



[The U.S. Capture of Venezuelan President Maduro and International Law](#)

This past weekend on January 3rd, U.S. special forces captured Venezuelan President Nicolas Maduro and his wife Cilia Flores in a military operation dubbed “Operation Absolute Resolve,” transporting the two to the United States to face drug trafficking and narco-terrorism charges. While Maduro is widely viewed as a repressive authoritarian leader, the manner in which he was ousted has garnered concern regarding the legality of the direct U.S. intervention and its potential harmful ramifications. International law experts have questioned the abduction of a sitting head of state, with UN officials stating that the action represents a dangerous precedent which violates its charter on sovereignty and territorial integrity. Additionally, the operation was carried out without authorization from Congress as critics point out that the Trump administration bypassed constitutional war powers. Observers have also contended that the capture was not primarily about the charges used as justification, but rather a move to seize control of Venezuela’s massive oil reserves. On top of all of this, the capture of Maduro and U.S. intervention in Venezuela has elicited condemnation regarding the potential of damaging American entanglement in foreign conflicts through long-criticized efforts at regime change and nation-building which run counter to Trump’s espoused “America First” narrative.

Analysts have raised several critical concerns about the legality or lack thereof of the U.S. operation under international law. The capture of Maduro appears to violate Article 2(4) of the UN Charter, which prohibits the threat or use of force against the territorial integrity or political independence of any sovereign state. The Trump administration has tried to cite Article 51 (self-defense) by claiming that Maduro’s actions constitute a threat to U.S. national security, however legal scholars argue that drug trafficking does not traditionally meet the threshold of an “armed attack” or dire threat. Furthermore, the Trump-approved operation lacked authorization from the UN Security Council and occurred without the consent of the Venezuelan government, making it an unlawful abduction or kidnapping. Under the guidelines of international law, sitting heads of state are typically granted immunity *ratione personae* – a status which protects them from the criminal jurisdiction of other states. The UN Security Council convened earlier this week for an emergency session over the U.S. operation whereby approximately 20 countries and several major international blocs expressed concern or direct condemnation of the capture of Maduro.

The direct U.S. intervention in Venezuela has led many to raise alarm over the possibility of damaging long-term American entanglement in the country. President Trump's statements vaguely proclaiming that the United States will "run" Venezuela until a "safe, proper and judicious transition" is achieved have drawn up questions over this and the likelihood of messy and increased U.S. involvement. Adding to the concern, there are fears that the intervention could spur regional instability and create a power vacuum that results in violence and chaos and entraps the U.S. indefinitely. This might very well likely draw in direct U.S. military engagement since the United States has essentially assumed responsibility for Venezuelan internal security and the management of the "day after" circumstances. Rhetoric from the Trump administration towards other countries in the region like Colombia following Maduro's capture has also intensified unease over potential further regional interventions and U.S. entanglement. Importantly, there are legitimate questions about the true motivations behind Maduro's capture as well due to the Trump administration's explicit references to taking control of Venezuela's vast oil reserves, with many suggesting that the move is at the very least partly driven by a desire to secure access to Venezuela's energy assets. Various Trump administration officials have bluntly described the operation as a means to recover "stolen oil" and alluded to American oil companies being required to manage and rebuild the country's infrastructure.

The Trump administration's long proclaimed "America First" ideology which has emphasized avoiding "forever wars" and prioritizing domestic over foreign interventions is blatantly contradicted by the Maduro operation. The capturing of the Venezuelan leader is viewed as a return to "gunboat diplomacy," regime change, and nation-building – policies that many advocating for responsible U.S. foreign policy have criticized as destructively draining American resources. Additionally, by acting without congressional notification or a clear international mandate, the Trump administration risks undermining the very international legal frameworks that protect American sovereignty, potentially emboldening other global actors to ignore U.S. interests in the future too. As such, U.S. lawmakers and others have raised both constitutional and strategic concerns regarding the operation to capture Maduro – warning that it could lead to harmful long-term foreign entanglements and ultimately make the United States less safe by provoking responses from U.S. adversaries and diminishing American credibility.