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The Legitimacy of Monroe Doctrine within International Law

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Abstract: The Monroe Doctrine, declared in 1823, is a cornerstone of American foreign policy, intended to prevent European empires from intervening or engaging in neocolonialism in the Western Hemisphere. While the statement originated as a unilateral political declaration, the doctrine has evolved to include annexes, such as the Roosevelt Corollary of 1904, and subsequently reinterpreted in various contexts. This research raises fundamental questions about the legitimacy of Monroe doctrine under international law, particularly in view of the principle of non-intervention enshrined in the UN Charter. Research adopts a descriptive, historical and legal analytical approach, concludes that the doctrine has not risen to the level of a binding international or regional rule, especially given the exceptionalist American policies that often contravene with international law, this is clearly demonstrated by the Trump Corollary, which announced the National Security Strategy 2025, an undeniably aimed at American hegemony. The research underscores the lack of the legal legitimacy of the doctrine and argues that its interventionist applications violate the principles of sovereign equality and non-intervention.

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شرعية مبدأ مونرو في القانون الدولي

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الكلمات المفتاحية :
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الخلاصة: يُعدّ مبدأ مونرو، الذي أُعلن عام ١٨٢٣، حجر الزاوية في السياسة الخارجية الأمريكية، ويهدف إلى منع الإمبراطوريات الأوروبية من التدخل أو الانخراط في الاستعمار الجديد في نصف الكرة الغربي. ورغم أن البيان نشأ كإعلان سياسي أحادي الجانب، فقد تطور المبدأ ليشمل ملاحق، مثل ملحق روزفلت لعام ١٩٠٤، وأُعيد تفسيره لاحقًا في سياقات مختلفة. يثير هذا البحث تساؤلات جوهرية حول شرعية مبدأ مونرو بموجب القانون الدولي، لا سيما في ضوء مبدأ عدم التدخل المنصوص عليه في ميثاق الأمم المتحدة. يتبنى البحث منهجًا وصفيًا تاريخيًا وتحليليًا قانونيًا، ويخلص إلى أن المبدأ لم يرتقِ إلى مستوى قاعدة دولية أو إقليمية ملزمة، خاصةً في ظل السياسات الأمريكية الاستثنائية التي غالبًا ما تتعارض مع القانون الدولي، ويتجلى ذلك بوضوح في ملحق ترامب، الذي أعلن عن استراتيجية الأمن القومي ٢٠٢٥، والتي تهدف بلا شك إلى الهيمنة الأمريكية. يؤكد البحث على عدم وجود شرعية قانونية لهذا المبدأ ويجادل بأن تطبيقاته التدخلية تنتهك مبادئ المساواة السيادية وعدم التدخل.

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1.Introduction

The Monroe Doctrine is considered one of the fundamental principles of US foreign policy, pursuant to which the United States establishes international relations in the western hemisphere. Since the declaration by President James Monroe in 1823 in his annual message to Congress adopted a foreign policy adverse to European colonialism, which essentially stipulated that the American continent was no longer an open arena for European colonialism, in addition, attempts to intervene in the western hemisphere would be considerate as “hostile” against the United States, whereas the United States obliged not intervene in Europe’s conflicts or affairs.[1] The doctrine evolved over many decades to become a strategy gradually transformed from a defensive principle aimed at deterring European colonialism into a tool for justifying direct and indirect American interventions in the affairs of Latin American countries.

Research Significance: This issue has gained renewed importance in the current period, as the world witnessed a marked escalation in US policy. The Monroe Doctrine re-emerged, hereinafter referred to as the “Trump corollary”, as outlined in the 2025 US National Security Strategy. The doctrine was

[1] ‘The Monroe Doctrine: The United States and Latin American Independence’ (The National Museum of American Diplomacy, 10 January 2024) https://diplomacy.state.gov/stories/the-monroe-doctrine-the-united-states-and-latin-american-independence/.

reformulated as a mechanism to achieve "American hegemony" in the Western Hemisphere, centred upon countering external influence (Chinese, Russian and Iranian) in the region. This was clear in the 2026 Venezuelan crisis, where the doctrine had been invoked to justify US military intervention and arresting Venezuelan President Nicolás Maduro, preventing Chinese and Russian influence from being established, in addition, issues of illegal immigration and drug trafficking. As same as US endeavours by conduct pressure to annexation Greenland[1] (including threats of force despite opposition from Denmark and the Greenland government) are driven for the same reasons, the island is considered part of the "northern frontier of the Western Hemisphere" and a strategic location to counter Arctic expansion. Investments in infrastructure, ports and resources in Latin America and the Caribbean by China were considered a threat by the United States,[2] which led to recalling the Monroe doctrine to ban non-regional competitors from controlling strategic assets.

Research Question: is The United States invoke the Monroe Doctrine as regional customary Rule by which empower to control and domination western hemisphere? and whether Monroe Doctrine has the statues and the legitimacy of customary rule within international Law?

Research Objectives: This paper aims to assess the legitimacy of the Monroe Doctrine within international law, by analysing its historical development and compatibility with the fundamental principles of the international law, and the extent to which it is compatible or incompatible with the fundamental principles of the international legal system based on the Charter of the United Nations, especially the principle of non-interference in the internal affairs of states (Article 2/7) and sovereign equality (Article 2/1), as well as the prohibition of the use of force except in cases of legitimate defence or with authorisation from UN Security Council.

Research Methodology :The research paper adopts a descriptive, historical, and legal analytical approach.

Research structure: Research is divided into several sections divided as follow:

[1] Jude Sheerin, 'US Discussing Options to Acquire Greenland Including Using Military - White House' (BBC News, 6 January 2026) https://www.bbc.com/news/articles/cwyg1jg8xkmo.

[2] Jeffrey Cimmino, 'China and Russia Engage Latin America and the Caribbean Differently. Both Threaten US Interests.' (Atlantic Council, 12 February 2024) https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/china-and-russia-engage-latin-america-and-the-caribbean-differently-both-threaten-us-interests/.

1. The emergence of the Monroe Doctrine: This section discusses the historical context behind the emergence of doctrine and the reasons that prompted the United States to make this declaration.
2. Interpretations & Implementations of Monroe Doctrine: The second section examines the evolving interpretations and historical applications of the Monroe Doctrine across successive U.S. administrations.
3. Evolution in Application: The Trump Corollary: The third section examines the US National Security Strategy 2025 and the "Trump corollary" that recalls the doctrine in current circumstances.
4. Non-Intervention vs. Regional Hegemony: Section Four explores the conflict between Monroe doctrine and the principle of non-intervention within international law, focusing on the contradictions between US claims and the general principles of the UN Charter.
5. The Binding Nature of Regional understanding: Section Five analyses the Monroe doctrine within international law, discussing the 1919 Covenant of the League of Nations (Article 21) as a "regional understanding along the lines of the Monroe doctrine" whether it represents a customary international rule or remains an expression of the logic of dominant power and US national interests, independent of the internationally agreed framework of international law.

Finally, draw an objective answer to whether the Monroe Doctrine represents a binding customary rule, or whether it remains an expression of American hegemony and national interests, beyond the internationally agreed-upon legal framework.

1. The emergence of the Monroe Doctrine.

European Empires through the origination Congress of Vienna (1814–1815) lays the foundation for the political map of the European continent and constitutes a balance of power pursuant to the creation of the Holy Alliance in 1815, after the Napoleonic Wars and the collapse of the French Empire. The aim of the alliance was to build a stable international order to confront the revolutionary upheavals and wars that prevailed during the period from 1789 to 1815.[1]

An initiative of Tsar Alexander I of Russia based on deeply held religious convictions developed during the wars against Napoleon. The Holy Alliance

[1] Augustine Jones, ‘The Holy Alliance’ (1894) 56 The Advocate of Peace (1894-1920) 5.

was formally signed by Emperor Francis I of Austria and King Frederick William III of Prussia and declared in Paris on September 26, 1815.[1] Brief and relatively vague, conclude principles for relations between states to be governed according to treaty as stipulates "their fixed resolution, both in the administration of their respective States and in their political relations with other governments, to take as their sole guide the precepts of religion, namely the rules of Justice, Christian Charity and Peace …, [which], far from being applicable only to private concerns, must govern the decisions of the Princes and direct them in all their negotiations".[2] The treaty enshrined a moral and religious declaration intended to reinforce absolute monarchy and Christian values in the face of secular liberalism and popular uprisings other than a traditional military pact with binding defensive obligations.

Most European monarchs swiftly adopted the treaty (apart from Britain), Britain did not accede to the Holy Alliance, due to the fact that British commercial interests had obtained with states of Latin America. Given that the colonies had broken away from Spanish control and gained independence, British trade with Latin America had increased significantly, unlike the United States. Furthermore, Britain did not recognise the states of Latin America. However, its position was that it did not want the colonies to revert to their former allegiance to Spain, because in that case British trade would lose its privileges. Given the importance of the issues at hand, Britain adopted a policy that, after considering all aspects seemed the most promising for the future of British commercial prosperity.[3]

In the context of circumstances mentioned above that led the United States to reconsider its position and address security concerns, thus, The Monroe Doctrine, announced on December 2, 1823,[4] is considered one of the decisive moments in the history of American foreign policy. This declaration included in President James Monroe's seventh annual message to Congress,[5] was drafted with significant input from Secretary of State John Quincy Adams.

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[1] Bob Reinalda, 'From the Congress of Vienna to Present-Day International Organizations' (United Nations, 28 December 2014) https://www.un.org/en/chronicle/article/congress-vienna-present-day-international-organizations.

[2] Diana Zacharias, 'Holy Alliance (1815)' (Oxford Public International Law, December 2007) para 7 https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e718?rskey=3uWa4a&result=1&prd=OPIL.

[3] Charlemagne Tower, 'The Origin, Meaning and International Force of the Monroe Doctrine' (1920) 14 The American Journal of International Law 7.

[4] Office of the Historian, 'Monroe Doctrine, 1823' (Milestones in the History of U.S. Foreign Relations) https://history.state.gov/milestones/1801-1829/monroe.

[5] 'Monroe Doctrine (1823)' (National Archives, 25 June 2021) https://www.archives.gov/milestone-documents/monroe-doctrine.

Britain's Foreign Secretary, George Canning, proposed a joint statement with the U.S. to restrain European colonisation in the Americas.[1] However, U.S. Secretary of State John Quincy Adams rejected the suggestion and endorsed a unilateral American declaration alternately reflecting the independence of the United States.[2] The doctrine is structured around two core principles: "non-colonization principle" and the "non-intervention principle".[3]

Non-colonization orientated mainly to the dispute between the United States and Russia on The Oregon Territory 1846,[4] by which President Morone refused to accept Russian Monopoly on the Bering Straits. Moreover, the principle of non-intervention is directed against a conservative coalition formed by (Holy Alliance) which presents a threat from intervention and regaining control of colonies in Latin American countries.

Looking at it from another perspective, the United States intends to non-interference in the affairs of European countries, a policy known as isolationism from the Old World. As well as European empires were expected to refrain from interfering in the affairs of new world in particular newly independent Latin American states after their liberation from Portuguese and Spanish colonialism, based on what has been abstracted in doctrine.

All things considered, the United States did not possess the real military power to enforce the principle which necessitated its reliance on the British naval force. At the same time, the European countries paid no attention to the principle, nor did they recognise it, even as Britain considered the doctrine to be is unilateral political declaration, not an international treaty or a legally binding rule that could be used to resolve disputes in the Venezuelan arbitration case. Nevertheless, the principle acquires political importance as a sharply defined political declaration that establishes an American hegemony over the Western Hemisphere.[5] Accordingly, the very nature the Monroe doctrine and the different processes for interpretations & implementations is garnered from the presidency's role in policy formulation. The later part will be discussed subsequently.

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[1] Charles E Hughes, 'Observations on the Monroe Doctrine' (1923) 85 Advocate of Peace through Justice 413.
[2] Samuel Guy Inman, 'The Monroe Doctrine and Hispanic America' (1921) 4 The Hispanic American Historical Review 638.
[3] David D Carto, 'The Monroe Doctrine in the 1980's: International Law, Unilateral Policy, or Atavistic Anachronism' (1981) 13 Case Western Reserve Journal of International Law 204.
[4] Office of the Historian, 'The Oregon Territory, 1846' (Milestones in the History of U.S. Foreign Relations) https://history.state.gov/milestones/1830-1860/oregon-territory.
[5] David D Carto, 'The Monroe Doctrine in the 1980's: International Law, Unilateral Policy, or Atavistic Anachronism' (1981) 13 Case Western Reserve Journal of International Law 203, 207.

2.Interpretations & Implementations of Monroe Doctrine.

The Monroe Doctrine adheres to a remarkable extension in its principles, grounds and procedure of implementation throughout historical stages, whereas transferred from being a symbolic defensive principle in original declaration to a mechanism for regional hegemony, then an attempt to reformulate it within a relatively cooperative framework.

During the initial phase, starting from 1823 to 1895, the doctrine primarily stands out as a defensive principle intended to deter any new European colonial ambitions in the Western Hemisphere. During this period, the doctrine has been invoked by the United States occasionally and more likely symbolic, nonetheless enforcement relies on international order and on the British navy's support for both security and commercial causes, as opposed to any Spanish or French colonial control. Conversely, the United States appealed to Monroe doctrine on international diplomatic relation for instant 'The Venezuelan Boundary Dispute in 1895' between Venezuela and British Guiana whereby the United States invoked Monroe doctrine and enforced arbitration for dispute settlement, despite British objections, the doctrine has no binding nature like international law. The proceeding characterised the United States as a regional and global power exercising influence on the Western Hemisphere.

In addition, a significant modification has been imposed to the core principle of the Monroe doctrine that could be recognised in 1904 through a declaration made by US President Roosevelt. The declaration entitled the United States permission to intervene in Latin America to prevent security risk or land concede,[1] the declaration defined as the' Roosevelt Corollary', was a response to the debt crisis in Venezuela and concern over interference by Europeans in the region. Therefore, the United States will act as an ' international police force' and use all necessary means, including military, to protect interests of Latin America,[2] the United States has executed numerous interventions in Latin America based on this corollary specifically promoting Panama's independence from Colombia in 1903 and laying the foundation of the Panama Canal Zone under US control, the military occupation of Cuba,[3]

[1] Stephen G Rabe, 'Theodore Roosevelt, the Panama Canal, and the Roosevelt Corollary to the Monroe Doctrine' (2023) 22 IdeAs [18]– [20].
[2] Christopher J Kshyk, 'Roosevelt's Imperialism: The Venezuelan Crisis, the Panama Canal, and the Origins of the Roosevelt Corollary' (2015) 7 Inquiries Journal http://www.inquiriesjournal.com/articles/1002/roosevelts-imperialism-the-venezuelan-crisis-the-panama-canal-and-the-origins-of-the-roosevelt-corollary.
[3] CA Abel, 'Controlling the Big Stick: Theodore Roosevelt and the Cuban Crisis of 1906' (1987) 40(3) Naval War College Review, 88-98.

Nicaragua, Haiti, and the Dominican Republic for varying periods during the early decades of the 20th century.[1] In the prevailing circumstances, the doctrine reshaped the United States political position from a defensive that protecting Latin American independence into a mechanism of hegemony and intervention, provoking growing dissatisfaction in Latin America.

In spite of the foregoing, a new measure has been implemented under the administration of President Franklin Roosevelt, under which introduced a policy known as the "Good Neighbor Policy 1933",[2] aiming to reduce US interference and military interventions, for instance, abolish the Platt Amendment in Cuba (Pursuant to having granted the United States the right to intervene) and withdrawing armed forces from Haiti. Yet this time the United States took a different approach by invoking collective action to address the regional challenges and therefore encouraged states in the region to participate in the establishment of the Organization of American States in 1948.[3] In general, those measures do not negate the trend that had prevailed since the era of President Monroe until the era of President Roosevelt, began with declared principles that imposed hegemony over Latin America, then turned into a less aggressive and more cooperative form.

The world once ruled by an old power has changed. A new power has emerged, represented by the Soviet Union. A new phase has begun which calls for a return to imposing the Monroe Doctrine during the Cold War. To illustrate, the Cuban Missile Crisis of 1962 represents a security challenge for the United States, in which the United States considered the presence of Soviet missiles on Cuban soil an absolute infringement of the Monroe Doctrine and to be considered an act of war if they were not removed.[4] Furthermore, doctrine invoked to justify the 1983 military intervention in Grenada[5] and the political and military support for coups and right-wing governments against leftist movements in Central and South America.

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[1] Samuel Guy Inman, 'The Monroe Doctrine and Hispanic America' (1921) 4 The Hispanic American Historical Review 638, 650.

[2] Britannica Editors, 'Good Neighbor Policy' (Encyclopedia Britannica, 20 July 1998) https://www.britannica.com/event/Good-Neighbor-Policy-of-the-United-States.

[3] Peter J Meyer, 'Organization of American States: In Brief' (Library of Congress, 21 May 2025) https://www.congress.gov/crs-product/R47230.

[4] William M Tuttle, 'Cuban Missile Crisis' in Robert D Ubriaco (ed), (EBSCO 2023) https://www.ebsco.com/research-starters/history/cuban-missile-crisis.

[5] Bhaskar Sunkara, 'The US Invaded the Island of Grenada 40 Years Ago. The Legacy of Revolution Lives On' The Guardian (25 October 2023) https://www.theguardian.com/commentisfree/2023/oct/25/the-us-invaded-the-island-of-grenada-40-years-ago-the-legacy-of-revolution-lives-on.

In the final analysis, the historical legacy reveals that the Monroe Doctrine was not a strict concept, but a flexible directive that emerged and developed with progressed in the relative power of the United States. The Monroe Doctrine has shifted from a policy of non-intervention to a concept of regional hegemony. Gradually, the principle has changed from defensive and preventive to a doctrine justifying pre-emptive intervention; doctrine remains a reference, a symbol, and a cornerstone in shaping US policy in the Western Hemisphere. In short, the Monroe Doctrine represents a long-term strategic framework that reflects the development of American capabilities and geopolitical ambitions in the Western Hemisphere.

3. Evolution in Application: The Trump Corollary

The US National Security Strategy (NSS) 2025, issued by the White House outlines a reorientation of US foreign policy towards exerting influence in the western hemisphere, and to counter the influence of rivals outside this region, such as China, Russia, and Iran. The declaration is a contemporary and clear expansion of the Monroe Doctrine, NSS 2025 otherwise referred to as the "Donroe Doctrine" reinterprets the original Monroe Doctrine, which warned European nations against interfering in the affairs of the American continent, as a mechanism to assert active American hegemony in the face of current threats[1] as is outlined below:

"After years of neglect, the United States will reassert and enforce the Monroe Doctrine to restore American preeminence in the Western Hemisphere, and to protect our homeland and our access to key geographies throughout the region. We will deny non-Hemispheric competitors the ability to position forces or other threatening capabilities, or to own or control strategically vital assets in our Hemisphere. This "Trump Corollary"[2] to the Monroe Doctrine is a common-sense and potent restoration of American power and priorities, consistent with American security interests.

The United States, in the last decades. focus on the Middle East and a distant region has led to the neglect of the Western Hemisphere, allowing for the growth of Chinese influence such as investments in ports, energy, and

[1] The White House, 'National Security Strategy of the United States of America' (November 2025) 15 whitehouse.gov.
[2] Ibid 15-16.

strategic infrastructure,[1] and Russian influence (military support in some countries).[2] This strategy is also linked to issues such as illegal immigration, drug trafficking, and organised crime (like drug cartels), which led the Trump administration to invoke the Monroe doctrine. The NSS 2025 justifies this approach as a "restoration of historical wisdom" lost after the Cold War and as a recognition of regional stability as essential to US national security.[3] Hence, the National Defence Strategy 2025 consists of three core pillars:

- Reaffirming "American military supremacy" in the Western Hemisphere, while rejecting any military or threatening presence from foreign powers such as Chinese bases, spy canters in Cuba, or ports in Latin America.[4]
- Preventing foreign control over strategic assets and essential locations such as the Panama Canal, Greenland, the Arctic Ocean, or Venezuelan oil fields, with a focus on crucial supply chains and strategic materials.[5]
- Authorise military force or economic, political pressure to counter "threats," whether from hostile governments (such as Venezuela under Maduro) or from foreign influence. This includes combating "narco-terrorism" and drug cartels and supporting "cooperative" governments in fighting organised crime and drugs.[6]

Notably, “Operation Absolute Resolve”[7] constitutes the paramount feature of the NSS 2025, a U.S. military operation in which President Nicolas Maduro was arrested by U.S. armed forces from his palace in Venezuela on January 3, 2016, and transferred to New York to stand trial on charges including drug-related terrorism, drug trafficking, and money laundering. Following the operation, US President Donald Trump stated that the primary

[1] Matthew P Funaiole and others, ‘China’s Intelligence Footprint in Cuba: New Evidence and Implications for U.S. Security’ (Center for Strategic and International Studies, 6 December 2024) https://www.csis.org/analysis/chinas-intelligence-footprint-cuba-new-evidence-and-implications-us-security.

[2] Evan Ellis, ‘Russia in the Western Hemisphere: Assessing Putin’s Malign Influence in Latin America and the Caribbean’ (CSIS, 20 July 2022) https://www.csis.org/analysis/russia-western-hemisphere-assessing-putins-malign-influence-latin-america-and-caribbean.

[3] Andrew Yeo and others, ‘Breaking down Trump’s 2025 National Security Strategy’ (Brookings, 8 December 2025) https://www.brookings.edu/articles/breaking-down-trumps-2025-national-security-strategy.

[4] Alexander B Gray, ‘The Trump Corollary Is Officially in Effect’ (Atlantic Council, 5 January 2026) https://www.atlanticcouncil.org/dispatches/the-trump-corollary-is-officially-in-effect/.

[5] Francisco Lobo, ‘The Trump Corollary to the Monroe Doctrine: Crisis or Opportunity?’ (RUSI, 10 December 2025) https://www.rusi.org/explore-our-research/publications/commentary/trump-corollary-monroe-doctrine-crisis-or-opportunity.

[6] Greg Myre, ‘White House Calls National Security Strategy Trump’s Version of the Monroe Doctrine’ (NPR, 9 December 2025) https://www.npr.org/2025/12/09/nx-s1-5633261/white-house-calls-national-security-strategy-trumps-version-of-the-monroe-doctrine.

[7] Julian E Barnes, Tyler Pager and Eric Schmitt, ‘Inside “Operation Absolute Resolve,” the U.S. Effort to Capture Maduro’ The New York Times (3 January 2026) https://www.nytimes.com/2026/01/03/us/politics/trump-capture-maduro-venezuela.html.

objective was to regain influence over the Western Hemisphere.[1] In a related context, US Secretary of State Marco Rubio stated" This is the Western Hemisphere. This is where we live -- and we are not going to allow the Western Hemisphere to be a base of operation for adversaries, competitors, and rivals of the United States ".[2] This may be interpreted as annex legitimizes direct intervention against regimes regard as "hostile" or linked to external Competitors such as (China, Russia, or Iran) also include threats to annexation or control assets such as the Panama Canal or Greenland.[3]

The annex is controversial: Proponents of the initiative (such as Modern Age and the Atlantic Council) a crucial restoration of national security in an era of intense competition, especially against China. In contrast, (such as Brookings, ODI, and Carnegie) define as "neo-imperialism" arguing that it contradicts with the principles of non-intervention and sovereign equality listed in the UN Charter, and forces Latin American countries to choose between "sovereignty and development." China has labelled it "new Monroism," an attempt at hegemonic exclusion.[4] Moreover, the Trump Corollary represents a strategic shift toward prioritising the Western Hemisphere, adopting a combination of military deterrence, economic pressure, and pre-emptive intervention that retrieves historical debates about the limits of American hegemony within a multipolar international system. Questions that have been left hovering round the status of Monroe doctrine includes: whether the duration of a practice can be consider as reginal costumery rule. How consistent with principle of non-intervention? These questions will be discussed in the subsequent sections.

4. Non-Intervention vs. Regional Hegemony

One of the fundamental principles of post-revolutionary American foreign policy was non-intervention in the affairs of other nations. This approach was adopted by figures such as George Washington, as stated in his (Farewell Address), to foster economic relationships that would support

[1] Reuters, 'Trump Says U.S. Will Run Venezuela after U.S. Captures Maduro' Reuters (4 January 2026) https://www.reuters.com/world/americas/loud-noises-heard-venezuela-capital-southern-area-without-electricity-2026-01-03/.

[2] Mariam Khan, 'Trump's "Donroe Doctrine" Seeks Influence over Western Hemisphere Citing Old US Policy' (ABC News, 6 January 2026) https://abcnews.go.com/Politics/trumps-donroe-doctrine-seeks-influence-western-hemisphere-citing/story?id=128926397.

[3] Issy Ronald, 'Why Does Trump Want Greenland and Why Is It so Important?' (CNN, 6 January 2026) https://edition.cnn.com/2026/01/06/europe/why-trump-wants-greenland-importance-intl.

[4] George Beebe and others, 'The 2025 NSS and Restraint: Experts React' (Quincy Institute for Responsible Statecraft, 17 December 2025) https://quincyinst.org/research/the-2025-nss-and-restraint-experts-react.

economic growth and avoid complex alliances conflict with US interests.[1] This standpoint was also held by former US President Thomas Jefferson in response to a matter concerning the supreme interest of the United States in a joint statement with Britain, He emphasised that the principle should be non-intervention in European conflicts and not allowing any foreign power to interfere in transatlantic affairs.[2]

The Monroe Doctrine essentially emphasised the separation of the New World from the Old, preventing a return to European colonialism. However, the principle gradually evolved from a defensive policy into a mechanism for justifying US interventions in Latin America. This transition raises a fundamental debate about its contradiction with the principle of non-intervention, a core principle of international law.

The principle of non-intervention has gradually developed throughout the History, whereas emphasised in the principle adopted by the states in the Montevideo Convention, generally, the application of the principle remained limited until the end of World War II. The principle emerges with binding notions through The United Nations Charter, Article 2(4) define non-intervention as that states are obligated to refrain from interfering in the internal or external affairs of other states, whether by force, the threat of force, or other indirect means that affect their political sovereignty or independence. The provision clarifies illegalised the threat or use of force against the territorial integrity or political independence of any state. Moreover, Article 2(7), enshrined, protects internal affairs from intervention. The principal non-intervention has been reinforced by United Nations General Assembly resolutions such as Resolution 2625 (1970),[3] which affirms non-intervention as a fundamental principle of international relations. Whose purpose is to emphasise the principles of international law, bringing about the establishment of friendly relations and cooperation between states, as well as a directive to member states to promote international peace based on a commitment to non-interference in the affairs of any state, or the use of military coercion, as well as the use of force against territorial integrity, ultimate fact to ensuring the

[1] 'Farewell Address (1796)' (National Constitution Center) https://constitutioncenter.org/the-constitution/historic-document-library/detail/george-washington-farewell-address-1796.
[2] Tower (n 7) 13.
[3] UNGA Res 2625 (XXV) 'Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations' (24 October 1970) UN Doc A/RES/2625(XXV).

peaceful coexistence of nations in all matters, and any form of non-compliance constitutes a violation of the UN Charter.

The core contradiction between the Monroe Doctrine and the principle of non-intervention consists in unilateral application. The Doctrine authorises the United States an exceptional right to interfere in internal affairs of other states and implementing coercive measures if it deems there to be a threat to its security interests or regional stability, without the need for international authorisation or the consent of the state concerned. This directly contradicts the principle of sovereign equality enshrined in Article 2(1) of the UN Charter, which rejects any exception to distinction between states, while non-intervention obliges all states regardless of their power to refrain from imposing their will on other states, the historical application of the Monroe Doctrine has allowed the United States to engage in repeated interventions under the pretext of "protection of national security" or "regional stabilisation," leading to accusations of imperialism and the systematic violation of Latin American sovereignty.[1]

The legal debate highlights the following aspects. On the one hand, some scholars argue that the original Monroe principle (1823) was relatively compatible with the principle of non-intervention, being a defensive principle aimed at preventing European states intervention and did not justify direct American intervention in the internal affairs of Latin American countries. However, with Roosevelt's Corollary 1904, the principle had been transformed into a mechanism for pre-emptive intervention, rendering it incompatible with international law after 1945. This assessment is supported by the evolution of international law towards prohibiting the use of force except in self-defence (UN Charter Article 51) or with an authorisation from the Security Council. The United States interventions in the 20th century, such as the occupation of Haiti (1915-1934), the interventions in Guatemala (1954)[2] and Chile (1973),[3] as well as the capture of Venezuelan President Maduro[4], that action was considered clear violations of the principle of non-intervention, even if justified by the "communist threat" or "regional stability".

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[1] Hubert Zimmermann, 'The Monroe Doctrine in an Age of Anti-Interventionism' (Völkerrechtsblog, 13 May 2024) doi: 10.17176/20240513-185143-0.

[2] Gordon L Bowen, 'Guatemala Invasion' (EBSCO, 2021) https://www.ebsco.com/research-starters/history/guatemala-invasion.

[3] Owen Dowling, 'The Chilean Coup at 50' (Tribune, 9 November 2023) https://tribunemag.co.uk/2023/09/the-chilean-coup-at-50.

[4] Eliza Hajzeri, 'How World Leaders Reacted to Maduro's Capture' (Telegrafi, 4 January 2026) https://telegrafi.com/en/How-did-world-leaders-react-to-Maduro%27s-capture/.

Conversely, others argue that the Monroe Doctrine was never a rule of international law, but rather a unilateral foreign policy principle, and therefore, assessment of contradictions with international law has no ground. Furthermore, some recent interpretations, particularly in the context of competition with China or Russia in the Western Hemisphere, Trump's corollary as an attempt to reinstate the idea of the "Western Hemisphere" as an American sphere of influence. However, this approach is criticised for reproducing the notion of spheres of influence, which the UN Charter explicitly rejects.

Infringement of international rules of law applied to the measure implemented by states by which violation extends to legally binding rules constitutes rejection by the affected state. The aforementioned led to Latin American states resistance to unilateral measures of intervention through regional cooperation, particularly Pan-American conferences,[1] whereby the United States ratified the 1933 Montevideo Convention confirming non-intervention as a binding principle and denounced the Roosevelt corollary. In addition, in the post-Cold War era, Latin American states have become increasingly able to invoke the UN Charter to reject any US allegation for intervention under form of the Monroe Doctrine.

Finally, the contradiction between the Monroe Doctrine and the principle of non-intervention persists substantially, the former relies on a unilateral exception that justifies pre-emptive intervention to maintain regional hegemony, while the latter imposes a general rule of International Law including commitment to sovereign equality and non-use of force. In the contemporary international legal system based on multipolarity and collective actions, a revival of the interventionist Monroe doctrine is classified as an outdated form incompatible with fundamental principles of international law, thus reinforcing the debate about whether the unilateral policies of dominant powers can remain legitimate under the rules of public international law.

5. The Binding Nature of Regional understanding

In the modern era, spheres of influence are a significant political phenomenon. At the same time, controversial legal issues that constitute a violation of equality, sovereignty, and the principle of non-intervention, and often described as attempts to grant exclusive rights state and impose commitment on other states, despite the continued existence of de facto

[1] Marcella Toledo, 'The Pan-American/Inter-American Conferences' (1889) https://asafal.wp.unisi.it/wp-content/uploads/sites/70/2023/05/Inter-American-conferences.pdf.

influence or informal understandings in international politics. Alternatively, formal treaties that establish exclusive spheres of influence contravene with the UN Charter, which defines The UN Friendly Relations Declaration (1970) and the non-intervention principle.

The International Court of Justice and other bodies have not issued direct rulings on contemporary cases. Nevertheless, these agreements lack legal legitimacy, violate the fundamental principles of the Charter, and may lead to international liability for states. In essence, while agreements to divide spheres of influence were historically acceptable as tools for managing the balance of power among major powers, contemporary international law, which is based on the prohibition of the use of force, respect for sovereignty and the right to self-determination, does not confer legal legitimacy upon it when they violate the independence of third states or contravene peremptory norms.

Over 200 years, the United States continued to take unilateral actions to extend its influence and dominance over the Western Hemisphere. The enquiry shifts to whether the United States is seeking to transform the Monroe Doctrine into a binding rule (Regional customary rule)?

According to the criteria established for the formation of international custom as defined in Article 38 of the Statute of the International Court of Justice, the article requires consistent and widespread practice by states, accompanied by a legal conviction that such practice is legally binding. Despite its long history and frequent invocation in US foreign policy, this principle remains a unilateral declaration of foreign policy, not a general rule of law binding on the international community.

Initially, the doctrine did not declare as legal rule, but a strategic political warning implicitly backed by the might of the British navy, which deterred a return to French or Spanish colonialism. The major European powers of the time did not accept it as international law and considered it binding only as a matter of US domestic policy. Even Britain, which benefited commercially from it, did not recognise it as a legal principle but rather viewed it as a temporary common interest[1].

The debate canters on whether this principle acquired a regional customary character in the Western Hemisphere. Some scholars argue that its reference in the 1919 Covenant of the League of Nations (Article 21) as a "regional understanding along the lines of the Monroe Doctrine" indicates

[1] 'Notes on the History of the Venezuela/Guyana Boundary Dispute' (2024) 3 CEBRI Revista 160, 169 https://cebri.org/revista/en/artigo/138/notes-on-the-history-of-the-venezuelaguyana-boundary-dispute.

international recognition of its regional nature,[1] though this recognition was limited and did not rise to the level of a general customary rule. The International Court of Justice ruling in the case of Colombia v. Peru[2], the Colombian embassy granted political asylum to a Peruvian national who was the leader of a military uprising in Peru. The Peruvian government argued that granting asylum violated the 1911 Extradition Treaty and a rule of customary international law. The Court ruled in favour of Peru, clarifying that Colombia had not proven the existence of a customary law that would allow a state granting diplomatic asylum to unilaterally define an offense as political. The Court stated that since Peru neglect to ratify the treaty in question and had explicitly rejected the provisions on asylum, it would be bound only by customary international law. However, it was held that the customary rule governing asylum was not enforceable against Peru, because Peru had consistently objected to this custom during its formation. Indeed, Latin American states rejected the principle as a legal rule, viewing it as an instrument of American hegemony, as evidenced by the resistance reflected in the Drago-Porter Convention (1907), and attempted to transform it into a principle of mutual non-intervention—an interpretation rejected by the United States.[3]

The argument for the Monroe doctrine as a binding rule had no legal ground. The US national courts ruled in the cases (Eastern or Emigrant Cherokees v United States, Western or Old Settler Cherokees v United States)[4] and (Arneson v United States)[5] the principle is not legally binding whether as national law or international law. Described as a matter of "foreign policy" or "national policy", even in its recent revivals, such as in the National Security Strategy 2025 or the so-called "Trump corollary" it is presented as a tool for regional hegemony, not as a general customary rule. Other states, whether European, Latin American, or even China and Russia in the contemporary context, no recognized as a legally binding obligation. Instead, reviewed as a unilateral policy that contradicts the principles of sovereign equality and non-intervention enshrined in the UN Charter (Articles 2(1), 2(4), and 2(7)).

[1] Thomas D Grant, 'Doctrines (Monroe, Hallstein, Brezhnev, Stimson)' (Oxford Public International Law, March 2014) para 33 https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e697.

[2] Asylum Case (Colombia v. Peru), Judgment, 1950 I.C.J. Reports 266, 273–275 (November 20), https://www.icj-cij.org/case/7/judgments.

[3] Ryan Martínez Mitchell, 'Monroe's Shadow: League of Nations Covenant Article 21 and the Space of Asia in International Legal Order' (2020) 22 Journal of the History of International Law 191, 202.

[4] Eastern or Emigrant Cherokees v United States (1939) 88 Ct Cl 452.

[5] Arneson v United States (1973) 203 Ct Cl 717.

The evidence represents the absence of genuine global or regional consensus recognition. There is no consistent practice among most states, nor a shared legal conviction of binding nature. On the contrary, interventionist application has led to persistent resistance in Latin America and became a symbol of imperialism for several countries. Even at the regional level, the Organisation of American States and the Rio Treaty have moved beyond unilateral interpretations, emphasising collective action.

Ultimately, the Monroe Doctrine continues to have a significant historical impact on US foreign policy, with a non-binding nature which distinguishes itself from customary international law. Doctrines implementation in contemporary contexts (such as 2025–2026) reflects the persistence of regional hegemony, conflict with the rules of the modern international order based on collective commitment and sovereign equality, this distinction remains a central point of ongoing academic debate regarding the limits of unilateral policies becoming customary rules in a multipolar world.

Conclusion.

The Monroe Doctrine, on December 2, 1823, represents a significant declaration in the history of American foreign policy and one of the controversial concepts in the study of international law. It began as a unilateral, defensive political declaration aimed at preventing the expansion of European colonialism in the Western Hemisphere, within the context of a nascent American state that did not yet possess the military power to enforce it effectively. Over time, the doctrine has undergone radical transformations in its interpretation and application, from a stage of symbolic defence to one of pre-emptive intervention (Roosevelt's 1904 Colonialism), then to attempts at reformulation within a relatively cooperative framework during the “Good Neighbor policy”, invoked as a key tool to counter communist influence in the Cold War, and finally to the Trump Corollary explicit assertion of influence and hegemony in the Western Hemisphere.

With a legal view, certainty that the Monroe Doctrine has never been considered a rule of public international law. It lacked the two elements of international custom (established general practice & legal belief), and throughout history remained a unilateral political declaration expressing American national interests, rather than a mutual international obligation.

Historical developments, particularly after 1945, have demonstrated a fundamental incompatibility between interventionist interpretations of the

Monroe Doctrine and the core principles of the contemporary international legal order, especially the prohibition on the use of force (Article 2(4)) and the principle of non-intervention in internal affairs (Article 2(7)) of the Charter of the United Nations. The case of Nicaragua v. United States (the 1986 judgment of the International Court of Justice) is a prime example of the most prominent judicial affirmation that any claim to a right of special territorial intervention or trusteeship is incompatible with these peremptory norms.

Conclusively, more than two centuries after its declaration, the Monroe Doctrine has become more of a historical and political legacy than a dynamic element of the international legal system. In the current legal context, the Doctrine has lost any legitimacy to justify intervention or trusteeship in a world moving towards greater multilateralism and a stronger emphasis on the principles of sovereignty equality of state. However, this principle remains a powerful symbol in American political Speech, especially given the growing influence of new powers (such as China and Russia) in the Western Hemisphere, suggesting that its political and strategic importance may persist even if its legal value has been completely abolished.

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