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The Erosion of International Law.

By Arturo Fragoso


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“DILIGITE JUSTITIAM QUI JUDICATIS TERRAM.” “Ye who judge the earth, give diligent love to justice”

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Over the past several years, the international community has witnessed the consolidation of a new global order marked by the progressive weakening of international law and the reemergence of interventionist practices once thought to have been restrained by the post-Second World War legal framework. Unilateral uses of force, coercive interference in domestic affairs, and open violations of state sovereignty are increasingly justified through narratives of national security, while multilateral mechanisms are sidelined or ignored altogether. This shift does not reflect ambiguity in the law itself, but rather a deliberate political choice to subordinate legal norms to power.

Recent events involving the detention and alleged extraterritorial extraction of former Venezuelan President Nicolás Maduro illustrate this transformation. The significance of the case lies not in the individual involved, but in the precedent established: the normalization of illegality as an accepted instrument of international relations.

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The Return of Realpolitik and Force

Contemporary United States foreign policy, particularly visible during the administration of Donald Trump, reveals two defining structural elements. The first is the explicit return to political realism (realpolitik), where national interest and strategic dominance openly prevail over legal constraint. Within this framework, international law is no longer treated as a binding normative system but as an optional tool invoked when advantageous and disregarded when restrictive. Conflicts such as Russia-Ukraine, Palestine, and Gaza demonstrate that even the rhetorical commitment to democracy and human rights has eroded, replaced by candid appeals to security, territorial interest, and economic control.

The second element is the deliberate display and normalization of force as a diplomatic instrument. This approach reflects a modern adaptation of the Monroe Doctrine: what was once articulated as resistance to European colonialism has evolved into a doctrine of hemispheric hegemony. Latin America continues to be treated as a natural sphere of influence, subject to economic pressure, political manipulation, and, when deemed necessary, direct or indirect intervention. Military presence replaces consensus, and coercion substitutes legal procedure.

Intervention and Aggression under International Law

International law draws a clear normative distinction between lawful state conduct and prohibited intervention. Articles 2(4) and 2(7) of the UN Charter prohibit both the use of force against the territorial integrity or political independence of states and coercive interference in their internal affairs. This prohibition forms part of customary international law and is widely recognized.

The International Court of Justice, in *Nicaragua v. United States* (1986), affirmed that intervention becomes unlawful when a state employs military, political, or economic coercion to influence the sovereign decisions of another state. The legal threshold is not the scale of force alone, but the intent to compel a change in political conduct. When such intervention escalates into unilateral armed force, absent Security Council authorization or a valid claim of self-defence, it constitutes aggression, as defined by UN General Assembly Resolution 3314 (XXIX).

Despite this legal clarity, acts of intervention and aggression have become increasingly normalized, particularly when carried out by hegemonic powers. The failure of international institutions to restrain or sanction these violations has transformed exceptional breaches into routine practice, eroding the authority of international law and reducing it to a system conditioned by power rather than governed by rules.

Neo-Imperial Strategy and Regional Implications

Particularly troubling is that this strategy has not been concealed. U.S. National Security Strategy has openly articulated methods of intervention that rely on removing inconvenient leadership and administering governments from the outside. Within this framework, ideology is secondary to economic interests and geostrategic considerations.

Venezuela exemplifies this logic, but the pattern extends to Nigeria, Syria, Somalia, Yemen, and persistent threats against Iran. This represents a form of neo-imperialism characterized by overt bellicosity not seen so openly in decades. The consequences are severe and predictable: institutional collapse, loss of sovereignty, humanitarian crises, and mass migration that transform domestic instability into global geopolitical problems.

No state within the U.S. sphere of influence is immune. Mexico occupies an uneasy position of deep economic interdependence combined with persistent strategic vulnerability. The renegotiation of the USMCA (T-MEC) and recurring suggestions of unilateral action reveal a consistent logic of pressure. Mexico is simultaneously an indispensable partner and a strategic obstacle, illustrating how coercive diplomacy operates even absent overt military force.

Conclusion

What we are witnessing is not the disappearance of international law, but its structural subordination to hegemonic power. Multilateralism is being practically dismantled, and the normalization of force exposes the long-standing absence of effective mechanisms to restrain powerful states. This is not about regime change in the traditional sense, but about reshaping how governments function to align with external interests.

From the original Monroe Doctrine to its contemporary iteration, Latin America remains a priority zone for economic and political control. The Venezuelan case is not an isolated incident, but part of a broader hemispheric realignment in which conflict is no longer ideological but strategic. International law has been reduced to a selective language. The final question is not whether international law has failed, but whether the international community is willing to reconstruct it before force becomes the only rule.

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Arturo is an associate in the Regulatory area. With over 5 years of experience advising on regulatory and compliance aspects of aviation law, he specializes in representing the interests of international air carriers in Mexico. He liaises with relevant regulatory and airport entities in Mexico to ensure safe operations and provide top-tier legal services to reputable air carriers and related companies. In addition to his focus on aviation law, Arturo offers comprehensive legal guidance to Mexican and foreign entities across various aspects of corporate law. This includes assisting with the necessary steps for conducting business in Mexico and ensuring compliance with all corporate and tax requirements. His practice encompasses aviation industry matters, airport law, labour law, and corporate law, all geared towards providing clients with precise, effective legal solutions.

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