



Humanitarian Intervention and Sovereignty: Assessing the Legality of U.S. Actions in Nigeria under International Law

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Abstract

This paper explores the legal implications of a potential United States military intervention in Nigeria under international law, especially considering President Trump's November 2025 threats to deploy military force to defend Nigerian Christians. The analysis assesses the proposed action against established international law principles, including Article 2(4) of the UN Charter, the Responsibility to Protect (R2P) doctrine, and customary international law related to sovereignty and non-intervention. The paper begins by establishing the factual context of Nigeria's complex security landscape, where insurgent groups, including Boko Haram and the Islamic State West Africa Province, have perpetrated violence against civilians of all faiths for over 15 years. Contrary to claims of systematic Christian persecution, empirical evidence from conflict monitoring organizations shows that both Muslims and Christians have been victims of indiscriminate attacks, with violence resulting from multiple overlapping conflicts, including jihadist insurgency and farmer-herder resource competition driven by climate change, governance failures, and economic marginalization. Through detailed analysis of relevant legal frameworks and international jurisprudence precedents, including landmark cases from the International Court of Justice and the precedents set by interventions in Kosovo and Libya, this paper concludes that unilateral U.S. military intervention in Nigeria would clearly violate international law. The proposed action cannot be justified under Article 51's self-defence exception, as no armed attack against the United States has occurred. Furthermore, it lacks authorization from the UN Security Council, which remains the only lawful mechanism for collective military action beyond self-defence. The R2P doctrine, while representing significant normative progress, explicitly requires Security Council authorization and applies only to specific mass atrocity crimes not evidently present in Nigeria's situation. Any unauthorized intervention would constitute aggression, undermining the fundamental sovereignty principles that underpin international peace and security.

Keywords: humanitarian intervention, sovereignty, Responsibility to Protect, Nigeria, international law, UN Charter Article 2(4)



Introduction

In November 2025, President Donald Trump issued unprecedented threats of military action against Nigeria, claiming that Christians face an existential threat and alleging mass killings by Islamic militants (NPR, 2025). Trump ordered the Pentagon to prepare plans for possible military strikes and stated the U.S. could go in "guns-a-blazing" to stop what he described as systematic persecution (CNN, 2025). This threat of unilateral military intervention raises fundamental questions about the balance between humanitarian concerns and state sovereignty under modern international law.

The threatened intervention takes place within a complex security landscape in north-eastern Nigeria, where insurgent groups, including Boko Haram and the Islamic State West Africa Province (ISWAP), have carried out violence against civilians of all faiths for over 15 years (Crisis Group, 2024). However, the description of this violence as specifically targeting Christians has been challenged by Nigerian officials, security experts, and data from conflict monitoring organizations, who point out that both Muslims and Christians have been victims of indiscriminate attacks (TIME, 2025; Al Jazeera, 2025).

This paper examines whether the proposed U.S. military action in Nigeria would be lawful under international law. The analysis is divided into four parts: first, reviewing the factual context and claims justifying intervention; second, analysing the legal framework governing the use of force under international law; third, evaluating the relevance of humanitarian intervention doctrines, including R2P; and fourth, assessing the specific legality of potential U.S. action in Nigeria.

Factual Context: The Security Situation in Nigeria

The Boko Haram Insurgency and ISWAP

Nigeria has experienced a prolonged insurgency in its north-eastern states since 2009, when the militant group Boko Haram began a violent campaign to create an Islamic state (Global Centre for the Responsibility to Protect, 2025). The conflict intensified significantly in 2014 when Boko Haram took control of large areas and gained international attention after kidnapping 276



schoolgirls from Chibok. The insurgency has caused over 20,000 deaths and displaced more than 2 million people, leading to a severe humanitarian crisis (Boko Haram, 2025).

In 2016, the group split, with a faction pledging allegiance to the Islamic State and becoming the Islamic State West Africa Province. Since then, both Boko Haram and ISWAP have engaged in violent rivalry for territorial control while continuing attacks on civilians and security forces (Crisis Group, 2024). Recent developments suggest that ISWAP has intensified its operations since January 2025, showing increased tactical sophistication and possible support from the Islamic State core (The Soufan Centre, 2025).

The Nature of Violence and Victims

Contrary to claims that violence specifically targets Christians, comprehensive data shows a more complex situation. According to the Armed Conflict Location and Event Data program, between January 2020 and September 2025, there were 20,409 deaths from 11,862 attacks against civilians in Nigeria (TIME, 2025). Of these, 385 attacks and 317 deaths involved Christian victims where religious identity played a role, while 417 deaths were recorded among Muslims in 196 attacks during the same period. These figures indicate that jihadist violence affects both religious communities in north-eastern Nigeria, which is mainly Muslim.

Security analysts stress that the conflict's causes extend beyond religion to include competition for resources, land disputes between farmers and herders, poverty, weak governance, and the effects of climate change (Crisis Group, 2025). Nigerian officials and Christian leaders in the affected regions have dismissed claims of genocide against Christians, noting that Islamic militants kill indiscriminately and that Muslims are the majority of victims in the conflict zones (TIME, 2025; Al Jazeera, 2025).

The Farmer-Herder Conflict Dimension

Compounding Nigeria's security issues is a distinct yet related crisis: violent conflict between pastoralist herders and sedentary farmers. This conflict has deep historical roots that go back before colonial times but has worsened significantly since 1999, leading to over 19,000 deaths



and displacing more than 2.2 million people, mainly in Nigeria's Middle Belt states of Benue, Plateau, and Nasarawa (Herder-Farmer Conflicts, 2025; SBM Intelligence, 2025).

The violence between farmers and herders stems from multiple interconnected factors. Climate change and desertification in northern Nigeria have driven Fulani pastoralists to migrate southward in search of grazing lands, pitting them against farmers for increasingly scarce resources (Efobi et al., 2025). Population growth has also led farmers to encroach on traditional cattle migration routes, while advances in veterinary medicine have allowed herders to bring cattle into southern "tsetse fly zones," where settled communities lack experience living alongside nomadic pastoralists (Herder-Farmer Conflicts, 2025).

The fall of traditional conflict resolution methods, including the burfi system that historically managed migration routes, has left communities without effective ways to settle disputes over crop damage caused by livestock (Africa Centre for Strategic Studies, 2024). Land privatization policies promoted by international financial institutions have further marginalized pastoralists by reducing available grazing land without providing alternatives (The SAIS Review, 2024). Violence has increased due to easy access to weapons, the rise of "war economies" around livestock trade, cattle rustling, and the formation of community-based armed groups involved in reprisal attacks (Africa Centre for Strategic Studies, 2024).

Critically, although this conflict has taken on religious and ethnic dimensions with many farmers being Christians of various ethnicities and most herders being Muslim, scholars emphasize that describing it primarily through a religious lens masks the underlying structural drivers, such as land pressure, resource scarcity, governance failures, and socioeconomic marginalization (The SAIS Review, 2024; Wilson Centre, n.d.). Recent attacks in June 2025 in Benue State killed at least 100 people, illustrating the ongoing severity of this crisis (Herder-Farmer Conflicts, 2025).

Conflating the distinct phenomena of jihadist insurgency and farmer-herder resource conflicts into a single narrative of "Christian persecution" fundamentally misunderstands Nigeria's complex security landscape. While both conflicts involve violence affecting Christian communities, their causes, dynamics, and appropriate responses differ significantly. This



conflation risks leading to misguided interventions that fail to address root causes and could potentially escalate intercommunal tensions.

U.S. Claims and Nigerian Response

President Trump's threats in November 2025 followed months of advocacy by American evangelical leaders and Senator Ted Cruz, who claimed Nigerian officials were enabling the mass murder of Christians (Washington Post, 2025). Trump designated Nigeria as a "Country of Particular Concern" for religious freedom violations and threatened to cut all U.S. aid unless the killings stopped.

Nigerian President Bola Tinubu strongly rejected these characterizations, emphasizing that religious tolerance is a fundamental part of Nigerian identity and that the government safeguards citizens of all faiths (Al Jazeera, 2025). Nigeria's constitution guarantees religious freedom, and Tinubu's administration includes both Muslims and Christians in senior roles. Nigerian officials expressed willingness to accept U.S. assistance in fighting terrorism, but only with respect for Nigeria's territorial integrity (Al Jazeera, 2025).

Legal Framework: The Use of Force Under International Law

Article 2(4) of the UN Charter

The foundation of the international legal order concerning the use of force is Article 2(4) of the United Nations Charter, which states 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 Nations" (UN Charter, 1945). This prohibition is recognized as a peremptory norm of customary international law from which no exceptions are allowed.

Article 2(4) covers both actual use of military force and threats to employ such force (Lieber Institute, 2024). The provision safeguards three core elements of national sovereignty: territorial integrity, political independence, and the broader goals of the UN. The International Court of



Justice has consistently affirmed the fundamental importance of this prohibition, describing it as a principle that has achieved the status of *jus cogens* (ICJ, 1986).

The broad phrase "or in any other manner inconsistent with the Purposes of the United Nations" shows that the ban goes beyond just stopping territorial conquest or regime change. Any use of force that harms the UN's core goals, including keeping international peace and security and promoting good relations among nations, falls under the prohibition (Justia, 2025).

Exceptions to Article 2(4): Self-Defence and Security Council Authorization

International law recognizes only two explicit exceptions to the prohibition on using force. First, Article 51 of the UN Charter preserves the "inherent right of individual or collective self-defence" in response to an armed attack (UN Charter, 1945). This exception requires that an armed attack has occurred, that the defensive response is necessary and proportionate, and that the defending state reports its actions to the Security Council.

The ICJ clarified in the Nicaragua case that customary international law also requires that self-defence actions fulfil the tests of necessity and proportionality (ICJ, 1986). The Court emphasized that supporting insurgent forces in another country does not constitute an armed attack that triggers the right of self-defence, even if such support breaches the principle of non-intervention. In later cases, including *Oil Platforms* and *Armed Activities in the Congo*, the Court repeatedly reaffirmed these requirements, noting that states must show both that force was necessary and that the response was proportionate to the armed attack (ICJ, 2003; ICJ, 2005).

The Caroline Doctrine and Anticipatory Self-Defence

The requirements of necessity and proportionality in self-defence originate from the 1837 Caroline incident, which established criteria now recognized as part of customary international law. After a British raid on the American vessel *Caroline* during a Canadian rebellion, U.S. Secretary of State Daniel Webster stated that self-defence must involve a necessity that is "instant, overwhelming, leaving no choice of means, and no moment for deliberation" (Caroline Test, 2025). The response must also be proportional to the threat encountered.



While Article 51 explicitly limits self-defence to situations where "an armed attack occurs," debate continues over whether this allows for anticipatory self-defence against imminent threats. The restrictions view maintains that Article 51 means what it says: self-defence is only lawful after an armed attack has actually begun (Tanimu, 2024). Expansionists contend that the Charter's use of "inherent right" preserves customary law that permits action against imminent attacks meeting Caroline criteria (Gardam, 2013).

The ICJ has not definitively decided whether anticipatory self-defence remains lawful under the Charter, but the Court's focus on the actual occurrence of armed attacks in Nicaragua and subsequent cases indicates a restrictive view (ICJ, 1986). Nonetheless, even expansive interpretations require imminent the threat must be immediate and overwhelming. Vague, long-term, or speculative threats do not meet Caroline's criteria. As restrictions scholars highlight, applying proportionality becomes nearly impossible when no attack has happened yet, and no material effects have appeared (Tanimu, 2024).

Second, Chapter VII of the UN Charter authorizes the Security Council to take measures, including the use of armed force, to maintain or restore international peace and security when it determines the existence of a threat to peace, breach of peace, or act of aggression (UN Charter, 1945, Arts. 39-42). Security Council authorization provides the only mechanism under the Charter for lawful collective military action beyond self-defence.

The Principle of Non-Intervention

Closely related to the prohibition on the use of force is the customary international law principle of non-intervention in matters within a state's domestic jurisdiction. The ICJ in Nicaragua defined the core of this principle: "the right of every sovereign State to conduct its affairs without outside interference" (ICJ, 1986, para. 202). The Court explained that prohibited intervention involves "coercive" interference with matters that states are allowed by international law to decide freely, such as their political, economic, social, and cultural systems and foreign policy.

The principle of non-intervention safeguards state sovereignty even when a country's internal situation raises humanitarian concerns. As the ICJ highlighted, while international law sets



obligations regarding human rights, "the use of force could not be the appropriate method to monitor or ensure such respect" (ICJ, 1986, para. 268).

Humanitarian Intervention and the Responsibility to Protect

The Evolution from Humanitarian Intervention to R2P

The doctrine of humanitarian intervention, the right to use military force to prevent or stop mass atrocities without the consent of the target state, has been controversial throughout the development of international law (Global Centre for the Responsibility to Protect, 2021). During the 1990s, failures to prevent genocides in Rwanda and Srebrenica, contrasted with NATO's unauthorized intervention in Kosovo in 1999, created what UN Secretary-General Kofi Annan called a fundamental challenge: how to balance the need to protect populations from mass atrocities with the principles of sovereignty and non-intervention.

The 2001 report by the International Commission on Intervention and State Sovereignty introduced the concept of "Responsibility to Protect" as an alternative framework. R2P shifted the focus from a "right to intervene" to a "responsibility to protect," emphasizing that sovereignty includes duties to populations (Evans, 2020). This reframing helped build consensus across North-South divides that had made humanitarian intervention politically divisive.

The Three Pillars of R2P

In 2005, the UN World Summit unanimously endorsed R2P in paragraphs 138-139 of the Outcome Document (UN, 2005). The doctrine describes three pillars: First, each state has the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity. Second, the international community has a duty to support states in fulfilling their protection responsibilities. Third, when a state clearly fails to protect its populations, and peaceful means are insufficient, the international community must be prepared to take collective action through the Security Council under Chapter VII.



Critically, R2P applies only to four specific mass atrocity crimes clearly defined in international law: genocide, war crimes, crimes against humanity, and ethnic cleansing (Global Centre for the Responsibility to Protect, 2025). The doctrine explicitly requires Security Council authorization for any coercive measures, including military force, under Pillar Three. R2P emphasizes preventive action through diplomatic, humanitarian, and other peaceful means, with military intervention serving only as a last resort.

R2P Distinguished from Humanitarian Intervention

R2P fundamentally differs from traditional humanitarian intervention doctrines in several ways. First, while humanitarian intervention has historically justified action based on various human rights violations, R2P's scope is strictly limited to the four mass atrocity crimes. Second, humanitarian intervention assumed a right to deploy military force, whereas R2P emphasizes prevention and non-coercive measures, with military force only authorized by the Security Council. Third, R2P enhances rather than diminishes sovereignty by recognizing that protection responsibilities are inherent to sovereignty itself.

These distinctions are legally important because R2P has become an accepted international norm through the unanimous endorsement at the 2005 World Summit and subsequent mention in over 95 Security Council resolutions (Global Centre for the Responsibility to Protect, 2025). Although it is not yet fully recognized as customary international law, R2P reflects the current international consensus on balancing sovereignty with protection needs. In contrast, unilateral humanitarian intervention without Security Council approval remains illegal under international law.

The Libyan Precedent and Its Consequences

The 2011 NATO intervention in Libya marked the first major use of R2P's third pillar. Security Council Resolution 1973 authorized member states to take "all necessary measures" to protect Libyan civilians from Muammar Qaddafi's forces (UN Security Council, 2011). However, the intervention's progression into a regime-change operation sparked significant controversy and damaged R2P's legitimacy in the view of many countries, especially Russia and China (Council on Foreign Relations, 2025).



The legacy of the Libyan experience has been significant. Since 2011, Russia and China have repeatedly vetoed proposed Security Council resolutions that could authorize humanitarian intervention, including in Syria's civil war, despite overwhelming evidence of mass atrocities (Council on Foreign Relations, 2025). This paralysis demonstrates that while R2P establishes a normative framework, its implementation still relies on Security Council agreement, which great power politics often block.

The Kosovo Precedent: Lessons on Unilateral Intervention

The 1999 NATO bombing campaign in Kosovo serves as a key precedent for evaluating claimed humanitarian interventions without Security Council approval. When negotiations over Kosovo's status failed, and violence against ethnic Albanians by Serbian forces grew worse, NATO launched a 78-day air campaign against Serbia without explicit Security Council consent. NATO justified the action on humanitarian grounds, citing the need to stop ethnic cleansing and mass atrocities.

The Kosovo intervention sparked intense legal debate. Proponents argued it was a legitimate humanitarian intervention aimed at preventing catastrophic human rights abuses when the Security Council was paralyzed by the threat of Russian vetoes. Critics maintained that the intervention violated the UN Charter's ban on the use of force and set a dangerous precedent that weakens international law (Simma, 1999). The Independent International Commission on Kosovo concluded that the intervention was "illegal but legitimate," a phrase that reflects the tension between legal bans and humanitarian needs but ultimately recognizes the action's unlawfulness.

When the International Court of Justice issued its 2010 advisory opinion on Kosovo's subsequent declaration of independence, it carefully avoided addressing the legality of the NATO intervention itself. The Court noted it was "not required by the question it has been asked to take a position on whether international law conferred a positive entitlement on Kosovo unilaterally to declare its independence" (ICJ, 2010, para. 56). The ICJ found that declarations of



independence are not per se prohibited by international law, except where connected to the unlawful use of force or violations of jus cogens norms (ICJ, 2010).

Critically, the Court's narrow focus on the declaration rather than the intervention shows how international law continues to reject unilateral humanitarian intervention. States' submissions to the Court revealed deep divisions, with some citing concepts of "remedial secession" following human rights abuses, but the Court refused to endorse such theories (Accordance with International Law, 2010). The Kosovo case thus affirms that even when humanitarian concerns are real and severe, unilateral military action without Security Council approval remains unlawful under the Charter framework.

Application: Legality of U.S. Intervention in Nigeria

Lack of Valid Self-Defence Justification

Any potential U.S. military action in Nigeria cannot be justified under Article 51's self-defence exception. Self-defence requires an armed attack against the defending state or, in the case of collective self-defence, against a state that has requested assistance. Nigeria has not attacked the United States, nor has any violence in Nigeria been directed at U.S. territory or nationals that would qualify as an armed attack under Article 51.

While Trump administration officials have described the situation as requiring U.S. action to protect Christians, the right of self-defence does not extend to defending third-party nationals in another country unless that country requests help or there is an armed attack against the intervening state. The Nigerian government has explicitly denied claims that it fails to protect its citizens and has not requested U.S. military intervention. In fact, Nigeria has emphasized that any assistance must respect its territorial integrity (Al Jazeera, 2025).

Lack of Authorization from the Security Council

No Security Council resolution authorizes military action in Nigeria. The Trump administration's unilateral designation of Nigeria as a "Country of Particular Concern" for religious freedom



violations holds no legal weight under international law regarding the use of force. Such designations reflect U.S. domestic law under the International Religious Freedom Act but do not establish authority for military intervention under the UN Charter.

Given the current geopolitical climate, Security Council approval for intervention in Nigeria appears very unlikely. The Libyan precedent has made Russia and China cautious about endorsing actions that could lead to regime change. Additionally, Nigeria is Africa's most populous country and largest economy, with strong diplomatic ties across the continent and the Global South. Any proposed intervention is likely to face strong opposition from African nations and other developing countries that emphasize sovereignty.

Inapplicability of R2P

The R2P doctrine cannot justify unilateral U.S. military action in Nigeria for several reasons. First, while Nigeria faces significant security challenges, the situation does not clearly involve any of the four mass atrocity crimes covered by R2P. Despite the Trump administration's claims of Christian genocide, the evidence does not support such a label. Data from ACLED and other monitoring groups show that violence impacts both Muslims and Christians, with attacks seeming indiscriminate rather than systematically targeting one religious' group (TIME, 2025).

Even assuming *arguendo* that mass atrocity crimes are occurring, R2P's third pillar requires Security Council approval for military intervention. The doctrine explicitly rejects the concept of unilateral humanitarian intervention in favour of collective action through UN mechanisms. As the Global Centre for the Responsibility to Protect emphasizes, R2P "seeks to respond to extreme crises in a way that is both legitimate and legal" by requiring proper authorization (Global Centre for the Responsibility to Protect, 2021, para. 3).

Furthermore, R2P's emphasis on prevention and its graduated response framework have not been fully applied. The doctrine emphasizes diplomatic engagement, capacity building, and non-coercive measures to support states in fulfilling their protection duties. In 2024, the United States announced \$27 million in humanitarian aid to Nigeria and continues diplomatic talks with the Tinubu government (U.S. Embassy Nigeria, 2024). These non-military approaches align with



R2P's first and second pillars but do not justify resorting to military intervention under pillar three.

Violation of Nigeria's sovereignty

Any unauthorized U.S. military intervention in Nigeria would clearly breach Nigeria's sovereignty under customary international law. Nigeria is a functioning state with a constitutional government, military forces, and effective control over most of its territory. Although the government faces capacity challenges in combating insurgencies, this does not render Nigeria a failed state or negate its sovereignty.

The principle set by the ICJ in Nicaragua still holds: a country's internal issues, including human rights concerns, do not justify another country's use of force (ICJ, 1986). The Court explicitly rejected the idea that protecting human rights could be a reason for intervention, stating that "the use of force could not be the appropriate method to monitor or ensure such respect" (ICJ, 1986, para. 268).

Nigerian President Tinubu's public statements rejecting claims of religious persecution and affirming Nigeria's constitutional protections for all faiths demonstrate the government's opposition to intervention. International law does not allow overriding a country's sovereignty based on disagreements about the adequacy of its internal policies, even when those policies concern human rights.

The Absence of an "Unwilling or Unable" Doctrine

Some advocates of expanded self-defence ideas argue that states may use force in another country's territory against non-state actors when that host country is "unwilling or unable" to deal with the threat itself. The United States has used this doctrine to justify counterterrorism operations in nations like Syria, Yemen, and Somalia. However, this doctrine remains controversial and is not widely accepted as customary international law.



The "unwilling or unable" standard faces several key objections under international law. First, it is not explicitly recognized in the UN Charter or established in ICJ jurisprudence. Second, it effectively allows powerful states to make unilateral judgments about other states' capabilities and intentions, creating a significant risk of abuse. Third, it risks becoming a tool for circumventing the principle of territorial sovereignty and the prohibition on intervention in domestic affairs (Deeks, 2012).

Applied to Nigeria, the "unwilling or unable" doctrine would fail even under its own terms. Nigeria is actively fighting terrorist groups through military operations and has shown a willingness to accept international assistance on its own terms. The Nigerian government maintains effective control over most of its territory and has not abdicated responsibility for security challenges. Most importantly, Nigeria has explicitly rejected the characterizations underlying proposed U.S. intervention and has not requested military aid (Al Jazeera, 2025). Overriding these objections by unilaterally determining Nigeria's "inability" would violate the very sovereignty that international law aims to protect.

Practical and Strategic Concerns

Beyond legal issues, practical realities show that intervention would be problematic. Security experts point out that Nigeria's security problems come from decades of underdevelopment, poor governance, competition over resources, and climate change effects (NBC News, 2025). Military strikes against insurgent groups are unlikely to succeed unless these underlying issues are addressed, and could lead to civilian casualties, as Nigerian airstrikes have repeatedly caused.

The withdrawal of U.S. forces from neighbouring Niger in 2024 has decreased American military presence in the region, forcing any intervention to pull resources from other areas (Military.com, 2025). The complex dynamics among Boko Haram, ISWAP, criminal gangs, and farmer-herder conflicts mean that external forces without deep contextual understanding risk worsening violence instead of reducing it.



Alternative Legal Strategies

International law offers mechanisms for addressing humanitarian issues in Nigeria without resorting to unlawful use of force. The United States can keep providing humanitarian aid, strengthen intelligence sharing with Nigerian forces, offer training and capacity building, and apply diplomatic pressure through multilateral forums. These methods respect Nigerian sovereignty while helping improve security outcomes.

If the situation in Nigeria worsens to clearly involve mass atrocity crimes, the appropriate legal option would be to seek Security Council action under Chapter VII. The United States could present evidence to the Council and advocate for protective measures, including the possibility of military intervention if necessary, as a last resort. This approach respects the Charter framework while allowing for collective action when real mass atrocities occur.

The Nigerian government has shown openness to constructive engagement. In July 2024, President Tinubu created the Ministry of Livestock Development and the Presidential Committee on Implementing Livestock Reform specifically to address farmer-herder conflicts through institutional reform rather than military measures (The OWP, 2024). This acknowledges that Nigeria's security issues require improvements in governance, economic development, and conflict resolution mechanisms instead of military actions. The United States can support these efforts through technical assistance, funding, and diplomatic engagement without violating sovereignty principles.

Regional organizations also provide frameworks for cooperative security efforts. The Economic Community of West African States (ECOWAS) has established mechanisms to address transnational security threats in West Africa, such as terrorism and violent extremism. Multilateral approaches through ECOWAS, the African Union, and the United Nations Development Program, which already run peacebuilding programs in affected Nigerian states, offer legitimate pathways for international support that respect sovereignty while tackling the root causes of conflict (UN Human Security Unit, 2024).



Broader Implications for International Law and Order

The Danger of Setting a Precedent

Accepting unilateral U.S. intervention in Nigeria would set a dangerous precedent, seriously weakening the international legal order. If the world's most powerful military can bypass sovereignty based on disputed descriptions of internal issues, what limits stop other nations from doing the same? Russia used humanitarian reasons to justify intervention in Ukraine in 2014, claiming they needed to protect Russian-speakers. China could make similar claims about ethnic Chinese populations abroad. This erosion of sovereignty principles would revert international relations to a pre-Charter era where force determined what was right.

The ICJ has consistently emphasized that the Charter's ban on the use of force plays an essential role in maintaining international peace and security. In Nicaragua, the Court observed that this prohibition is so fundamental that it has attained *jus cogens* status as a peremptory norm from which no derogation is allowed (ICJ, 1986). Exceptions to this prohibition must be interpreted narrowly and clearly established, not expanded through creative reinterpretation that effectively nullifies the rule itself.

The Persistent Tension: Sovereignty vs. Protection

The Nigerian case underscores a major tension in modern international law between state sovereignty and international protection responsibilities. This conflict became especially evident in the 1990s after genocides in Rwanda and Srebrenica, as well as NATO's unauthorized intervention in Kosovo. The R2P doctrine sought to address this tension by asserting that sovereignty carries responsibilities, while also respecting the Charter's requirement for Security Council approval of coercive measures.

However, R2P's implementation is still limited by Security Council politics. Russia and China's vetoes have blocked actions in Syria despite hundreds of thousands being killed and clear evidence of mass atrocities, including chemical weapons use. This deadlock frustrates supporters of humanitarian intervention and has led some to advocate for reviving unilateral intervention



policies. However, these arguments overlook the consequences of abandoning Charter constraints.

The alternative to perfectly enforcing protection principles is not abandoning legal constraints, but rather continuing diplomatic efforts to build consensus for collective action when genuine mass atrocities happen. The international community must work to reform Security Council decision-making, enhance regional organizations' ability to take protective action, and invest in conflict prevention and early warning systems. These institutional improvements, though challenging, offer more hope than accepting that any powerful state can unilaterally decide when intervention is necessary.

Conclusion

Potential unilateral U.S. military action in Nigeria, as threatened by President Trump in November 2025, would breach fundamental principles of international law. Article 2(4) of the UN Charter bans the use of force against a country's territorial integrity or political independence, with only narrow exceptions for self-defence and Security Council approval. Neither exception applies to Nigeria.

The Responsibility to Protect doctrine, while marking significant normative progress in international efforts to prevent mass atrocities, does not authorize unilateral intervention. R2P explicitly requires Security Council approval for military action and applies only to specific mass atrocity crimes. The security issues in Nigeria, although serious, do not amount to genocide or systematic targeting of Christians as claimed, nor do they meet the criteria for R2P's application. Empirical evidence shows that violence affects both Muslim and Christian communities, stemming from multiple overlapping conflicts, including jihadist insurgency and farmer-herder resource struggles, and is driven by structural factors such as climate change, governance failures, and economic marginalization rather than religious persecution.

The principle of state sovereignty, repeatedly affirmed by the International Court of Justice and embedded throughout international law, protects Nigeria's right to manage its internal affairs without outside military interference. Nigeria's government has rejected characterizations of its



Interdisciplinary Journal of Information, Knowledge, and Management

*An Official Publication
of the Informing Science Institute
InformingScience.org*

Vol. : 19, Issue 1, 2024

ISSN: (E) 1555-1237

policies as religiously discriminatory and has not requested U.S. military intervention. International law does not permit states to override sovereignty based on disagreements about another state's policies, even when humanitarian concerns exist. The ICJ established in Nicaragua and reaffirmed in subsequent cases that human rights concerns do not justify the use of force, and that necessity and proportionality requirements constrain even lawful self-defence.

Any U.S. military action in Nigeria without Security Council authorization or Nigerian consent would be considered aggression in violation of the UN Charter, customary international law, and established ICJ jurisprudence. The Caroline doctrine's criteria of immediate, overwhelming necessity, leaving no alternative means, and no time for deliberation are not met when no armed attack against the United States has occurred, and the supposed threats are neither imminent nor directed at U.S. territory or citizens. The controversial "unwilling or unable" doctrine, even if accepted, would not apply where Nigeria actively fights terrorism and explicitly rejects outside military intervention.

The appropriate response to humanitarian concerns involves supporting Nigeria through legal channels, humanitarian aid, capacity building, diplomatic efforts, and multilateral advocacy, all while respecting the sovereignty that remains essential to the international legal system. The United States has already provided significant humanitarian assistance and can continue doing so, while also engaging with Nigerian institutional reforms that address the root causes of conflict. Regional organizations, including ECOWAS, the African Union, and UN development programs, offer additional frameworks for collaborative security efforts.

The Nigerian case thus highlights a key conflict in modern international law: while the global community has moral duties to prevent mass atrocities, the legal tools to carry out these duties are limited by sovereignty principles and Security Council politics. Solving this conflict requires operating within established legal frameworks instead of claiming unilateral power to intervene militarily, which would weaken the very international order meant to prevent conflict and safeguard populations. Approving unilateral intervention based on disputed descriptions of internal situations would set a precedent that erodes the ban on the use of force, allowing



powerful states to override sovereignty whenever they find it convenient, and reverting international relations to a pre-Charter era of might makes right.

The lesson from Kosovo, Libya, Syria, and other recent crises is not that sovereignty should yield to unilateral intervention, but that the international community must strengthen collective mechanisms for responding to mass atrocities when they truly occur. This involves diplomatic efforts to reform Security Council decision-making, investments in conflict prevention and early warning systems, support for regional organizations' capacity building, and ongoing commitment to the multilateral framework that, despite its flaws, has contributed to the longest period without major power war in modern history. Nigeria's challenges require engagement, assistance, and support, not violations of the fundamental legal principles that underpin international peace and security.

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Interdisciplinary Journal
of Information, Knowledge,
and Management

An Official Publication
of the Informing Science Institute
InformingScience.org

Vol. : 19, Issue 1, 2024

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