

INTERNATIONAL LAW ON TRIAL; INTERROGATING UNITED STATES AGGRESSION AGAINST VENEZUELA, SEIZURE OF A SITTING PRESIDENT AND IMPLICATIONS

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Abstract

The United Nations system condemns the use of armed force by member states in the settlement of disputes. However, United States' act of aggression against Venezuela on the 3rd of January, 2026, and the abduction of President, Nicolas Maduro, and his wife, Cilia Flores, under the guise of an enforcement operation calls for this paper. Adopting the doctrinal methodology it interrogated the doctrine of use of force as enshrined in Article 2(4) of UN Charter. It also dealt on the principles of sovereign equality of states, recognition of government, as well as the personal immunity of a sitting president. It argued that the military operation; 'Operation Absolute Resolve' carried out under the cloak of self-defence is a violation of the United Nations Charter provisions on non-intervention in matters essentially within the domestic jurisdiction of Venezuela, which also amounted to a breach of her right to self-determination. The findings showed that United States by the order of President Donald Trump carried out an act of aggression against Venezuela without approval by the UNSC among other violations of other international norms. It recommends among others for the removal of absolute 'veto' which has become a clog in the wheel of the realisation of international peace and order. The article concludes with an alert of an imminent third

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World War if violations of the Charter are not matched with proportionate sanctions.

Keywords: *Aggression, International Peace and Security, Non-intervention, Self-determination, Sovereign equality of States, Use of force*

1.0. INTRODUCTION

The United Nations system is anchored on the doctrine of equality of member states¹. The UN Charter prohibits member states from the threat or use of force against the territorial integrity or political independence of any state or in any other manner at variance with the objectives of the organization². Conversely, on the 3rd day of January, 2026, the international community woke up to a brazen violation of international law, following the aggression against Venezuela by the United States of America, under what it described as law enforcement, and the seizure of her sitting President, Nicolas Maduro, and his wife, Cilia Flores³. This attack was a blatant breach of the most fundamental principles of international law, which prohibits the threat or use of force against the territorial integrity or political independence of a state or in any other manner inconsistent with the purposes of the United Nations⁴. The prohibition of the threat or use of force is so fundamental to the actualisation of the purposes of the United Nations, which is the maintenance of international peace and security and the development of friendly relations between nation-states based on the principles of equal rights and self-determination⁵

¹ Article 2(1) of the UN Charter, 1945

² *ibid* art 2(4)

³ Isaac Chotiner, “The Brazen Illegality of Trump’s Venezuela Operation” *The New Yorker* <https://www.newyorker.com>. Date Accessed 12/01/2026.

⁴ *ibid* 2(4)

⁵ *Ibid* (n1)

It is instructive to point out that the use of force is permissible under a few exceptional circumstances, which *inter-alia* includes: self-defense⁶, which could be individual or collective or when authorised by the United Nations Security Council⁷. This brazen unilateral use of force by America is also a breach of the principle of sovereign equality of states⁸, the personal immunity of a sitting president⁹, Venezuela's right to self-determination¹⁰, and the prohibition of indiscriminate attacks against civilians and civilian objects during the operation, in clear violation of the Geneva Convention of 1949¹¹.

In an attempt to justify the unilateral use of force on Venezuela, President Trump asserts that the attack was on grounds of self-defense against drug traffickers who he claimed were being supported or may have been directed by Maduro and his administration¹². He also claimed that Maduro was not the legitimate leader of the country and therefore could not recognize him as the Head of State because he was not duly elected by

⁶ Article 51

⁷ Chapter VII of the Charter, particularly Articles 39-42 under action with respect to threats to the peace, breaches of peace or act of aggression.

⁸ *ibid* Articles 2(1), 9 and 18 which give each UNGA member, one vote signifying a practical demonstration of the concept of sovereign equality of states. These provisions have also been expanded under the Friendly Relations Declaration of 1970, which recognises equal rights and duties and equal membership of the International Community notwithstanding differences of an economic, social, political or other nature

⁹ Article 21 of UN Convention on Special Missions 1969, which acknowledges immunities for Heads of State on Official visits. It is imperative to note that customary international law recognizes Head of State as the Personification or embodiment of the state and grants them personal immunity (*ratione personae*).

¹⁰ Articles 1 (2) and 55 of the UN Charters.

¹¹ Articles 51(4) and 51(5) of Additional Protocol 1; of 1977 to the Geneva Conventions, 1949.

¹² Isaac Chotiner, (n1)

Venezuelans, but stole the mandate, therefore not covered by Head of State immunity¹³. Trump also asserted that Maduro had earlier on been federally indicted in a Manhattan court on charges of narco-terrorism and cocaine trafficking, which the new indictment is reiterating¹⁴.

Further to the claim that the attack was a law-enforcement effort to take custody of a fugitive for which a degree of armed force was necessary to ensure the safety of U.S. officials and the claim of self-defence¹⁵, this article questions the legal justification of the attack in light of the robust prohibitions on the threat and use of force under the United Nations system. The work is divided into six parts; part one introduces the work and examines aggression and the use of force in international law; part two analysed sovereign equality of states; part three examined recognition of government, its import in international law, and the personal immunity of a sitting president; part four, elucidates on the right to self-determination; part five, is an expose on the principles of indiscriminate attacks against civilians and civilian objects, human rights violation especially the non-derogable right to life and the extraterritorial application of America's domestic laws in Venezuela, part six draws the conclusion with some observations and recommendations on the political dynamics shaping international relations that threatens international peace and security in the 21st century.

1.1 CONCEPTUALISING AGGRESSION

It has been defined as 'the use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State, or in any other manner inconsistent with the Charter of the

¹³ *ibid*

¹⁴ *ibid*

¹⁵ Justina U and Julian A, "Trump's Illegal Attack on Venezuela and its consequences" Available at: <http://ejitalk.org>. Date Accessed: 09/01/2026

United Nations’.¹⁶ Thus, ‘Operation Absolute Resolve’, the code name for the attack on Venezuela amounted to an act of aggression going America’s first application of force.¹⁷

A cursory look at the condition precedents for the act of aggression as clearly listed out,¹⁸ though, of particular interest to the work are articles 3(a) -(c) of the Resolution., which *inter alia* include:

- (a) *The invasion or attack by the armed forces of a State of the territory of another State or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof.*
- (b) *Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State.*
- (c) *The blockade of the ports or coasts of a State by the armed forces of another State.*

The above criteria were met by America’s military operation of the 3rd of January, 2026, thereby fulfilling the aforementioned qualifications. An act of aggression remains a serious breach of the international legal order and attracts no military, political or economic justification.¹⁹ Rather, the United Nations Security Council is even empowered to expand the scope of its definition to include any other act it deems fit.²⁰ This goes to show that international system frowns at any act that will jeopardize the peace and security of states. Callamard²¹ argues that the act of aggression by America ‘endangered

¹⁶ UNGA Resolution 3314(XXIX) (14 December, 1974) art 1

¹⁷ UNGA RES, *ibid*, art 2

¹⁸ UNGA RES *ibid* art 3 (a) – (g).

¹⁹ *ibid* art 5(1)

²⁰ UNGA Res 3314 (XXIX), art. 4.

²¹ Agnes Callamard, Amnesty International Secretary General, “USA: Act of Aggression against Venezuela further weakens rules-based international order and leaves

civilians’, breached international order and could serve as a precedent to other states, hence its condemnation by Amnesty International. McPherson, sums up the America’s method of operation as ‘ad hoc imperialism’.²²

1.2 USE OF FORCE BY STATES UNDER THE UNITED NATIONS CHARTER

Recalling the horrors inflicted on mankind during the First and Second World Wars, the International Community took deliberate measures to avert the recurrence of war by regulating the use of force and formulating principles to govern the relationship between the United Nations organisation and state parties. The principles require all member states to settle their international disputes by peaceful means²³, and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.²⁴ We are tempted to state the wordings of the Charter on the use of force for emphasis and clarification as to the generality of the proviso to all members of the United Nations General Assembly (UNGA). Thus, ‘all members 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 inconsistent with the Purposes of the United Nations’²⁵. This is unequivocally the linchpin of international peace and law. However, the provision is not absolute. There is a narrow exception

Venezuelans still waiting for Justice”. Amnesty International English. <https://www.amnesty.org/en/latest/news/2026/02/usa-aggression-against-venezuela-further-weakens-rules-based-order/> accessed 28 February, 2026.

²² Alan McPherson, A predawn op in Latin America? The US has been here before, but the seizure of Venezuela’s Maduro is still unprecedented’ New Canaan Advertiser, 6 January, 2026 <https://www.ncadvertiser.com/news/article/a-predawn-op-in-latin-america-the-us-has-been-here> accessed 28 January, 2026.

²³ article 2(3) of the UN Charter 1945.

²⁴ Article 2(4)

²⁵ *ibid*

to the prohibition on the use of force²⁶, which admits the use of force in self-defense when an armed attack occurs and when authorized by the Security Council under Chapter VII of the Charter. System, the right of self-defense appears to be inherent as pointed in the opening phrase of Article 51, which states that, “nothing in the present Charter shall impair the inherent right of self-defense”, suggesting the existence of the right of self-defense as a norm of customary international law.

However, it is not without laid down essential elements supporting the claim of self-defense. Accordingly, a right to self-defense is sustainable only when it is instant, overwhelming, and leaves no choice of means, and no moment for deliberation²⁷. There is, however, no doubt the fact that these essential elements are non-existent in the attack on Venezuela. It is imperative to point out here that the inherent right to individual or collective self-defense is not conclusive, because it is a temporary measure to await the action by the United Nations Security Council to restore international peace and security. It therefore behooves states claiming to be acting in self-defense to immediately report such an attack to the U.N. Security Council. It is worthy of mention that self-defense has to be proportionate and necessary to qualify under Article 51 of the Charter. However, having looked deeply into the attack on Venezuela and abduction of its sitting President, there is nothing to show that the United States was under an immediate attack to warrant unilateral reprisal attack in self-defense.

²⁶ The exception to the use of force as articulated herein provides for the inherent right of individual or collective self – defense with Caveat to the effect that; if an armed attack occurs against a member of the United Nations and when authorized by the United Nations security council under chapter vii of the charter. The exceptions stand to justify the use of force under the UN Charter.

²⁷ Macolm N. Shaw, International Law, Seventh Edition. Cambridge University Press, 2014, P800.

It is instructive to note that there are further emerging exceptions to the prohibition of use of force, though still controversial in international law, but necessary for this purpose to see if the United States has any legally justifiable reason for its action in Venezuela. These exceptions *inter alia* include; humanitarian intervention and preemptive self-defense or anticipatory self-defense.

- i. Humanitarian intervention is rooted in the doctrine of responsibility to protect (R2P). Therefore, some powerful states and regional organizations feel strongly that where a state fails to protect its people, the international community has a responsibility to use force as a last resort to prevent a humanitarian catastrophe²⁸.

This position was taken when NATO bombed targets in Yugoslavia in 1999 after failed efforts to avert the use of force²⁹. This resolution by NATO never translated to the official position of the United States Security Council. This is because the position is not backed by any international law nor any provision of the U.N. Charter³⁰. A position that remains so up to the point the U.S. attacked Venezuela on the 3rd day of January, 2026.

²⁸ See Ian Brownlie, *Principles of Public International Law* (Seventh Edition) Oxford University Press, 2008) 743. This was the official position of the United Kingdom Permanent Representative to the United Nations.

²⁹ *ibid*

³⁰ *ibid*

- ii. Pre-emptive self-defense, unlike the requirement of armed attack for a state to act in defense of itself under Article 51 of the Charter, pre-emptive or anticipatory self-defense is a situation where a state uses force to stop an imminent armed attack that has not occurred³¹. A close reading of Article 51 of the U.N. Charter leaves no room for ambiguity in its interpretation. It states that, “if an armed attack occurs,” an instant case, between the U.S. and Venezuela, no armed attack had occurred. The allegations against Nicolas Maduro of narco-terrorism conspiracy by the United States is an allegation that has spanned decades, while he served member of the Venezuela National Assembly and later as Minister of Foreign Affairs before becoming President³². This suggests that America cannot rely on preemptive or anticipatory self-defense, which denotes that the threat should be an instant, overwhelming necessity, leaving no choice of means to prevent it³³. In this case, there is no instant and overwhelming threat against America to warrant a self-preservation attack against President Maduro and his wife. It is simply a brazen violation of Article 2(4) of the U.N. Charter.

2) THE DOCTRINE OF SOVEREIGN EQUALITY OF STATES IN INTERNATIONAL LAW

The doctrine of sovereign equality of states is the by-product of territorial sovereignty, which grants a state exclusive jurisdiction over its own territory³⁴. Under the Westphalian concept, it is sovereignty that gives a

³¹ Article 51 of the UN Charter 1945

³² Department of Justice (gov) <https://www.justice.gov>. Date Accessed 19/01/2026

³³ lam Brownlie, op cit. P735

³⁴ *ibid*

state legal identity in international law. It is also sovereignty that provides order, stability, and predictability in international relations³⁵. Conversely, domestically, sovereignty signifies the capacity or jurisdiction to make authoritative decisions with regard to people and resources within the territorial borders of the state. Sovereignty, as a legal identity signifies control over the territory, which in turn signifies reciprocal respect for the sovereignty of every other sovereign. It is on this basis that the United Nations Charter attributes pride of place to sovereign equality of states in its pursuit of the purposes of the United Nations system³⁶. Sovereign equality of states entails a corresponding obligation to respect every other state's sovereignty by not intervening in matters essentially within their domestic jurisdiction³⁷.

One of the allegations against Nicolas Maduro is that he stole the election for the presidency of Venezuela, which makes him an illegitimate president. Political participation falls under the purview of internal affairs of a sovereign State. Government is also a feature of the State³⁸, and the people of the state determines leadership. If Trump feels like not recognizing Maduro and his government, the only justifiable action is to boycott any relationship with him until such time as a legitimate government comes to power. Moreover, Trump did not lay claim to restoring democracy in Venezuela with his action, but rather demonstrated his desire to run the country and manage its oil wealth³⁹. Dill condemns in clear terms the combined violations meted out on Venezuela without approval by the UNSC, interference in the domestic affairs of another

³⁵ Gareth Evans and Mohamed Sahnoun, Responsibility to Protect

³⁶ article 2(1) of the Charter.

³⁷ article 2(7) of the Charter

³⁸ Article 1 of the Montevideo Convention on the Rights and Duties of the State, 1933.

³⁹ Isaac Chotiner, (n10)

State, among others.⁴⁰ This analysis establishes that Trump's attack on Venezuela and abduction of its president and desire to run the country and manage its oil wealth violates the principle of sovereignty, sovereign equality of states and the principle of non-intervention, which empowers a state to exercise exclusive and total jurisdiction within its territorial borders as articulated in Article 2(7) of the U.N. Charter.

3) RECOGNITION OF GOVERNMENT IN INTERNATIONAL LAW

The International space is not a static system, as new states are emerging, old ones fade away. In the same vein, the governments of the states come and go; some in a constitutional manner and some in a revolutionary pathway. These occurrences create new political realities that involve the acknowledgement of the legal existence of a new state or the legitimacy of a new government⁴¹. Recognition gives rise to legal consequences in international relations as follows:

- i. Establishment of Diplomatic relations;
- ii. Capacity to enter into treaties;
- iii. Right to sue and be sued;
- iv. Access to international organisations;
- v. Legal responsibilities and immunities;
- vi. Continuity and succession of states amongst others⁴².

It is imperative to point out that it is recognition that establishes a state as a subject of international law. On the other hand, recognition of a government in international law is the act of endorsement given to a change in government that has taken place,⁴³ particularly, an

⁴⁰ Jaini Dill, Expert Comment: The Illegality of the US Attack against Venezuela is beyond debate - how the world reacts is critical. 7 January, 2026 <https://www.ox.ac.uk/news/2026-01-07-expert-comment-illegality-us-attack-against-venezuela-beyond-debate-how-world-reacts>.accessed 30 January, 2026.

⁴¹ Legal effect of recognition, <https://lawgnan.in>, Date accessed: 21/01/2026.

⁴² *ibid*

⁴³ hivanshu Dwivedi, "Recognition of Government in International Law" <https://www.brilllopedia.net> Date Accessed 21/01/2026

unconstitutional change of government. The act of recognition of a new government by another state is the internal decision of the recognising state, which usually is consistent with its strategic national interests. Although recognition of a new government is the internal decision of the recognising state, it has international legal consequences. Recognition gives the recognised government the opportunity to claim sovereign immunity for its diplomats and public property from legal action in the recognizing state⁴⁴. Furthermore, recognition gives the government the assurance that other sovereigns will honour their status, without which there will be no diplomatic relationship between the two states. It is recognition that accords one the right to represent the state in international bodies.

Although recognition of government is the choice of the recognising state, there are indeed certain considerations guiding the action of the State. Under normal routine change of government through electoral processes that produce leaders accepted domestically and internationally, without any form of contestation regarding the legitimacy of the new government, recognition will not usually be an issue. However, it becomes an issue when a change of government occurs as a result of a military coup, producing a government not in conformity with laid down constitutional requirements or any domestic law. Alternatively, a government that emerges through armed conflict, where different armed groups are laying claim to state control, creates an opportunity to determine which of the parties to be recognized as the legitimate government to deal with.

In an attempt to grant recognition to the government, states turn to look in the direction of effective control of governmental affairs by the government to be recognized. This is done by determining the functionality of these organs of the state through which the government directs the exercise of public authority over a state's territory and population, that is, the legislature and the court systems.

⁴⁴ Ibid

Also, of importance is to determine whether it commands the obedience of the bulk of the population, which appears to be of a permanent character⁴⁵. A critical analysis of the state of affairs in Venezuela at the time America unilaterally attacked the country and captured its president, Maduro, calls into question the legality of the claim. This is because Venezuela had since settled down after the 2019 elections, which he claimed was stolen. At the time of the operation, Venezuela had settled down to governance under Maduro in effective control. In the view of these writers, the question of legitimacy cannot be sustained in the circumstances prevailing in Venezuela at that time. It means in effect that Maduro's immunity as the sitting president of Venezuela was curtailed.

4) VENEZUELA'S RIGHT TO SELF-DETERMINATION

One of the purposes of the United Nations system is to develop friendly relations amongst nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace⁴⁶. The doctrine of self-determination has been given legal effect and consequences in the practice of the U.N. through resolutions, to the effect that, "all peoples have the right to self-determination, by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development"⁴⁷. The right is further re-echoed in Article 1 of the International Covenant on Civil and Political Rights 1966, to the effect that;

- i. All people have the right of self-determination. By virtue of that right, they freely determine their*

⁴⁵ Brad R. Rath, "Secessions, Coups and the International Rule of Law: The Decline of the Effective Control Doctrine" <https://opiniojuris.org>. Date Accessed: 23/1/26.

⁴⁶ Article 1(2) of the United Nations Charter, 1945. This provision is further reiterated in Article 55 of the Charter.

⁴⁷ UN Resolution 1514(XV) 1960.

- political status and freely pursue their economic, social, and cultural development.*
- ii. *All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefits, and international law. In no case may a people be deprived of its own means of subsistence.*
 - iii. *The state parties to the present covenant, including those having responsibility for the administration of non-self-Governing and Trust Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provision of the Charter of the United Nations.*

This provision has further been elucidated in the 1970 Declaration on Principles of International Law Concerning Friendly relations, which states that alia, that, “by virtue of the principles of equal rights and self-determination of people enshrined in the Charter of the United Nations, all people have the right freely to determine... their political status”. All states are under a duty to respect this right in accordance with the Charter⁴⁸. The right to self-determination is so important that it has been described as having an “*erga omnes* character”⁴⁹. It is imperative to note that the principle of self-determination as elucidated in the Declaration on principles of International Law concerning friendly relations though not a treaty, is binding on all states including America, because they reflect established customary international law and are rooted in the United Nations Charter, which is a binding instrument.

⁴⁸ Malcom N. Shaw, International Law (Seventh Edition Cambridge University Press, 2014) 185

⁴⁹ ICJ Reports, 1995, pp. 90; 102; 105, ILR, P22. Quoted in Malcom N. Show ibid, 88.

Right to self-determination as further enunciated under Resolution 1514 (XV) 1960 and the International Covenant on Civil and Political Right 1966, guarantees people the right to freely determine their political status and pursue their economic, social and cultural development. Consistent with these provisions, it means in effect that President Trump's unilateral aggression against Venezuela is a breach of her right to self-determination. The swearing in of Maduro's Vice President cannot in any way legitimise the forceful removal of an elected leader of a sovereign State, particularly at a time he was in effective control of the affairs of the state. Particularly so, that Trump declared that 'America will continue to run Venezuela until such a time when there can be a safe, proper and judicious transition'⁵⁰. Furthermore, for Trump to compel the new leadership of Venezuela to see 30-50 million Barrels of Venezuela's oil every day to the U.S. and to buy American-made products is clearly an imperial entry into Venezuela⁵¹ and not an effort in self-defense as claimed.

5) THE PROHIBITION OF INDISCRIMINATE ATTACK UNDER INTERNATIONAL HUMANITARIAN LAW

The indiscriminate air strikes on Caracas, the capital of Venezuela on 3rd day of January 2026, by the United States special force, is reported to have resulted to the death of between 75 to 80 persons⁵². According to official statement from the U.S. Government, the attack was aimed at apprehending indicted fugitives, Nicolas Maduro and his wife, Cilia

⁵⁰ <https://www.bbc.com> Date Accessed 31/01/26

⁵¹ *ibid.* See also McPherson

⁵² Marko Milanovic, Further thoughts on illegal U.S attack on Venezuela: Self-Defense, Cyber and continuing

coercion" <https://www.ejiltalk.org>. Date Accessed: 01/02/26

Flores, and not a declaration of war on Venezuela⁵³. However, the massive deployment of force by special forces demanded that due diligence be applied to protect civilians and civilian objects and persons who are not or are no longer participating in hostilities by distinguishing them from the fighting forces of the Venezuelan state. This is consistent with the principles of International Humanitarian Law that IHL begins to apply immediately with the first shot, and ends with the close or termination of military operations or the end of hostilities⁵⁴.

The requirement to distinguish civilian population and civilian objects from combatants and military objectives is a core principle of International Humanitarian Law designed to ensure the protection of civilians from the effects of hostilities⁵⁵. This requirement is further reaffirmed by the limitations placed on parties to any armed conflict in their choice of means and methods of warfare prohibiting the employment of weapons, projectiles and materials and methods of warfare of nature to cause superfluous injury or unnecessary suffering⁵⁶. It therefore means that parties are prohibited from using weapon systems that are indiscriminate in nature, but only weapons that can be directed at specific

⁵³ Justina Uriburu and Julian Arato, “Trump’s Consequences” <http://ejultalk.org>. Accessed: 9/01/26

⁵⁴ Article 6 of Geneva Convention IV of 1949. It is pertinent to state further that common articles 2 and 3 also reiterates the application of the conventions to all cases of declared war. This applies to both international armed complicit (IAC) and non-international armed conflict – (NIAC)

⁵⁵ article 48 of Additional Protocol 1 to the Geneva Conventions of 1917 to the 1949, conventions

⁵⁶ Article 35 of AP1, 1977, *ibid*

military objects that are legitimate targets of attack⁵⁷. This position is supported by other legal instruments.⁵⁸

It is imperative to reflect on the definition of armed conflict to be able to determine whether there was one, following the aggression on Venezuela by the United States of America, granting that both countries never alluded to the existence of a state of war between them. Armed conflict is said to exist;

When there is an armed confrontation between the armed forces of states (IAC) or between government authorities and organized armed groups or between such groups within a state (NIAC) other situations of violence, such as internal disturbances and tensions are not considered to be armed conflict⁵⁹.

A close examination of this definition cannot situate the aggression on the territory of Venezuela as an armed conflict to trigger the application of International Humanitarian Law. However, violations that touch on the right to life, particularly for those killed as a result of the attack can best be situated under International Human Rights Law, which constitute a set of standards, against which duty-bearers are held accountable at all times by fulfilling requisite norms under International human rights treaties⁶⁰, rather than IHL⁶¹. It is therefore instructive to note, that the article argues

⁵⁷ Article 51(4) of AP1, 1977

⁵⁸ Article 3, Common to the four Geneva Conventions of 1949 and generally Article 51 of Additional Protocol 1 of 1977.

⁵⁹ Armed Conflict: A glossary of terms- European parliament <https://www.europaeu>. Date Accessed: 04/02/26

⁶⁰ Mary Arthur-Jolasinmi, Homosexuality, Universalism and Cultural Relativism- A Review (2023) (13) Nigerian Journal of Legal Studies 134

⁶¹ Article 3 of the Universal Declaration of Human Rights, 1948 and Article 6 of the International Covenant on Civil and Political Rights, 1966. Both International

that the prevalent nature of human rights violations and numerous International Law breaches that resulted from the aggression on Venezuela, on the 3rd day of January, 2026, appeared unconstitutional and against the dictum of popular sovereignty.⁶²

6) EXTRATERRITORIAL EXERCISE OF AMERICAN NATIONAL LAWS IN VENEZUELA

When America described its act of aggression against Venezuela on the 3rd day of January 2026, as an enforcement operation, it simply meant they were operating within the purview of their enforcement of sovereignty that gives states the power to control through enforcement (referred to as enforcement jurisdiction) or through judicial jurisdiction, referred to as adjudicatory jurisdiction⁶³. Traditionally, sovereignty is territorial as well as absolute. The implication of territoriality is that, the sovereign's powers or competence is limited to its territorial space only. This means in effect that a state cannot legislate on matters outside its territory and cannot also enforce its laws beyond its jurisdiction⁶⁴.

This is consistent with the doctrine of sovereign equality of states and the principle of non-intervention which the U.N. Charter jealously guides.

It is essential to note that globalization has made both sovereign and jurisdiction restrictive and introduced new bases of jurisdiction which *inter alia* include; territorial principles, nationality principles, protective

instruments prohibit any arbitrary deprivation of life as suffered by 80, mostly civilians in Venezuela during the attack.

⁶² Mary Arthur-Jolasinmi & Jerry Sankey Obboh, Rethinking Emergency Powers in Constitutional Democracy: Rivers State, Nigeria, in Focus (2025) (4) (1) African Journal of Law and Justice System.p1

⁶³ F.A. Mann, Further Studies International Law Clarendon Press. Oxford (2008) Particularly Pages, 15, 18 & 19

⁶⁴ *ibid*

principles, universality principle and passive personality principle⁶⁵. These principles of jurisdiction negate the standard under territoriality principle which estoppes any exercise of jurisdiction beyond its territorial borders. To this extent, extraterritorial jurisdiction has been given some recognition, though has continued to create conflict between states. This is because extraterritorial jurisdiction allows a state to exercise legal authority beyond its territorial borders over acts, persons or property provided a nexus is established under the recognized principle of extraterritorial jurisdiction i.e. territoriality, active nationality, passive personality, protective principle and universality principles⁶⁶. These principles are aimed at checkmating abuse for cross border criminal enforcement actions.

President Trump of American has maintained that America's military operation in Venezuela was legal granting that President Maduro's dealings in drugs was destroying Americans and therefore he had the responsibility to put an end to it to save Americans. America is one of the states in the World that has put in place extraterritorial legislations to protect itself against actions outside the territory of America that have effects in America. The actions are such that could threaten Americans strategic interest, such as national security, economic interest and governmental functions⁶⁷. However, there are questions begging for answers: Does International Law permit the extent of the use of force deployed in Venezuela without approval by UNSC? Whether, indeed the American Antitrust laws prevail over the United Nations Charter which itself prohibits all the violations committed in Venezuela? The answers are

⁶⁵ Charles Doyle. Extraterritorial Application of American Criminal <https://www.congress.gov>. Date Accessed 06/03/2026

⁶⁶ Ibid

⁶⁷ Examples of Americas Laws with extraterritorial reach include; the Sherman Act (1890), The Foreign Trade Anti- Trust Improvements Act of 1982, Clayton Act (1914) amongst several others.

emphatic ‘No’. The U.N. Charter binds all member states and as such no state law can prevail over the U.N. Charter on issues regulated purely by international law.

CONCLUSION

In order to avert a repetition of these circumstances that brought about the collapse of the League of Nations that resulted to the WWII in 1939, the international community, under the United Nations system saw the need to block the kind of scenarios that could result to the Third World War by putting in place concrete prohibition that binds all states. Such prohibitions include; unilateral use of force by states, ensuring sovereign equality of states and recognition of the right of self-determination by people. However, the resolve to maintain international peace and security and the continued existence of the United Nations system came under threat with the brazen and unilateral attack on the principles of sovereign equality of states and prohibition of unilateral use of force on the territory of a sovereign state by the United States attack on Venezuela on the 3rd day of January, 2026. This article has painstakingly searched through the entire gamut of international law in search of any legally justifiable reason for the aggression, but could not find any. The attack on Venezuela is clearly incompatible with critical principles of self-determination, the prohibition of the use of force, right to territorial integrity for all sovereign states, respect for the immunity of a sitting President and the principle of non-intervention in all matters essentially within the domestic jurisdiction of all states. It is equally clear that the military operation is a violation of international norms and has indeed put international law on trial. The article therefore recommends that ‘veto’ granted permanent members should be revisited as it has outlived its usefulness. This indeed is a dangerous precedent, as it is gradually eroding the capacity of the U.N. system to hold the world together. If not checked, it will lead us to the Third World War that will be more catastrophic than the two previous World Wars.

