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Weaponization of International Law: Its Implications for Global Peace and Legal Quality

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Introduction

International law comprises a system of rules and principles designed to regulate the relationships among international actors. In the classical era, the legal quality of International law, specifically its nature, as a binding system constituted a primary area of contestation among legal scholars. In the contemporary era, however, this academic focus has shifted toward the utilization of international law as an ideological weapon. This instrumentalization of legal norms complicates the assessment of its legal quality and debilitates its enforcement. Ultimately, when states prioritize ideological agendas over legal obligations, they hinder the applicability of international law and undermine its efficacy in resolving international disputes.

Beyond these structural challenges, the utilization of international law as an ideological weapon by states endangers international peace and security. This paper examines the legal quality of international law through the lens of international politics and analyzes how its strategic instrumentalization threatens global stability. It contends that the deployment of legal rhetoric by superpowers does not deprive international law of its legal character. On the contrary, the fact that states feel compelled to utilize international law to justify their actions confirms that these norms are universally recognized as authoritative. Therefore, such state behavior should be classified as a blatant violation of existing law rather than as evidence challenging its underlying legal validity.

Legal Quality of International Law and Contemporary International Politics

The legal quality of international law is often contested by the positivist school of thought. For traditional positivists, a rule can only be classified as law when there is a sovereign body with the mandate to enact and enforce it; however, in the international arena, no such sovereign organ exists with the power to legislate or enforce rules. Conversely, other legal scholars, such as Sir Frederick Pollock, argue that a rule becomes law once

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it fulfills three specific criteria: the existence of a political community, the recognition of the rule as law by that community, and the presence of settled rules that are binding upon it. Applying Pollock's criteria today, the 193 Member States of the United Nations constitute a political community and because there are several international principles that these states recognize as binding, international law is indeed true law.

In the contemporary era, states frequently invoke international legal frameworks to legitimize actions driven by narrow national interests. The United States, in particular, has often been criticized for utilizing international law and institutions as tools to secure its own economic and political hegemony. This political reality has led some observers to dismiss the legal quality of international law altogether, labeling it merely a political instrument of superpowers. However, this paper argues that such actions should be framed as blatant violations rather than evidence of the law's non-existence.

To understand this distinction, we can look to domestic legal systems. Even with robust enforcement mechanisms, domestic laws are and will continue to be violated by individuals. Yet, we do not contest the legal quality of a criminal code simply because a crime has been committed. Similarly, the strategic misuse of international law by powerful states should be categorized as a breach of the system, not a deprivation of its legal character. The international community must move beyond skepticism and instead demand strict adherence to these norms to preserve the integrity and binding nature of the international legal order.

The Ideological Weaponization of International Law Affirms its Legal Quality

International law is primarily designed to govern the interactions of the international community and to be used as an authority to solve global disputes and problems. The political nature of international law has been contested by many scholars as a weapon of Western countries used to expand their culture and imperialism. Contemporarily, states use international law as an ideological weapon to enforce their economic and political ideologies upon the world. As a result, states are currently intervening in the internal affairs of others and violating state sovereignty, using international law as a shadow to mask their true intentions. To demonstrate this reality in contemporary international politics the following two examples are important. This can be effectively demonstrated through a strict doctrinal lens by evaluating two highly illustrative case studies: the application of the non-intervention principle in Venezuela, and the overextension of the customary criteria for anticipatory self-defense in Iran.

a. Unilateral Intervention and Article 2(4): The Case of Venezuela

The strategic invocation of democratic legitimacy and transnational criminal law by powerful states to justify unilateral coercive measures challenges the foundations of both existing and future global peace. The United States of America unlawfully intervened in Venezuela and captured then-Venezuelan President Nicolás Maduro and transferred him to the United States to face criminal charges. The Trump administration characterized Nicolás Maduro as a narco-trafficker and contended that his ascent to power followed a fraudulent 2024 election, thereby denouncing his government as illegitimate. Furthermore, the United States alleged that the Maduro regime systematically violated human rights and mismanaged the nation's oil reserves.

However, these political and moral justifications entirely fail to establish a valid legal basis for intervention under contemporary international law. The prohibition on the threat or use of force, codified in Article 2(4) of the United Nations Charter, is universally recognized not merely as a conventional treaty obligation, but as a foundational principle of a peremptory norm of customary international law from which no derogation is permitted. As the International Court of Justice (ICJ) articulated in the landmark case Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States, 1986), the principle of non-intervention is a cornerstone of customary international law intertwined with the foundational doctrine of the sovereign equality of states enshrined in Article 2(1) of the UN Charter.

The United Nations Charter explicitly restricts any derogation from this principle, recognizing only two exhaustive circumstances under which an intervention or the use of force can be legally exempted from international liability. First, under Chapter VII (Article 42), the UN Security Council possesses the exclusive mandate to authorize collective intervention, a power strictly contingent upon a formal determination under Article 39 that a state's acts or omissions constitute a verified threat to international peace and security. Second, codified under Article 51, a state may resort to force only when exercising the inherent right to individual or collective self-defense in response to an actual, proximate armed attack.

When these two strict legal parameters are applied to the United States' interventionist campaign against Venezuela, the legal basis for the American actions completely collapses, as neither mandatory exception was fulfilled. First, the UN Security Council never passed a Chapter VII resolution authorizing coercive actions against the administration of President Nicolás Maduro; absent an explicit Article 42 mandate, any unilateral asset seizures or maritime blockades represent an unlawful usurpation of the Council's centralized authority. Second, because

Venezuela never launched or threatened an armed attack against the United States, nor did it commit an act that would justify U.S. intervention; therefore, invoking Article 51 self-defense is doctrinally impossible. By operating entirely outside these two exhaustive legal exceptions, the U.S. intervention stands as a manifest violation of Article 2(4) of the UN Charter, demonstrating how a superpower weaponized international justice and law as an ideological screen to execute its national interest.

b. Overextending Anticipatory Self-Defense: The case of Iran

On 28 February 2026, the United States and Israel undertook a joint military operation against Iran.. These states took this military measure to destroy Iranian nuclear programs. The USA invoked anticipatory self-defense to incapacitate Iran's ability to attack U.S. military bases, troops, and strategic allies, such as Israel. The joint military operations executed against Iran by the United States and Israel to dismantle Iranian nuclear facilities present a critical case study in the doctrinal overextension of the jus ad bellum framework. By invoking the doctrine of anticipatory self-defense, the acting states sought to justify the use of force as a necessary measure to neutralize a speculative future strike against their military assets and regional allies. However, a strict examination of this justification under customary international law and the United Nations Charter reveals a blatant violation of international law.

Under customary international law, the parameters of anticipatory self-defense are strictly governed by the criteria arising from the historic Caroline incident. As established in the Caroline incident, states can invoke anticipatory self-defense to be exonerated from international liability when the defense meets the criteria of necessity, proportionality, and immediacy. Therefore, a state invoking anticipatory self-defense must demonstrate that the necessity of that defense is "instant, overwhelming, leaving no choice of means, and no moment for deliberation." The ICJ has consistently upheld a restrictive interpretation of the right to self-defense under Article 51 of the UN Charter. In Nicaragua v. United States of America the Court emphasized that a state claiming the right to self-defense bears the burden of proving it was the victim of an actual or demonstrably imminent armed attack attributable to the target state. In the Oil Platforms case (Islamic Republic of Iran v. United States of America), the ICJ explicitly rejected the United States' broad interpretations of security threats, ruling that the use of force cannot be justified by speculative or generalized protective mandates.

This restrictive approach to self-defense is further reaffirmed by the ICJ's landmark 1996 Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. In this case, the Court examined the interplay between the inherent right to self-defense and the structural prohibitions of international law. The ICJ explicitly ruled that for

a threat or use of force to be lawful it must satisfy the customary conditions of necessity and proportionality. Crucially, the Court emphasized that the mere possession of weapons or the potential capability to inflict harm does not, in itself, constitute an armed attack or an imminent threat under international law. By applying this jurisprudence, a state's hypothetical or future capacity to develop a weapon cannot legally trigger another state's right to unilateral military execution under the guise of self-defense.

When the legal parameters recognized by international law and ICJ jurisprudence are applied directly to the factual realities of the Iran case, the legal justification for the strike completely collapses under a three-part doctrinal analysis. First, regarding the parameter of imminence or immediacy, the Caroline standard requires a threat to be "instant and leaving no moment for deliberation." Because reports from the International Atomic Energy Agency (IAEA) reporting did not establish that Iran possessed a completed nuclear weapon, although it raised serious safeguards concerns regarding Iran's enriched uranium stockpile.. Consequently, the element of customary imminence was entirely absent, invalidating the temporal justification required for an anticipatory response.

Second, the parameter of necessity dictates that under the Caroline doctrine, the resort to force must be an absolute last resort "leaving no choice of means." In this scenario, because Iran's nuclear program was still subject to active international monitoring and diplomatic overwatch, alternative peaceful remedies such as multilateral diplomacy, IAEA inspections, and UN Security Council sanctions had not been legally exhausted. The continuous availability and viability of these non-violent, diplomatic avenues completely undermine and invalidate any state claim of an overwhelming necessity to bypass the United Nations framework in favor of immediate military execution.

Third, applying the parameter of capability versus intent as established by the ICJ's Nuclear Weapons Advisory Opinion, a states potential or future capacity to develop specialized weaponry cannot legally trigger another state's right to unilateral warfare. By striking facilities based purely on what Iran might develop in the future, the United States and Israel substituted verified, proximate military necessity with speculative security concerns. Consequently, by failing to satisfy these cumulative Caroline and ICJ parameters the joint military operation cannot be classified as lawful anticipatory self-defense.

Regarding its implications for global peace and security, the joint military operations conducted by these states have significantly destabilized the peace and security of the Middle East, a region already characterized by protracted armed conflict. This intervention has not only exacerbated existing geopolitical tensions but has also

signaled a dangerous shift in the application of international legal norms. The ideological weaponization of international law specifically the strategic overextension of the principle of anticipatory self-defense serves as a primary catalyst for the ongoing devastation.

The weaponization of international law for national interest alone extends far beyond regional destabilization. First, these actions risk generating a permissive state practice. If left unmonitored or uncondemned by the international community, such interventions create a dangerous precedent that other states may later cite as a legal basis to justify unilateral operations in related disputes. Second, this trend accelerates the erosion of Article 2(4) of the UN Charter. Expanding the definition of self-defense to encompass preventive strikes against potential future capabilities threatens to render the core prohibition on the use of force obsolete. Ultimately, lowering the legal threshold for military intervention creates a door-opening effect, inviting states with adversarial relations to bypass diplomatic mechanisms in favor of preemptive or preventive strikes. This shifts the international paradigm away from the rule of law and toward the rule of force.

Using the argument of international law to justify actions taken by states does not prove that international law does not exist, nor does it destroy its legal quality. Instead, the very fact that these states feel compelled to use international law to make their actions appear legal actually proves that international law still holds strong authority worldwide. If international law were truly dead, powerful nations would simply launch attacks without trying to legitimize their acts through international law. Therefore, these military actions should be viewed as a clear violation of an international legal system, rather than proof that a legal system does not exist. Ultimately, these states do not ignore the law entirely; instead, they use the language of international law as a mask to hide their true political motives. Ultimately, the invocation of international law by states to justify their conduct does not negate its legal quality; instead, it demonstrates the existence of international law.

Conclusion

The selective enforcement and ideological weaponization of international law by global superpowers severely threaten global stability. As demonstrated by the unilateral intervention in Venezuela under the guise of democratic legitimacy, and the dangerous overextension of self-defense to justify preventive strikes against Iran, powerful states increasingly manipulate legal rhetoric to mask their geopolitical and economic interests. This strategic instrumentalization creates a perilous precedent, risking a permissive state practice that lowers the threshold for military intervention. By expanding the parameters of self-defense to cover speculative future capabilities, these actions trigger a door-opening effect that threatens to render Article 2(4) of the UN Charter

obsolete.

This paper demonstrates that such strategic manipulation does not strip international law of its legal quality. Just as domestic criminal violations do not negate the binding existence of a domestic penal code, the circumvention of global norms signifies a manifest breach of the system rather than evidence of its non-existence. Crucially, the fact that superpowers remain deeply compelled to systematically distort and deploy the vocabulary of Article 51 and customary international law to justify their actions proves that these norms are universally recognized as authoritative and binding. Ultimately, to prevent total global destabilization and counter the tools of modern imperialism, the international community must ensure that international law is universally applied irrespective of a state's national interest.

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