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THE LEGALITY OF A U.S. INVASION THREAT AGAINST NIGERIA UNDER INTERNATIONAL LAW

Introduction

The prospect of any foreign military invasion of a sovereign state particularly by a global power like the United States raises critical questions under international law. From the lens of the United Nations (UN) Charter and global precedent, the alleged threat of invasion of Nigeria by the U.S., even if hypothetical, provides a useful case study on sovereignty, the use of force, and the limitations of international enforcement.

Article 2(4) of the UN Charter: The Peremptory Norm

At the foundation of international law lies Article 2(4) of the UN Charter, which provides that “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nation.” This provision introduced the principle regarded as *jus cogens* (a peremptory norm), allows for only two exceptions: self-defence under Article 51, and the use of force authorised by the UN Security Council under Chapter VII of the Charter. Therefore, any unilateral invasion or even threat of invasion without Security Council approval or Nigeria’s consent would be a clear violation of international law.

The Principles of Sovereignty and Non-Intervention

The Charter also recognises the sovereign equality of all member states under Article 2(1) “The organization is based on the principle of the sovereign equality of its members”, and forbids intervention in matters within their domestic jurisdiction under Article 2(7). Nigeria, as an independent member of the UN and of the African Union, enjoys full territorial and political sovereignty. Thus, unless Nigeria expressly invites foreign intervention, any external military action no matter the justification would breach these fundamental provisions.

The question then arises: when does a situation within a state amount to a “breakdown of peace and order” or a “threat to international peace and security” that could warrant UN-sanctioned intervention? Under Article 39 of the Charter, it is only the UN Security Council that can determine the existence of such a threat and authorise measures to restore peace. Internal disturbances such as protests, terrorism, or insurgency though serious do not by themselves justify foreign invasion unless they spill over borders or endanger regional stability. Even then, force can be authorised only by the Council or with the host state’s consent.

Historical Precedents of UN’s treatment of State Invasion

In past cases, the UN has sometimes acted decisively. For instance, the 1990 invasion of Kuwait by Iraq was swiftly condemned as an act of aggression, and the Security Council authorised a coalition force to restore Kuwait’s sovereignty. In contrast, when major powers themselves used force without UN approval such as the U.S.-led invasion of Iraq in 2003 or the intervention in Grenada in 1983 the global response was muted. These inconsistencies have fueled criticism that the UN acts as a “toothless dog,” constrained by the veto powers of the permanent five members (P5) and political interests.

Recent geo-political crises have further exposed these limitations. During the conflicts in Ukraine and Gaza between 2024 and 2025 several Security Council resolutions seeking accountability or cessation of hostilities failed due to the use of the veto by permanent members. This continued pattern of selective enforcement underscores that the legal rules governing the use of force are often applied more strictly to weaker states than to global powers.

A clear example of international condemnation without meaningful enforcement is the Russian invasion of Ukraine in 2022. The General Assembly of the United Nations adopted a remarkable resolution demanding the immediate and unconditional withdrawal of Russian forces from Ukrainian territory. More than one hundred and forty states supported the resolution affirming the illegality of the invasion. However enforcement remained impossible because Russia as a permanent member of the

Security Council could block any collective action. This example demonstrates the structural weakness of the international system particularly when the violator is a powerful state shielded by institutional privilege.

The Nigerian Situation

Applying this framework to Nigeria, the legality of any U.S. invasion would depend on clear legal grounds. Unless Nigeria consented to such an action or the UN Security Council authorised it, any U.S. military intervention would constitute an act of aggression under UN General Assembly Resolution 3314 (XXIX) of 1974. Even a public declaration or threat of such action could breach Article 2(4), as the International Court of Justice (ICJ) held in the case of **Nicaragua v. United States (1986) I.C.J. 14** that the “threat of force” is itself prohibited.

Claims of humanitarian intervention or “responsibility to protect” (R2P) cannot justify unilateral force either. Although R2P allows collective action when a state fails to protect its citizens from atrocities, such action still requires Security Council approval. Thus, even in the face of internal instability or human rights concerns, unilateral military invasion remains unlawful.

If the U.S. proceeded regardless, Nigeria could invoke international remedies such as filing a complaint before the Security Council or the ICJ and mobilise diplomatic and regional responses through ECOWAS and the African Union. Yet, as history shows, political realities often determine enforcement. When powerful states act outside the UN framework, the system’s ability to impose sanctions or hold them accountable is severely limited by geopolitics and veto powers.

Regional Enforcement and the ECOWAS Niger Crisis

A useful regional illustration is the response of the Economic Community of West African States to the constitutional breakdown in Niger in 2023. Following the military coup ECOWAS threatened to deploy force citing its regional security protocols and the need to restore constitutional order. Although military intervention

did not ultimately occur ECOWAS adopted sanctions and diplomatic measures which demonstrated its willingness to act decisively when regional stability is threatened. The Nigerian government played a central role in these efforts. This example also reveals an important contrast between regional organisations and global institutions. ECOWAS can sometimes act more swiftly because it is not hindered by the veto politics that weaken the enforcement capacity of the United Nations.

Conclusion

International law is unambiguous, no member state, including the United States, may lawfully invade Nigeria without its consent or UN authorisation. Such action would violate the Charter's core principles of sovereignty, non-intervention, and the prohibition of the use of force. However, the enforcement of these rules remains uneven. The selective application of UN sanctions firm against weaker states but hesitant when major powers are involved continues to erode the credibility of the international order. The Nigeria-U.S. scenario therefore underscores not only the enduring strength of legal norms but also the fragility of their enforcement in a world still shaped by power politics.



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