

The Effectiveness of Mechanisms for Ensuring the Implementation of Security Council Decisions and International Court of Justice Judgments in International Law: From Legal Obligation to Political Reality

Ahmad. Momeni Rad^{1*}, Mohammad Jassim. Hameed Al-Maamouri²

¹ Associate Professor of International Law, Department of Public Law, Faculty of Law and Political Science, University of Tehran, Tehran, Iran

² Ph.D. Student in International Law, Faculty of Law and Political Science, University of Tehran, Tehran, Iran

* Corresponding author email address: momenirad@ut.ac.ir

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Decisions of international institutions can effectively regulate international relations only when an effective link exists between their legal bindingness and their practical implementation. This study aims to comparatively examine the binding and enforcement powers of decisions issued by the International Court of Justice and the Security Council, and to explain the factors contributing to the gap between their legal obligation and practical implementation. Using a descriptive-analytical method and a comparative approach, and drawing on library sources and international legal documents, the study examines the foundations of bindingness, the scope of effects, mechanisms for ensuring implementation, and the extent to which the two institutions are influenced by international politics. The findings indicate that the Security Council, particularly within the framework of Chapter VII of the Charter of the United Nations, possesses broader enforcement and coercive instruments and, in this respect, has greater capacity to ensure the implementation of its decisions. In contrast, the contentious judgments of the Court are legally binding; however, their implementation depends on the cooperation and political will of States and, in specific cases, on the capacity of the Security Council. Nevertheless, the Security Council's enforcement superiority is constrained by the veto power, the interests of major powers, and the selective nature of its decisions. Consequently, strengthening oversight, institutional cooperation, and non-coercive mechanisms may reduce the gap between the legal obligation and practical implementation of international decisions.

Keywords: *International Court of Justice, Security Council, binding decisions, implementation of international decisions, enforcement mechanisms, veto power, international law.*

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1. Introduction

International organizations constitute some of the most important institutionalized mechanisms in the contemporary international legal system for regulating relations among States, developing international norms, and managing transnational issues. These organizations are generally established on the basis of multilateral

treaties and, while possessing independent legal personality, exercise their powers within the limits of their constituent instruments and the rules of international law. Accordingly, they are not merely forums for inter-State cooperation; rather, they possess regulatory, supervisory, and norm-generating capacities in various fields (Bernstorff, 2008; Klabbers, 2015).



Since the mid-twentieth century, these organizations have also become important subjects of international law, although their rights and obligations, unlike those of States, depend on the purposes and limits of competence stipulated in their constituent instruments (Almakky, 2023). Among the organs of the United Nations, the Security Council and the International Court of Justice occupy distinctive positions; however, their substantive and functional differences mean that the binding force and implementation of their decisions do not follow a uniform pattern. As the principal organ responsible for the maintenance of international peace and security, the Security Council has considerable capacity to adopt binding decisions under Articles 24 and 25 of the Charter and, in the circumstances envisaged in Chapter VII, to take further action. Under Article 25, Members of the United Nations undertake to accept and carry out the decisions of the Council, while Article 39 authorizes the Council to determine the existence of a threat to the peace, breach of the peace, or act of aggression and to adopt appropriate measures (Krisch, 2012). Such measures may include non-military measures, such as economic and financial sanctions, and, under particular circumstances, broader coercive measures (Couzigou, 2017). Thus, in terms of legal capacity and enforcement instruments, the Security Council occupies a powerful position within the collective security system. Nevertheless, the legal bindingness of Security Council decisions does not necessarily mean that they will be implemented effectively and uniformly. The implementation of Council decisions depends on State cooperation, their enforcement capacities, interaction with regional organizations, and, in particular, the Council's political structure and the veto power of its permanent members. Consequently, a gap may arise between the Council's legal authority and the practical effectiveness of its decisions. The politicization of decision-making, the selectivity of responses, conflicts of interest among major powers, and weak supervisory mechanisms are among the factors that may limit the implementation of Council decisions. Therefore, its enforcement capacity cannot be assessed solely on the basis of Charter provisions; the interaction among legal obligation, enforcement capacity, and political reality must also be considered (Pay, 2022). In contrast, the International Court of Justice is founded on a judicial rationale and the legal settlement of disputes between

States. Pursuant to Article 94(1) of the Charter, Member States undertake to comply with the decisions of the Court in any case to which they are parties, while Article 59 of the Statute limits the binding force of judgments to the parties and to the particular case. Accordingly, unlike the generally applicable decisions of the Security Council, the Court's contentious judgments do not, in principle, have general binding effect, and its jurisdiction in contentious proceedings is primarily based on State consent. Consequently, the binding force of a Court judgment is judicial, legal, and dispute-specific rather than security-oriented and general in character (Abedi & Amini, 2019). The Court's fundamental limitation becomes apparent at the enforcement stage, because the binding nature of a judgment is not necessarily accompanied by an independent mechanism for compelling the losing State. Under Article 94(2) of the Charter, where a State fails to comply with a judgment, the other party may refer the matter to the Security Council, which may, if it considers necessary, make recommendations or decide upon appropriate measures. Thus, the implementation of the Court's judicial judgments may ultimately depend on the political mechanism of the Security Council. In addition, effective implementation depends on the good faith of States, the Court's judicial authority, and legal and political pressure, as the Court itself lacks instruments such as sanctions or direct coercion (Palchetti, 2017). This situation illustrates the distance between legal obligation and the practical capacity to implement international decisions—a gap in which the legal force of a binding decision may lead to incomplete or selective implementation because of political considerations, institutional limitations, and the absence of an independent coercive mechanism. The central question of this study is whether the legal bindingness of Security Council decisions and International Court of Justice judgments results in their effective implementation in practice, and what factors create the gap between legal obligation and implementation reality. Despite possessing broad coercive capacities, the Security Council is affected by political considerations, the interests of permanent members, and the veto power. In contrast, the Court enjoys substantial judicial authority, but implementation of its judgments depends largely on State cooperation and, in cases of non-compliance, on the political mechanism under Article 94 of the Charter.

Experiences such as the *Nicaragua v. United States* case and the Security Council's conduct during the Iraq crisis reveal the difference between the legal authority of a decision and the possibility of its practical implementation. Using a descriptive-analytical method and a comparative approach, this study examines the foundations of bindingness, enforcement-guarantee mechanisms, and practical limitations of the decisions of the two institutions. The hypothesis is that, although the Security Council has more extensive enforcement and coercive instruments, the effectiveness of implementation by both institutions depends on State cooperation and political considerations. However, the Court's limitations are more structural and stem from its dependence on State cooperation, whereas implementation of Security Council decisions is influenced more directly by the Council's political structure and the veto power. The innovation of this study lies in its focus on the gap between legal obligation and practical compliance and its simultaneous analysis of the legal, institutional, and political factors affecting the effectiveness of implementation.

2. Legal Foundations of the Bindingness and Implementation of Security Council Decisions and International Court of Justice Judgments

The bindingness and implementation of decisions by international institutions are among the most important elements of the effectiveness of the international legal system. Within this framework, although the Security Council and the International Court of Justice both belong to the United Nations structure, they possess different jurisdictional foundations, institutional characteristics, and mechanisms for creating and implementing obligations. Therefore, examining the legal foundations of the binding force of decisions of these two institutions is a necessary precondition for assessing their practical effectiveness.

2.1. The Concept and Foundations of the Bindingness of International Decisions

The binding force of international decisions is one of the fundamental elements of the international legal order and is directly connected with the principle of the peaceful settlement of disputes and the need to prevent political and legal disagreements from developing into coercive conflicts. In the international system, legal and

institutional mechanisms for dispute settlement enable the management of conflicts concerning borders, natural resources, trade, and other inter-State issues, thereby preventing the escalation of disputes and harm to international cooperation and security (Akram, 2023; Baidwain, 2023). From this perspective, the bindingness of international decisions is not merely a formal attribute; it is an important condition for preserving the authority of international legal rules and institutions. Effective dispute settlement requires mechanisms capable of guiding parties to a dispute toward compliance with the principles of justice, equity, and mutual respect. In this regard, international courts have acquired an important position in producing and consolidating the legal effects of international decisions by providing impartial mechanisms for dispute resolution (Trahan, 2020). Therefore, the credibility of the dispute-settlement system depends substantially on the extent to which a final decision can move beyond a declaration of rights and obligations to the stage of actual implementation. The International Court of Justice has a special position in this regard and, through its contentious and advisory jurisdiction, plays a role in resolving legal disputes between States and clarifying the rules of international law (Aidonojie et al., 2026; Dixon et al., 2024). Despite the binding nature of the Court's contentious judgments, it lacks an independent and direct mechanism for compelling a losing State to comply. Consequently, effective implementation of judgments depends largely on State cooperation and, in cases of non-compliance, on the mechanisms provided for in the Charter, especially Article 94 (Scott & Chase, 2022). On the other hand, the bindingness of Security Council decisions has a different character. Unlike the Court, the Security Council is a political-security body entrusted with maintaining international peace and security and, in the circumstances established by the Charter, may adopt decisions with binding effects. The principal difference is that the Security Council, particularly within the framework of Chapter VII, possesses broader enforcement and coercive instruments. Nevertheless, the implementation of its decisions is also affected by political considerations and the degree of State cooperation (Almakky, 2023; Couzigou, 2017). Thus, legal obligation in the international system does not necessarily entail automatic and guaranteed implementation, and the gap

between “legal obligation” and “practical compliance” is one of the principal challenges of that system.

2.2. *Legal Foundations of the Bindingness of Security Council Decisions*

The legal basis for the bindingness of Security Council decisions is found primarily in the Charter of the United Nations, particularly Articles 24 and 25. Article 24 entrusts the Security Council with primary responsibility for the maintenance of international peace and security, and Article 25 requires Members of the United Nations to accept and carry out its decisions in accordance with the Charter. Therefore, the binding force of Council decisions does not arise merely from political authority; rather, it is rooted in the treaty obligations of States resulting from their membership in the Charter. Articles 48 and 49, by establishing duties to carry out Council decisions and to cooperate with one another, also transform this obligation from a theoretical commitment into practical action (Aminzadeh & Hadi, 1998). The scope of the bindingness of Council decisions is not uniform and depends on their Charter basis and content. Chapter VI of the Charter primarily concerns the peaceful settlement of disputes and the making of recommendations, whereas Chapter VII authorizes the Security Council to take enforcement action upon determining the existence of a threat to the peace, breach of the peace, or act of aggression. Articles 39, 41, and 42 respectively establish the framework for determining a situation threatening peace and for adopting non-military measures and, where appropriate, military action. Accordingly, Chapter VII decisions generally possess a stronger capacity for bindingness and implementation. However, the title of a chapter alone is insufficient to determine the legal effects of a decision; the text, purpose, and intention of the Council must also be considered (Murphy, 2015; Pay, 2022). From the perspective of legal character, a distinction should also be drawn between decisions that create obligations, declaratory decisions, and recommendatory decisions. The use of phrases such as “decides” and “demands” may indicate an intention to create a legal obligation, whereas recommendatory decisions are generally issued to encourage States to settle disputes peacefully. In its 1971 Namibia Advisory Opinion, the International Court of Justice emphasized the importance of examining the text, context, and intention of the Security Council in

determining the legal effects of its decisions. Therefore, the criterion of bindingness cannot be determined solely on the basis of the title of a resolution or the Charter chapter invoked by the Council; the actual nature of the decision and the intention to produce legal effects are also essential (Ušiak & Saktorova, 2022). The Security Council’s broad discretionary authority is also one of the factors affecting the scope and effectiveness of the bindingness of its decisions. The Council has considerable competence to determine whether a situation constitutes a threat to the peace, breach of the peace, or act of aggression; however, ambiguity in such determinations and the use of general language in resolutions may create disagreements regarding the interpretation and implementation of obligations (Legal Research, 2023). Nevertheless, the Council’s authority is not absolute and must be exercised within the framework of the purposes and principles of the Charter and the fundamental rules of international law. Article 103 of the Charter also establishes the primacy of Charter obligations where they conflict with other treaty obligations; however, this primacy does not mean that Council decisions are immune from limitations arising from peremptory norms and fundamental human rights (Helalannejad, 2021).

2.3. *Legal Foundations of the Bindingness of International Court of Justice Judgments*

The International Court of Justice, as the principal judicial organ of the United Nations, was established under Article 92 of the Charter, and its jurisdiction is exercised within the framework of the Charter and the Statute of the Court. Unlike the political and recommendatory decisions of certain United Nations organs, the bindingness of Court judgments has an explicit legal foundation. The principal authority in this regard is Article 94 of the Charter of the United Nations, which provides that each Member of the Organization undertakes to comply with the decision of the Court in any case to which it is a party. Alongside Article 94, Articles 92 and 93 of the Charter also establish the Court’s status and the connection between United Nations membership and the Statute of the Court (Almakky, 2023). The scope of the bindingness of Court judgments is also defined by Articles 59 and 60 of the Statute. Article 59 emphasizes the principle of the relative effect of judgments, providing that a Court

decision is binding only between the parties and in respect of that particular case; consequently, a Court judgment does not directly create obligations for third States. In contrast, Article 60 emphasizes the finality of Court decisions by declaring judgments final and without appeal. Nevertheless, even where Court judgments are not directly binding on third States, they may possess substantial interpretive and persuasive value in shaping States' understanding of the rules of international law (United, 1945). The bindingness of Court judgments must also be considered in light of the distinction between contentious judgments and advisory opinions. In contentious cases, the Court acts to settle a legal dispute between States, and the judgment rendered is binding on the parties pursuant to Article 94 of the Charter and Article 59 of the Statute. Advisory opinions, by contrast, are issued in response to legal questions submitted by authorized United Nations organs and institutions and do not, in principle, possess the same inter partes binding effect as contentious judgments. However, advisory opinions cannot be regarded as devoid of legal effect, because by interpreting and clarifying international legal rules, they may influence the decisions of United Nations organs, State conduct, and the formation of a shared understanding of legal norms. Furthermore, the obligation of States to implement Court judgments may be explained in light of the principle of *pacta sunt servanda* (United, 1945).

2.4. Distinguishing Legal Obligation from the Guarantee of Effective Implementation

International law requires a distinction between legal obligation and effective implementation. Legal obligation means the creation of a duty for its addressee and the possibility of attributing responsibility in the event of breach; however, the existence of such an obligation does not necessarily guarantee automatic implementation of a decision. This distinction is particularly important with respect to International Court of Justice judgments because, unlike domestic judicial systems, the Court lacks an executive apparatus and independent coercive instruments. Thus, a distinction must be made between the "binding force of a judgment" and its "enforcement guarantee" (Iwasawa & Rezaei Asrami, 2025; Scott & Chase, 2022). While recognizing the bindingness of Court judgments, Article 94 of the Charter also provides a mechanism for

responding to non-compliance. Under Article 94(2), if a State fails to comply with a judgment, the other party may refer the matter to the Security Council. Consequently, implementation of Court judgments depends to some extent on cooperation from other United Nations organs, particularly the Security Council, and may be affected by political considerations and the veto power (Aidonojie et al., 2026; Almakky, 2023). At the same time, the weakness of the Court's coercive instruments does not mean that its judgments lack enforcement consequences. Failure to implement a judgment may give rise to the international responsibility of the State and generate legal, political, and reputational costs. Moreover, the experience of contemporary cases demonstrates the importance of monitoring implementation and the response of the international community in realizing the practical effects of judgments (Jedi Rahim Biglow et al., 2026). Therefore, effective implementation of Court judgments depends not only on legal obligation but also on State good faith, institutional cooperation, political pressure, and the normative authority of international law (Bahiru, 2022; Trahan, 2020).

3. Mechanisms for Ensuring the Implementation of Security Council Decisions and Challenges to Their Effectiveness

As the principal United Nations organ responsible for maintaining international peace and security, the Security Council does not merely possess the authority to issue decisions; it also has a set of institutional, non-military, and coercive mechanisms for ensuring their implementation. These capacities have developed primarily within the framework of Chapter VII of the Charter and range from sanctions and economic restrictions to military measures and the use of the capacities of States and regional organizations. This section discusses the mechanisms for ensuring the implementation of Security Council decisions and the challenges to their effectiveness.

3.1. Security Council Enforcement Capacities Under Chapter VII of the Charter

The Security Council's most important enforcement capacity is provided for in Chapter VII of the Charter of the United Nations. Under Article 39, the Council first determines the existence of a threat to the peace, breach

of the peace, or act of aggression and may then adopt measures necessary to maintain or restore international peace and security. Article 41 subsequently permits the use of non-military measures, while Article 42 permits recourse to military action where such measures prove inadequate. From this perspective, Chapter VII establishes a gradual system for transforming a political Council decision into a legal obligation and subsequently into enforcement action (Mirabbasi, 1984). The Council's enforcement capacity is not limited to the adoption of resolutions. In carrying out its functions, it may establish subsidiary organs, committees, expert groups, and monitoring mechanisms. Sanctions committees, monitoring teams, and panels of experts are among the most important such bodies. Thus, a Council decision is transformed from a general obligation into a set of assessable indicators, increasing the possibility of monitoring the degree of State compliance (Wu, 2019). Another institutional capacity of the Council is its use of the Military Staff Committee, established under Article 47 of the Charter. The Committee was created to provide military advice to the Council and coordinate United Nations military matters; however, political disagreements among major powers have resulted in this mechanism playing a limited role in practice. Consequently, instead of relying on the system envisaged by the Charter, implementation of Council military measures has generally been based on ad hoc coalitions, Member States, or regional organizations (United, 1945). The Security Council has also developed substantial enforcement and quasi-judicial capacities in the field of international criminal justice. Under Article 16 of the Rome Statute, the Council may, under prescribed conditions, defer International Criminal Court investigations or prosecutions for renewable twelve-month periods. These powers extend the Council's role beyond purely security measures and make it an influential actor in the international criminal justice system (Abu Amoud, 2013).

3.2. Sanctions and Non-Military and Coercive Measures as Enforcement Instruments

To ensure implementation of its decisions, the Security Council possesses a range of non-military and coercive instruments. The most important non-military tool consists of the measures set out in Article 41 of the Charter, which permit the imposition of economic,

financial, communications, diplomatic, and trade sanctions without resort to armed force. These measures constitute an intermediate stage between determining a threat to or breach of the peace and taking military action under Article 42, and United Nations Members are required to implement them (Mirabbasi, 1984; Tzevelekos, 2017). After the Cold War, the Security Council gradually shifted from comprehensive sanctions toward targeted sanctions, such as asset freezes, travel bans, financial and banking restrictions, and arms embargoes, so that pressure would be directed more specifically at leaders, institutions, and networks associated with the conduct targeted by the Council (Iwasawa & Rezaei Asrami, 2025; O'Connell, 2023). Effective implementation of sanctions depends on supervisory mechanisms such as sanctions committees and expert groups. The establishment of mechanisms for objection and delisting has also become important in strengthening legal safeguards and protecting the rights of sanctioned persons and entities (Punzi, 2024). Nevertheless, the circumvention of sanctions through complex financial and commercial networks, as well as disagreement among permanent members, may reduce their effectiveness. For example, Russia's veto in 2024 concerning the extension of the mandate of experts monitoring sanctions against North Korea demonstrated the importance of continued oversight and political consensus (Allen, 2024). Where Article 41 measures are inadequate, the Security Council may authorize coercive and military measures under Article 42 to maintain or restore peace. Such measures are implemented primarily through Member States, international coalitions, and regional organizations, while Article 48 of the Charter emphasizes the role of Members in carrying out Council decisions (Falij, 2024; Seyed Jalili Saqqezchi, 2025; Tabatabaei, 2012). Regional organizations can also facilitate implementation of Council decisions by harmonizing financial, banking, customs, and trade regulations, although indirect implementation may produce differences in the level of implementation or even conflicts of competence (Seifzadeh et al., 2017). Therefore, continuous monitoring, reporting, and periodic review of authorizations are necessary to prevent actions exceeding the scope of Council decisions and to preserve the legitimacy of coercive measures (United, 1945).

3.3. *Limitations Arising from the Veto, Selectivity, and Politicization of Decisions*

The most significant structural limitation of the Security Council is the veto power of its five permanent members. Under Article 27 of the Charter, the adoption of substantive Council decisions requires at least nine affirmative votes and the absence of a negative vote by a permanent member. Accordingly, opposition by one permanent member can prevent collective action. Beyond preventing the adoption of resolutions, the veto can also obstruct subsequent stages of implementation, including the extension of mandates, intensification of sanctions, and adoption of supplementary measures, thereby widening the gap between legal obligation and practical enforceability (Bellamy, 2016; Helaliannejad, 2021; Tzevelekos, 2017). Another challenge facing the Security Council is the selectivity of responses and the influence of the political interests of permanent members. The Council does not always respond uniformly to comparable situations, which may diminish the normative legitimacy of its decisions and States' confidence in its impartiality. Differences in responses to international crises and the selective referral of situations to judicial mechanisms have reinforced this criticism (Ezra, 2022; Jadaliyya, 2024; Shamsutdinov, 2026). Legal review of Security Council decisions is also subject to limitations. The International Court of Justice is not empowered to annul Council resolutions directly; however, within its jurisdiction, it may interpret the limits of the Council's powers and the legal effects of its decisions. In addition, where the Security Council is deadlocked, mechanisms such as "Uniting for Peace" may create the basis for political pressure by the General Assembly (Al-Tabbal, 2010; Seyed Jalili Saqqezchi, 2025). Overall, the principal problem of the Security Council is not the absence of enforcement instruments but the gap between its legal capacity and the political will to activate and sustain those instruments. The veto, selectivity of responses, politicization of decision-making, and dependence of implementation on State cooperation restrict the effectiveness of the enforcement-guarantee system (Wu, 2019).

4. **Mechanisms for Ensuring the Implementation of International Court of Justice Judgments and Their Limitations**

International Court of Justice judgments are legally binding and final for the parties to a dispute; however, their practical implementation in the international system depends on State cooperation and existing institutional capacities. A distinction must therefore be drawn between the legal bindingness of a judgment and the practical guarantee of its implementation. Article 94 of the Charter envisages a role for the Security Council in cases of non-compliance, but the dependence of this mechanism on political considerations and the veto power, together with the absence of direct enforcement instruments for the Court itself, constitutes one of the principal limitations of the judgment-enforcement system.

4.1. *States' Obligation to Implement International Court of Justice Judgments*

The basis of States' obligation to implement International Court of Justice judgments lies in Article 59 of the Statute and Article 94 of the Charter of the United Nations. Accordingly, judgments of the Court are binding on the parties to the dispute and in respect of that particular case, and States must implement them as a legal obligation and in accordance with the principle of *pacta sunt servanda*. Thus, implementation of Court judgments is not merely political or ethical in nature (United, 1945). Nevertheless, legal obligation does not always lead to full and immediate implementation. In *Nicaragua v. United States*, despite the determination of United States responsibility and the issuance of a reparations judgment in 1986, full implementation of the judgment faced political obstacles. Likewise, in the *LaGrand* and *Avena* cases, the conflict between the United States' international obligations and the domestic enforceability of Court judgments—particularly in the *Medellín* case—demonstrated that domestic legal structures may affect the manner in which international obligations are implemented (Jedi Rahim Biglow et al., 2026). Therefore, implementation of Court judgments should be regarded as a definitive obligation at the international level, but one that depends in practice on domestic enforcement mechanisms and State cooperation. Differences among domestic legal systems and the availability of complementary institutional

mechanisms may facilitate or hinder effective implementation of judgments (Zakarhossein, 2022).

4.2. *The Role of the Security Council and Indirect Mechanisms for Implementation Under Article 94 of the Charter*

Article 94 of the Charter of the United Nations provides for referral to the Security Council in cases of non-implementation of International Court of Justice judgments. Under this provision, an interested State may refer the matter to the Council if the opposing party fails to comply, and the Council may, where it considers necessary, make recommendations or decide upon measures to give effect to the judgment. From this perspective, the Security Council constitutes the link between judicial obligation and the political-institutional guarantee of implementation of Court judgments (United, 1945). However, this mechanism is limited because of the political nature of the Security Council and the veto structure. The *Nicaragua v. United States* case demonstrated that a losing State that is a permanent member of the Council may use its veto power to prevent effective action for implementation of a judgment. Therefore, although Article 94 provides an important capacity to support Court judgments, it does not necessarily provide an effective enforcement guarantee against the interests of major powers (Jedi Rahim Biglow et al., 2026). Nevertheless, referring a matter to the Council may highlight non-compliance at the international level and increase the political and reputational costs for the breaching State. The General Assembly may also create greater political and normative pressure by emphasizing the necessity of implementing judgments (Ghorbanipour et al., 2023). In addition to Article 94, political pressure, State cooperation, and legitimacy and reputational costs are among the principal indirect mechanisms for implementing Court judgments. States and international organizations may invoke Court judgments, and even advisory opinions, to encourage the addressee State to comply with its obligations. Continued reference to Court judgments in resolutions, reports, and official positions may also transform them into standards of conduct and bases for international accountability (Murphy, 2015; Zakarhossein, 2022).

4.3. *Structural Limitations and the Absence of Direct Enforcement Guarantees*

The most significant limitation on the implementation of Court judgments is the absence of direct coercive instruments. Unlike domestic courts, the International Court of Justice has no enforcement force or independent mechanism to compel a losing State to implement a judgment, and the practical implementation of judgments depends mainly on the cooperation of States and United Nations political organs (Jedi Rahim Biglow et al., 2026). This limitation is particularly important in relation to provisional measures, because delay in their implementation may result in irreparable harm. The *LaGrand* case demonstrated that non-compliance with a provisional measure remains possible even in urgent circumstances, revealing the gap between legal obligation and practical implementation. Moreover, implementation of judgments may be affected by political balances and the veto power in the Security Council. The *Nicaragua* case showed that, where a permanent Council member is found responsible, the possibility of adopting effective measures to implement the judgment may be limited (Jedi Rahim Biglow et al., 2026). Differences between international obligations and domestic law may also hinder the direct implementation of judgments. The *Medellín* case showed that full implementation of a judgment in certain legal systems requires domestic legislation or judicial and executive measures. Therefore, the Court's practical authority depends substantially on State cooperation and complementary institutional mechanisms (Zakarhossein, 2022).

5. **Comparative Assessment of the Effectiveness of the Security Council and International Court of Justice Decision-Implementation Systems**

Although the Security Council and the International Court of Justice are both principal organs of the United Nations system, they differ fundamentally in the legal nature of their decisions, their addressees, their enforcement mechanisms, and the extent of their dependence on State cooperation. The effectiveness of the two systems is discussed below.

5.1. Differences in the Legal and Institutional Nature of Decisions

The first fundamental difference between the Security Council and the International Court of Justice concerns the institutional nature and source of authority of their decisions. The Court is the judicial organ of the United Nations, and in contentious proceedings, its judgments are binding on the parties and with respect to the same subject matter under Article 59 of the Statute. The Court's authority is based principally on judicial jurisdiction, rules of international law, and State consent (Ušiak & Saktorova, 2022). In contrast, the Security Council is a political-security body responsible for maintaining international peace and security. Its decisions, especially under Chapter VII, may be binding on States and may include political, economic, and, in specific circumstances, military measures (Aidonjio et al., 2023). A further difference concerns the decision-making process. Court judgments are the result of judicial proceedings, assessment of evidence, and legal reasoning, whereas Security Council decisions are primarily the product of negotiation and the political and strategic considerations of Council members, particularly permanent members (D'Alessandra, 2024). Consequently, the Court possesses greater legal authority and judicial legitimacy but lacks independent coercive instruments to enforce its judgments. By contrast, where political consensus exists, the Security Council possesses broader enforcement and coercive capacities, although its decisions are more exposed to political considerations (Hermawanto & Heriningsih, 2025; Zaman et al., 2024).

5.2. Differences in the Scope of Bindingness and Addressees of Decisions

The second difference concerns the scope of bindingness and the range of addressees of decisions. Under Article 59 of the Statute, the Court's contentious judgments are in principle binding only on the States that are parties to the dispute and only in respect of that particular subject matter. This characteristic is related to the Court's judicial nature and the principle of State consent to its jurisdiction. Therefore, a Court judgment creates a specific legal obligation for the parties to the dispute rather than a general obligation for all States (Bellamy, 2016; Robinson et al., 2017). In contrast, binding

Security Council decisions may have a general scope extending beyond the parties to a particular dispute. Under Article 25 of the Charter, United Nations Members undertake to accept and carry out Council decisions, while Article 48 envisages the participation of all or some Members in implementing such decisions. Accordingly, binding Council resolutions, particularly those adopted under Chapter VII, may create broad obligations for Member States, and their effects may extend beyond a bilateral dispute (Aidonjio et al., 2024; Subramanian, 2022). In the Court's advisory jurisdiction, the position is different because advisory opinions are not, in principle, binding and may be addressed to the General Assembly, the Security Council, or other authorized United Nations bodies. Nevertheless, the legal and argumentative authority of such opinions may influence State conduct and the decisions of United Nations organs. The 2004 Advisory Opinion on the Wall in the Occupied Palestinian Territory is an example of such influence (Pay, 2022). Thus, the distinction between the two institutions may be described as "limited but judicial bindingness" in the Court and "broad but political bindingness" in the Security Council. However, the wider scope of Security Council obligations does not necessarily mean more effective implementation, because implementation of generally applicable decisions requires broad State cooperation and may be affected by political disagreements (Khaldi & Hamza, 2024; Zaman et al., 2024).

5.3. Comparison of Enforcement Instruments and Capacities

With respect to enforcement instruments, the Security Council possesses greater capacity than the International Court of Justice. Under Chapter VII of the Charter, the Security Council may apply non-military measures, such as the economic and diplomatic sanctions envisaged in Article 41, and, under particular conditions, coercive measures under Article 42 in response to threats to or breaches of the peace. Accordingly, unlike the Court, the Council possesses instruments enabling it to influence State conduct more directly (Aidonjio et al., 2023; Hermawanto & Heriningsih, 2025). In contrast, the International Court of Justice lacks independent enforcement instruments. Article 94 of the Charter obliges States to implement Court judgments and provides for referral of non-

compliance to the Security Council; however, the Court itself cannot directly impose sanctions or coercive measures. Consequently, implementation of its judgments depends to a large extent on the cooperation of the losing State and, subsequently, on the political will of the Security Council (D'Alessandra, 2024). The *Nicaragua v. United States* case is a clear example of this limitation. Although the Court determined United States responsibility in 1986, full implementation faced United States resistance, and pursuit of the matter before the Security Council was politically constrained by the United States' position as a permanent Council member. The case demonstrates that the legal bindingness of a judgment, without enforcement and political support, does not necessarily result in full implementation (Forsythe, 2012; Hermawanto & Heriningsih, 2025). Nevertheless, the Security Council's enforcement power is not absolute. The veto power of permanent members may prevent effective action where the interests of a major power or its allies are involved. Thus, the Court has more limited coercive instruments but greater independence and a more legal structure of decision-making, whereas the Security Council has broader enforcement instruments, although their use depends on political conditions and member consensus (Aidonojie et al., 2026; Ušiak & Saktorova, 2022).

5.4. Comparison of the Degree of Dependence on State Cooperation and Political Will

Dependence on State cooperation is a shared characteristic of the Security Council and the International Court of Justice, although the degree and manner of such dependence differ between the two institutions. The Court's contentious jurisdiction is generally based on State consent, which may arise from a special agreement, an optional-clause declaration accepting compulsory jurisdiction, or a jurisdictional clause in a treaty. After a judgment is issued, its implementation remains largely dependent on the cooperation of the losing State (Robinson et al., 2017). This dependence is more apparent in complex cases, particularly border disputes. The Court may clarify the legal position, but practical implementation requires implementing agreements, joint commissions, and technical cooperation between States. In human rights-related disputes, implementation of a judgment may require reforms to domestic laws, policies,

administrative practices, and security procedures—factors that may make implementation gradual or limited when political or security considerations exist (Aidonojie et al., 2024). Despite possessing coercive instruments, the Security Council is also not wholly independent of State cooperation. Implementation of sanctions, economic restrictions, and diplomatic measures requires the cooperation of United Nations Members and, in many cases, powerful States and regional organizations. The principal difference is that the Council may increase the costs of non-cooperation through political and economic instruments, whereas the Court relies mainly on judicial authority, legal legitimacy, and political and reputational pressure (D'Alessandra, 2024). Overall, the Court has a more direct dependence on State consent and cooperation, while the Security Council has a greater capacity to reduce this dependence. Nevertheless, the veto power and conflicts of interest among major powers constrain that capacity. Thus, the effectiveness of both institutions remains dependent on State political will (Forsythe, 2012; Hermawanto & Heriningsih, 2025).

6. The Gap Between Legal Obligation and Political Reality in the Implementation of International Decisions

Although the legal bindingness of Security Council decisions and International Court of Justice judgments is established in international legal instruments, their practical implementation is not always determined solely by legal rules. Differences in institutional structure, dependence on State cooperation, and the availability of enforcement instruments create a gap between legal obligation and actual implementation. This gap becomes particularly apparent where the interests of major powers, geopolitical considerations, and State sovereignty conflict with international obligations.

6.1. The Impact of Power Considerations and the Interests of Major States

Major powers are among the most influential factors affecting the implementation of international decisions. Because of the veto power of its five permanent members, the Security Council is more affected by political and strategic considerations than other institutions. Disagreement among major powers may

prevent the adoption of a decision or its effective implementation (Pay, 2022). On the one hand, the participation of major powers through the veto mechanism may enhance the enforceability of decisions; on the other hand, where interests conflict, it can lead to decision-making deadlock. Thus, the Council's enforcement power depends substantially on the degree of agreement among major powers (Gowan, 2018). In the case of the International Court of Justice, direct political considerations do not intervene in the judicial process to the same extent. Nevertheless, State consent to jurisdiction and State cooperation in implementing judgments are of fundamental importance. Therefore, politics and power may indirectly influence both the acceptance of jurisdiction and the implementation of Court judgments (Trahan, 2020). Overall, the greater the conflict between the interests of major powers and legal obligations, the wider the gap between legal obligation and actual implementation (Akram, 2023).

6.2. Politicization of Implementation and the Problem of Selectivity

The politicization of the implementation of international decisions may result in different responses to similar situations. As a political body, the Security Council is influenced not only by legal considerations but also by security, diplomatic, and strategic factors in its decision-making. Consequently, the intensity of the Council's response is not always proportionate to the nature of the violation of international law, and the positions of permanent members may influence that response (Dixon et al., 2024). The use or threat of use of the veto may also obstruct binding measures, demonstrating that possession of strong enforcement instruments does not necessarily result in the equal implementation of international law (Scott & Chase, 2022). In the International Court of Justice, politicization is more evident at the stages of accepting jurisdiction and implementing judgments, as States may decline to accept jurisdiction or refuse full implementation of a judgment (Guillaume, 1996). Consequently, selective implementation may undermine the principle of sovereign equality of States and confidence in the impartiality and universality of the international legal system.

6.3. Conflict Between State Sovereignty and International Obligations

The conflict between State sovereignty and international obligations is another important factor creating the gap between legal obligation and actual implementation. On the one hand, States are required to comply with international obligations; on the other hand, national sovereignty remains a fundamental principle of the international system (Baidwain, 2023). This conflict is more evident with respect to the Security Council, because the Council may adopt binding decisions under Chapter VII and Members are required under Article 25 of the Charter to implement them. Thus, membership in the United Nations imposes certain limitations on State sovereignty (Robinson et al., 2018). In contrast, the Court's contentious jurisdiction is generally founded on State consent; however, once jurisdiction has been established, a State party is required to comply with the judgment under Article 59 of the Statute and Article 94 of the Charter (Almakky, 2023). Ultimately, the absence of centralized global executive authority means that implementation of these obligations remains largely dependent on State cooperation and political will (Gowan, 2018).

6.4. The Impact of the Implementation Gap on the Legitimacy and Effectiveness of International Law

The gap between legal obligation and actual implementation directly affects the legitimacy and effectiveness of international law. Selective implementation of binding decisions, particularly where influenced by power and political considerations, may reduce the confidence of States and public opinion in the impartiality and universality of the legal system. Therefore, implementation is not merely a technical matter; it is one of the components of the legitimacy of the international order. Through its Chapter VII powers, sanctions, and other coercive instruments, the Security Council has greater capacity to implement decisions. However, the veto power and dependence on agreement among major powers may transform this capacity into unequal and selective implementation, thereby weakening the Council's legitimacy (Murphy, 2015). In contrast, the International Court of Justice enjoys greater judicial independence and legal legitimacy, but weak enforcement instruments and dependence on State

cooperation and, in some cases, the Security Council limit its practical effectiveness (Allen, 2024). Thus, the effectiveness of international law results from the interaction between legal obligation and the capacity for practical implementation. Reducing the gap between the two requires equal implementation of decisions, reduced selectivity, increased accountability of international institutions, and a balance between collective-security requirements and State sovereignty (Trahan, 2020).

7. Strategies for Enhancing the Effectiveness of Enforcement-Guarantee Mechanisms

The effectiveness of the system for implementing international decisions depends not merely on the legal bindingness of decisions but also on the existence of effective mechanisms of monitoring, institutional cooperation, reduced political interference, and incentives for State compliance. In this framework, strengthening coordination among international institutions and balancing legal authority with political considerations may reduce the gap between “legal obligation” and “practical implementation.”

7.1. Strengthening Monitoring and Accountability in the Implementation of International Decisions

One of the most important strategies for improving the implementation of international decisions is strengthening monitoring and accountability. With regard to the Court’s provisional measures, the binding character of the obligation, the occurrence of an act or omission constituting a breach, and its attribution to a State must first be established for international responsibility to arise (Abedi & Amini, 2019). Effective monitoring requires regular reporting, assessment of implementation, and identification of instances of non-compliance. Security Council sanctions committees, expert groups, and supervisory mechanisms may also increase the transparency and accountability of States by identifying violations and monitoring implementation of resolutions (Murphy, 2015). Monitoring Security Council decisions for consistency with the Charter and rules of international law is likewise important. The use of the capacities of the General Assembly and the International Court of Justice, including through advisory opinions, may help prevent the Council from exceeding the limits of its competence and increase the legitimacy of its decisions (Qassem, 2023). Finally, recording violations,

determining the responsibility of the breaching State, and providing for an effective institutional response should accompany existing mechanisms, including Article 94 of the Charter. Such measures may strengthen State accountability and the practical value of the bindingness of international decisions (Robinson et al., 2018).

7.2. Strengthening Institutional Cooperation Between the Security Council and the International Court of Justice

Strengthening cooperation between the Security Council and the International Court of Justice can reduce the gap between political decision-making and legal implementation. The Security Council possesses political and enforcement capacities, while the Court possesses legal expertise and judicial authority. Coordinating these capacities may increase both the legitimacy of Council decisions and the enforceability of Court judgments (Murphy, 2015). In complex legal matters, the Security Council may draw on the Court’s advisory opinions to align its decisions with the Charter and the rules of international law. This may enhance the legitimacy of Council decisions and prevent conflicts between legal obligations and political considerations. The possibility of prior or subsequent legal review of Council decisions through the Court’s capacities has also received attention (Qassem, 2023). Conversely, the Security Council may make more active use of Article 94 of the Charter in cases of non-implementation of Court judgments. This is especially important because the Court lacks independent coercive instruments to compel a losing State to implement a judgment. Nevertheless, cooperation between the two institutions should not result in the merger of their functions; rather, it should occur within the framework of the division of competences and with the aim of increasing coherence in the United Nations legal and security system (Robinson et al., 2018).

7.3. Reducing the Political Effects of the Veto and the Selectivity of Decision Implementation

The veto power of permanent members is one of the most significant obstacles to Security Council effectiveness because, in matters involving the interests of major powers, it may prevent the adoption or continuation of effective measures. Consequently, activation of the Council’s enforcement capacities is

sometimes influenced more by the balance of power and political interests than by the nature of the threat. Although eliminating the veto within the current Charter framework is difficult, increasing transparency, strengthening the accountability of permanent members, and establishing political and ethical restraints on its use—particularly in cases of widespread human rights violations and serious threats to peace—may reduce the negative effects of the veto (Pay, 2022). The selective implementation of decisions also weakens legitimacy and trust in the collective security system. The Council's differing responses to comparable crises, including the difference between its response to the Kuwait crisis in 1990 and certain other crises, demonstrate the effect of major-power consensus on the level of Council action (Allen, 2024). Therefore, developing transparent criteria for prioritizing action, strengthening reporting, and increasing the role of non-permanent members may reduce this selectivity and reinforce the legitimacy of the Council (Qassem, 2023).

7.4. Strengthening Non-Coercive Mechanisms and Incentives for State Compliance

Effective implementation of international decisions does not necessarily depend on coercive instruments. Legal, political, and economic incentives; the judicial authority of international institutions; public pressure; and the reputational and diplomatic costs of non-compliance may encourage States to comply voluntarily (Robinson et al., 2018). With respect to Court judgments and provisional measures, determining financial consequences may be one instrument for strengthening implementation. Article 64 of the Statute accepts the principle that each party bears its own costs of proceedings but permits the Court to decide otherwise where appropriate. Thus, determining costs arising from the breach of a provisional measure may increase the accountability of the breaching State (Palchetti, 2017). Abedi and Amini have likewise regarded the imposition of costs as a noteworthy consequence of violating provisional measures (Abedi & Amini, 2019). In addition, some legal scholars have proposed punitive damages in cases of serious violations of Court judgments or orders, although their acceptance in international law remains subject to limitations. Overall, combining positive incentives, financial costs, and legal and reputational

pressures may increase States' motivation to implement international decisions (Palchetti, 2017).

8. Conclusion

This study comparatively examined the binding and enforcement powers of International Court of Justice judgments and Security Council decisions, focusing on the gap between "legal obligation" and "practical implementation." The findings demonstrated that these two concepts must be distinguished because the bindingness of a decision does not necessarily mean its complete implementation, and the realization of the practical effects of decisions depends on factors such as institutional structure, State cooperation, supervisory mechanisms, and political considerations. The results showed that the Security Council occupies a superior position relative to the International Court of Justice in terms of enforcement instruments and mechanisms for ensuring implementation. This advantage is based on Articles 24 and 25 and, particularly, the powers conferred by Chapter VII of the Charter of the United Nations. Upon determining the existence of a threat to the peace, breach of the peace, or act of aggression, the Security Council may employ instruments such as economic and financial sanctions, arms embargoes, travel restrictions, monitoring mechanisms, and, in specific circumstances, coercive measures. Accordingly, the Council has greater institutional capacity to transform legal obligation into practical action. Nevertheless, the findings showed that the Security Council's enforcement power faces important political and structural limitations. The veto power of permanent members may prevent the adoption or continuation of effective decisions in matters connected with the interests of major powers. Likewise, the Council's selective response to comparable crises may reduce States' confidence in the impartiality and justice of the collective security system. Therefore, the Council's enforcement power alone does not guarantee its effectiveness, and a gap may arise between its legal capacity and the possibility of the practical realization of its decisions. In contrast, the International Court of Justice possesses greater judicial legitimacy and independence but lacks independent coercive instruments for enforcing its judgments. Under Article 59 of the Statute, the Court's contentious judgments are binding on the parties and in respect of the same subject

matter, while Article 94 of the Charter requires States to comply with Court judgments. Nevertheless, the Court's contentious jurisdiction is generally based on State consent, and implementation of its judgments depends substantially on the good faith and cooperation of the losing State, diplomatic pressure, and, in particular cases, the capacity of the Security Council. Thus, the Court's principal weakness does not lie in the absence of legal bindingness but in the limitations of its enforcement-guarantee instruments. The comparison also showed that the gap between legal obligation and actual implementation is a shared problem, although its source differs between the two institutions. In the Security Council, political considerations exert greater influence at the stages of decision-making and implementation, whereas in the Court these considerations appear mainly in the stages of accepting jurisdiction and implementing judgments. Accordingly, the Court has greater legal independence in the process of rendering judgments but remains dependent on State cooperation for the realization of their practical effects. The principal hypothesis of the study is therefore confirmed: the Security Council possesses greater power than the International Court of Justice to ensure implementation of its decisions through enforcement and coercive instruments. However, this advantage does not mean that the Council is absolutely superior in terms of legitimacy, impartiality, or effectiveness. In contrast, because of its judicial independence, legal reasoning, and role in interpreting and developing international law, the Court possesses distinctive legal authority. Ultimately, enhancing the effectiveness of the system for implementing international decisions requires stronger monitoring and accountability, greater institutional cooperation between the Security Council and the Court, reduced negative effects of the veto and selective decision-making, and the development of non-coercive mechanisms and compliance incentives. Therefore, a sustainable solution lies not in the superiority of either institution but in the development of cooperation between the Court's judicial authority and the Security Council's enforcement capacity—cooperation that may reduce the gap between legal obligation and practical implementation and contribute to strengthening the rule of law, legitimacy, and stability of the international system.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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