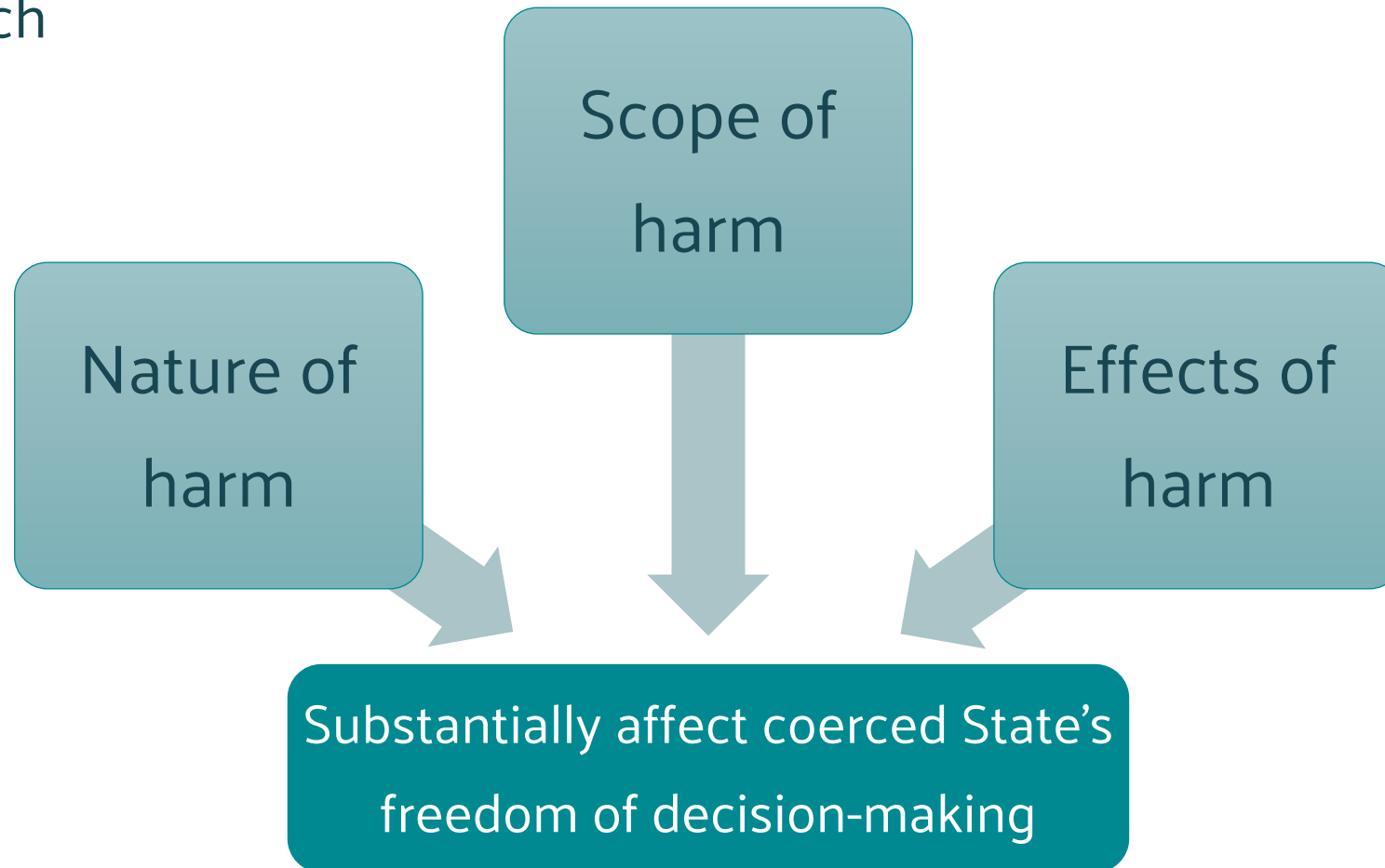
Minimalist approach



**DEFENSIE
LA DÉFENSE**

Legal analysis – Coercion

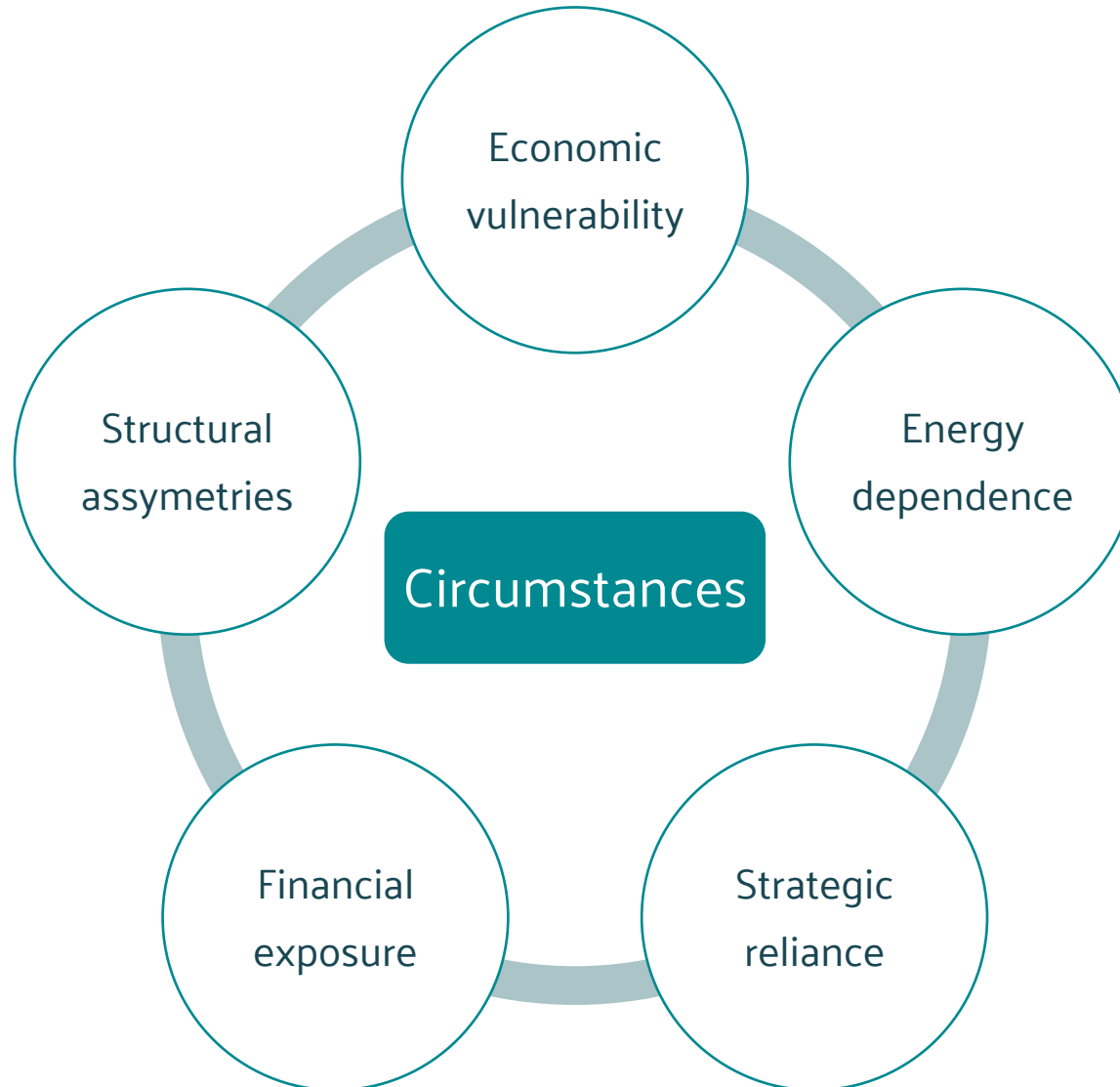
Severity approach



**DEFENSIE
LA DÉFENSE**

Legal analysis – Coercion

Severity approach



**DEFENSIE
LA DÉFENSE**

Legal analysis – Coercion

Authoritarian regime in State B

- Reliance on control of information, suppression of dissent, maintenance of appearance of legitimacy, ...
- Disclosure may
 - Undermine domestic legitimacy
 - Stimulate public opposition
 - Affect relations with foreign partners
 - Weaken international support
 - Trigger economic consequences
 - Threaten the regime's political stability
 - ...

Is pressure exerted by State A of such intensity that it effectively deprives State B of freedom of choice?

Alternative responses by State B

- Deny allegations
- Challenge accuracy
- Investigate alleged misconduct
- Justify alleged misconduct
- ...



**DEFENSIE
LA DÉFENSE**

■ Conclusion



**DEFENSIE
LA DÉFENSE**

■ Thank you!