

BOFAXE

The Life and Death of the Prohibition on the Use of Force

Comparing Iraq and Venezuela

— They say you die twice – once when you stop breathing and again when your name is spoken for the last time. By all accounts, the prohibition on the use of force has suffered countless deaths so far (e.g., [here](#), [here](#), and [here](#)), as has international law itself ([here](#), [here](#), and [here](#)). Even if international law was indeed a cat, its nine lives were probably spent by now. Yet, the present moment feels particularly worrisome – not only because international law and the prohibition on the use of force have suffered yet another death, but because they appear in danger of being forgotten altogether. Comparing the aggressions against Iraq and Venezuela, the legal justifications offered by the aggressors and the reactions of other states, this post demonstrates that international law has lost its discursive power over the last decades and concludes with a simple, yet important recommendation for policymakers.

Comparing Iraq and Venezuela

The 2003 US-led invasion of Iraq and the 2026 US strikes against Venezuela have much in common: Both uncontroversially constitute grave violations of the prohibition on the use of force, both came at the hand of at least partly the same culprit – the US –, and both resulted in and were aimed at regime change. While the consequences of the recent US aggression against Venezuela are not yet clear, it also seems likely that both (will have) provided stress-tests for the international legal order. However, writing with the benefit of hindsight, it appears clear that international law did not die in 2003, and neither did the prohibition on the use of force; both remained generally intact over the course of the following decades, notwithstanding frequent and partly grave violations of international law and Art. 2(4) UN Charter. Over the course of the past decades, such violations were met with widespread international condemnation and international law played an ever-increasing role in the public discourse over wars and other catastrophes. Not a perfect system, but one that appeared alive – and relevant. This apparent relevance of international law differentiates the aggressions against Iraq and Venezuela, however.

Exhibit A: The Justification Put Forward by the Aggressor(s)

The official justification for invading Iraq was weak, to say the least. The justification hinged on the factual claim that the Iraqi regime had stockpiled weapons of mass destruction and on the legal argument that Security Council Resolution 1441 revived the authorization of the use of force contained in Resolution 678 (other justifications, most importantly a right to self-defense, were mainly alluded to rhetorically rather than articulated legally, see e.g., the letters to the Security Council by the US and the UK). The factual claim was never substantiated and the legal argument debunked; simply put, Security Council Resolution 1441 neither contained an explicit nor an implicit authorization of the use of force (which, given that France and Russia had announced that they would veto a second Security Council Resolution authorizing the use of force and that the invading states were advised of the dubious character of their legal position, must have been foreseen also by the US-led coalition). Nevertheless, the arguments brought forward by the US and the UK were grounded in international law and at least designed to convince other states of the legality of their behavior (see also [here](#) and [here](#); a more critical account is available [here](#) and [here](#)).

US communication around its operation “Absolute Resolve” is different: While the US alluded to (unpersuasive) self-defense arguments against “narco-terrorism” over the course of the last months to justify its boat strikes in the Caribbean, its more recent communication appears designed to exclude international law altogether. US Secretary of State Marco Rubio stressed that the operation was “not an invasion” and instead described it as a law enforcement operation;

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while this statement was tailored to the US audience and arguably designed to signal compliance with domestic US law on the deployment of the military forces, statements by other US officials display a similar disregard for international law. US ambassador to the UN, Michael Waltz, also described the operation as “law enforcement”, arguing that there was neither a US war against nor occupation of Venezuela (a statement that appears at odds with President Trump’s announcement that the US would “run” Venezuela). Other statements disregarded the value of law altogether, e.g., President Trump’s deputy chief of staff Stephen Miller’s comment that “we live in a world (...) that is governed by strength, that is governed by force, that is governed by power.”

This rhetoric is a notable shift, not just compared to the policies of previous US administrations, but also when compared to other military operations conducted by the Trump administration; when the US and Israel carried out strikes against Iran’s Nuclear program in 2025, e.g., the US sent an Article 51 letter to the Security Council, arguing that the strikes were justified on the basis of (collective) self-defense. To be clear, also these strikes were illegal (see e.g., here), but again, the US at least offered a justification based on international law.

Exhibit B: The Response by Other States

Before the US-led coalition started its invasion of Iraq in March 2003, a possible invasion had been at the center of international attention for almost a year (see e.g., here, here, and here). Certainly, many (mainly Western) States signaled support and some eventually also contributed troops, resources, and intelligence to the US-led operation, which differentiates the invasion of Iraq from the unilateral US strikes against Venezuela. However, there was also outspoken criticism against the planned invasion, including by traditional US allies like France and Germany. A number of states explicitly deferred to international law, signaling that they opposed the use of force against Iraq either in principle or unless a new resolution by the Security Council authorized the use of force (see e.g., here and here). This is not meant to imply that the opposition of other states to the invasion of Iraq was overwhelming or even sufficient; there was, however, a real engagement with international law.

Similarly, the US had rather openly flirted with attacking Venezuela for months. As far as other states commented on the US rhetoric and actions against Venezuela before January 2026 at all, these statements focused on the boat strikes in the Caribbean and did not address the possibility of large-scale US strikes against Venezuela (see, e.g., here and here); even though the attack was thus planned in plain sight, it did not nearly draw the same attention and scrutiny by other states as the planned invasion of Iraq. Similarly, state reactions to the strikes were more muted compared to reactions to the Iraq invasion: A few states signaled support (e.g., Argentina, Israel, and Paraguay), while more condemned the operation as a violation of international law (e.g., Brazil, China, and South Africa). However, the most common response was apparent indifference. The European Union, e.g., maintained in its statement that “the principles of international law and the UN Charter must be upheld.” The EU apparently failed to agree on a formulation that also identified who threatened the principles of international law and the UN Charter and which of these principles it did not consider being upheld in particular. At the same time, the statement highlighted that “[t]he EU has repeatedly stated that Nicolás Maduro lacks the legitimacy of a democratically elected president” and that it “shares the priority of combating transnational organized crime and drug trafficking”. Also individual EU states failed to clearly condemn the US attacks as a violation of international law, e.g., German chancellor Friedrich Merz, who declined to comment on the legality of the strikes in detail, stating that the legal assessment was “complex” and needed time.

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(In the case of Germany, this is unfortunately only the latest example of its turn from international law, see [here](#) and [here](#)). Similarly, the African Union issued a [communiqué](#) that failed to mention the US and instead contained a rather superficial reaffirmation of its “commitment to the fundamental principles of international law”. Similar statements were released by a number of other states, including [Canada](#), [Japan](#), [Pakistan](#), [Türkiye](#), and the [U.K.](#)

Conclusion

The current US aggression against Venezuela is different from previous, comparable cases of aggression in both the justifications employed by the aggressor and in the reaction by significant parts of the international community. Where aggressors and other states have at least paid lip service to international law in the past, international law is now reduced to a mere sidenote at best. This further sets the current example apart from other recent violations of the prohibition on the use of force, like the Russian invasion of Ukraine, which was similar in its [weak to non-existent legal justification](#), but different in the [widespread international condemnation](#).

Double standards in the application of international law have been decried regularly over the past years. In fact, the reactions by many Western states to the invasion of Iraq, when compared to the invasion of Ukraine, have been a common point of reference in these debates (see e.g., [here](#) and [here](#)). If Iraq has been perceived as a low-point for the engagement with international law by Western states so far, then the US attacks against Venezuela present a new low and will only reinforce existing criticisms of double-standards. Not few pointed out that these double-standards may lead to an erosion of the [prohibition on the use of force](#) or [international law altogether](#).

The lesson for policymakers should be simple: Calling out violations of the prohibition of the use of force is not only required under international law, but also *for* international law. State reactions to previous violations of the prohibition on the use of force, e.g., against the US-led aggression against Iraq, demonstrate that diplomatic and also friendly relations can survive even outspoken protest against violations of international law. Conversely, if the US aggression goes by not only unpunished, but also largely uncriticized, this will lead to the demise of the prohibition on the use of force (see [here](#) for a similar conclusion). No state should be under the illusion that this US administration stops after Venezuela. It has spelled out its policy in its recent [security strategy](#) (“[Donroe Doctrine](#)”) and already [hinted](#) at its next victims. The same, of course, goes for other states flirting with aggression.