

Weakness and Atrophy in current law

Ciro SETTECASI

Ph.D. Student in “SUSTAINABLE DEVELOPMENT”

MED.E.A – International University, Malta

ciro.settecasi@gmail.com

Abstract

Unilateral actions by the United States - such as historical interventions in Chile (1973), the ongoing pressure campaign on Greenland (2025–2026), and unilateral military strikes on Iranian nuclear sites (2025–2026) - do not formally amend international law, which remains anchored in treaties, customary norms, and codified principles, primarily the United Nations Charter.

However, such actions erode its effectiveness by establishing precedents that undermine its authority and perceived universality within the international community. When a hegemonic power like the United States acts independently - disregarding core norms such as the prohibition on the use of force (Article 2(41) of the UN Charter) or the principle of non-intervention in the internal affairs of other States (Article 2(7)) - international law increasingly appears as a selective instrument rather than a binding, egalitarian system.

This results in systemic “atrophy,” where norms lose credibility owing to inconsistent enforcement, favoring a de facto order based on power and force over multilateral consensus.

Keywords: Unilateral Action, hegemonic power, Aggression, Cyber Operations, egalitarian system, inconsistent enforcement, International Organization, UN Charter, Leadership.

INTRODUCTION

The contemporary global order is undergoing profound transformation, driven by rapid climate change, technological disruption, resource competition, and the resurgence of great-power rivalry. These dynamics demand effective change management at the international level, yet the multilateral

¹ 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.

institutions and legal frameworks designed to govern such transitions - foremost among them international law - are showing signs of profound fragility.

In 2026, the international legal system faces what many scholars describe as structural and selective atrophy: structural because of the absence of centralized enforcement mechanisms and the paralysis of key bodies such as the UN Security Council; selective because powerful states increasingly treat binding norms as optional while imposing them rigidly on weaker actors. This asymmetry undermines the legitimacy and efficacy of international law precisely at the moment when coordinated global responses are most needed to manage emerging socio-economic and geopolitical challenges.

This paper examines how unilateral actions by the United States - historically in Chile, and more recently in the Greenland crisis and strikes on Iran - contribute to this erosion.

By analyzing these cases, it argues the weakening of international law is not merely a symptom of geopolitical competition, but a structural barrier to effective global leadership and change management in the 21st century. The analysis highlights the tension between formal legality and *realpolitik*, and concludes with reflections on the **leadership** responsibilities required to reverse - or at least mitigate - this trend.

THEORETICAL FRAMEWORK

This paper is situated within the realist-constructivist synthesis in International Relations theory. From realism (particularly hegemonic stability theory and offensive realism), it draws the insight that powerful states tend to prioritize national interest and relative power over formal legal constraints when these conflict. From constructivism, it incorporates the idea that repeated violations and inconsistent enforcement can erode the intersubjective legitimacy and normative force of international law, gradually transforming it from a binding order into a rhetorical instrument. The concept of “atrophy” is understood here as the progressive loss of both compliance pull (Franck, 1990²) and perceived legitimacy of international legal norms due to structural power asymmetries and selective application. This hybrid framework allows the analysis to bridge the gap between material power dynamics and the social construction of legal authority.

METHODOLOGY

The research adopts a qualitative case-study design with a focus on process-tracing. Three purposively selected cases of alleged U.S. unilateral actions: Chile (1973), Greenland (2025–2026), and Iran (2025–2026). These are examined to illustrate patterns of interaction between hegemonic behaviour and international legal norms. These cases were chosen because they span different historical periods (Cold War and post-Cold War), different domains (covert intervention, economic coercion, and direct military action), and different types of norms allegedly affected (non-intervention, territorial sovereignty, and prohibition on the use of force). The analysis relies on secondary sources, official statements, scholarly legal commentary, and UN documents. It acknowledges the limitation of focusing exclusively on U.S. actions: while this focus highlights the behaviours of the current

² According to Franck’s work, particularly *The Power of Legitimacy Among Nations* (1990), legitimacy is what gives international rules “compliance pull”—the ability to induce states to comply with obligations voluntarily, without requiring coercive enforcement.

hegemon, similar dynamics of selective compliance can be observed in the actions of other major powers (e.g., Russia in Ukraine or China in the South China Sea). A brief comparative note is included to mitigate the risk of one-sidedness. The study does not claim universal generalizability but aims to generate insights into the mechanisms of legal erosion in a unipolar-to-multipolar transition.

How unilateral U.S. actions influence international law

U.S. actions, frequently justified on grounds of “national security” or “strategic interests,” generate persistent tension between formal legality and realpolitik.

- **Chile (1973):** U.S. covert support for the coup against President Salvador Allende, culminating in Augusto Pinochet's regime, violated the principle of non-intervention (codified in UN General Assembly Resolution 2625 (XXV) of 1970 and the OAS Charter). While it did not alter the norms themselves, it reinforced perceptions of an asymmetric international legal order, in which powerful states act with relative impunity while weaker ones remain constrained.
- **Greenland (2025–2026):** Under the second Trump administration, the United States intensified pressure for the acquisition of Greenland (an autonomous Danish territory), including threats of punitive tariffs on Denmark and seven other European NATO allies. Tariffs were announced to start at 10% on February 1, 2026, rising to 25% by June unless a purchase deal was reached (Power, 2026, January 19). This directly challenges territorial sovereignty (UN Charter Articles 2(4) and 2(7)) and raises questions about economic coercion as a form of unlawful threat of force. The tariff threat was later walked back following NATO talks (Power, 2026, January 21; Harris, 2026). Legal experts highlight that the threshold for unlawful economic coercion remains contested, but absent effective enforcement, such pressure erodes trust in multilateralism (Ischinger, 2026; Motha, 2026).
- **Iran (2025–2026):** Unilateral U.S. bombings of Iranian nuclear facilities - described in some sources as “unprovoked” - violate the prohibition on the use of force absent UN Security Council authorization or a clear case of armed attack justifying self-defense (Article 51 UN Charter). This does not alter nuclear non-proliferation norms (e.g., NPT), but weakens the non-proliferation regime and multilateral frameworks (e.g., the 2015 JCPOA, abandoned by the U.S. in 2018). It sets dangerous precedents for other powers (e.g., Russia's actions in Ukraine), accelerating the erosion of international law.

In general, these actions do not “reform” international law (which requires multilateral consent or customary evolution) but weaken it through the illusion of universality: norms are binding for the weak but optional for the strong.

Alternative legal interpretations and doctrinal debates

The legal assessment of the cases above is not uncontroversial. In the Chilean case, some scholars have argued that U.S. actions fell within the broader Cold War logic of collective self-defense against perceived communist expansion, although this interpretation stretches the boundaries of Article 51³.

³ Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the

Regarding Greenland, the U.S. administration has framed its pressure as legitimate economic statecraft and negotiation tactics rather than unlawful coercion or threat of force; the exact threshold for “economic aggression” remains debated in doctrine, with some authors (e.g., in the tradition of economic coercion literature) arguing that tariffs and sanctions do not reach the level of prohibited intervention unless they amount to a direct threat of armed force. In the Iranian strikes, the United States has likely invoked anticipatory self-defense or pre-emptive action against an imminent nuclear threat, a position that finds some support in post-9/11 state practice and scholarly arguments (e.g., the “Bush Doctrine” debates), though it is rejected by many international lawyers as incompatible with a strict reading of Article 51. This paper acknowledges these counterarguments while maintaining that the cumulative effect of such expansive interpretations contributes to the normalization of exceptions that risk hollowing out the core prohibitions of the UN Charter.

Clarifying the concept of “atrophy”

In this study, “atrophy” of international law is operationalized as a dual process:

1. structural atrophy, referring to the long-term weakening of enforcement mechanisms and institutional paralysis (e.g., Security Council veto deadlock);
2. normative atrophy, understood as the progressive decline in the compliance pull and perceived legitimacy of legal norms due to repeated selective application and hegemonic disregard.

Atrophy is therefore not the formal repeal of rules, but their gradual loss of effectiveness and authority in guiding state behavior, measurable through declining references in diplomatic practice, erosion of trust in multilateral institutions, and increasing reliance on power-based rather than rule-based outcomes.

How weak is international law today (2026)?

In 2026, international law appears particularly fragile, often described in scholarly and policy discourse as a “lawless world” or “atrophic system” due to:

- **Lack of centralized enforcement:** Without a supranational authority (e.g., the UN Security Council paralyzed by vetoes from permanent members like the U.S., Russia, and China), violations remain largely unpunished. Examples include U.S. raids in Venezuela (capture of Nicolás Maduro, January 2026) and Greenland threats, both disregarding UN Charter norms on sovereignty and non-use of force.
- **Power asymmetry:** Hegemonic states employ economic coercion (sanctions, tariffs) as a weapon against weaker actors, breaching non-coercion principles, while smaller states remain bound.
- **Multilateral erosion:** Ongoing conflicts (Ukraine, Gaza) and U.S. unilateralism under Trump (e.g., revival of “Monroe Doctrine” - style policies) reveal an order increasingly based on “force and power” rather than rules, with declining democracy promotion and accountability.

authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

- **Structural factors:** Security Council vetoes, great-power competition, and the failure of norms like Responsibility to Protect (R2P) render the system vulnerable, especially for weaker states.

In summary, international law in 2026 is weakened by structural atrophy and selective enforcement, yet it remains an essential framework. Its strength ultimately depends on collective consent - now undermined by persistent unilateral actions.

COMPARATIVE NOTE

To avoid the impression of U.S.-centric selectivity, it is important to note that analogous patterns of legal erosion can be observed in the behavior of other major powers. Russia's military intervention in Ukraine (2022–ongoing) and China's expansive claims and island-building in the South China Sea similarly challenge core norms of territorial integrity and non-use of force, often justified through broad interpretations of self-defense or historical rights. These examples suggest that the phenomenon of “atrophy” is not uniquely American but reflects a broader structural dynamic in an era of intensifying great-power competition, where hegemonic or rising powers test the limits of the post-1945 legal order.

CONCLUSION

The progressive atrophy of international law represents one of the most serious obstacles to effective change management in the current global socio-economic and geopolitical landscape. When the rules designed to facilitate peaceful cooperation and equitable development are selectively applied or openly disregarded by the most powerful actors, the capacity of the international community to address shared challenges - climate change, resource scarcity, technological disruption, migration flows - becomes severely compromised.

The cases examined in this paper - Chile, Greenland (Harris, 2026; Power, 2026), and Iran - illustrate how hegemonic unilateralism normalizes the primacy of power over law. This trend not only threatens the security of smaller states but also undermines the legitimacy of global leadership itself. Reversing this trajectory requires visionary and responsible leadership capable of restoring credibility to international law through concrete actions: strengthening enforcement mechanisms, reducing veto paralysis in the UN Security Council, investing in inclusive multilateral diplomacy, and demonstrating restraint even when national interests are at stake.

Only by bridging the gap between formal norms and consistent practice can international law regain its role as a genuine instrument of change management in an increasingly multipolar and interdependent world. Without such leadership, the risk is not merely the further weakening of international law, but the emergence of a global order in which might alone makes right - a scenario incompatible with sustainable development, equity, and long-term stability.

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