

## Legal Implications of the P5 Veto Power on the Enforcement of ICJ Judgments and its Impact on the Credibility of the UN Security Council

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**ABSTRACT:** The formation of the United Nations and its organs is meant to steer global community affairs. Hence, the International Court of Justice (ICJ), as one of the UN organs, has been positioned to address conflicts between states. Although the enforcement of its judgment depends mainly on the UN Security Council, which has often been constrained by the P5 Veto Power. Hence, this study examines the legal implications and impact of the P5 Veto power in the enforcement of the ICJ Judgement. The study adopts a doctrinal method of study by utilising the PRISMA Guide to systematically search, evaluate and assess primary and secondary sources of research materials. Hence, several international laws and case law were relied on. Also, 48 scientific peer-reviewed secondary sources were relied on. Results indicate that enforcement outcomes are shaped less by legal obligation than by P5 political alignment, producing recurrent compliance deficits. The study therefore concludes that the P5 Veto Power generate significant legal impact and consequences in circumventing the enforcement of the ICJ Judgement. The study recommends amending the UN Charter to limit the power of the P5 in the enforcement of the ICJ Judgement. In the alternative, there should be regional cooperation in recognising and implementing the ICJ Judgement. This research is a breakthrough in the sense that it associates the P5 veto with the systematic obstruction of ICJ judgment enforcement and not with the general UN decision-making. It additionally illustrates the obstruction's impact on the Security Council's credibility in its role as the international justice custodian.

**Keywords:** Legal, P5, Veto Power, ICJ Judgments, UN, Security Council.



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## INTRODUCTION

One of the fundamental doctrines of international relations is that disputes must be settled peacefully (Baidwain, 2023). Alongside diplomatic and legal means of pacifying states, the settlement of disputes serves as a deterrent to the threats posed by conflicts turning into bloody wars. In an age where there are conflicts over boundaries, trade agreements, natural resources, and

more, the international community must continue to manage tensions through legal dispute resolution and other diplomatic methods (Akram, 2023). In the absence of effective dispute resolution mechanisms, divergences between states would revert to unsustainable levels of friction, which, at the very least, would further deteriorate the prospects of economic cooperation and damage regional security (Trahan, 2020). The nature of international law prescribes means of settling disputes among states through defined procedures to compel these states to honour ideals of justice, fairness, and mutual esteem. And such mechanisms wish to endeavour to maintain an atmosphere of dialogue and compromise while minimising recourse to forceful or coercive measures in settling differences (Khalil & Lavaud, 2024). In this regard, dispute settlement before a well-structured global legal system has been successful through diplomatic means. Moreover, International courts have institutionalized impartial, binding avenues for dispute settlement and legally binding decisions against states for acting contrary to accepted international norms (Gowan, 2018). Such developments reflect the growing recognition that stability and cooperation within an international community depend on predictable, enforceable means of dispute settlement that prevent power imbalances from leading to unilateral or aggressive actions.

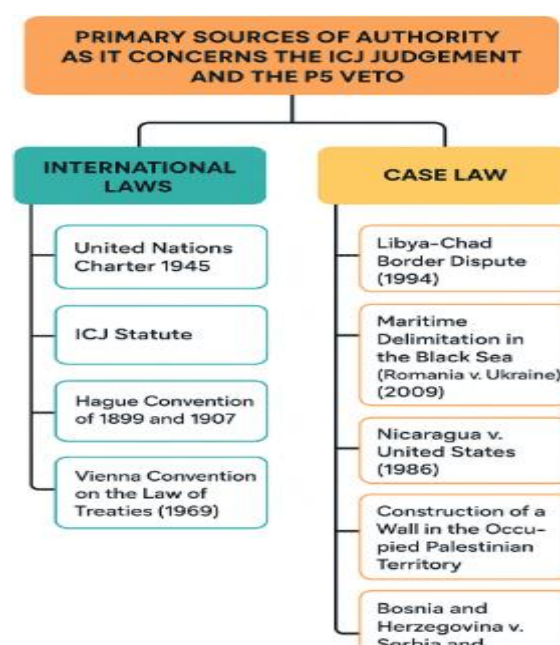
Formed in 1945 by the United Nations (UN) Charter, the International Court of Justice (ICJ) serves as the principal court of the organization (Dixon, 2007). The International Court of Justice (ICJ) is considered the principal judicial organ of the United Nations. It addresses and settles legal disputes between the parties that are member states of the UN, and it also gives or delivers advisory opinions on legal questions that are referred to it by the UN-authorized organs and agencies. The jurisdiction of the court is twofold: contentious jurisdiction and advisory jurisdiction (Dixon et al., 2024). Contested jurisdiction means the ICJ is authorized to hear and settle jurisdictional disputes between states that are ready to accept its jurisdiction. This type of jurisdiction is based on state sovereignty, and it requires all involved parties to consent (Scott & Chase, 2022). ICJ rulings are nevertheless binding by law; nonetheless, the Court has no means of direct execution, and it is therefore up to the state to comply with the ruling. Non-compliance is specifically addressed in Article 94(2), which refers the matter to the UN Security Council (UNSC). The effectiveness of this procedure is, however, limited; each permanent member of the UNSC with veto power can and may block an enforcement decision made for political reasons. This was especially evident in the case of Nicaragua 1986, the US refrained from complying with ICJ decisions and did not face much of a backlash for it. The case of *Nicaragua v. United States of America (1984-1986)* is a landmark and a locus classicus case that exemplifies the complexities involved in the enforcement of an ICJ judgment. It highlights the issues of consent, enforcement, and political pressures on the independence and efficacy of the Judicial Court.

The veto power, although it is generally mentioned in the literature, is seldom considered as a major factor that hinders the enforcement of ICJ judgments, thus overlooking the area of judicial outcomes being directly influenced by political discretion. This study has made a breakthrough to a great extent by providing a detailed legal analysis of the structural dispute between the ICJ's power and the veto practice of the Security Council. Its novelty lies in the fact that it relates the non-enforcement due to veto with the loss of the Council's political credibility in the world legal system. The objective of this study is aim at examine the legal implications as it concerns the P5 Veto Power in the enforcement of the ICJ Judgments and its impact on the credibility of the UN

Security Council as the law enforcer of the United Nations. Furthermore, it examines the disconnection in law and proposes ways to strengthen the enforcement mechanisms, even with the P5's political dominance.

## METHOD

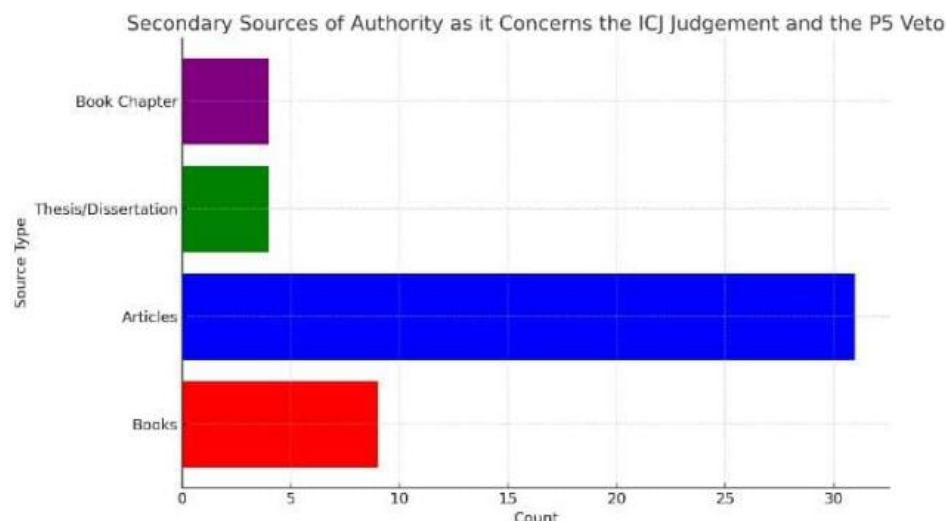
The doctrinal approach used in this analysis follows a PRISMA-related method to systematically search, evaluate, and assess primary and secondary legal sources to assess the legal implications of the P5 veto power on enforcing ICJ judgments and the implications for the legitimacy of the UN Security Council more broadly. The primary sources were the focal point of analysis, and were identified first via the structured search of international legal databases, which included the United Nations Treaty Collection and the ICJ Case Reports. The primary research data relied on are therefore presented in a diagrammatic flow as follows:



**Figure 1:** Doctrinal primary research material  
Sources: Design by author with data obtained

At the PRISMA screening stage, these documents were considered for their direct relevance to enforcing ICJ decisions, and instances in which the P5 were not involved in enforcement matters were eliminated. At the eligibility stage, we further narrowed the materials to those that illustrated the practical obstacles imposed by the veto power, including *Nicaragua v. United States* (1986) and *Avena and Other Mexican Nationals* (2004). Only those primary legal sources that illustrated the exchange of frustrated judicial decision-making and the exercise of political veto power were included for additional review. Furthermore, incorporating secondary sources provided context and a deeper analytical theoretical guide as it concerns conceptualisation and in-depth discussion of the enforcement of the ICJ judgement and the P5 veto power. The secondary sources of research material were chosen systematically from academic databases (JSTOR, HeinOnline,

Google Scholar and Scopus base journal account), and books addressing international law and the institutional setting of the UN. The secondary sources research material relied on is therefore presented in a diagrammatic flow:



**Figure 2:** Doctrinal secondary research material  
Sources: Design by author with data obtained

Secondary sources used in this study comprised peer-reviewed journal articles, textbooks, book chapters, and theses/dissertations pertaining to the role of the ICJ, the political nature of the Security Council, and discourse related to the legitimacy and reform of the veto system. After initiating the screening process in accordance with the PRISMA model, secondary sources were assessed based on their level of scholarship and whether suggested material would contribute to the existing corpus of material assessing state practice or influence a jurisprudential understanding.

### Compact PRISMA Tabular Flow for Secondary Research Material Screening

Stages	Description	Total Numbers
Identification	Secondary research material from databases (Scopus, HeinOnline, Google Scholar, JSTOR, UN Library)	97
Screening	Records after removal of duplicates and excluded (i.e. excluded base title, objective of the study and abstract not relevant)	42
Eligibility	Here, the secondary research material was assessed to decide which studies are suitable to be included. Hence, research material that appears relevant to the topic and abstract but does not meet the required standards upon full review, where properly determined for eligibility purposes. Hence, the scope of study and depth of legal analysis were considered at this stage	55

Stages	Description	Total Numbers
Included	Secondary resources included in final review and analysis	48

Learning from the findings from primary sources, secondary sources were synthesized through doctrinal approaches (textual analysis, case comparison, and interpretative reasoning). The adoption of this methodology allows this research to analyse how scholars develop meaning regarding the legitimacy of P5 legal actions, whether through common themes in legal reasoning and academic resource production, such as the selective enforcement of legal standards, power asymmetry, and institutional legitimacy. The systematic synthesis of primary and secondary scholarship provides a more comprehensive, clearer, and systematic doctrinal analysis of the operational mechanisms of veto power.

## RESULT AND DISCUSSION

### Conceptual Discussion on the ICJ Dispute Resolution and Enforcement Procedure

International conflicts stem from a variety of sources, including complex historical grievances, geopolitical motivations, and economic competition to profit from warfare, or differing interpretations about international agreements (Starke, 1958). Additionally, territorial disputes can stem from equally competing claims of the disputing parties over territory, boundary water, or resource use. Examples of such disputes include those seen in the South China Sea and the India-Pakistan conflict over Kashmir (Antai et al., 2024). Similarly, trade disputes arise precisely in that direction whenever states impose tariffs, subsidies, or trade restrictions that breach international agreements, thus providing grounds for judicial intervention through institutions like the World Trade Organization (WTO). On the other hand, human rights disputes arise when a state is accused of violating human rights conventions (Jufri et al., 2024), resulting in disputes between states or even litigation on the court in international dispute resolution bodies, such as the International Court of Justice (ICJ).

As stated in the United Nations Charter, the peaceful resolution of disputes shall be achieved through mechanisms that foster dialogue and legal adjudication, rather than through armed conflict (Antai & Aidonojie, 2024; Zähringer, 2024). Although other non-judicial mechanisms, such as negotiation, remain the primary technique, where states involved in a disagreement can freely consult with one another in an attempt to resolve their differences bilaterally (Aidonojie et al., 2025; Trahan, 2023). If these direct talks fail, good offices, mediation, and other methods, usually with the assistance of a neutral third party such as the UN Secretary-General or any regional organization, help move towards obtaining some agreement between the conflicting parties. Conciliation and inquiry serve mainly fact-finding and give non-binding recommendations for bridging gaps between these disputing states (M. M. Mukhlis et al., 2024). However, a more structured judicial mechanism for settlement provides a binding resolution, wherein the ICJ is the UN's main judicial organ for state-to-state disputes.



Judicial settlement comes under formal international dispute resolution, where disputes between states are generally adjudicated by an international court, like the International Court of Justice (ICJ) (Adamu, 2021). The courts adjudicate disputes in a legally binding manner under international law and provide a structured and authoritative solution for the complex disputes situations (Khalidi & Hamza, 2024). This is in view of the fact that the United Nations Charter recognizes judicial measures for the peaceful settlement of disputes, and therefore establishes the ICJ as the principal body of the United Nations for legal affairs (Aidonojie et al., 2024). This court in The Hague hears disputes that the states consented to the court's jurisdiction, as well as non-binding, advisory opinions on legal questions posed to the court by UN bodies. The benefit of judicial settlement is its consistent application of international law (Zaman et al., 2024), which provides legal certainty; the drawback is that states must consent to the court's jurisdiction, and the enforcement of a ruling is reliant on political will and international cooperation.

Several landmark international cases have shown the effectiveness of judicial settlement. One instance is the Libya and Chad Border Dispute that occurred in 1994, where the ICJ stated that the territory in dispute belonged to Chad; hence, Libya accepted the court ruling and peacefully withdrew (Scharf & Graham, 2020). This is an example of how judicial settlement can help to avoid disputes and support international law. In the same spirit, during the case of *Maritime Delimitation in the Black Sea (Romania v. Ukraine)* (2009), the ICJ not only specified but also guaranteed equitable sharing of resource-rich areas by defining the maritime boundary between the two countries. Such decisions demonstrate that an issue settled by judicial means can provide a neutral, legally binding resolution for both parties in dispute and that it is a part of the international legal order (M. Mukhlis et al., 2023). Yet, there are cases or instances where the ICJ rulings are met with very strong resistance and were also reduced in terms of political impact through the use of the veto power by one or any members of the P5 in the UN Security Council. A classic case in point is the *Nicaragua v. United States case of 1986*, in which the ICJ declared that the U.S. support of the Contra rebels and the mining of Nicaraguan harbours were against international law. The U.S. was ordered to stop its illegal actions and pay reparations, but refused to do so, which underscores the necessity of enforcement. However, the Nicaraguan government sought to get enforcement of the ICJ judgement, but was met with stiff rejection, with the US invoking its veto power being part of the P5 of the United Nations Security Council (Forsythe, 2012).

The core body responsible for the promotion of international peace and security under the United Nations Charter is the UN Security Council (the Council). The UN Security Council has a membership of 15 members, consisting of five permanent members (P5); China, France, the Russian Federation, the United Kingdom and the United States of America, and ten other member states elected for two-year terms (Gunawan et al., 2023; Yiu, 2009). Permanent members of the Council have the distinction of having a very specific voting power called the veto (Aidonojie et al., 2023; Oludoun, 2014). The veto allows any of the P5 to prevent the adoption of substantive resolutions for any reasons they elect, regardless of the support of the other members of the Council in accordance with Article 27(3) of the UN Charter (Kelly, 2020; Vicente, 2013). The veto also has an additional blurring effect as it relates to compliance and enforcement of judgments of the International Court of Justice (ICJ). ICJ judgments are binding on countries, legally; however,

the ICJ lacks the power to enforce its judgments (Hermawanto & Heriningsih, 2025). The UN Charter grants states an avenue for seeking enforcement of an ICJ judgment in the Security Council. If another state does not comply with an ICJ judgment, the state could refer the issue to the Security Council for action. However, if a P5 member state refuses to enforce the ICJ judgement or would not actively oppose the P5 state that is refusing compliance, it limits the enforcement provisions under the United Nation (D'Alessandra, 2024; Lentner, 2020). Even beyond the inability of the Security Council to take enforcement measures because of the veto authority, as a gesture, it nevertheless limits the authority of the United Nations.

### **Legal Framework concerning the Procedural Enforcement of the ICJ Judgement**

The legal regime governing international dispute resolution is based on a host of treaties and conventions, notably the United Nations Charter (1945), the Hague Conventions of 1899 and 1907, and the Vienna Convention on the Law of Treaties (1969). These treaties and conventions provide principles and procedures for resolving disputes among states with the aim of peacefully settling disputes through negotiation, mediation, arbitration, and judicial adjudication (Cullen, 2019; Cüre, 2025). The provisions set out in the treaties and conventions listed above provide the basis for the international legal methods and dispute-resolution mechanisms we have today. Among the founding documents for the peaceful resolution of international disputes is the United Nations Charter of 1945. Under Article 2(3) of the Charter, member states are obliged to settle their international disputes by peaceful means in such a manner that international peace and security are not endangered (Hathaway et al., 2025). Article 33 of the UN Charter contains a provision on how such disputes may be settled, among which is the Judicial settlement. However, the ICJ is thus confirmed by Article 92 of the UN Charter as the principal body for legal adjudication by international law.

The ICJ membership is defined in Articles 2–33 of the Statute. Article 3 provides that the Court consists of 15 judges elected independent of nationality, but with representation from the world's main legal systems. Article 4 states that judges are elected by the General Assembly of the United Nations (UNGA) and the Security Council (UNSC) independently, thus ensuring a more universal emphasis and political balance (Refaat, 2022; Wasiq, 2022). Article 13 establishes a 9-year term, with one-third of the judges elected every three years to promote continuity in the judicial work of the Court. The Court's jurisdiction is set out in Articles 34–38. Article 34 limits the ability to appear before the Court to states, while Article 36(1) sets out jurisdictional authority by way of treaties or declarations, a Declaration of Acceptance of Jurisdiction, or special agreements. Article 36(2) states the possibility for states to accept optional compulsory jurisdiction, although most states attach restrictive reservations (Golden, 2017; Illingworth, 2020). In the context of contentious jurisdiction, such as in *Nicaragua v. United States* (1986), the Court ruled on breaches of customary international law and Article 2(4) of the UN Charter. Its rulings are significant and, when states accept the Court's jurisdiction, they are binding.

The ICJ can also provide advisory opinions as stipulated in Article 65 of the ICJ Statute. Article 65 allows the Court to provide legal opinions to UN organs and specialised agencies. Under Article

96 of the UN Charter, the UN General Assembly and Security Council can request advisory opinions on any legal question, while other UN bodies can request an advisory opinion on legal questions relevant to their limits (Gehring & Dörfler, 2019). Although advisory opinions are non-binding, they create substantial legal and moral weight due to their seriousness in forming international norms. A notable advisory opinion example is the 2004 case of the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, in which the Court found the wall in violation of international law. Thus, the ICJ, through its binding decisions in contentious jurisdiction and the influential advisory opinions, is a major factor in the development of guiding principles of international law, clarification, and application.

The International Court of Justice (ICJ) decision-making procedure is partly based on its Statute's provisions and the UN Charter. According to Article 59 of the ICJ Statute, the Court's decisions have binding effect only among the case's parties, thus pointing out the consensual aspect of international adjudication. Article 60 declares that the Court's decisions are definitive, and no appeals are allowed from the parties involved in the case. On the other hand, states can apply for clarification or interpretation of a ruling if there is uncertainty in the judgment. Moreover, the UN Charter's Article 94(1) obliges the states to abide by the Court's decisions, thus signifying the binding force of ICJ rulings within the international legal system. Nonetheless, the political context plays an important role in the compliance of any ICJ ruling, still. Article 94(2) of the UN Charter states that a country may request the UN Security Council to enforce the ruling. The enforcement action is very much contingent upon the political will of the Security Council members, especially the permanent five (P5) with their veto power, which implies that the enforcement of an ICJ judgment is not automatic. One such instance where the enforcement of a decision by the Security Council was requested is the *Nicaragua v. United States* case (1986). The United States vetoed the measure, thereby preventing any enforcement, which highlighted the limitations of the ICJ in case its decisions were politically unfavourable to powerful states.

### **Cases where the Veto Power of P5 was invoked to Stall the Enforcement of the ICJ Judgement**

As the main judicial body of the UN, the International Court of Justice (ICJ) was created to provide adjudication of disputes among states and to render advisory opinions on legal questions. The effectiveness of the ICJ performing these functions is governed by an enforcement regime with respect to Article 94(2) of the UN Charter that permits the UN Security Council to have jurisdiction over the decisions of the ICJ to compel compliance with the orders of the Court. Enforcement arises as a significant issue when permanent members of the Security Council (P5), the United States, United Kingdom, France, Russia, and China exercise or threaten to exercise their veto powers to block action aimed at enforcing ICJ judgments. As a result, many ICJ judgments have suffered non-enforcement or partial enforcement, partially due to P5 vetoes. One prime example, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)* ICJ Rep. 1986, shows the Security Council's inaction to enforce an ICJ judgment based on a P5 veto. The ICJ found that the United States acted unlawfully in international law to encourage the Contra rebels to mine Nicaraguan harbours for the Nicaraguan government to seek redress against



international law violations. In pursuing the enforcement of this judgment by way of Article 94(2) of the UN Charter, the United States, a P5 voting member, vetoed a draft resolution drafted to enforce it.

Again, in the case of the *Construction of a Wall in the Occupied Palestinian Territory ICJ Rep. 2004* (tough considered as an Advisory Opinion of the ICJ), Even if advisory opinions lack binding authority, the ICJ determined that Israel's wall construction was contrary to international law. The Security Council's efforts to call Israel to account and comply with its obligations in accordance with international law were hindered by the United States repeatedly exercising, or threatening to exercise, its veto to protect Israel from UN action. While advisory, the paralysis of the Security Council was also a consequence of veto politics and only served to diminish the legitimacy of the ICJ's authority. Furthermore, with reference to the case of *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) ICJ Rep. 2007*, which indicated that after the ICJ found Serbia responsible for failing to act to prevent genocide in Srebrenica, Bosnia and Herzegovina attempted to persuade the Security Council to impose more severe and meaningful enforcement measures. On the other hand, Russia, a political ally to Serbia, was against enforcement actions. Importantly, even though a formal veto was not exercised on any specific resolution concerning the ICJ's ruling, Russia signaled its intention to veto Security Council measures aimed at punishing the country. Thus, this political interference came from the large veto power that was the case here and which watered down the ICJ's conclusions in terms of their being enforced.

In the case of *Avena and Other Mexican Nationals (Mexico v. United States) ICJ Rep. 2004*, the ICJ ruled that the U.S. was at fault for violating the Vienna Convention on Consular Relations by not informing the Mexicans in death row about their right to consular support. Afterwards, Mexico asked the Security Council to take a look at the matter of enforcement, but the U.S. said it would veto any resolution relating to enforcement under Article 94(2). Consequently, the Security Council did not take any action, and while the ICJ decided that executions could not proceed until the U.S. had complied with its ruling, some executions were carried out. This case serves to demonstrate that a single P5 veto threat can produce a significant effect in terms of noncompliance with ICJ decisions. If we analyse each of these cases cumulatively, we can find out that the political power of the permanent members of the Security Council is what mainly hampers the legal powers of the ICJ. The members of P5 can easily freeze international judicial rulings' enforcement mechanisms by a veto or merely by threats of a veto. They can also directly obstruct the legal authority of the ICJ, thereby making enforcement difficult. The fact that there is a structural inequality in power among the Security Council's permanent members is detrimental to the rule of law in international relations and calls into question the UN system's viability. While more ideas of reform are becoming commonplace to restrict the use of the veto where compliance with judicial decisions is neglected or in cases of mass atrocities, until then, the ICJ's power to encourage compliance with its decisions remains a relative one.

### **Legal Implications of the P5 Veto Power on the Enforcement of the ICJ Judgement**

The veto power of the P5 within the United Nations Security Council (UNSC) is a potent legal and political tool in terms of the enforcement of International Court of Justice (ICJ) decisions. Article 94(2) of the UN Charter specifies that if a state fails to follow an ICJ ruling, the matter may be presented to the Security Council, which “may make recommendations or decide upon measures” to secure compliance with the ICJ ruling (Adams et al., 2025). The five permanent members, including China, France, Russia, the United Kingdom, and the United States, can legally veto any resolution or proposed resolution with substantive content (Carswell, 2013). This situation, in its essence, is a legal dilemma regarding the enforcement of ICJ decisions. Article 59 of the ICJ Statute declares that the ICJ decisions regarding the dispute parties are to be recognized as obligatory, yet, at the same time, their enforcement is to a large extent dependent upon the political willingness of the five permanent members of the Security Council. Hence, the Court's judgment can be effectively ignored by a state that has either the backing or the influence of the P5, which then, of course, leads to a loss of universality and impartiality in international law (Baidwain, 2023).

The veto power influences specific legal aspects of the holding states accountable principle in international law (Sebhatu, 2020). ICJ rulings are meant to facilitate the rule of law that comes about when there are legally binding obligations on the states that agree to compromise their disputes. The moment the enforcement measures are vetoed, the legal duty to obey the ruling is weakened; concurrently, powerful states are allowed to act, under the facade of legal accountability, while they do not actually breach legal norms (Roberts, 2016). A very clear instance of this is demonstrated in *Nicaragua v. United States* (1986). The Court declared in one of the cases pending before it that the support of the United States for the anti-government activities was an international wrongful act and, therefore, a violation of the customary international law that included the prohibition of force as laid down in the UN Charter (Ochieng, 2014). Regardless of the Court's legal determinations, the United States took advantage of its veto right and thereby refused any action by the Security Council to secure a pleasant verdict. This event reveals possibly the worst effect of the P5 veto, which can prevent not only the enforcement but also the legitimacy of international adjudication through jurisprudence.

The veto power continues to provide strong and unquestionable authority to international courts such as the ICJ. When the strongest states can de facto veto the execution of a legal ruling, their status as a neutral and fair judicial authority transforms, too. It raises questions or doubts as to whether international law really has the power to limit the strong states (Couzigou, 2017). The other nations might think about the Court's verdicts not being readily enforced and thus weaken the Court's power to bind normatively, and so, they indirectly promote noncompliance in a dispute with the weaker party. The keeper of international peace, the P5 veto, thus, in legal terms, suggests that the law and politics intertwine at the UN and calls for reform (Herik et al., 2024). Though the ICJ is capable of making decisions and giving opinions that are binding and authoritative, the enforcement of those decisions is subject to the political will of the nation concerned. Thus, it creates a situation where the principles of justice and accountability are overshadowed by politics and geopolitical considerations. To increase compliance with international law, scholars and

practitioners have recommended that the P5 veto be limited in enforcement situations for ICJ judgments and mass atrocities cases, among others. Until such changes are made, the legal situation is that the P5 veto power virtually cancels ICJ judgments and reveals a systemic problem in the international legal system and the principle of equal application of the law to all states.

## CONCLUSION

Concerning the above, it suffices to state that the study findings review that the veto power of the P5 members of the UN Security Council generates significant legal and institutional consequences that circumvent the enforcement of judgments from the International Court of Justice (ICJ) and impede the credibility of the UN system as a whole. Although the ICJ may render binding decisions on state-to-state disputes, as per the Statute of the Court and the UN Charter, its authority depends on the political will of the United Nations Security Council. Two historical examples illustrate the binding yet politically conditional nature of the ICJ's authority and decisions: *Nicaragua v. United States* (1986), where the U.S. vetoed enforcement of an unambiguous ruling by the ICJ, and *Avena and Other Mexican Nationals* (2004), where the United States blatantly circumvented compliance with the Court's decisions. The P5 can neutralize the authority of the Court rather easily when they have vested national interests in political matters that run counter to the laws applied by the ICJ. This creates a kind of legal paradox: as a matter of law, a decision of the ICJ is binding, but as a matter of political circumstance, authority, or political will, it cannot be enforced. The ultimate effect of the relationship between the P5 and the legal authority of the Court tends to lead to the perception that, upon consideration of the relation between the P5 and ICJ, international law, when applied and used, is done so inequitably and inconsistently between states of power.

Although the veto is structurally embedded in the Charter, it creates significant legal and ethical challenges that undermine the legitimacy, fairness, and effectiveness of the international judicial system and the UN system more broadly. In regard to regaining credibility and increasing the legal authority of the ICJ and the Security Council, reform is needed.

1. First, amend the UN Charter to include a mechanism that limits P5 vetoes for the enforcement of ICJ judgments in cases of international law breaches, serious human rights violations and mass atrocities.
2. Second, mandatory reporting and follow-up in relation to cases in the ICJ could improve transparency and accountability for states' unwillingness to comply with ICJ orders.
3. Third, support for regional and multilateral efforts to implement ICJ decisions beyond the Security Council could alleviate the reliance on the P5 to make enforcement action and provide a source of alternative enforcement.

These reforms would promote the rule of law and state compliance and ultimately restore legitimacy and normative authority for the Security Council in the eyes of the global community.

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