Irony of the Equality of States: American 2026 Action in Venezuela

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ABSTRACT

This article examines the 3 January 2026 U.S. operation in Caracas—Operation Absolute Resolve—and argues that the episode exposes a fundamental contradiction at the heart of contemporary international law. While Article 2(1) of the UN Charter proclaims the sovereign equality of states, the unilateral capture and extrajudicial transfer of a sitting head of state reveal how power politics can hollow out legal norms. Drawing on doctrinal analysis, comparative case studies, and contemporaneous political and legal documents, the paper reconstructs the facts of the intervention, interrogates the U.S. framing of the action as a law-enforcement measure rather than an act of war, and situates the episode within broader trends of great-power exceptionalism. The analysis assesses regional reactions, the implications for diplomatic immunity and state responsibility, and the potential long-term effects on multilateral institutions. The article concludes that the 2026 intervention not only undermines the normative claim of sovereign equality but also accelerates a shift toward conditional sovereignty, with significant consequences for the stability and legitimacy of the post-1945 international order.

Keywords: Sovereign equality; UN Charter; use of force; diplomatic immunity; extraterritorial law enforcement; Venezuela 2026; great-power exceptionalism; Responsibility to Protect; international law doctrine; multilateralism.

INTRODUCTION

The January 2026 operation carried out by the United States of America in Caracas exposed a stark disjunction between the formal commitments of the post-war legal order and the realities of great-power practice: while the UN Charter affirms the sovereign equality of States and limits the lawful use of force to consent, Security Council authorisation, or self-defence (United Nations 1945), the removal and extraterritorial transfer of an incumbent leader—justified publicly as a law-enforcement action tied to narcotics indictments—has been interpreted by many observers as a unilateral use of force that circumvents those procedural safeguards (DOJ 2026; Reuters 2026). That episode unfolded against a backdrop of acute humanitarian need in 2025, which humanitarian monitors say compounded the political urgency and moral complexity of external responses (OCHA 2025). Legal scholars caution that domestic precedents tolerating extraterritorial abductions and the selective invocation of doctrines such as the Responsibility to Protect risk transforming universal norms into instruments of power, thereby eroding the protective function of international law for weaker States (Koskenniemi 2006; Fassbender 2024).

METHODOLOGY

This study employs a mixed doctrinal and contextual methodology designed to combine rigorous legal analysis with empirical reconstruction. First, it conducts a doctrinal review of primary legal materials—treaties, the UN Charter, relevant statutes, and authoritative case law—to establish the formal legal standards governing sovereignty, use of force, and diplomatic immunity.

Treaties are written international agreements that bind consenting States; statutes are domestic laws enacted by legislatures; and case law is judge-made law that interprets and applies treaties and statutes and creates precedent—together they form an interlocking legal system where courts often resolve tensions between international obligations and domestic legislation (United Nations 1969; Marbury v. Madison 1803; Donoghue v Stevenson 1932).

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How the three sources interact (concise table)

Source	Primary maker	Primary scope	How it interacts with others
Treaty	States / international organisations	International obligations between parties	Interpreted by courts; may require implementing statutes to have domestic effect. (United Nations 1969).
Statute	Legislature	Domestic law and procedures	Courts interpret statutes and reconcile them with treaty obligations; may be struck down or read in conformity with higher law. (Marbury v. Madison 1803).
Case law	Courts / judges	Interpretation, precedent, gap-filling	Gives concrete meaning to treaties and statutes; creates doctrines applied across cases (Donoghue v Stevenson 1932).

Second, it undertakes a comparative case analysis, juxtaposing the 2026 operation with prior instances of extraterritorial interventions and law-enforcement claims to identify patterns and divergences.

Extraterritorial intervention (or extraterritoriality) describes a State's exercise of authority—prescription, adjudication or enforcement—over people, property or events outside its territory (Kamminga 2020). It includes military interventions, occupations, cross-border law-enforcement actions (renditions, abductions), extraterritorial legislation, cyber operations, and economic coercion that have direct coercive effect abroad (Milanovic 2011).

Quick decision table

Intervention type	Typical legality test	Likely legal status
Consensual cooperation	Host-State consent; treaty basis	**Lawful**.
Unilateral rendition/abduction	Consent or Security Council authorisation; necessity/proportionality	**Contested / likely unlawful** absent consent.
Military incursion	Security Council authorisation or self-defence (Article 51)	**Unlawful** if neither basis exists.

Third, the paper uses source triangulation: contemporaneous government statements, indictments, policy papers, and reputable think-tank reports are cross-checked against independent media accounts and regional diplomatic communiqués to reconstruct the sequence of events and official rationales.

Fourth, normative and doctrinal findings are integrated with a political-legal critique that assesses how legal language is mobilized to justify or contest power. Limitations are acknowledged: access to classified materials is restricted, and some contemporaneous accounts remain contested; where uncertainty exists, the analysis flags competing interpretations rather than asserting unverified facts. Ethical considerations guide the use of sensitive material, and all sources will be cited in Harvard style to ensure verifiability and to minimize inadvertent overlap with existing scholarship.

LITERATURE REVIEW

Sovereign equality and the Charter framework. Contemporary doctrinal commentary stresses that *sovereign equality* in Article 2(1) is a starting normative premise whose practical meaning is shaped by the Charter's institutional architecture and political practice; this literature supplies the baseline for interrogating claims that formal equality can be displaced by unilateral coercion (Fassbender 2024).

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Critical theory and the politics of legal argument. Critical jurisprudence problematises how legal argumentation can depoliticise or mask power: Koskenniemi's account of international law as argumentative practice is essential for reading the Caracas episode as an instance where legal language is mobilised to legitimate state power rather than to constrain it (Koskenniemi 2006).

Diplomatic and head-of-state immunities in practice. The ICJ's Arrest Warrant judgment and related commentary demonstrate the strong customary protections afforded to incumbent ministers and heads of state, and the legal consequences when States or courts attempt to override those immunities; these authorities frame why forcible seizure of a sitting leader raises acute legal problems under established immunities doctrine (Arrest Warrant (DRC v Belgium) ICJ 2002).

State immunity, remedies and exceptions. The ICJ's *Jurisdictional Immunities of the State* judgment clarifies limits to domestic adjudication against foreign States and reinforces the distinction between sovereign acts and private/commercial exceptions—material for assessing claims that criminal or counter-terrorism rationales can displace immunity protections (Germany v Italy ICJ 2012).

Humanitarian intervention, R2P and normative thresholds. Scholarship on the Responsibility to Protect (ICISS 2001) maps the normative and procedural criteria for intervention and highlights the persistent gap between moral claims and legal authorisation; this literature is necessary to evaluate U.S. invocations of humanitarian or criminal justifications absent Security Council mandate (ICISS 2001).

Extrajudicial abduction and domestic jurisprudence. U.S. and comparative case law on forcible transnational abductions—most notably *United States v. Alvarez-Machain*—illustrates how domestic courts have sometimes tolerated extraterritorial seizures for criminal prosecution while provoking diplomatic and treaty disputes, a jurisprudential strand directly relevant to the legal defence advanced for Operation Absolute Resolve (United States v. Alvarez-Machain 1992).

The Caracas Dawn

Narrative Hook: reconstructing Operation Absolute Resolve

On **3 January 2026**, Operation Absolute Resolve reportedly combined special-operations insertions, targeted seizures of Venezuelan security installations, and the rapid extraterritorial removal of President Nicolás Maduro to U.S. custody (United States v. Alvarez-Machain 1992; International Commission on Intervention and State Sovereignty 2001). The U.S. framing emphasised law-enforcement objectives tied to alleged transnational criminality, while regional governments and many international commentators characterised the action as an unlawful use of force and a breach of Venezuelan sovereignty (United Nations 1945; ICJ 2002). These competing framings determine whether the episode is assessed as criminal enforcement or as an internationally wrongful use of force (Fassbender 2024).

The Conceptual Paradox: sovereign equality versus forcible extraction

Article 2(1) of the UN Charter affirms that *"The Organization is based on the principle of the sovereign equality of all its Members"*, and that textual commitment underpins protections such as inviolability of territory and the immunities that attach to incumbent high officials (United Nations 1945). The forcible removal of a sitting head of state therefore collides with the Charter's core norms and raises immediate questions about diplomatic and head-of-state immunity, the prohibition on the use of force, and the institutional mechanisms (notably Security Council authorisation) designed to regulate interstate coercion (ICJ 2002; Germany v Italy ICJ 2012).

Doctrinal tensions and precedent

International jurisprudence has emphasised the special protections afforded to incumbent high officials and the international consequences of ignoring those immunities: the International Court of Justice's judgment in the *Arrest Warrant* proceedings (DRC v Belgium) addressed the legal status of arrest warrants directed at incumbent ministers and underscored the international-law sensitivities that arise when national criminal processes target serving officials (ICJ 2002). Domestic jurisprudence on forcible transnational abductions for

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criminal prosecution—most notably *United States v. Alvarez-Machain*—illustrates how some national courts have treated such seizures as within domestic criminal jurisdiction even where diplomatic or extradition channels exist, a contested precedent for treating Operation Absolute Resolve as law-enforcement rather than an act of war (United States v. Alvarez-Machain 1992).

Thesis restated: the irony of unequal equals

The Caracas episode therefore crystallises the article's central claim: a system that formally rests on sovereign equality is being hollowed out by selective great-power practice**,** where legal doctrines (Responsibility to Protect, counter-terrorism, and extraterritorial criminal jurisdiction) are repurposed to legitimise unilateral action (ICISS 2001; Koskenniemi 2006; Fassbender 2024). The remainder of this article traces how legal language, domestic precedent, and geopolitical interest combine to produce that outcome.

The Legal Mirage: Sovereign Equality in Theory

The Westphalian Legacy

The modern doctrine of territorial sovereignty is conventionally traced to the Peace of Westphalia (1648), which ended the Thirty Years' War and helped institutionalise territorially bounded political authority and non-intervention among European polities; Westphalia thus supplies the historical grammar for later claims about state sovereignty and territorial integrity (Encyclopaedia Britannica 2025).

From Westphalia to the UN Charter: continuity and transformation

The UN Charter recasts sovereignty within a multilateral institutional framework: Article 2(1) affirms the "sovereign equality of all Members," while Chapters VI–VII create collective security mechanisms that limit absolute autonomy in the name of international peace and security (United Nations 1945; Fassbender 2024). This dual structure means sovereignty is both a legal right and a regulated status within a system of rules and institutions (Koskenniemi 2006).

De Jure versus De Facto: equality as legal fiction

A persistent tension exists between de jure equality—the formal legal personality every state enjoys—and de facto inequality—the unequal capacities and influence states wield in practice. Powerful States possess coercive, economic, and diplomatic instruments that allow them to shape outcomes irrespective of formal equality; international jurisprudence on state immunities and jurisdiction underscores how legal protections can be undermined in practice when great powers act unilaterally or when weaker States lack effective remedies (ICJ 2002; ICJ 2012).

R2P and the moral backdoor to intervention

The Responsibility to Protect (R2P) reframes sovereignty as responsibility: where a State manifestly fails to protect populations from mass atrocities, the international community may have a duty to act (ICISS 2001). R2P supplies moral and political criteria for intervention but does not itself authorise forcible unilateral action absent Security Council authorisation; critics warn that R2P can be rhetorically mobilised as a moral backdoor to intervention without resolving the Charter's procedural requirements (ICISS 2001; Fassbender 2024).

Synthesis: why the mirage persists

Taken together, historical legacy, institutional design, and asymmetric state practice explain the "legal mirage": formal sovereign equality remains central to international law, yet evolving human-rights norms, selective invocation of R2P, and great-power practice routinely produce gaps between principle and practice (Koskenniemi 2006; Fassbender 2024). This gap is the conceptual backdrop for assessing Operation Absolute Resolve and its implications for the normative force of sovereign equality.

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III. The 2026 Catalyst: Why Venezuela, Why Now?

The breaking point: humanitarian collapse in 2025

By 2025, Venezuela's humanitarian indicators had deteriorated sharply: large-scale food insecurity, collapsing health services, and widespread displacement created a severe protection crisis that humanitarian actors repeatedly documented (OCHA 2025a; The New Humanitarian 2026). These conditions supplied the political and moral context in which external actors debated intervention and accountability (OCHA 2025b).

The legal trigger: indictments and the law-enforcement narrative

Shortly before the January 2026 operation, U.S. authorities publicly released criminal indictments alleging transnational narcotics offences involving senior Venezuelan figures; U.S. officials framed subsequent action as an effort to bring indicted individuals to justice rather than as a conventional interstate use of force (DOJ 2026). Critics argued that domestic criminal process cannot, by itself, authorise forcible cross-border seizure of an incumbent head of state under the UN Charter (United Nations 1945; ICJ 2002).

Operation Absolute Resolve: strikes, capture and transfer

Open-source reconstructions describe a pre-dawn, precision operation in Caracas on 3 January 2026 that combined targeted strikes and special-operations insertions culminating in the capture and extraterritorial transfer of President Nicolás Maduro to U.S. custody (press reconstructions 2026). The U.S. law-enforcement framing and the rapidity of the transfer produced immediate diplomatic protests across the region and raised urgent questions about diplomatic immunity, the prohibition on the use of force, and the appropriate forum for adjudicating alleged transnational crimes (ICJ 2002; Germany v Italy ICJ 2012).

The economic subtext: interest, reconstruction and critique

Public statements by senior U.S. officials and contemporaneous commentary linked post-intervention reconstruction and commercial opportunities for U.S. firms to the broader stabilisation agenda, suggesting an economic calculus alongside humanitarian and criminal rationales (policy statements 2026). Observers contend that coupling criminal-justice rhetoric with explicit economic aims risks instrumentalising legal narratives to secure resource access, thereby complicating claims that the operation was motivated solely by protection or law enforcement (Koskenniemi 2006; Fassbender 2024).

Below is a compact, comparison table that contrasts the legal ideal of sovereign equality with the 2026 Venezuelan reality; each factual claim is supported by primary reporting, UN humanitarian data, and key jurisprudence.

Suggested data table

Factor	The Legal Ideal (Equality)	The 2026 Reality (Venezuela)
Sovereignty	**Absolute and inviolable under the UN Charter** (United Nations 1945)	**Conditional in practice where "narco-status" is invoked** (DOJ 2026; OCHA 2025)
Diplomatic immunity	**Protects serving heads of state from foreign criminal process** (ICJ 2002)	**Treated as secondary to U.S. federal indictments in practice** (DOJ 2026; ICJ 2012)
Use of force	**Lawful only with consent, Security Council authorisation, or lawful self-defence** (United Nations 1945; ICISS 2001)	**Unilateral cross-border operation ("Operation Absolute Resolve") by a permanent member** (Press reporting 2026; Reuters 2026)

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Governance	**Internal matter for the people of the State** (Koskenniemi 2006)	**External actors assert operational control ("we are going to run the country") while interim government retains old-guard figures** (Reuters 2026; The New Humanitarian 2026)

The Anatomy of Irony: Exceptionalism in Action

The "Justice, Not Aggression" narrative

The central rhetorical move is to frame the capture of an incumbent head of state as a transnational criminal-law operation rather than an act of war. By emphasising indictments, extradition-style procedures and prosecutorial aims, policymakers seek to place the episode within domestic criminal jurisdiction and outside the Charter's prohibition on the use of force (United Nations 1945). This reframing attempts to neutralise questions of territorial inviolability and diplomatic immunity by treating the operation as law enforcement, not military coercion (ICJ 2002). Critics argue that such a label cannot, as a matter of international law, convert an otherwise forcible cross-border seizure into a lawful police action where there is no host-State consent or Security Council authorisation (Fassbender 2024).

The domestic precedent: executive latitude in the hemisphere

U.S. expert commentary and policy briefs published immediately after the operation emphasised expansive executive authority in the Western Hemisphere, effectively arguing that presidential prerogatives can justify extraordinary measures to protect U.S. security and interests (Brookings 2026).

This domestic precedent matters; because U.S. courts and executive memoranda have in the past tolerated extraterritorial abductions for criminal prosecution (notably *United States v. Alvarez-Machain*), creating a jurisprudential pathway for treating forcible extractions as prosecutorial acts rather than interstate aggression (Alvarez-Machain 1992). The combination of executive policy statements and permissive domestic case law supplies a legal-political cover that is persuasive within U.S. institutions but remains contested under international law.

The double standard: selective defence of sovereignty

A striking irony emerges when the U.S. simultaneously defends the territorial integrity and sovereignty of some States (for example, in public positions on Ukraine) while denying those protections to Venezuela when strategic or economic interests are implicated. Selective invocation of sovereignty undermines the normative coherence of Article 2(1) and signals that sovereign equality is contingent on alignment with great-power objectives (Koskenniemi 2006). Where geopolitical or commercial aims—such as securing energy assets—are salient, legal doctrines (R2P, counter-terrorism, criminal jurisdiction) are repurposed to legitimise intervention; where those aims are absent, the same doctrines are invoked to condemn similar conduct by rivals (Fassbender 2024).

The Anatomy of Irony is therefore threefold: a rhetorical reclassification of force as law enforcement; reliance on domestic precedents and executive claims that expand hemispheric authority; and a selective, interest-driven application of sovereignty norms. Together these elements reveal how legal language is instrumentalised to normalise exceptionalism while eroding the universalist pretence of sovereign equality.

V. Regional and Global Repercussions

The U.S. removal of Nicolás Maduro and the rapid swearing-in of Delcy Rodríguez intensified regional instability: Washington's stated intent to "run the country" collided with an interim government drawn from the old regime, provoked sharp condemnation across the Global South, and produced predictable denunciations from Moscow and Beijing that the action confirms fears of American hegemony (Reuters 2026).

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The Swearing-in of Delcy Rodríguez

Delcy Rodríguez was sworn in as interim president on 5 January 2026 amid extraordinary circumstances: the capture and extraterritorial transfer of Nicolás Maduro to U.S. custody and immediate U.S. statements about post-operation governance (Reuters 2026; ABC News 2026). Although the U.S. signalled a willingness to "run the country," the Rodríguez administration remained heavily populated by figures from the Maduro era, including senior ministers and legislators who had served under the previous government (Reuters 2026). This tension—between external direction and internal continuity—creates a governance paradox: external control without a clear domestic political break risks delegitimising any interim authority and complicates reconstruction, accountability, and reconciliation efforts (Reuters 2026).

The Global South's Response: ALBA and sovereigntist backlash

Regional organisations and sovereigntist blocs reacted swiftly. ALBA members and allied Latin American governments condemned the operation as a violation of Venezuelan sovereignty and international law, framing it as an act of aggression rather than lawful law enforcement (ALBA communiqués 2026; The New Humanitarian 2026). Across Latin America, political leaders and civil-society actors voiced fear that the precedent normalises extraterritorial interventions against governments deemed inconvenient by great powers, thereby weakening norms of non-intervention and fuelling a resurgence of sovereigntist rhetoric (The New Humanitarian 2026).

The Great-Power Critique: Moscow and Beijing's narrative

Moscow and Beijing seized the moment to underscore long-standing critiques of U.S. foreign policy. Russian and Chinese officials characterised the operation as evidence of American unilateralism and a breakdown of the post-1945 multilateral order**,** using the episode to justify their own resistance to Western pressure and to rally diplomatic support among non-aligned states (Reuters 2026). For both capitals, the intervention serves as a rhetorical validation of their warnings about U.S. hegemony and as a strategic lever to deepen ties with Latin American partners who fear similar treatment (Reuters 2026).

Regional instability, delegitimised interim governance, and intensified great-power rivalry are the immediate repercussions. The operation's legal framing (law enforcement vs. use of force) matters less in practice than its political effects: it erodes trust in multilateral protections, strengthens sovereigntist coalitions in the Global South, and provides geopolitical ammunition to Moscow and Beijing to contest U.S. leadership of the international system (Koskenniemi 2006; Fassbender 2024).

VI. The Future of the International Order

The Caracas intervention in January 2026 signals a possible revival of coercive hemispheric policy—akin to a modern "gunboat diplomacy"—that accelerates the erosion of multilateral constraints and risks reintroducing a de facto "standard of civilization" where sovereign equality is conditional on perceived responsibility; this analysis situates those risks in historical, institutional and normative context.

The "Gunboat Diplomacy" Renaissance

The Caracas intervention has been read by many analysts as a revival of coercive hemispheric policy reminiscent of 19th-century gunboat diplomacy and an updated Monroe Doctrine, where visible military capacity is used to secure political and economic ends rather than multilateral authorisation (Michelino 2026; Cann 2026). Such a posture signals a return to power-backed diplomacy that strains post-1945 legal restraints and revives older practices of coercive statecraft (Koskenniemi 2006).

The Erosion of Multilateralism and the Security Council's relevance

When a permanent member of the Security Council undertakes unilateral coercive action without Council authorisation, the Council's centrality and perceived legitimacy are undermined; repeated bypassing of Chapter VII procedures deepens critiques that veto politics and great-power practice have hollowed the Council's capacity to manage crises collectively (Chesterman 2025; Boateng and Adu 2025). The practical effect is to

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incentivise alternative alignments and ad hoc security arrangements that further fragment the multilateral order (Chesterman 2025).

The New "Standard of Civilization": Conditional Sovereignty?

A renewed logic appears to be emerging in which sovereignty is reframed as conditional responsibility: states deemed "irresponsible" may be treated differently in practice, producing a de facto hierarchy contrary to Article 2(1)'s formal promise of sovereign equality (United Nations 1945; Aalberts 2014). Critics warn that coupling humanitarian or criminal rationales with strategic aims risks reintroducing civilisational hierarchies under new labels—'responsibility', 'rule-of-law' or 'responsible statehood'—thereby eroding universalist claims of equality (Kampourakis 2023; Fitzmaurice 2017).

The immediate risks are threefold: (1) normalisation of coercive unilateralism that weakens legal restraints on force and invites reciprocal behaviour by rivals (Michelino 2026); (2) declining UNSC legitimacy as states bypass Council procedures and seek alternative security arrangements (Chesterman 2025); and (3) the emergence of a conditional-sovereignty regime that undermines the universality of sovereign equality and revives hierarchical treatment of states (Aalberts 2014; Kampourakis 2023).

VII. Conclusion: A World of Unequal Equals

The January 2026 Caracas operation exposed a persistent gap between *de jure* sovereign equality and *de facto* power: legal norms (sovereign equality, immunity, and the Charter's use-of-force rules) remain binding on paper, but powerful States can reinterpret or bypass them—weakening multilateral restraints and risking reciprocal coercion (United Nations 1945; ICJ 2002; ICJ 2012).

International law promises sovereign equality and procedural limits on force, yet those protections depend on state practice and institutional enforcement. The UN Charter affirms that the Organization is "based on the principle of the sovereign equality of all its Members" and prohibits the threat or use of force except by consent, Security Council authorisation, or lawful self-defence (United Nations 1945). Scholarly critique shows how legal argumentation can be mobilised to legitimise power rather than constrain it (Koskenniemi 2006; Fassbender 2024).

Domestic precedents that tolerate forcible extraterritorial abductions for prosecution (notably *United States v. Alvarez-Machain*) create contested pathways that powerful States may exploit, but such domestic rulings do not resolve international-law questions about immunity and the use of force (United States v. Alvarez-Machain 1992; ICJ 2002). The ICJ's *Arrest Warrant* judgment reaffirmed incumbent-official immunity from foreign criminal jurisdiction, and *Jurisdictional Immunities of the State* emphasised limits on domestic courts' reach into other States' sovereign functions—both underscore the international risks of treating serving officials as ordinary criminal defendants without multilateral authorisation (ICJ 2002; ICJ 2012).

Instrumentalising humanitarian or criminal narratives to justify coercive measures risks politicising relief and undermining neutral assistance; OCHA reporting for 2025 documents acute needs in Venezuela that require depoliticised humanitarian access and protection (OCHA 2025). Repeated unilateral coercion by a permanent Security Council member erodes the Council's centrality, incentivises alternative alignments, and accelerates fragmentation in global governance (Fassbender 2024; Koskenniemi 2006).

RECOMMENDATIONS

A. Reaffirm Charter procedures

It is important to restore clarity that forcible interstate action is lawful only with host-State consent, Security Council authorisation, or a demonstrable right of self-defence, and make that political commitment operational and verifiable (United Nations 1945).

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Concrete steps

- **High-level political declaration.** Convene a ministerial-level meeting (UN General Assembly or a P5+ regional grouping) to adopt a short, binding-tone declaration reaffirming Charter procedures and condemning unilateral coercive seizures absent those bases (United Nations 1945).

- **Operational checklist.** Develop a concise checklist for states and regional organisations to use before any contemplated cross-border operation: (1) host-State consent; (2) Security Council authorisation; (3) credible self-defence claim with immediacy and necessity; (4) exhaustion of alternatives (extradition, mutual legal assistance).

- **Monitoring and reporting.** Require States to notify the UN Secretary-General and the Security Council within 48 hours of any cross-border law-enforcement or military operation, with a public summary of legal basis and operational scope.

Responsible actors & indicators

- **Lead:** UN Secretary-General, supported by a coalition of willing States.

- **Indicators:** adoption of declaration; number of notifications received; reduction in unnotified cross-border operations.

B. Independent review mechanism

There should be creation of a credible, impartial process to investigate contested extraterritorial operations and produce findings that inform diplomatic, legal and remedial responses (ICJ 2002; ICJ 2012).

Concrete steps

- **Mandate design.** Establish a standing **International Panel on Extraterritorial Operations (IPEO)** under UN auspices with a clear mandate: fact-finding, legal assessment against Charter and human-rights norms, and recommendations for remedial measures.

- **Composition and safeguards.** Panel members should be eminent jurists and practitioners selected by the General Assembly from a roster of candidates nominated by regional groups; terms should be staggered to ensure continuity and independence.

- **Procedures.** IPEO should have powers to request documents, interview witnesses, and access sites where feasible; it should publish a public executive summary and a full legal opinion for States and the Security Council.

- **Enforcement linkage.** Findings should trigger an agreed menu of responses: diplomatic censure, targeted sanctions, referral to international judicial fora, or Security Council consideration.

Responsible actors & indicators

- **Lead:** UN General Assembly resolution to create IPEO; Secretariat support.

- **Indicators:** panel established; number of investigations opened; uptake of recommendations by States or the Security Council.

C. Clarify law-enforcement boundaries

There should be produced a concise, authoritative set of criteria distinguishing lawful transnational policing cooperation from unlawful coercive operations that amount to the use of force.

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Concrete steps

- **Expert commission.** Convene a time-limited Expert Commission on Policing vs. Force (legal scholars, prosecutors, police chiefs, human-rights experts) to draft a short code of practice.
- **Core criteria.** The code should require:
- host-State consent (express and verifiable);
- necessity and immediacy (no reasonable alternative);
- proportionality (limited means and duration);
- exhaustion of legal remedies (extradition, mutual legal assistance); and
- safeguards for immunity (special procedures for incumbent officials).
- **Adoption pathway.** Seek endorsement by the General Assembly and incorporation into mutual legal assistance treaties and regional policing agreements (e.g., Inter-American instruments).

Responsible actors & indicators

- **Lead:** Commission appointed by the UN Office on Drugs and Crime (UNODC) in coordination with regional bodies.
- **Indicators:** publication of code; number of States incorporating criteria into domestic practice and treaties.

D. Protect humanitarian space

Prevent politicisation of humanitarian claims and ensure neutral, independent access to populations in need (OCHA 2025).

Concrete steps

- **Independent verification protocol.** Require independent, third-party verification of large-scale humanitarian claims used to justify coercive measures; verification should be led by OCHA or a jointly mandated UN-regional team.
- **Humanitarian-security firewall.** Establish clear rules separating humanitarian operations from military or law-enforcement objectives: humanitarian actors retain operational control over relief delivery; military assets may provide logistics only under strict neutrality guarantees.
- **Funding and access safeguards.** Donors and UN agencies should adopt conditionality that prevents relief funding from being channelled through entities directly involved in coercive operations; access agreements must protect humanitarian personnel and assets.

Responsible actors & indicators

- **Lead:** OCHA, in partnership with ICRC and major humanitarian NGOs.
- **Indicators:** number of verified humanitarian claims; incidents of politicised aid reduced; humanitarian access metrics improved.

E. Rebuild multilateral credibility

Institutional mechanisms should be strengthened so the Security Council and regional organisations can credibly manage crises and reduce incentives for unilateral action (Fassbender 2024; Koskenniemi 2006).

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Concrete steps

- **Veto transparency and restraint.** Encourage voluntary P5 (permanent 5 members of the Security Council) commitments to publish veto explanations and to use a "code of restraint" in cases involving forcible regime change or extraterritorial seizures; consider a procedural mechanism for the General Assembly to convene emergency debates when a veto blocks action on alleged unlawful unilateral coercion.

- **Regional rapid-response frameworks.** Empower regional organisations (OAS, AU, ASEAN) with agreed rapid-response protocols for mediation, monitoring and, where authorised, collective measures— reducing the perceived need for unilateral interventions.

- **Capacity building.** Invest in dispute-resolution and preventive diplomacy capacities at the UN and in regional bodies to address crises before they escalate to coercive options.

Responsible actors & indicators

- **Lead:** UN Member States, regional organisations, and the Secretary-General.

- **Indicators:** adoption of veto transparency measures; activation of regional rapid-response protocols; measurable decline in unilateral uses of force.

F. Post-conflict governance and anti-corruption safeguards

Reduce incentives for resource-driven interventions by creating transparent, multilateral frameworks for post-conflict resource management and reconstruction.

Concrete steps

- **Multilateral reconstruction trust.** Create an internationally supervised trust for post-conflict resource revenues and reconstruction contracts, managed by a board including donor States, regional representatives, and independent experts.
- **Transparent contracting standards.** Require open, competitive bidding for major resource contracts with independent oversight, anti-corruption audits, and civil-society participation.
- **Conditional access and dispute resolution.** Link foreign firms' access to resources to compliance with international standards and provide neutral arbitration mechanisms for disputes.

Responsible actors & indicators

- **Lead:** UN Economic and Social Council (ECOSOC) in coordination with regional development banks.

- **Indicators:** number of reconstruction contracts subject to multilateral oversight; transparency scores; reduction in resource-linked intervention rhetoric.

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