



U.S.-VENEZUELA DIPLOMATIC RELATIONS (2002-2026) FROM DIPLOMATIC SEVERANCE TO FULL RE-ESTABLISHMENT: OPERATION ABSOLUTE RESOLVE AND THE EVOLUTION OF THE NORIEGA PRECEDENT

This contribution analyzes U.S.-Venezuela diplomatic relations from 2002 to 2026 as a paradigm of a systemic transformation of the international legal order: the transition from Westphalian sovereignty to conditional sovereignty. By examining the transition from the “recognition diplomacy” of the Guaidó era to the “conditional effectivity” of the Rodríguez administration, the paper argues that the U.S. military-judicial operation Absolute Resolve represents a definitive shift in the global legal order.

Through an examination of Operation Absolute Resolve and the concurrent proceedings initiated before the U.S. District Court for the Southern District of New York, as well as the investigation conducted by the Prosecutor of the International Criminal Court, the study investigates the dialectical tension between the *ratione personae* immunity of Heads of State and the expansion of U.S. extraterritorial criminal jurisdiction, grounded in the application of the Ker-Frisbie doctrine.

The author explores how the traditional protections afforded by the Vienna Convention on Diplomatic Relations (VCDR) – specifically *ratione personae* immunity – have been bypassed through a strategic “declassification” of a Head of State into a common criminal defendant. Utilizing the Ker-Frisbie doctrine and the Noriega (1990) precedent, the U.S. District Court for the Southern District of New York has institutionalized a model where sovereignty is no longer an absolute attribute but a conditional right, contingent upon compliance with the security and legality parameters defined by a hegemonic power.

In parallel, the essay examines the practice of downgrading diplomatic representation and the challenging of credentials within International Organizations (UN, OAS), demonstrating how the instrumental use of diplomatic law transforms multilateral fora into battlegrounds over governmental legitimacy. Particular attention is devoted to the role of contemporary Public Diplomacy, understood not as a mere political projection, but as a device of legal qualification endowed with performative value. The paper argues how such practice determines the affirmation of a global order based on hierarchies of compliance, wherein the legitimacy of a sovereign State is contingent upon compliance with the parameters of legality and security defined by the hegemonic power.

Furthermore, the paper investigates the role of Public Diplomacy as a formal speech act capable of pre-constituting legal categories, and the emergence of a “monitored sovereignty” managed via OFAC sanctions and escrow accounts. The study concludes that the Maduro case and the steps leading to the full re-establishment of diplomatic and consular

relations signal an irreversible transition toward a post-Westphalian hierarchy of conformity, where international law ceases to be a limit to power and instead becomes its primary operational language.