

Legality of the Use of Force by United States Against Nigeria

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Abstract:

On Christmas 25 December 2025, the President of the United States of America President Donald Trump announced on his Truth Social media platform that in his capacity as Commander-in-Chief of the U.S. Army ordered a deadly strike on 'ISIS Islamic Terrorists SCUM' in Sokoto State, Northern Nigeria who he alleged, had been killing innocent Christians decimating every camp. Nigeria Information Minister Mohhamed Idris announced the attack the following day. He announced that the attack targeted two major ISIS enclaves in Bauni forest of Tangaza in Sokoto State. He disclosed that the Nigeria military provided intelligence for the operations which he said, was successful. The military operation brought criticism by persons who pointed out that it violated the sovereignty of Nigeria and the Charter of the United Nations Organization. For several years Nigeria has suffered attacks from non-state armed groups, targeting Christians, Muslims and victims of all ethnicities, devastating the educational, cultural and the existential economy of victims. The United States of America and Nigeria are members of the United Nations Organization (U.N.O) which was founded in 1945 at the end of the Second World War. By their membership of the U.N.O Nigeria and the U.S.A adhered to the universal pledge to maintain international peace and security, collective measures for the prevention and removal of threats to peace, and for the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to the breach of the peace (Article 1(1); in furtherance of these principles, affirm the sovereign equality of nations (Article 2(1); peaceful settlement of disputes in a manner in which international peace and security will not be jeopardised and to 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 purpose of the United Nations (Article 2(4). The U.S.A is a permanent

member of the Security Council of the U.N.O (Article 13 (1), charged with the responsibility of primary responsibility for the maintenance of international peace and security, and agrees that in carrying out its duties under this responsibility the Security Council acts on their behalf. Article 24 (1). The Security Council has the responsibility under Chapters VI and VII to take action on behalf of the U.N.O against threats to peace, breaches to peace and acts of aggression which may require the use of threats or force to maintain or restore international peace and security (Article 42). As a permanent member of the Security Council, the U.S.A has a responsibility to ensure compliance of the U.N. peace and security framework and the international legal order arising from the bilateral and multilateral treaty obligations including treaties binding Nigeria and the U.S.A This paper examines the legality of the threat and use of force against alleged ISIS terrorists SCUM in Sokoto State in Nigeria on Christmas Day December 25, 2025 by U.S.A President Donald Trump in his capacity as commander-in-chief of the U.S.A. Military to protect and prevent the genocide of Christians.

Key words: Commander-In Chief, Legality, Mankind, Military, Peace, Safeguard, Security, War, World.

Introduction.

The Federal Republic of Nigeria achieved independence from Great Britain on October 1, 1960 and became a member of the United Nations on October 7, 1960. The Federal Republic of Nigeria was a founding member of the Organization of African Unity (OAU) now, the African Union (AU) on May 25, 1963, and Economic Community of West African States (ECOWAS) on May 28, 1973. According to information published by the Nigeria Bureau of Statistics, the last population census of Nigeria was carried out in 2006 and placed the population at 140,431,790 with a population projection of 216,783,381 in 2022.¹

Nigeria is an ethnically diverse Federal Republic of 36 states, the Federal Capital Territory Abuja and 744 local government administrative structures. Nigeria functions as a presidential form of government which was established by the 1999 constitution.² Nigeria is endowed with significant natural resources. It has the largest reserves of oil and gas in Africa, mineral resources such as gold, iron ore, columbite, tin, coal and limestone. It possesses significant agricultural land and strategic maritime economic and international transportation resources.³

Despite the abundance of these resources, Nigeria is confronted by significant human and natural security challenges. These challenges pose significant threats to its national cohesion and stability. According to Olowolagba, security challenges caused by violent groups are often based on ethnic and religious differences, militancy and fights between farmers and herders over land and resources, causing casualties, destruction of property, and forcing people to leave their homes. Factors such as demographics, environmental conditions, and politics make these conflicts more complicated.⁴ Some of the most violent criminal gangs posing security challenges in Nigeria

¹. National Bureau of Statistics, *Demographic Statistics Bulletin 2022* (Abuja: National Bureau of Statistics, 2022), available at: <https://nigerianstat.gov.ng/pdfuploads/DEMOGRAPHI>

². Nigeria Consulate New York, *Structure and Functions of the Government of Nigeria*, available at: <https://nigeriaconsulateneويورك.org/our-government>

³. Ministry of Foreign Affairs, Nigeria, *Natural Resources in Nigeria*, available at: <https://foreignaffairs.gov.ng/nigeria/natural-resources>.

⁴. Lekan Yusuf Olowolagba, 'Nigeria's National Security Challenges: An Evaluation of the Buhari Administration' (5 May 2025) MSIJALJ492025 GS.pdf.

include, bandits, Al Qaeda , ISIS in the Sahel, Boko Haram Jihadist terrorist Groups and its splinter groups, ISWAP, and Ansaru which are operating mainly in North East Nigeria and the neighboring countries of Cameroon, Chad and Niger.

Nigeria/U.S, Religion Constitutional Protections.

The Federal Republic of Nigeria is a deeply religious country. It is evenly divided between Moslems and Christians with a sizable number of traditional African religions. The Federal Constitution of Nigeria (1999), guarantees the freedom of religion, prohibits the adoption of a state religion and prohibits religious discrimination.

Part II Article 38 of the said constitution states,

38 (1). Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance

(3). No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination⁵.

This provision of the Nigeria Constitution mirrors the First Amendment of the U.S Constitution which guarantees religious freedom and prohibits the government from establishing an official religion (Establishment Clause ratified in 1791). The U.S.A and Nigeria established diplomatic relations on October 1, 1960, the same day Nigeria achieved independence.

Despite its constitutional human rights and security architecture; and multilateral collaborative security framework of protections, multifaceted threats facing Nigeria have not abated. Religious violence has been a serious source of instability and threat to peace and security from when Nigeria achieved independence.

United States of America has been a reliable partner with Nigeria in confronting its security, democracy, human rights and economic challenges. Religious violence are among these security

⁵. *Nigeria's Constitution of 1999*, available at: <https://www.constituteproject.org/constitution/Nigeria>

challenges. A report by the US State Department Bureau of Political-Security Affairs dated January 20, 2025 characterised the strong bilateral and multilateral partnership and security cooperation partnership with Nigeria over the last fifty years as the most important in Sub-Sahara Africa, given Nigeria's status as the most populous country, largest economy and shared democratic values". The report recalled that "the United States works closely with Nigeria, both bilaterally and through regional frameworks like ECOWAS, the Multinational Joint Task Force (MNJTF), the Global Coalition to Defeat Daesh/ISIS, and the African Union; increasing cooperation on maritime and border security, military professionalism, counterterrorism efforts against Boko Haram and ISIS -West Africa, defense trade, and strengthening governance of the security sector....Trans-Sahara Counter-Terrorism Partnership".⁶

Despite the sound picture of the relationship between Nigeria and the US painted in this State Department Report, the contentious attack carried out by the U.S on Christmas Day, December 25 2025 against ISIS Jihadist Terrorist Scum in Sokoto State of Nigeria by U.S African Command (AFRICOM) from a U.S War ship in the Gulf of Guinea, characterised by the US President Donald Trump as a unilateral military operation ordered by him as Commander-in Chief of the US forces, calls the legality of the operation and some U.S military operations in Nigeria and in the subregion of West Africa into question.

Announcing the attack, President Trump wrote in his Truth Social media platform that "the United States launched a powerful and deadly strike against ISIS Terrorist Scum in Northwest Nigeria, who have been targeting and viciously killing, primarily, innocent Christians at levels not seen for many years, and even Centuries!" President Trump warned that under his leadership, the U.S, "will not allow Radical Islamic Terrorism to prosper.... May God Bless our Military, and MERRY CHRISTMAS to all, including the dead Terrorists, of which there will be many more if their slaughter of Christians continues". General Dagvin Anderson, Commander of AFRICOM, announced that the goal of AFRICOM is to protect Americans and disrupt violent extremist organizations wherever they are."

⁶. U.S. Department of State, *U.S. Security Cooperation with Nigeria*, available at: <https://www.state.gov/u-s-security-cooperation-with-nigeria>

The Nigeria government rejected “allegations of a Christian genocide, noting that the web of violent armed groups, with different motives and spread across the country, kills as many Muslims as Christians”. The Nigeria Government stated that Nigeria authorised the U.S military operation and contributed to it by providing operational intelligence to AFRICOM for the military operation.⁷ These divergent accounts by the US and Nigeria call the legality of the military operation into question, warranting this analysis.

Decimating ‘Isis Terrorist Scum’

The US President Trump in his statement announcing the American attack, disclosed that the target of the attack was “ISIS Terrorist Scum” who have been targeting and viciously killing, primarily, innocent Christians, at levels not seen for many years, and even Centuries!” Trump said in his Truth Social media post, “I have previously warned these Terrorists that if they did not stop the slaughtering of Christians, there would be hell to pay, and tonight, there was”. Trump recently designated Nigeria a “Country of Particular Concern” due to violent extremism against Christians at the hands of terrorists in Nigeria. The U.S. would “stand ready, willing and able” to help Christians, Trump said at the time.

President Trump made it clear that the military operation he ordered was to help a category of citizens of Nigeria he identified and characterized by religious attribution as Christians, not as citizens of Nigeria, a sovereign country and member of the U.N which the U.S shares bilateral and multilateral international peace, security and justice obligation objectives of member states of the U.N.

The allegation of the genocide of Christians made by President Trump was disputed by the Nigeria government and a sizeable portion of the public opinion in Nigeria, including popular Catholic Bishop of Sokoto, Mathew Hassan Kukah.⁸ In an interview with Crux he said that claims of Christian genocide in Nigeria was escalated by the Trump administration. “This is what they used

⁷. Center for Strategic and International Studies (CSIS), *Why Did the United States...*, available at: <https://www.csis.org/analysis/why-did-united-states->

⁸. Crux, *Under-fire Nigerian Bishop Says Christian Genocide Claims...*, available at: <https://cruxnow.com/church-in-africa/2025>

to muscle their way in, but I no longer want to be dragged into this. It is a distraction. My position is simple By what name, stop the killing”. The prelate stated that there was no genocide or martyrdom in Nigeria, noting that, Muslims are also frequently killed by extremists. He questioned the data showing that 1,200 churches are burnt in Nigeria every year and that nobody approached the Catholic Church to get accurate data.

The fact that the U.S has ignored the allegations of genocide in Gaza, declared war against Iran and bombarding civilian targets indiscriminately, attacking Venezuela, threatening the use of force against Cuba, falsely accusing South Africa of white genocide and deporting without due process thousands of African migrants, a significant number of them Nigerian Christians, call his rationale for ordering U.S military to bombard ISIS Terrorist Scum in Sokoto sate of Nigeria in question. The statement by Bishop Mathew Kukah that the military operation was a distraction may therefore, have merit.

On January 26, 2024, the International Court of Justice (ICJ) indicated provisional measures against Israel in ruling that there "is urgency in the sense that there is a real and imminent risk that irreparable prejudice will be caused to the rights found by the Court to be plausible, before it gives its final decision":, and that such rights included the "right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III".⁹ The UN independent Commission of inquiry on the Occupied Palestinian Territory found that Israel had committed genocide in Gaza.¹⁰

On March 12, 2026, U.S filed a Declaration of Intervention Under Article 63 of the Statute of the ICJ in the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in Gaza Strip (South Africa v Israel) in which the U.S affirmed in paragraph 5 that“ in the strongest terms possible, that the allegations of “genocide” against Israel are false. They are also not new”.¹¹

⁹. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 26 January 2024.

¹⁰. Office of the United Nations High Commissioner for Human Rights (OHCHR), *Israel Has Committed Genocide in the Gaza Strip, UN...*, available at: <https://www.ohchr.org/en/press-releases>.

¹¹. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, available at: <https://www.icj-cij.org>.

The U.S alleged in its notice of intervention, that the accusation of genocide against Israel in Gaza Strip are false and were not new ; but failed to acknowledge if the factual allegations of the Israel actions constituting genocide, constituted international crimes other than genocide, under the Rome Statute or under other international accountability frameworks.

The policy of the U.S toward the allegations of genocide against Israel which the ICJ after an inter parties hearing imposed provisional measures, and towards Nigeria which the U.S unilaterally made unfounded allegations of “genocide of Christians by ISIS Terrorist Scum” and unilaterally ordered military operations in Sokoto State of Nigeria, from a military base it unilaterally set up in the Gulf of Guinea, smacks of not just a violation of the UN Charter, but colonialism, racism, imperialism and a threat to peace and security in the entire subregion of West Africa and Africa Sahel. In the words of Bishop Mathew Kukah, claims of “Christian genocide in Nigeria was escalated by the Trump administration”..... “This is what they used to muscle their way in. It is a distraction. My position is simple By what name, stop the killing. ,,,, There was no genocide or martyrdom in Nigeria. Muslims are also frequently killed by extremists..”.¹²

Ben Saul, writes that genocide is a complex offence constituted when an underlying crime such as killing or causing serious bodily or mental harm is committed against members of a national, ethnic, racial or religious groups with intent to destroy that specific group in whole or in part. An archetypical discriminatory crime, it can occur in a time of peace as well as during conflict.

There is no cognisable definition of terrorism. Ben Saul, writes that in 1983, 109 different definitions were proposed and that despite the divergence of opinions, there is no technical impossibility in defining terrorism because disagreement is mainly political and many definitions are mere enumeration of elements without a clear indications which elements must be present for a phenomenon to qualify as terrorism and which elements are merely regularly accompanying features of the phenomenon. For example, whether terrorism is random or indiscriminate.¹³

Government of the United States of America, *Declaration of Intention Pursuant to Article 63 of the Statute of the International Court of Justice* (12 March 2026).

¹² Crux, *Under-fire Nigerian Bishop Says Christian Genocide Claims...*, available at: <https://cruxnow.com/church-in-africa/2025>

¹³ Ben Saul, *Defining Terrorism in International Law* (Oxford: Oxford University Press, 2010), p. 109.

The Criminal Identity of Terror Networks.

Jan Klabbers writes that a peculiar and somewhat unsavory issue concerning the law's applicability has arisen in recent years in connection with wars without readily identifiable enemies. This applies to some extent to wars on drugs but also to war on terror. The reasoning goes thus: Drugs and terrorism are unacceptable and should be fought.¹⁴

The U.S. determines the criminal conduct, defines it and unilaterally determines the rules and the means of dealing with it and allegedly for the national interest of the U.S. defined solely by the President, Donald Trump. The net result of this is that war on drugs and terror, tend to be fought in interstices between legal regimes and this has become most visible perhaps to the war on terror, where regular criminal law and the guarantees of fair trial which come with it, under the rule of law do not apply after all because there is a war to be fought.

However, since the particular enemy is not a particular entity, but rather a phenomenon, the rules of international humanitarian law may not apply either. This has proved to be a potent justification for incarcerating persons suspected of terrorism or of aiding and abetting terrorism activities. The U.S. established a Detention Center in Guantanamo Bay where alleged terrorists characterized by U.S. as enemy combatants are detained indefinitely without the due process of law. The U.S. also bombards civilian boats suspected of transporting drug traffickers transporting drugs to the U.S. in the Caribbean and Pacific Ocean,¹⁵

The Convention for the Prevention and Punishment of Terrorism (1937), required states to criminalise terrorist offences and encouraged states to exclude the offences from the political offence exception to the extradition. Saul writes that despite never entering into force, the convention attracted 24 signatories, 12 European states, 7 Caribbean, Central or South American and 5 others from other regions.

Security Challenges and alleged genocide of Christians

^{14.} Jan Klabbers, *International Law*, 4th edn (Cambridge: Cambridge University Press, 2024), pp. 232–233.

^{15.} Ibid.

Fr. John Baur, Fidei Donum Catholic Priest In East Africa, in his book, 2000 years of Christianity in Africa, wrote that, the Northern Region of Nigeria is predominantly (Hausa-Fulani), is predominantly Islamic, but includes a strongly Traditionalist 'Middle Belt', the Eastern Region is decidedly Christian with a Catholic predominance, the Western Region (Yoruba) is divided with some, 40% Christians (Chiefly Protestants) one-third Muslims, and the rest Traditionalist.¹⁶

The World Council of Churches records that Nigeria has a large mission-founded Churches, such as Anglicans, Catholics, Baptists, Methodists etc. and a large number of African instituted, independent, and Pentecostal churches, which are very active in evangelism and church planting in neighboring countries, in Europe, North America, and other parts of the world. The Churches are organized into five distinct groups namely, the Catholic Secretariat of Nigeria, Christian Council of Nigeria, Organization of Instituted Churches, the Evangelical Church of West Africa (TEKAN/ECWA), and the Christian Pentecostal Churches Fellowship of Nigeria, who make up the membership of Christian Association of Nigeria, an umbrella body representing all Christians.¹⁷

Based on this diverse record of Christian groups in Nigeria, it was necessary for persons supporting allegations of Christian genocide in Nigeria to provide information of the specific Christian group which was targeted by the crime of genocide. President Trump identified the perpetrators as ISIS Terrorist Scum but further information about the identity of the masterminds of the genocide bearing individual criminal responsibility for the genocide was not provided by him. For this reason, the allegations of Genocide of Christians by ISIS Terrorist Scum, will remain general in nature. The allegations may point to the violation of International Human Rights, political and security failures and the lapses in combating atrocity crimes but are short of meeting International Humanitarian thresholds for criminal accountability.

This assessment must not be construed as a premature determination that attacks targeting Christians and Christian Churches might not have constituted an atrocity crime such as genocide. Apart from the bare allegation of the alleged attacks targeting Christians, there was no information

^{16.} John Baur, *2000 Years of Christianity in Africa: An African Church History* (Nairobi: Paulines Publications Africa, Daughters of St Paul, 1998), p. 70.

^{17.} World Council of Churches, *Nigeria*, available at: <https://www.oikoumene.org/countries/nigeria>.

demonstrating that the alleged attacks were carried out with the ‘*dolus specialis*’, that is, the specific intent to qualify as genocide. On its face, judging by its intensity and widespread nature alleged by President Trump, the alleged attacks might have constituted crimes against humanity. The appropriate remedy therefore, would have been for Nigeria Security Forces to prevent such attacks, protect Nigerian citizens and people residing in its national territory by available legal, legitimate proportionate means and to bring perpetrators to justice to account for their crimes. Robust investigations were therefore required to establish the full scope of the crimes and to identify and charge bring the perpetrators to face justice before the national jurisdictions of Nigeria. The use of force against alleged perpetrators by a foreign sovereign might have been to advance the national strategic interests of the foreign sovereign and not those of Nigerian Christian victims alleged.

It is hard in the circumstances to ascertain whether the alleged crimes advanced or jeopardised the national interests of the U.S. The ISIS Terrorist Scum alleged direct perpetrators of the crimes did not fabricate the weapons which they used to commit the crimes. The source of the weapons used to commit the attacks needed to be traced, the suppliers of the weapons identified the criminal purpose of supplying the weapons for the intended purpose of committing the crimes ascertained. The U.S had the capacity through bilateral and multilateral frameworks with Nigeria and partners to investigate the networks involved in the crimes; including those supplying the weapons used, but failed to do so. The U.S failed to activate existing cooperation frameworks with Nigeria to do so, preferring a unilateral use of force and establishing a military base with capacity of exerting security, economic and political influence and control in the entire subregion. This is not what the international frameworks of accountability against international crimes requires. It is a step towards recolonisation and foreign domination.

Writing about security challenges in Nigeria Adebajo, stated that, “Nigeria on account of its human natural resources, is one of Africa’s most strategic countries. Yet the country’s potential is limited by its enormous domestic problems which continue to raise serious doubt about its ability to fulfil its hegemonic ambitions. As earlier noted, Nigeria has been wracked by violence related to disputes over religion, resources, land, and ethnicity”.¹⁸ The violence and security challenges which are acknowledged by the Nigeria Government do not amount to or constitute Genocide of

¹⁸. Adekeye Adebajo, *The Curse of Berlin: Africa After the Cold War* (London: Hurst & Co., 2010), p. 134.

Christians by ISIS Terrorist Scum as alleged and used by the President of the United States of America,

Masking U.S Strategic National Interests Objectives

Under the pretext of preventing and protecting a genocide of Christians which has been going in Nigeria for centuries, President Trump as Commander- in Chief of the U.S Military asserted U.S sovereignty in the Gulf of Guinea and established a U.S AFRICOM Military base from where it exercised sovereignty over a category of Nigerian citizens who he characterised as Christians, determined that alleged crimes were committed against them which he characterised as genocide, determined the venue of the crimes, the perpetrators and deploy the military operations and date to take decimate them. These actions of breached the protective shield of sovereignty, the peace and security framework of the U.N Charter. The U.S under other circumstances, characterised Al Qaeda terrorists it captured in Afghanistan 'enemy combatants'. The U.S did not characterise the 9/11 terrorist attack in the U.S as genocide, despite the fact that it was one of the most despicable act of terror committed in the U.S basis of U.S nationality of victims, and U.S targets of significant symbolic importance. Article II of the Convention on the Prevention and Punishment of the Crime of Genocide (1948) which both Nigeria and the U.S are member states, defines genocide as criminal acts committed with the special intent to destroy in whole or in part, a national, ethnic, racial or religious group. President Trump did not specifically define the violent criminal gang or bandits which he characterised as ISIS Terrorists Scum neither did he define or disclose the specific Christian group from a multiplicity of Christian groups in Nigeria which he alleged, were victims of genocide to meet 'religious group' requirement' of the crime of genocide.

The Genocide Convention (1948) established a principle of international law which made it the responsibility of every state to refrain from any act to encourage any act designed to encourage terrorist activities against another state and to discourage and prevent acts which such activities take place. States excluded armed forces from the scope of the Convention and acts committed during civil wars. Nigeria and the U.S are parties to the UN Convention for the prevention and punishment of the crime of genocide.¹⁹ By the convention, the responsibility of preventing and punishing the crime of genocide resides on the country on whose territory the crime is committed

¹⁹ . United States Code, 18 U.S.C. § 1091.

or about to be occur. In this case, it was the responsibility of Nigeria and not the U.S.A to prevent or punish Genocide against Christians occurring on the national territory of Nigeria.

The lack of a universally agreed definition of terrorism is due to divergent political and ideological reasons. This leaves every country with its own definition. The criminalization and definition of terrorism in Nigeria is an act of sovereignty for Nigeria and not the U.S.A.

The Convention for the Prevention and Punishment of Terrorism (1937) in Article 2 defined acts of terrorism as criminal acts directed against a state intended or calculated to create a state of terror in the minds of particular, or a group of persons or the general public.

It enumerated criminal acts which states must criminalize where they are committed within the territory of the state against another contracting state and if they constitute acts of terrorism.

Within Article 1. The text criminalizes acts of terrorism *within the minds of individuals* which envisaged that a subjective state of terror in the minds of a small group of people could constitute terrorism.

It was also unclear if acts directed narrowly the overthrow of the state or encompassed the broader states interests, honor, security, or public order and further, acts directed against a state, and not against private persons, groups.²⁰

As an intermediate mode of criminalization, it was proposed to criminalize terrorism as a crime against humanity. It was proposed in the 1998 Rome Statute Conference that terrorism lacking a clear definition should be characterized as a crime against humanity. This would avoid creating an entirely new category of international crime and integrate terrorism into the existing category .

Since 1960, terrorist acts have been criminalized into international treaties as crimes against humanity, genocide or torture if the elements of those crimes are present.²¹

International criminal law has often prohibited conduct which infringes values which are protected in international human rights without proclaiming those rights.²²

²⁰. OHCHR, 'Israel Has Committed Genocide in the Gaza Strip', para. 174.

²¹. OHCHR, 'Israel Has Committed Genocide in the Gaza Strip', para. 27.

²². OHCHR, 'Israel Has Committed Genocide in the Gaza Strip', para. 29.

Numerous UN Resolutions such as UN Commission on Human Rights assert that terrorism destroys other basic human rights and freedoms, particularly life, security, economic, social and civil and political rights. These include regional anti-cultural and fundamental rights, and threat to democratic governance.²³

Rather than remaining an ambiguous and manipulated synonym for evil, judging all manner of repressive responses, legal definition would help to confine the term within known limits.²⁴

U.S Military Operational Base in the Gulf of Guinea

US President Donald Trump justified the launch of a “powerful and deadly strike against ISIS Terrorist Scum in Northwest Nigeria” because it has allegedly been” targeting and committing vicious Genocide; a complex offence which is constituted when an underlying crime such as killing or causing serious bodily or mental harm is committed against members of a national, ethnic, racial or religious groups with intent to destroy a specific group in whole or in part. The crime integrates terrorism into the existing category. Since 1960, terrorist acts have been criminalised into international treaties as crimes against humanity, genocide or torture if the elements of those crimes are present.

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International criminal law normative framework

Ben Saul, writes in his book, *Defining Genocide in International Law*, that in 1983, 109 different definitions were proposed and that despite the divergence of opinions, there is no technical impossibility in defining terrorism because disagreement is mainly political and many definitions are mere enumeration of elements without a clear indications which elements must be present for

²³. OHCHR, ‘Israel Has Committed Genocide in the Gaza Strip’, paras 34–35.

²⁴. OHCHR, ‘Israel Has Committed Genocide in the Gaza Strip’, para. 68.

²⁵. OHCHR, ‘Israel Has Committed Genocide in the Gaza Strip’, para. 27.

a phenomenon to qualify as terrorism and which elements are merely regularly accompanying features of the phenomenon. For example, whether terrorism is random or indiscriminate. If terrorism threatens international peace and security, the international definition must contain this.²⁶

Rather than remaining an ambiguous and manipulated synonym for evil, judging all manner of repressive responses, legal definition would help to confine the term within known limits.²⁷

Saul writes that despite never entering into force, the 1937 Convention for the Prevention and Punishment of Terrorism, required states to criminalise terrorist offences and encouraged states to exclude the offences from the political offence exception to extradition. The convention attracted 24 signatories, 12 European states, 7 Caribbean, Central or South American and 5 others from other regions.

Article 1. It is a principle of international law that, it is the responsibility of every state to refrain from any act to encourage any act designed to encourage terrorist activities against another state and to discourage and prevent acts in which such activities take place. States excluded armed forces from the scope of the Convention and acts committed during civil wars.

Article 2 defined acts of terrorism as criminal acts directed against a state intended or calculated to create a state of terror in the minds of particular, or a group of persons or the general public.

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²⁶. OHCHR, 'Israel Has Committed Genocide in the Gaza Strip', para. 57.

²⁷. OHCHR, 'Israel Has Committed Genocide in the Gaza Strip', para. 68.

As an intermediate mode of criminalization it was proposed to criminalise terrorism as a crime against humanity. It was proposed in the 1998 Rome Statute Conference that terrorism lacking a clear definition should be characterized as a crime against humanity.

This would avoid creating an entirely new category of intentional killing, primarily “innocent Christians at levels not seen for many years, and even Centuries!”.

U.S Military Activities In the Gulf of Guinea

The powerful and deadly strike was launched by AFRICOM from its Naval base in the Gulf of Guinea. The presence of AFRICOM and its violent military operation; jeopardises maritime economy, international navigation, transportation, peace and security in the Gulf of Guinea; the Saharan countries and the entire subregion of West Africa which is battling with internal and external threats, insecurity, super power rivalry, climate change, environmental crimes and the proliferation of weapons.

The Gulf of Guinea is located in the south-easternmost part of the North Atlantic Ocean and has an area of around 2.35 million km². It is located in the intersection between Central and Western Africa and is bordered by Cape Lopez in Gabon and Cape Palmas in Liberia.

The ocean inlet is home to several volcanic islands, including the nation of São Tomé and Príncipe. Many rivers flow into the Gulf of Guinea, with the most prominent ones being the Niger, the Volta and the Sunaga. Due to the large amount of organic sediments deposited by the Niger in the past millions of years, the region is now one of the world’s largest and most important oil extraction areas²⁸

Nigeria is situated in West Africa, bordering the Republic of Benin to the west, Chad and Cameroon to the east, and Niger to the north. To the south, the coastline extends for approximately 853 kilometers (530 miles) along the Gulf of Guinea in the Atlantic. With a total area of about 923,769 km² (356,669 mi²), Nigeria possesses a significant position in the Africa continent.²⁹

²⁸. ‘Gulf of Guinea Map’, *Atlantic Ocean Map*, available at: <http://www.atlanticoceanmap.com/gulf-of-guinea>.

²⁹. Ibid.

The operational base of AFRICOM from where it carried out the military strike in Sokoto state of Nigeria is in the contiguous zone of Nigeria and Cameroon pursuant to Article 33 of the United Nations Convention on the Law of the Sea. A Contiguous Zone is defined in Section 4, Article 33 as follows:

Article 33 (1): In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal state may exercise the control necessary to:

- (a) Prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea
- (b) Punish infringement of the above laws and regulations committed within its territory or territorial sea
- (c) The contiguous zone may not extend more than 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

AFRICOM warships from which the military operation was launched is defined in Article 29 of Section C (Rules Applicable to Warships And Other Government Ships Operated for Non Commercial Purposes), of United Nations Convention on Law of the Sea as follows:

“For the purposes of this convention, ‘ warship’ means a ship belonging to armed forces of a state bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline”.³⁰

Following the announcement about the military operation which President Trump ordered as commander in chief of the U.S Army, the U.S. AFRICOM Command made the following announcement from Stuttgart Germany on December 25 2025:

“ At the direction of the President of the United States and the Secretary of War, and in coordination with Nigeria authorities, U.S Africa Command conducted strikes against ISIS terrorists in Nigeria on December 25, 2025 in Sokoto State. The command’s initial assessment is that multiple ISIS terrorists were killed in ISIS Camps. U.S Africa Command is working with Nigeria and regional partners to increase counterterrorism cooperation efforts related to on-going violence and threats against innocent lives”, Gen. Davgvin

³⁰. United Nations, *The Law of the Sea: United Nations Convention on the Law of the Sea* (New York: United Nations), p. 31.

Anderson, commander, U/S/Africa Command. General Davgvin stated further, “ Our goal is to protect Americans and to disrupt violent extremists organisations wherever they are” and that, “U.S. Africa Command will continue to assess the results of the operation and will provide additional information as appropriate. Specific details about the operation will not be released in order to ensure operational security”³¹.

The statement by AFRICOM did not specifically state that the operation was ordered and executed against the genocide of Christians by “ ISIS terrorist scum”. Its “goal was to protect Americans and disrupt violent extremists organisations wherever they may be”.

However, this did not appear to be a redefinition of the mission which was ordered by the President in his position as Commander-in-Chief which was to protect Christians who were subjected to genocide by ISIS Terrorist Scum”, neither did the alleged cooperation by Nigeria and alleged regional partners change the fact announced by President Trump, that it was a unilateral military operation ordered by him, the fact that Nigeria provided operational intelligence support, notwithstanding.

The statement of General Davgvin Anderson that the target of the attack were “ violent extremists” underscores the difficulty by the U.S in identifying the specific violent extremist group among different violent armed groups operating in Nigeria. The statement by General Davgvin Anderson that “U.S Africa Command is working with Nigeria and regional partners to increase counterterrorism cooperation efforts related to on-going violence and threats against innocent lives” was intended to mask the unilateral nature of the military operation and the violations and harm caused to the international legal order with its international peace and security framework which the U.S pledged to enforce but violated with blatant impunity. The operation was not carried out within the framework of security cooperation between Nigeria, U.S and regional partners against “ongoing threats against civilians” by ‘violent extremists’. The establishment of a military presence and base achieved through the subterfuge of abating a genocide of Christians, the statement of General Davgvin Anderson was intended to normalise and legitimise the colonisation project which the security agreement with Nigeria like others with African countries was a precursor. Bishop Mathew Hassan Kukah summarised in these words, “Christian genocide in

³¹. United States Africa Command (AFRICOM), ‘Press Release’, available at: <https://www.africom.mil/pressrelease/36158>.

Nigeria was escalated by the Trump administration”..... “This is what they used to muscle their way in. It is a distraction”.

So far, the definition in international law of violent extremist groups, so-called terrorist groups, enemy combatants, ISIS Terrorist Scum, is not settled. This leaves national jurisdictions with the responsibility to criminalise and punish the criminal conduct and activities of armed violent groups within their national territories. So far, In relation of ISIS Terrorists Scum, Nigeria has not confirmed this distinctive identity and appellation and concerning any of the violent armed groups operating within its national territory. Nigeria identified armed violent individuals who attacked Christians in Sokoto as Bandits. President Trump has not publicly provided information relating to ISIS Terrorist Scum which may assist Nigeria to carryout useful investigation about the identity of the members, their resources and weapons; as well as their organisational structure.

Apart from the allegation of genocide against Christians, no information was provided about the motivation and justification for the attack. It is possible that they were bandits or paid agents fronting a religious motive to kill, steal and scare people away from their lands in order to make way for foreign mining interests to occupy and transform the land into mining fields. It is hard to ascertain whether the U.S. had an alternative to resorting to the use of force to obliterate “ ISIS Terrorist Scum”, “ violent terrorist group”; “ bandits” as Nigeria has characterized them in a manner which would have required the application of International Humanitarian Law and International Human Rights Standards towards them.

The applicable U.S. Guantanamo Bay enemy combatant detention policy³² and the tracking down and bombarding the boats of alleged drug traffickers in the Caribbean Sea and Eastern Pacific Ocean³³ on grounds of U.S. national security interests, makes it hard to ascertain whether U.S. bombardment in Sokoto State aligns with Nigeria’s national policy; although the objectives of combating and eliminating violent extremism may well be the same. This explains the rationale of U.S. bilateral and multilateral partnership and security cooperation partnership with Nigeria

³². ‘Enemy Combatant’, *Legal Information Institute*, available at: https://www.law.cornell.edu/wex/enemy_combatant.

³³. ‘United States strikes on alleged drug traffickers during US Navy attacks on alleged Venezuelan drug vessels under questionable legal grounds’.

over the last fifty years as the most important in Sub-Sahara Africa, given Nigeria's status as the most populous country, largest economy and shared democratic values"³⁴

Violation of the UN Charter and treaty obligations.

It is safe to conclude from the operational information which was provided by the U.S., that the use of force by the U,S, against Nigeria tantamounted to a violation of Article 2(4) of the UN Charter, Articles 29 and 33 of the UN Convention on the Law of the Sea and African Charter on Human and Peoples' Rights (The Banjul Charter-1986).

The operational base of AFRICOM in the Gulf of Guinea, constituted the a violation of the African Charter on Human and Peoples' Rights (21 October 1986) by which African leaders made a,

“Reaffirmation of its commitment to *promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights, and* Conscious of their duty to achieve the total liberation of Africa, the peoples which are still struggling for their dignity and genuine independence,” undertook “to eliminate colonialism, neo-colonialism, apartheid, Zionism and to *dismantle aggressive foreign military bases* and all forms of discrimination, particularly those based on race, ethnic group, color, sex, language, religion or political opinions,³⁵

Violating Security Agreements.

The U.S. deployed the extraordinary use of force in the territory of Nigeria despite the Report of the US State Department dated January 25, 2025 lauding its security cooperation with Nigeria; despite the fact that the US could have pursued the objectives of protecting Christians through the security cooperation agreement it has with Nigeria.³⁶ The use of force outside the context of this

³⁴. U.S. Department of State, *U.S. Security Cooperation with Nigeria*, available at: <https://www.state.gov/u-s-security-cooperation-with-nigeria>

³⁵. African Union, *African Charter on Human and Peoples' Rights*, available at: <https://au.int/en/treaties/african-charter-human-and-peoples-rights>.

³⁶. U.S. Department of State, *U.S. Security Cooperation with Nigeria*, available at: <https://www.state.gov/u-s-security-cooperation-with-nigeria>

security cooperation framework might have been informed by two reasons over which Nigeria and the US were not in agreement; judging by the conflicting statements both governments made after the US military strike.

The U.S. characterised the use of force as a unilateral military operation to decimate ISIS Terrorist Scrum for the genocide of Christians in Sokoto, Northwest Nigeria while Nigeria stated that it authorised the military operation and provided operational intelligence for the military strike.

Nigeria did not expressly deny the fact that the U.S. military strike was intended to protect Christians but strongly emphasized its policy of providing protection for all Nigerians under terrorist attacks, without religious discriminatory biases; Christians, Moslems, all and sundry. Nigeria rejected the characterisation of the terrorist attacks as a genocide of Christians, noting that Moslems and Nigerians of all ethnicities are victims of the terrorist attacks.

These contrasting positions on the use of force in a sovereign state member of the U.N. calls for a critical examination of the legality of the operation under international law. The contrasting positions, without addressing the underlying reason why the President of the U.S.A. ordered a military operation supposedly to protect Christians who are citizens of Nigeria, in Nigeria without an identifiable legally justified U.S interest is a strong vector of illegality and a violation of the international legal order. The religious character of the military operation violated the constitutions of the US, Nigeria and international law.

Unilateral Threat or Use of Force

Max Hilaire writes that the U.N. was created when war was fought between states and states had the monopoly of the use of force; states were dominant actors in international relations and state welfare of the individual was subordinate to the interest of the state.³⁷By ordering the military operation in Nigeria, from AFRICOM Naval Ships in the Gulf Guinea, the U.S violated the sovereignty of Nigeria and the international peace and security mandate on the threat or use of

³⁷. Chief Charles Taku, *In Search of the Illusive Soul of Justice*,(Booma Kor Publishers Yaoundé Cameroon 2023) p. 128.
Max Hilaire, *Discourse on International Law and International Relations: Critical Global Issues of Our Time* (Wolters Kluwer, 2019), p. 14.

force which the United Nations General Assembly (UNGA) of the U.N entrusted to the Security Council of which the U.S is a permanent member.

The U. N Charter obligations which the U.S pledged to uphold but violated in this case are,

Article 1 (1); To maintain international peace and security, and to that end; to take effective collective measures for the prevention and removal of threats to the peace, and for the *suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means*, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

Article 1(2), To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

Article 1(3), To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.^[5]

The Charter conferred the power to maintain international peace and security on the UN Security Council in Articles 2(4) and 39 and conferred on the General Assembly through the United for Peace Resolution (1950) the authority to exercise peace and security mandate when there is a deadlock of the UN Security Council.^[6]The use of force is authorised or permitted under the UN Charter in the case of legitimate individual or collective self-defense under Article 51 of the Charter.

Shock, concerns and alert.

The African Bar Association (AfBA), the most significant Bar Association in Africa, critically analysed the separate official declarations made by the U.S. and Nigeria with deep concerns. African Bar noted with concern the statement by the U.S. that it carried out unilateral military

operation in Nigeria to prevent the genocide of Christians and Nigeria asserting that it authorized the operation and provided operational intelligence for its realization.

African Bar Association expressed its firm commitment to national and international obligations by sovereign states to provide protection for their citizens, pursuant to national and international legal obligations safeguards. African Bar Association cautioned that such military operations, must on no account breach the veil of sovereignty under the UN Charter, or metastasize to tacit recolonization, and militarization of Africa in furtherance of foreign ideological religious, economic and political interests.

African Bar Association called on Nigeria to clarify the purpose and character of this operation, in particular the allegation that it was carried out from AFRICOM operational bases in the Gulf of Guinea which is inconsistent with the African Charter on Human and Peoples' Rights outlawing aggressive foreign military bases in Africa and concerns that the attacks may metastasize to permanent military operations in Nigeria, the Gulf of Guinea, the Sahelian Region and the entire continent of Africa. African Bar Association urged the Federal Government of Nigeria, the U.S.A and Western erstwhile colonial countries to explore operational avenues of fighting and defeating terrorist militant operations by activating international treaty and bilateral frameworks aimed at depriving national and international terrorist networks from the proliferation of weapons, money laundering and logistical support in their national territories to Nigeria and Africa.³⁸

The New Colonial World Order

The statement of African Bar Association highlights the paternalistic colonial ideological order by which the U.S President is defining and regulating foreign policy through coercive measures and the use of force in its international relations with the West's erstwhile colonial possessions of Africa and South East Asia. This comes from the playbook of historical crimes going back several centuries, from slavery, the slave trade, racism and colonialism about which the Trump administration and erstwhile Western Colonial Powers have been nostalgic to reactive and implement robustly . The U.S military operation and AFRICOM operational military base in the

³⁸. African Bar Association, 'Statement on the Attack of the US Against Nigeria on December 2025', 2 January 2026. <https://Afrubar.org>Jan.12, 2026

Gulf of Guinea send a message to Africa that the façade of independence it achieved on the blood, sweat and genocide of African people, is about to be obliterated by the use of force.

The arrogance of colonisation which is ongoing in Africa and which this military operation symbolises, mirrors the attack on my ancestral home by German Colonial Expeditionary Army in 1898. The ruins of German colonial aggression are visible in my ancestral home in the Southern Cameroons, right in the Gulf of Guinea from where this military operation was carried out.

Savoy et al, recount in the Atlas of Absence, the looting, theft and destruction by German expeditionary forces against the Bangwa,

Bernhard von Besser, a captain known for his “brutal and even sadistic advances” was indirectly approached by the Royal Museum. Luschan, who had got wind of an upcoming expedition, wrote to the Colonial Department of the Foreign Office in early 1900: “The Bangwa own a most curious pillared house...In the event of a punitive expedition being undertaken, the Royal Museum would have a very great interest in ensuring that this house is not burnt. In the scientific interest, it is urgently desired that at least the pillars and long beams carved with figures be preserved and brought to Berlin. In addition, before the destruction, the recording of exact ground plans and elevations as well as cross-sections of both the pillared house and the adjacent dance house would be very desirable. The destruction of the city of Fontem and the Berlin Museum für Völkerkunde’s explicit interest in its architecture exemplify the prototypical process of extraction.....

Dr. Theodor Berké (1870-1949), took part in “punitive expeditions” against the Bangwa in Fontem and the Anyang in the Cross River region in 1901/02 and 1904, in the grasslands in what is now the South and Northwest regions of Cameroon, extracted about 100 human remains, which are now in the Institute for Anatomy in Strasbourg. In addition to cultural objects, a Dr. Esch sent at least twelve skulls to the Berlin Museum für Völkerkunde.³⁹

³⁹ . Bénédicte Savoy and Andrea Meyer (eds), *Atlas of Absence: Cameroon’s Cultural Heritage in Germany* (Reimer, 2023), p. 115.
Charles A Taku, ‘Reparations and Restitution Justice for Colonial Crimes’, *Comparative and International Law Journal of Southern Africa*, vol. 57, no. 3 (2024), p. 4, available at: <https://doi.org/10.25159/2522-3062/16178>.

The ferocity and impunity of attacks by German expeditionary forces and the atrocity crimes inflicted against the Bangwa coincided with the establishment of a European multilateral treaty framework to protect cultural property in times of war in Europe. This gave rise to the First Hague Conference in 1899, which was signed by twenty-six participating European countries.

The treaty framework was modified during the Second Hague Conference in 1907, the Washington Pact 1934, and the Hague Convention 1954 and its Protocol.

Analysing these European treaty frameworks, Evelien Campfens writes that, “with regard to wartime looting, the obligation to return dispersed cultural obligations was well established in international law. The Peace Treaties after the Napoleonic Wars in the early part of the 19 century are generally considered as turning points in the development of the law in this respect ... “” eventually, the obligation to return cultural objects looted in time of war, further than general calls to return for legal proceedings in the 1907 Hague Convention, was codified in the First Protocol to the 1954 Convention”. This elaborate treaty regime did not apply to Africa and its cultural heritage because looting and theft of African cultural heritage objects were permitted and enabled by the Act of the Berlin Conference 1885. These crimes came under the civilising mission of colonial missionaries . Africans were not subjects of international law and were not afforded protections under international law.⁴⁰

In the context of international law applicable to the unilateral use of force, Max Hilaire writes that international order is a system of rules which regulates relations among sovereign states. However, since World War II, international law has taken on a more expansive role, and its jurisdiction now extends to regulating relations between states and non-state actors, including individuals.

International law, as it emerged in the post-Westphalian era, defined and regulated relations between European states and granted rights and duties solely to regulated relations between European states and granted rights and duties solely to Europeans. The jurisdiction of international law was limited to relations between Europe. It did not extend to territories in Africa, Asia, and Latin America. The peoples of those territories were objects rather than subjects of international law. International law gave European states the authority to abuse the peoples of those regions.

⁴⁰. ‘United States strikes on alleged drug traffickers during US Navy attacks on alleged Venezuelan drug vessels under questionable legal grounds’, p. 9.

Colonial-centric Westphalia order, concerned international norms and institutions in ways which guaranteed peace and security in Europe and preserved the interests of its member states in its colonial possessions through international law. Colonial interests which were safeguarded by the Westphalia order at the Berlin conference were preserved, protected and guaranteed by the League of Nations in 1918 and the UN multilateral architecture in 1945. The UN colonial organisational governance nurtured, enabled and legitimized colonialism, racism, colonial wars of independence, colonial treaties and unilateral use of force and other coercive measure, Responsibility to Protect mandates, imperial wars of conquest and recolonisation of Africa and erstwhile colonial possessions in different parts of the world.

Using international law as its justification, European states invaded and captured territories in those regions, confiscated their resources, exterminated a significant portion of the indigenous population, and enslaved millions of those who were not killed. European rulers also renamed cities and provinces after themselves or their family members as a way of bestowing honor. The double standard of international law that benefited European states would continue for three centuries.⁴¹

Applying this colonial ideological policy to the US use of force under circumstances which Nigeria had but an affected effect tacit inconsistent endorsement through a resigned operational intelligence for the violation of its sovereignty, was paternalistic colonial subjugation. The US attack in Nigeria to decimate perpetrators of genocide of Christians in furtherance of colonial ideological and evangelical religious civilisational objectives and interests is a cornerstone of the Trumpian world order of might is right. In Africa, it is recolonisation with overwhelming force and control of mineral and natural resources. The evangelical Christian card of reconciliation, slavery and warfare is well rooted in the history of religion, Christianity and Islam. Trump and his Make America Great Again (MAGA) evangelism political base consider themselves as the inheritors of this Christian heritage and the colonial mantle of the Westphalia order.

Writing about Christian endorsement of slavery, John Baur writes that,

⁴¹. Max Hilaire, *The Evolution and Transformation of International Law: Development in International Law from the Peace of Westphalia to the Post-United Nations Charter* (Berlin: Logos Verlag, 2021).

On the European side, cupidity was also to blame for slavery. But how could the Christian conscience permit it? True Christianity has grown up in a world where slavery was an undisputed institution. St. Paul at least dared to suggest that a Christian should give freedom to a slave who had become a Christian himself (Philemon). Hence enslavement of a Christian was soon strictly prohibited in the Church. But was slavery not against human nature too? Thomas Aquinas asked himself this question and came to the conclusion: Against human nature in his original state of innocence. -yes. But in the state of a fallen man? It can be a “natural punishment for sins. Yet he and other theologians restricted slavery to non-Christian prisoners captured in a war, limiting it in practice to Muslims who also prohibited the enslavement of their faithful.⁴²

Evangelical Proxy.

The protection of citizens within the national territory of sovereignty states is a fundamental obligation of states under national and international law. The use of force by sovereign states is permitted for self-defense or for collective self-defense under Article 51 of the UN Charter. It is prohibited for unilateral actions such as the U.S military operations in Nigeria, the launching of military operations from bases in the Gulf of Guinea.

Isis Terrorist Scum is a non-state armed actor and cannot invoke self-defense to justify its criminal attacks against Nigerians, Nigerian security personnel, Christians, Moslems, students, farmers and civilian objects. Isis Terrorist Scum in the context of the U.S.A, are characterised as ‘enemy combatants’ and detained indefinitely in Guantanamo Bay by the U.S military. The USA cannot legally and legitimately invoke self-defense under the UN Charter to justify the use of force against Isis Terrorists Scum in the territory of Nigeria for the purpose of protecting Christians.

The U.S unilaterally defined attacks against Christians in Sokoto state as genocide and deployed its military to protect and prevent the alleged genocide. The US did not invoke the UN Convention for the Protection and Prevention of the Crime of Genocide (1948) as the legal basis for its intervention and military strike.

⁴². John Baur, *2000 Years of Christianity in Africa: An African Church History* (Nairobi: Paulines Publications Africa, 1998), pp. 96–97.

Klabbers writes that it is posited that although the U.N Charter does not specify the Responsibility to Protect, states sometime are entitled to use force for humanitarian reasons, citing NATO intervention in the former Yugoslavia in 1999 to compel Serbia to stop committing atrocities in Kosovo. Humanitarian interventions are highly controversial for many reasons; the main reason no doubt being the abuse the large scale of Putin's invocation of repressing alleged genocide to justify his special military operation in Ukraine. It is almost next to impossible to draw up formal guidelines to justify his "formal military operation in Ukraine".⁴³ Resorting to the Unilateral use of force purportedly to prevent genocide, as a subterfuge to an invasion, an aggression, a violation of sovereignty, economic blackmail, imperialism, colonialisation, regime change, racism and enslavement are games which the U.S and Russia are the most apt at playing.

President Trump in his social media postings additionally linked the military operation in Nigeria to defending U.S interests. He did not characterise the operation as a preemptive strike. President Trump did not provide a legal basis for the military operation he ordered and did not point to the existence of any legitimate rationale under international law to justify the operation.

The U.S did not invoke the Responsibility to Protect Principle which it had repeatedly used in the past, to justify its use of force and other coercive measures. What the President also said, and it was probably accurate, was that he ordered a unilateral use of force as commander-in-Chief of the U.S Army in the strategic interest of the U.S.

Going by events which preceded and proceeded the military operation, it can be reasonably discerned that the U.S intended to establish a military base in the Gulf of Guinea to safeguard U.S maritime security in the case the U.S-Israeli military attacks against Iran which was contemplated or in preparation led to Iran closing the Gulf of Hormuz in retaliation, as indeed it has. President Trump saw no reason to seek the permission or cooperation of Nigeria and countries in the Gulf of Guinea for the realisation of this strategic security-military objective. He was sure Nigeria and countries in the region were unlikely to accede to such a request if he pursued the path of international legality and diplomacy. .

It is reasonable to surmise that U.S strategic interest in the military operation was not about protecting Christians under genocide. The rationale of an alleged genocide of Christians was an

⁴³. Jan Klabbers, *International Law*, 4th edn (Cambridge: Cambridge University Press, 2024), pp. 211-221.

enabling subterfuge to achieve a U.S military base in the Gulf of Guinea. A U.S military base in the Gulf of Guinea was needed to mitigate the potential disruption of maritime transportation by Iran in case of attack by the U.S. The military base would ensure the flow of oil and goods to and from South-East Asian markets through the Cape of Good Hope and the Gulf of Guinea to the U.S and its European erstwhile colonial masters of Africa.

The objective could not be realised without a robust U.S military base or presence in the Gulf of Guinea. The cooperation of Nigeria was not assured. It would have been viewed as a contribution by Nigeria to the U.S war effort against Iran and expanded the theatre of operations far beyond the Middle East. The U.S therefore decided on a unilateral use of force against ISIS Terrorist Scum who were allegedly committing genocide of Christians in Sokoto State of Nigeria as a justification for establishing a military base in the Gulf of Guinea by playing on predictable political, ethnic, cultural and religious sensibilities of a polarised Nigeria society.

The U.S achieved this objective by distracting attention from the U.S military base or presence in the Gulf of Guinea which could pose long term security, economic and political problems in Nigeria and countries of the Gulf of Guinea, the Sahel and the rest of West Africa, based on religious and political agitation and ethnic rivalries; while the U.S military watches in glee from its base in the Gulf of Guinea with an ability to strike without the consent of sovereign states in the subregion and beyond. Nigeria and Africa might, by this military operation, have lost political and economic sovereignty through the recolonisation ploy which Evangelical Christian Zionism was relied on to hold Africans captive wards of colonisation. The conduct by the U.S was a copycat of the Westphalia Christian missionary civilisational weapon of colonialism and historical colonial crimes in Africa.

The Westphalia colonial order

Despite U.S unilateral interventions against some sovereign states to safeguard its hegemonic interests, the Westphalia order of sovereign equality of states, remains a fundamental pillar of the peace and security objectives of the UN Charter. Max Hilaire writes that peace of Westphalia (October 24, 1648), redefined international relations among European countries and established the modern state system based on sovereign equality of states after the 30 years' war

in Europe was concluded⁴⁴ The Peace of Westphalia established a state-centric order with limited recognition of individuals as having rights separate and independent from their states with the core principles of the peace of which were based on the preservation of the balance of power and the observation and preservation of the Westphalia system in the U.N Charter. These principles were intended to serve the peace, security and justice needs of Europe but were not applicable to Africa. The Westphalian system framework in the Charter of the UN encompasses:

State sovereignty, independence and equality of states to each other.

Prohibition from interfering in the internal affairs of other sovereign states.

Right of self-preservation/self-defense.

Right to remain neutral in a conflict between other states.

Right to diplomatic privileges and immunities, including officials of the state and their organs.

Peoples' right to self-determination.

States' obligation to protect the rights of minority religions within their territories.

States' right to trade freely with each other.

All states have the right to navigate the ocean freely, whether or not a state was a coastal or land-locked country.

Right to develop International Law which was to be secular.

States had an obligation to settle their disputes peacefully;^[2]

⁴⁴ Max Hilaire, *The Evolution and Transformation of International Law: Development in International Law from the Peace of Westphalia to the Post-United Nations Charter* (Berlin: Logos Verlag, 2021)

Under the Westphalian system, how states treated their nationals was an internal affair. Westphalia recognized limited human rights for individuals, the right of self-determination, protection of minority religions and diplomatic immunities for organs and personnel of the state.

According to Max Hilaire, the Westphalia system did not extend similar rights and protections beyond Europe and did not recognize non-Europeans who made up a majority of the world. Outside Europe, territories and peoples had no rights and were not granted protections under international law. They were considered uncivilized and their land was characterized as *terra nullius*. This allowed European states to expand and conquer territories in Africa, Asia and the Americas with impunity.

Westphalia international law gave European states unchecked impunity to colonize, enslave, and kill the native population of these territories. ^[3] The partition of Africa (1884-1885) and the criminal use of international law to justify the commission of genocide, crimes against humanity, looting, theft and plunder for African cultural heritage objects; desecration of spiritual ethos and the destruction of the creative ingenuity and the civilization of Africans were sanctioned, enabled and legitimized by the Westphalian order.

The attack on sovereignty of Nigeria and Military base in the Gulf of Guinea from where the military operation was launched is a serious affront to the independence and sovereignty of Nigeria and the countries in the Gulf of Guinea and beyond, and all erstwhile Western European colonial possessions.

Missionary Enablers of Colonialism

The General Act of the Berlin Conference, which was signed on 26 February 1885 by nineteen European powers in Berlin, Germany, gave them sovereignty over African resources, cultural heritage, treasures and enslaved forced African labor. Article VI of the said General Act, which was titled “*Provisions relative to protection of the natives, of missionaries and travelers, as well as relative to religious liberty*”, extended the right to loot African resources, cultural heritage and

treasures to European missionaries and defined the colonial agenda as a mission of civilization over Africans. It invoked the name of God to bless the colonial enterprise conferring:

All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being, and to help in suppressing slavery, and especially the slave trade. They shall, without distinction of creed or nation, protect and favor all religious, scientific or charitable institutions and undertakings created and organized for the above ends, or which aim at instructing the natives and bringing home to them the blessings of civilization.⁴⁵

The use of religion and Christianity to achieve colonial objectives by was a legitimate or acquired right under the Westphalia order protected by law under the General Act of Berlin. The use of the protection of Christians who the U.S might never have cared about, might have deported under its discriminatory immigration policy targeting Africans and Nigeria in particular, was a playbook of the Westphalia colonial policy against Africa. It also smacks of racism. The U.S floated an unproven allegation of white genocide against South Africa and granted alleged victims refugee status for U.S protection and relying of the allegation to impose unilateral coercive economic sanctions and prohibitive sanctions falls within the colonial and imperial policy of conquest and control.⁴⁶ The use of unjustified allegation of genocide to enforce a colonial and imperial policy in Africa part of the Trump administration African policy, inspired by the Westphalia racial, colonial and imperial order.

The Catholic Bishop of Sokoto characterized the military operation to halt the genocide of Christians as “a diversion”, and ploy used “to muscle their way in” and he no longer wanted to be dragged into it. Bishop Hassan Kukah strong urge “by what name, stop the killing” and stated that

⁴⁵ treaties.fcdo.gov.uk<https://treaties.fcdo.gov.uk> > data > Library2
GENERAL ACT OF BERLIN, FEBRUARY 26, 1885,

⁴⁶ [Firstpost](https://www.firstpost.com)<https://www.firstpost.com> > explainers > white-genocide
White Genocide in South Africa? What Trump told Ramaphosa and ...

“there was no genocide or martyrdom in Nigeria”, noting that “Muslims are also frequently killed by extremists”. He questioned the data showing that 1,200 churches are burnt in Nigeria every year and that nobody approached the Catholic Church to get accurate data.⁴⁷ Through this subterfuges of alleged genocide against Christians, the U.S attacked Sokoto while the real objective of the attack was divert the attention from the establishment of a U.S military base in the Gulf of Guinea, establish its hegemony in the subregion and with the use or threat for force or economic blackmail enforce its transactional economic supremacy and sovereignty over Nigeria and the subregion. Like the unilateral coercive economic measures against South Africa to influence its policy towards Israel, its national and international economic policies using a baseless allegation of wide genocide, the Trump administration resorted to the same imperial and colonial playbook to establish its military base in the Gulf of Guinea and to impose its economic hegemony in Nigeria, the entire West Africa and Sahelian subregions.

The Westphalia order with its missionary civilisational mandate and other criminal means, enabled genocide, racism, human trafficking, rape, murder, forced labour, looting, theft, plundering of treasures, disruption of creative ingenuity, looting of cultural heritage and the disruption of the conscience of African civilisation. This playbook which was carefully preserved in the Westphalia colonial record, in the records of international organisations, treaties and European colonial museums is a cornerstone of new world order with the Trump African policy towards Africa the driving force.. By this playbook, America is laying claims to the Westphalia order of white supremacy, White Christian Zionism ,slavery, imperialism, colonialism , imperial conquest and systemic racism.

Ardi Imscis writes that the classical imperial age of the sixteenth to nineteen century was one in which it was regarded as legitimate for international law to be utilized as a tool by European imperial powers to manage their interaction with non-Europeans whose lands and resources they coveted. At the end of WW1 the League of Nations was forced at the urging of US President Woodrow Wilson, in his 14 points of July 1918 which he proclaimed, that the day of conquest and aggrandizement of the imperial power was over and denounced the practice of secret treaties and

⁴⁷. Crux, *Under-fire Nigerian Bishop Says Christian Genocide Claims...*, available at: <https://cruxnow.com/church-in-africa/2025>

diplomacy as a principal cause of war and called for the establishment of a ‘general association of nations’ in order to establish guarantees of political independence and territorial integrity of big and small nations alike.. According to Ardi Imscis , this ‘great association of nations’ , the League of Nations and its successor the United Nations, did not alter the status of peoples acquired through ‘ conquest and aggrandizement of imperial power’. It did not accord non-Europeans and colonial peoples the status of subjects of international law.

The League of Nations was essentially a college of imperial Europe and therefore predisposed to a continuation of the imperial rule of law. Although the system was influenced by Woodrow Wilson’s principles of non-annexation and self-determination, its architect, South African Field Marshall and racial discrimination advocate Jan Christiannan Smuths, incorporated the imperial standard of civilization into it, hence Article 22 of the League of Nations Covenant resolved that the wellbeing and development of the former possessions of the Central Powers, ‘ which are inhabited by people not yet able to stand by themselves under the strenuous conditions of the “modern world, formed the sacred trust of civilization”’.

“To this end, the tutelage of people not yet able to stand on their own was to be entrusted to advanced nations, namely the victorious imperial power. ... This is evident in the actual terms of Article 22 of the League of Nations Covenant based as it was, on the racist imperial standard of civilization. ... This legal provision was clearly rooted in the imperial values that had shaped the face of international law to that point. Rather than facilitate the ‘sacred trust of civilization’”, it was discharged by the mandatory far from facilitating independence, it codified continued empire in international law. They administered the sacred trust of civilization with their imperial interests. This accentuated the legal subalternity that colonized people the world over have been relegated to bilateral engagements with individual colonial powers.”⁴⁸

Brian and Paul write that since the mid-17th century, sovereignty supported by the prerogatives of authority, and control, has underpinned the Westphalian system of international relations. It is said that sovereignty endows a government with the lawful capacity to make authoritative decisions concerning the people and use of resources within the territory of the state.

⁴⁸. Ardi Imseis, *The United Nations and the Question of Palestine: Rule by Law and the Structure of International Legal Subalternity* (Cambridge: Cambridge University Press, 2023), pp. 27–29.

The traditional view is that international law empowers a sovereign state to exercise exclusive absolute jurisdiction within the territory borders and that other states have the corresponding duty not to interfere in its internal affairs. Since the end of the Second World War, U.N was deemed to be an organization dedicated to interstate peace and security.

The presence in Africa of non-state armed groups such as ISIS Terrorist Scum which President ordered a military operation against, the sophistication of the weapons in the possession of these terrorist groups to destabilize the continent ,particularly the mineral rich areas, raises questions about the possibility of a sophisticated plan to destabilise the continent, recolonise it, and loot its mineral and natural resources.

Subnational groups, terrorist groups, crime syndicates and narcotic traffickers operate internationally in carrying out their criminal activities. The cooption of these non-state armed groups as proxies to effect regime change through armed conflicts, the whitewashing of criminal gangs as partners in delivering their countries and people to imperial interests in exchange for the trappings of power, is a recurrent policy of recolonization and the looting of African economies for imperial colonial gains.

Armed conflicts therefore no longer occur primarily between states. A vast majority of armed conflicts are internal, uncivil wars, targeting or claiming innocent civilians, not soldiers as victims. During the millennium the U.N presented the dilemma of humanitarian intervention, citing Rwanda and Srebrenica. It has evolved from a norm to a principle – gross systemic violations of human rights that offend every precept of our common humanity. Lawful permissibility of humanitarian intervention.⁴⁹ With the U.S unilateral use of force or coercive economic measures for alleged protection of its special interest groups such as Christians in Nigeria and White genocide in South Africa,, security challenges posed by violent armed groups will remain a lucrative security resource base for Western imperial and colonial powers. Instability of African will countries and provide the rationale for sovereign colonial and imperial interventions in exchange of economic gains , supremacy and sovereignty. .

⁴⁹. Brian Frederking and Paul F Diehl, *The Politics of Global Governance: International Organizations in an Interdependent World*, 5th edn (Boulder: Lynne Rienner, 2015), pp. 139–140.

Preventive Exception

Frank writes that the strict application of Article 51 of the U.N Charter is reasonable in almost all cases. An exception may be made however, where effective government has ceased to exist in the place where the danger has arisen. In that event, though, other normative practices also become relevant. A modern customary law of humanitarian intervention is beginning to take form which may condone action to protect lives, providing it is short lived, and results in fewer casualties than would have resulted from non-intervention. A state which intervenes to prevent danger to its own citizens but ignores the needs of others would be in violation of that new customary norm.⁵⁰

However, with ‘anticipatory self-defense, a state which acts in violation of the general prohibition, on intervention has the onus of demonstrating the existence of a genuine, immediate, and dire emergency which could not be redressed by means less violative of the law. The U.S did not justify its attack on Nigeria on these basis nor did it carry out the attack to protect its own citizens at risk in Nigeria.

The emerging normative practice also requires the exhaustion of the multilateral remedies established by the Charter system. The Security Council – collective intervention due to the action or inaction of a government for example, Yugoslavia, Somalia, a state which a state can intervene without first exhausting the available remedies cast doubts on its bona fides of its humanitarian motive

Breaches to peace and aggression: Article 39 establishes a normative trip wire which triggers the authority of the UNSC to intervene, Council’s practice illustrates circumstances which trigger intervention, such as traditional wars, also civil conflicts generating transboundary effects as flows of refugees.⁵¹

⁵⁰. Thomas M Frank, *Fairness in International Law and Institutions* (Oxford: Clarendon Press, 1995), pp. 272–274, 284.

⁵¹. ‘United States strikes on alleged drug traffickers during US Navy attacks on alleged Venezuelan drug vessels under questionable legal grounds’, pp. 72, 273–274, 284.

International system of Impunity and Hope

The U.S as a permanent member of the Security Council is responsible for preserving world peace and security under Article 38 and 42 of the UN Charter. The unilateral use of force in Nigeria weakens the peace and security mandate of the Security Council. Unilateral actions of permanent members of the UN such as the abusive use of unilateral coercive measures, threats or use of force against sovereign U.N member states, has greatly weakened the UN and the international order.

Malone writes that the Security Council initially viewed its role as preventing a third world war. As the cold war came to define global politics, the council moved to tackle prevention of regional conflicts (often between client states or proxies of the superpowers) from spilling into a global conflagration.

By the late 1990s the UN subjected itself to a thorough analysis of its own role in the tragedies of Rwanda and Srebrenica. The report on Rwanda by former Swedish prime minister Ingvar Carlsson in particular focused on the need to incorporate human rights information in the work of the Council.

It recommended an improvement in “the flow of information on human rights issues. Information on human rights must be a natural part of the basis for decision-making on peace-keeping operations, within the Secretariat and the Security Council.”⁵² One symptom of the Council’s unease about human rights was its reluctance to even hear information on the subject. The three occasions on which the Council heard UN Special Rapporteurs on human rights in formal debates in 1992 remained the three sole such examples for the next decade.

The elected ten members of the UN Security Council often experienced frustration and felt that while the permanent five had their own channels, they were not receiving enough information about key events. Such was the backdrop when in March 1992, that month’s president of the Council, Venezuelan Ambassador Diego Arria was contacted by a Priest who was an eye witness of the events in the Balkan conflict and not being able to do so, conveyed a meeting in the delegates lounge and invited fellow ambassadors and the ten or eleven who attended were stunned by the

⁵². David M Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder and London: Lynne Rienner, 2004), p. 61.

critical importance of the firsthand account.⁵³ That meeting was the first of what came later to be known as ‘Arria Formula’ briefings.⁵⁴

Max Hilaire writes that although the impunity and unilateral actions by the US and other superpowers have weakened the peace and security framework of the UN, so far there is no alternative yet to the U.N. Answering his own question whether the UN is still relevant? Max Hilaire answered, “the U.N has had a transformative impact on the International system, and if it did not exist, we would have to invent it. No organization has done the kind of work the UN has done in light of its limited mandate and meagre resources”.⁵⁵ This a clear testament of hope which is tampered by the fact that Nigeria, South Africa, Venezuela, Iran and other countries where the U.S has exercised unilateral use of force or coercive measures in violation of the U.N Charter cannot realistically obtain remedies in the U.N Security Council due to the use or threat of the use of the veto by the U.S. Nigeria and South Africa should therefore strengthen the African continental frameworks for the collective security, economic technological, environmental, cultural, justice and social needs of the continent. A fragmented continent will be overwhelm with security and economic challenges which may force the continent although lacking in economic and judicial sovereignty may move faster than previously feared to complete recolonisation instead of shedding the colonial yoke, monetary leech and economic enslavement hanging over the continent as the sword of Damocles. God forbid!

Conclusion

The use of force by the U.S against “ISIS Terrorist Scum” in Sokoto State of the Federal Republic of Nigeria by AFRICOM from bases in the Gulf of Guinea which was ordered by President Donald Trump on February 25, 2026 in his capacity as Commander-in-Chief of the American Army, falls within a consistent pattern of unilateral coercive actions against the sovereignty of African states and the violation of international U.S obligations of the U.N Charter.

⁵³. Ibid., p. 62.

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⁵⁵. OHCHR, ‘Israel Has Committed Genocide in the Gaza Strip’, para. 14.

The contemporary world is in an ebullition of multiple conflicts caused by human and natural factors. Many of the conflicts, whether natural or man-made, constitute existential threats to the world and humanity. The responsibility to protect, mitigate or prevent these conflicts rests with people and nations of the world.

In order to achieve these objectives, humanity established societal, community, national and international frameworks, principles and rules to regulate its affairs. At different stages of human history, major civilisations and empires rose and collapsed through devastating wars of conquest, atrocity crimes, imperialism, enslavement, human trafficking, colonization, looting and theft of the treasures and resources of people of different cultures and traditions. The consequences of these existential conflicts made individual and collective security a universal and collective goal of humanity.

The United Nations Organisation was formed in 1945 at the end of the Second World War with a Security Council in its charter, comprising five permanent members and ten elected members whom it entrusted with a mandate of preserving and protecting world peace and security. The post Second World War order anchored on the U.N Charter which has come under considerable threat from the five permanent members who have embarked on unilateral actions endangering the protective shield of sovereignty, the collective will of nations and the universal peace and security framework of the Charter.

The Russian invasion of Ukraine, the U.S invasion of Venezuela, the genocide in the occupied territory of Palestine, particularly Gaza, the Israeli-U.S war against Iran, NATO bombardment of Libya and Serbia, and U.S invasion of Iraq and Afghanistan, are unilateral military actions which occurred outside the U.N international peace and security framework. The fact that some of the operations received U.N endorsements subsequently, is immaterial to the fact that they were violative of the U.N Charter.

The U.S unilateral use of force in Nigeria against “ISIS Terrorist Scum” was a subterfuge to establish a U.S AFRICOM military base in the Gulf of Guinea, normalize and legitimise U.S military operations from that operational base. Alarming as it may sound, it highlights the fact that

the Westphalia mask over Africa was finally falling off and with a tacit endorsement by Western erstwhile colonial powers who have held Africa under the yoke of colonialism, and the bondage of colonial economic and geo-political security and resource management treaties. The presence of a U.S AFRICOM military base in the Gulf of Guinea was the intended objective of the Nigeria military operation and the alleged protection of Christians against genocide by ISIS Terrorist Scum was a subterfuge to attain this U.S national security objective playing on the fault lines of Nigeria national security tragedy, which U.S hoped will keep Nigeria leaders and politicians bickering while real security threat- the establishment of a foreign base in the Gulf of Guinea received little attention.

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