

Sovereignty, International Law and Trade: The New Landscape Between Venezuela and the U.S.

By Holland & Knight

In recent weeks, the relationship between Venezuela and the United States has seen a significant increase in tensions, reflected in military actions and diplomatic statements that have raised concerns within the international community. U.S. President Donald Trump has highlighted U.S. Navy operations against Venezuelan cartels, stating that virtually no vessels linked to drug trafficking remain in Caribbean waters. The Venezuelan government, for its part, has denounced the presence of U.S. combat aircraft near its coast, describing these events as provocations and threats to national security.

In response, Venezuela has sought international support, particularly from Russia, and has reinforced its discourse on the defense of sovereignty and respect for international law. Venezuela's National Assembly recently approved a strategic partnership with Russia aimed at strengthening cooperation and high-level political dialogue in a context of increasing militarization in the region.

From a legal standpoint, the presence of U.S. military ships and aircraft in Venezuela's exclusive economic zone (EEZ), even if outside its territorial waters, raises questions regarding the interpretation of the United Nations Convention on the Law of the Sea (UNCLOS) and the principle of non-intervention. U.S. military actions, justified by the fight against drug trafficking and designation of cartels as terrorist organizations, have been the subject of debate among legal experts and lawmakers, who question the legality of the attacks and classification of traffickers as "unlawful combatants."

In this context, Venezuela's Ministries of Defense and Foreign Affairs denounced and rejected the "illegal incursion" of U.S. combat aircraft, detected approximately 75 kilometers off its coast, within the Flight Information Region (FIR) of Maiquetía. According to the official statement, the maneuver was identified by the Comprehensive Aerospace Defense Command (CODAI) and, in the view of Venezuelan authorities, constitutes a provocation that threatens national sovereignty and violates both international law and the Chicago Convention on International Civil Aviation.

The Venezuelan government said that the incursion endangered the operational safety of civil and commercial aviation in the Caribbean Sea. The government maintains that the incident adds to other similar illegal incursions previously recorded and reported, forming a pattern of harassment that, according to its authorities, cannot be tolerated. In the same statement, the Venezuelan government demanded that U.S. Secretary of Defense Peter Hegseth immediately cease what it described as reckless and warlike behavior, which, according to Venezuela, endangers regional stability and undermines the Latin America and Caribbean peace zone.

Furthermore, the Venezuelan government announced it will file a complaint with the United Nations secretary general, Security Council, International Civil Aviation Organization and Community of Latin American and Caribbean States, with the aim of having these organizations take measures to prevent the recurrence of actions that are considered illegal and dangerous. Finally, the government reiterated it will not accept intimidation or aggression from any foreign power and will exercise its right to defend

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national sovereignty, whereas the Bolivarian National Armed Forces (FANB) said they will remain vigilant in protecting the country's airspace through its aerospace defense system.

In the same context, Venezuelan President Nicolás Maduro announced the organization of exercises to further refine territorial defense mechanisms in response to the U.S. military presence in the Caribbean, which the government describes as a threat aimed at promoting regime change. According to statements broadcast on state television, the event will be a special organizational day focused on command, leadership and communication across the professional structure of the FANB and the militia without involving the movement of weaponry. The recently established Communal Militia Units and so-called "Popular Integral Defense Bases" will also be included.

This scenario creates legal uncertainty for companies and individuals with commercial interests in the region. Commercial relations between Venezuela and the U.S. – traditionally complex but functional in sectors such as energy, food and services – are threatened by the risk of additional sanctions, the possibility of new emergency measures by Venezuela and increased militarization – factors that may affect the legal security of bilateral operations.

Consequently, companies and commercial operators are advised to closely monitor legal and diplomatic updates, review current agreements regarding *force majeure* and dispute resolution clauses, and consider diversification strategies to mitigate the impact of possible restrictions. The evolution of the relationship between both countries will continue to be a key factor in bilateral trade, making specialized legal advice and ongoing regulatory analysis essential tools for informed decision-making and the protection of business interests.

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