

Prohibition of the Use of Force between States Why Germany and Europe Should Clearly State Their Commitment to International Law

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Bonn, 17 February 2026. **The prohibition of the use of force between states continues to be the cornerstone of world peace and international security. This is particularly crucial for Germany and Europe.**

On 3 January 2026, U.S. special forces abducted the Venezuelan dictator Nicolás Maduro and took him to the United States, killing several people in the process. Maduro appeared before a U.S. court on drug-related charges. U.S. President Trump announced that the United States would now profit from Venezuela's oil wealth and spoke of the "Donroe Doctrine" – a reference to the Monroe Doctrine used to justify past U.S. interventions in Latin America. While international law experts have unanimously condemned

Maduro's abduction as a violation of international law, some of the political reactions in Europe have been more cautious. German Chancellor Friedrich Merz initially described the "legal assessment" of the operation as "complex". The British Prime Minister, Keir Starmer, and several other senior European politicians were also rather guarded in their statements. Although many emphasised that international law must always be respected as a matter of principle, they also referred to the illegitimate, autocratic nature of Maduro's regime and did not explicitly condemn the U.S. intervention.

Prohibition of the use of force between states as a cornerstone of world peace

The obligation imposed on states by Art. 2.4 of the Charter of the United Nations (UN) to "refrain in their international relations from the threat or use of force" is the mainstay of the rules-based peaceful world order under the auspices of the UN. There are only two exceptions to it: firstly, the right of self-defence in the event of an armed attack against a state enshrined in Art. 51 of the UN Charter; and secondly, coercive military measures that the UN Security Council may authorise under its Chapter VII powers if it identifies a threat to international peace or security. Acts such as genocide and crimes against humanity may also be regarded as a threat to world peace under the "responsibility to protect" (R2P). This is limited to the most serious violations of human rights, however. Overall, there are therefore only few exceptions to the prohibition of the use of force between states – it is, after all, the key lesson that countries learnt from the devastations of the Second World War. None of these exceptions applied to the situation in Venezuela. An autocratic system of government does not provide a justification under international law for a military intervention.

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Security in times of superpower politics

Ever since Russia's attack on Ukraine, Germany and Europe have been faced with the question of how – in an age in which the danger posed by aggressive superpowers is increasing – to best guarantee their se-

curity and what role international law plays in this context. Germany's National Security Strategy adopted in 2023 has a clear answer to this: "We are committed to upholding a free international order based on the Charter of the United Nations [...] and international law. [...] We counter attempts to divide the world into spheres of influence by promoting the positive model of such a rules-based order." This commitment is currently becoming ever more important. Thus the Munich Security Report 2026 published in the run-up to the Munich Security Conference states that "[t]he world has entered a period of wrecking-ball politics", concluding that "[m]any understand that, if they continue to be bystanders to bulldozer politics, they [...] should not be surprised to find cherished rules and institutions in rubble." This also applies to the peremptory norm (*ius cogens*) of the prohibition of the use of force between states under international law. With every violation – and with every failure to publicly condemn any such violation – the prohibition of the use of force between states is weakened, not legally but certainly in practice. This results in greater insecurity, above all for those countries that cannot keep pace with the superpowers in military terms.

Nevertheless, after Maduro's abduction, a growing number of voices argued that although the decision by political leaders not to publicly condemn this intervention was wrong in terms of international law, it was politically necessary. After all, the argument continues, Germany and Europe still depend on the United States for military protection. As the Trump government's new National Security Strategy and the debate concerning Greenland in particular have shown, however, this position does not take adequate account of the fact that Europe can already presumably no longer rely on that protection. Germany and Europe, therefore, not only need to become better able to defend themselves; they also need to diversify their foreign and security relations. To do so, it is also important for them to be able to credibly present themselves as partners that are committed to a rules-based international order and that uphold the prohibition of the use of force between states. Creating the impression of political double standards runs counter to this goal. A clear commitment to international law is therefore not only required from a normative and legal point of view but for pragmatic reasons too.