



The Struggle of International Bodies to Enforce the Rule of Law

Awais Khan

Advocate High Court, LLM Bahria University Islamabad, Pakistan; LLM Scholar, China University of Political Science and Law (CUPL).

Email: awaiskhanadvocate@outlook.com

Do Thi Duyen Em

LLM Scholar, China University of Political Science and Law (CUPL).

Email: duyem.hlu@gmail.com

Abstract

If a law struggling for its own enforcement, is it still called Law? This paper sheds light on its whole procedure, background, and on-ground practice. “*Law is the command of a sovereign backed by sanctions*” is a well-said definition of law, very simply explained law, but the law in the current world is very different and has become very complex, as described by HLA Hart: “*law is composed of primary and secondary rules to distribute the duty and power*”. Law is playing an essential role in building the behaviour of the nations, but it is only productive if there is a sovereign force behind it, to enforce the law in a perfect way; the law will have no effect. In order to achieve fruitful results, the sovereign has to impose sanctions, restrictions, penalties, and sometimes take someone's life in order to get proper adjudication, enforcement, and rule of law in the country, which has to be prescribed by the law itself. It is for sure that if any law is not backed by any important factor and has no mechanism to enforce its enforcement. i.e., sovereign, independent courts, and a body that implements and enforces the law as soon as possible, that law will have no effect and will only remain in the documents as a useless sentence or paragraph. Global governance has always faced this crucial question: how to enforce international treaties effectively? This research paper will critically examine whether international laws are an important source, whether treaties have the above-mentioned essentials, which a governing law must have, as well as discuss the practical, real current cases of Pakistan, India, Russia, Ukraine, Israel, and Palestine conflicts. As it has been observed that powerful states and the states backed by them always show resistance or obstinacy towards the international forums, i.e., ICJ, the Security Council, which encourage the states to violate international law. This research paper covers, that if a state or country can not advance their laws by replicating the rigid, old, and out dated laws by implementing the treaties, conventions to which they are signatories and parties, so a real approach of reliance on regional institutions, private actors, and business forums should be adopted to effectively fill the gap between and practice.

Keywords: International law, Enforcement, Command theory, Law, Veto



Introduction

John Austin and HLA Hart, in the 19th century, defined law in their Command Theory and legal positivism. where Austin defined “*law as a command by a sovereign and backed by sanctions*”. HLA defined law as “*law is composed of primary and secondary rules to distribute the duty and power.*” *Although this is not necessarily practical, it points out the fundamentals of a legal system that is a binding command, and a means of punishment for the violator, and how to enforce that specific punishment.* Comparing these concepts with the International Law Organization, it seems there is a gap. International law does not work well in the absence of a central law-making authority, a universally empowered judicial system, and an executive with no political intervention of influential states. Although, as per HLA, it does have primary and secondary rules, it still fails. International is analyzed in terms of its structure, judging it in comparison with different national systems, and considering the cases and incident that have taken place in the world concerning the UN, and it’s charter, international courts, and the Security Council, as a result we are able to comprehend better, that why enforcement is such a big issue in international law?

Legislation is the process involving the creation, writing, and enforcement of laws in a specified territory. Such laws control the behavior of individuals and groups of people by defining their rights, responsibilities, and what happens when the rules of the law are broken. In the legal systems of a country of origin, laws are created through a central body, most often a parliament, which establishes laws binding to the citizens. Those laws are not based on personal consent; rather, they are carried out in a constitutional process, and they are applicable throughout the state. It is a predictable, stable, and hierarchical structure of norms. That’s what makes it stronger in enforcement.

The international law, however, has a different basis. It mainly derives its sources of power through agreements and traditions. Treaties are those contracts made between states that only bind the signatories and ratifiers who do so voluntarily, and states have the right to revoke them by lawful processes. The customary international law is formed as a result of the consistent state practice that has been performed with the belief that such a practice is obligatory (*opinio juris*). This is to say that, contrary to the domestic law, the international obligations are frequently conditional on the consent of the states. Consequently, there is uneven compliance, and when these obligations clash with political or strategic interests, the states may opt out of them.

The lack of a world legislature only serves to emphasize this distinction. Although the United Nations General Assembly seems to play the role of a lawmaker, its resolutions are not enforced by law. They are used to express the opinion collectively, although they do not establish binding formations. This is unlike the domestic systems, where a parliament is in a position to make laws that bind everybody in a state. This is because, in international law, no institution is in a position to enforce any binding rules on all states without their consent.

In spite of this, some of the stipulations of the UN Charter seek to establish a binding obligation. Article 25 implies that members of the UN agree to receive and implement the resolutions of the Security Council. Considered together with Article 2(4), which outlaws the application of



force, and Article 51, which acknowledges the right to self-defense, the Charter seems to have a framework for ensuring peace and security within the international community. These articles indicate that, at least over peace and security, states have not rejected the existence of some binding authority.

Equally, the four Geneva Conventions of 1949 provide states with definite mandates in armed conflict. Such conventions necessitate the secure treatment of civilians, outlaw violence against the uncombatant group, the availability of medical care, and the categorization of atrocities as war crimes as stipulated by the Rome Statute.¹ States have the duty to hunt and apprehend those who commit serious violations, irrespective of their nationality. Israel, India, and Russia are signatories to these conventions and, as such, are bound by their guidelines.

Theoretically, these legal tools ought to hold accountability and even-handed implementation of international law. But the difficulty is in enforcement. The international law is, in most cases, not obligatory but is pegged on political goodwill since there is no central body lawmaking and there are no binding means of implementation. This loophole is particularly obvious in cases of strong states or politically charged conflicts.²

Judiciary: One of the three pillars in any political system is the judiciary. A judicial system is structured in a chain of courts, which makes binding rulings through the interpretation and application of the law. Some countries even use the judgment of the court as a source of law, which lawmakers do not fill. The judiciary performs the role of the protector of justice and the rule of law since it ensures that there is freedom within the confines of the law. The other important role is to ensure that the law is not above anybody, including the government. An effective and autonomous judiciary inspires trust in society, as the punishers and guardians of the innocent. This makes individuals solve their differences amicably in courts of law, rather than by the use of force. As an instance, the authority of domestic courts is evident in the case of Pakistan, where former Prime Minister Zulfikar Ali Bhutto was given a death sentence by the Lahore High Court after being found guilty of conspiracy to murder.³ On the same note, in 2009, Alberto Fujimori, a former Peruvian President, was sentenced to 25 years imprisonment due to crimes against humanity.⁴ In 2006, Saddam Hussein, the President of Iraq, was sentenced to death over the crime against humanity for the Dujail incident.

On the other hand, the international legal order also possesses courts and tribunals just as the domestic order. The two most crucial courts are the International Court of Justice (ICJ) and the International Criminal Court (ICC). The International Court of Justice, commonly referred to as the World Court, was created in 1945 in the UN Charter as the main judicial body of the United Nations. Its principal functions are to resolve legal disputes between states and to advise on legal issues that are referred to it by UN organs and other specialized agencies. The ICJ

¹ Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem, UN Doc. A/HRC/56/CRP.4 (Geneva: United Nations Human Rights Council, April 2024).

² International Criminal Tribunal for Rwanda (ICTR), Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T, Judgment (Trial Chamber I), 2 September 1998, paras. 597–598, 731–734.

³ Zulfikar Ali Bhutto v. The State. PLD 1979 SC 53. Supreme Court of Pakistan.

⁴ Public Prosecutor v. Alberto Fujimori Fujimori. Judgment of 7 April 2009. Special Criminal Chamber of the Supreme Court of Justice of Peru.



handles matters related to territorial claims, maritime boundaries, diplomatic relations, treaty interpretation, the use of force, and ecological concerns. It consists of 15 independent judges, each of a state other than that of the chief of state, who have a term of nine years and are elected by both the General Assembly of the UN and the Security Council by an absolute majority. But the jurisdiction of the ICJ is not as extensive as that of the domestic courts, because the ICJ is dependent upon the agreement of the participating states. The case may be filed by a unilateral application, pursuant to Article 36 of the ICJ Statute, or by a special agreement between the parties involved in the dispute.

A respondent state can also make preliminary objections in the event of a case filing to question the jurisdiction or admissibility of the claim under Articles 36(2) and 79 of the Statute. Provided the case is continued, the parties present written pleadings, memorials, counter-memorials, and rejoinders under Articles 53-55. Following a written and oral hearing, the judges discuss and make a binding decision on a majority vote as stipulated in Article 59. ICJ judgments cannot be appealable, but under Articles 60 and 61 may be interpreted or revised. The decisions made by the Court are not enforceable by the Court itself. In the event of failure to do so, the winning party is allowed by the UN Security Council to take the issue to Article 94 of the UN Charter. Practically, though, this is frequently stalled by the veto of permanent members, making the ICJ decisions less influential.

Reality has demonstrated the relevance and the scope of the ICJ. In the case of *Gambia v. Myanmar* (2019---), where the defendant party has contested an objection over the jurisdiction of the ICJ, which makes the decision compliance very challenging. In the case of *Nicaragua v. United States* (1986), the Court wanted to determine that the U.S had acted contrary to international law because it employed force and was aiding the Contras in Nicaragua.⁵ The U.S did not comply with the verdict, and the war went on, resulting in more civilian casualties. In *Bosnia and Herzegovina v. Serbia and Montenegro* (1993-2007), it was found that Serbia had not done all it could to avert the Srebrenica genocide, but by that time the verdict was issued, thousands of people had been killed. The ICJ issued an Advisory Opinion on the construction of the separation wall in the Occupied Palestinian Territory in 2004, stating that the wall was illegal and it was against the rights of the Palestinian people. The opinion was widely ignored, adding to displacement, restrictions on movements, and tensions, which were the basis of the existing conflict. In the South African case, more recently.⁶ The ICJ took binding provisional measures that demanded that Israel prevent acts of genocide and permitted humanitarian activities to reach Gaza (Israel, 2024).⁷ But a state like Pakistan, i.e., in the case of *Kulbhushan Jadhav case, India V Pakistan* (2017-2019)⁸, not backed by powerful states and not powerful by

⁵ International Court of Justice (ICJ), *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment of 27 June 1986, I.C.J. Reports 1986, 14, paras. 190–200, 292–293.

⁶ International Court of Justice (ICJ), *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (South Africa v. Israel)*, Provisional Measures, Order of 26 January 2024, I.C.J. Reports 2024, paras. 54–62, 78–86.

⁷ International Court of Justice (ICJ), *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, I.C.J. Reports 2004, 136

⁸ International Court of Justice. (2019). *Jadhav (India v. Pakistan)* (Judgment of 17 July 2019). <https://icj-cij.org/case/168>



itself, does comply with the direction of the ICJ by fearing the embargoes of the powerful states. Nevertheless, according to the reports provided by the states and human rights organizations, restrictions on aid and unceasing damage to civilians continue. These illustrations indicate that even though the ICJ has the capacity to demystify what the law is and pronounce violations, its resolution is not usually enforced effectively.

Another court, the International Criminal Court (ICC), was established to fill some of these gaps with reference to individual criminal responsibility. It is a standing court created under the Rome Statute, which has jurisdiction over individuals who are accused of genocide, war crimes, crimes against humanity, and the crime of aggression. The point is that despite the refusal or inability of a state to prosecute a criminal, the perpetrators of the most severe offenses arousing the interest of the international community may also be personally accountable. Theoretically, this assists in ensuring impunity is discouraged, justice is served to the victims, and deterrents against future atrocities are established. In reality, the ICC, however, has severe limitations as well. It puts no police force on its own and wholly depends on the collaboration of the state to arrest the suspects, collect evidence, and hand over the accused persons to The Hague. The authority of the Court is usually symbolic when the states do not want to cooperate, particularly the mighty ones. In the case of Sudan, the ICC had issued arrest warrants for Sudanese President Omar al-Bashir on charges of genocide and other atrocities in Darfur, but he traveled globally for years and had political power when he had numerous victims without justice.⁹ In 2023, the ICC issued an arrest warrant for Russian President Vladimir Putin on allegations of war crimes in Ukraine, but it can be enforced only by states ready to arrest an incumbent head of state.¹⁰ In 2024, the ICC also issued arrest warrants against Israeli Prime Minister Benjamin Netanyahu and Israeli former Defence Minister Yoav Gallant on the allegation of war crimes and crimes against humanity in Gaza.¹¹ Despite these justifications, reports say there is still the use of starvation as a war tactic, and the intent to target civilian infrastructures.

This does not imply that the ICC decisions are not implemented. Notable instances have been given where its authority has been adhered to orders. In the case of Philippine President Rodrigo Duterte (2025-2026), he was arrested by the Interpol as a result of an arrest warrant issued by the ICC and brought to the Hague for pre-trial proceedings. In *Prosecutor v. ICC*, the court also convicted a Congolese militia leader, Thomas Lubanga Dyilo (2012), and sentenced him to 14 years in jail after having conscripted and used child soldiers.¹² As demonstrated in this case, under some circumstances, international criminal justice can still be effective and deliver a powerful message against serious crimes. On the same note, in the case of the Corfu

⁹ 9 International Criminal Court (ICC), *Prosecutor v. Omar Hassan Ahmad Al Bashir*, Case No. ICC-02/05-01/09, Warrant of Arrest (Crimes against Humanity and War Crimes), 4 March 2009; Second Warrant of Arrest (Genocide), 12 July 2010.

¹⁰ International Criminal Court (ICC), *Prosecutor v. Vladimir Vladimirovich Putin*, Case No. ICC 01/22, Warrant of Arrest, 17 March 2023, paras. 1–25.

¹¹ International Criminal Court (ICC), *Situation in the State of Palestine: Arrest Warrants for Benjamin Netanyahu and Yoav Gallant*, Pre-Trial Chamber I, Warrant of Arrest, 21 November 2024, ICC-01/18-387, paras. 1–15.

¹² 2 International Criminal Court (ICC), *Prosecutor v. Thomas Lubanga Dyilo*, Case No. ICC-01/04-01/06, Judgment (Trial Chamber I), 14 March 2012, paras. 589–593.



Channel (UK v. In 1949, the ICJ cast the blame for the explosive mines that claimed the lives of British sailors on Albania. The country of Albania later obliged and paid reparations in 1955. Such instances usually serve as evidence that international verdicts can be imposed when the situation permits it politically.

Simultaneously, critics claim that effective enforcement may look selective indeed, and it seems to work more effectively when applied to weaker states or individuals who lack influential support. More than 60 warrants have been issued by ICC till the end of 2025, and only 22 resulted in arrest; most of them were voluntarily by the states because of the political opposition in the country. They note that most of the convicted or arrested are generally from less powerful nations, and leaders of the powerful nations, or those who are close friends, often escape responsibility. This image of the two-sidedness raises doubts about faith in international justice and reinforces the larger enforcement problem that runs through international law.

UN Security Council: The greatest organ of the UN is the United Nations Security Council (UNSC), established in 1945 following the Second World War, so as to maintain international peace and security. It acts as the executive branch of the international legal system, particularly in Chapter VII of the UN Charter, which permits it to make binding decisions on member states. Similar to the domestic investigative agencies, the Security Council has the mandate of investigating circumstances that have the potential of disrupting peace, proposing peaceful resolutions, and, where necessary, imposing sanctions or using force, such as the deployment of peace missions.

The Council is made up of fifteen members; five permanent members: the United States, the United Kingdom, China, France, and Russia, and ten non-permanent members who are elected to a two-year term depending on a regional balance. The power of the five permanent members to veto is the most controversial attribute of the Council. Such authority means that any of them can veto a resolution despite the other fourteen members in favor of it. As an example, consider a scenario where a state is committing serious offenses to the extent that they pose a threat to the lives of millions of people. Even when the whole Council wants to take action, a one-vote no by a permanent member is sufficient to prevent any action. It is not a hypothetical situation, but it has occurred several times.

The practice of the United States occurred multiple times, is the recurrence of the veto by the to veto ceasing fire resolutions pertaining to Israel. These vetoes undermined a unified action and left military activity as it prevailed, of which almost 19,000 children were killed in Gaza, and over 50,000 children were killed or wounded, as UNICEF estimated. Likewise, Russia and China have employed their veto powers to defend their allies. In April 2017, Russia vetoed resolutions that called upon Syria to stop a chemical weapons attack, which had been overwhelmingly voted on by the other members of the Council.

Nevertheless, the Security Council has played a good role in some crises as well. In the 1990s, the Council authorized peacekeeping forces to secure civilians during the Bosnian War and saved thousands of lives. In Rwanda, the Council has been criticized for intervening too late, but at some point, we have seen it intervene to end the genocide and subsequently formed the International Criminal Tribunal of Rwanda (ICTR) to hold the culprits. These instances reveal



that the Security Council can be efficient, and its effectiveness will largely depend on the political will of the council members, in particular, the permanent ones.

All in all, the Security Council can and should be able to stop conflicts and implement international law, yet in most cases, political interests and the veto system conceal the effectiveness of this organ. This institutional shortcoming causes inconsistency in international crisis response and also adds to the enforcement dilemma in international law.

Enforcement Dilemmas: However, the above discussion has revealed that international law has both merits and demerits, and it is up to the reader to conclude whether it indeed has the necessary qualities of a legal system or not. It is clear that serious issues still exist after its implementation. Such issues, when neglected, may pose a danger to international peace and security. Notably, it is not only weaker states that are vulnerable to the risks, but even the powerful countries that are empowered with a veto can find themselves on the receiving end of these structural weaknesses someday. There are two points behind this argument. To begin with, the overuse or use of veto power in an imbalanced way may undermine the moral validity and diplomatic status of the veto-holding states. It is capable of causing damage to the international community, alienating these states politically and undermining their formation of alliances. Second, there is a more dangerous situation when one of the states that holds a veto becomes the aggressor against another veto-holding state. In such a scenario, like in the case of increasing tensions between the United States and Russia, the victim state would hardly be able to find justice in the Security Council. The aggressor might just veto any resolution and leave the victim unprotected, and its citizens, including women and children, were exposed to severe injuries.

A more recent example, which eloquently demonstrates the enforcement problem of international law, is the military tension between India and Pakistan, most notably the 2019 Balakot crisis and the resultant skirmishes along the border. Both states possessed the nuclear potential, and the point of self-defense allowed them to defend themselves, but there was no efficient international system that would have stopped the further development of events and evaluated the legitimacy of their statements objectively. There was no central enforcing authority in place, so there was no global authority capable of compelling restraint and executing compliance with international legal standards and imposing repercussions in case of a possible violation. The ICJ and ICC were organized in a way that they could not intervene at all without the consent of the state, and the UN Security Council was simply numb because of the deep-rooted political alliances and the self-security interests of the permanent members of the Security Council. Consequently, the crisis was largely conducted beyond the circle of any binding international control, which proves the fact that a combination of geopolitical competition, state sovereignty, and institutional constraints contributes to the violation of the rule of law in high-stakes regional disputes.

These reasons make the enforcement dilemmas crucial to mention from different perspectives. International law will not fulfill its essence without addressing them. The significant hindrances to successful enforcement are:

Centralized Legislative Body: One of the biggest obstacles to the application of international law is the fact that there is no one, unified legislative institution that can adopt binding rules that apply to international states. International law does not utilize a powerful parliament as a country does, in which an act can be passed within a short time and apply to all citizens in a uniform manner. As an illustration, the scope of United Nations resolutions is often limited: they are applicable to member states only, and only with the approval of the permanent members of the Security Council do they become binding. Such a time-consuming process and the same requirement of political consensus often make action slow or reduce the effectiveness of decisions, as they may be useless in a time of emergency when lives have already been lost. This is why most of the conflicts around the world, like those in Syria and Gaza, take years before they can be resolved, which is an indication that the absence of any unified global legislature slows down the timely reaction and increases the misery of the people.

1. Judicial limitations

The international courts are constrained in the way the structure is made since they are limited to the consent of states. The jurisdiction of a court cannot force a state to comply, and therefore, to enforce the judgments, the cooperation of the parties concerned is absolutely necessary. A state losing a case may merely revoke its consent or just refuse to comply, and the judgment is of no practical value. This is unlike domestic courts, which have a compulsory jurisdiction and have put in place enforcement mechanisms that take place whether an individual wants them applied or not. These constraints undermine the efficiency and universality of international justice. Even the International Criminal Court (ICC), which prosecutes individuals and not states, requires governments to arrest suspects, gather evidence, and make transfers. The absence of such cooperation makes the power of the Court very symbolic. This is demonstrated by the arrest warrant against an Israeli Prime Minister, Benjamin Netanyahu. Although international crimes are serious, the lack of universal jurisdiction and selective cooperation between states has meant that he can move around without being arrested.

2. No centralized Enforcement:

The other significant dilemma is that the enforcement body is not centralized at any single place globally. In other words, it is not an international police force. International courts are also able to make legally binding decisions, although implementation of the decisions is the responsibility of national governments, even those who have made charges of violations. This brings about ambiguity and political rivalry on compliance. This has led to those in charge of serious offenses getting away with it, and the sense of obligation is lowered to a voluntary act of cooperation. Domestic systems, on the other hand, have a natural authority to force enforcement by the police and executive institutions.

3. The Veto power

One of the structural obstacles to uniform enforcement of international law is the veto power that the five permanent members of the UN Security Council have. The P5 have vetoed over 320 occasions since the formation of the UN, predominantly by Russia (then as the Soviet Union) and by the United States. Human rights groups claim that these vetoes have extended wars and civilian casualties as they have not been able to react in time. The veto usually

contributes to a crisis by protecting parties that are the cause of violence. In a domestic system, no person or society is entitled to impede justice in such a manner.

4. Exit Option

The states also have the option to leave treaties, which do not serve their interests according to international law. This renders the compliance choiceable and politically convenient. As an illustration, the United States pulled out of the Paris climate accord in 2017, stating that it had been unfair to the American industries, though it is one of the largest emitters of greenhouse gases in the world. Equally, when Russia invaded Ukraine, it withdrew from the European Court of Human Rights (ECHR), the court that effectively seals off thousands of human rights cases. In internal systems, people have no means of just declining laws that they do not like.

5. State Sovereignty

Sovereignty tends to cover states in escaping accountability. External scrutiny, they assert, is a contravention of their independence even in cases where they are engaged in some serious abuses. In 2016, the Permanent Court of Arbitration ruled in favor of the claimant case regarding the South China Sea, which was rejected by China, which declared the case invalid. Sudan refused to turn Omar al-Bashir over to the ICC, even on the charges of genocide and war crimes, claiming it would be against its sovereignty to hand over a sitting head of state. In the domestic legal system, one cannot exercise personal sovereignty in order to evade prosecution.

6. Politics

Strong states do not always adhere to international law as long as it does not contradict their foreign policy objectives. The United States has supported ICC inquiries of the heads of weaker nations, including Sudan, yet declined to cooperate when the Court inquired into an instance of war actions committed by the U.S. forces in Afghanistan. Even the U.S., at one time, sanctioned ICC officials. Domestic courts, in turn, are supposed to interpret the law without being biased by political inclination.¹³

7. Non-State Actors

Non-state actors, including terrorist organizations and the private militia, constitute another significant challenge since they do not conform to the conventional system of international law. When external powers seek to intervene in the activities of these groups, the groups usually respond by instilling internal peace, which weak governments can hardly counter, as they are often overwhelmed by the intervention of other international powers. The consequence of the intervention of foreign powers takes place when they are forced to enter directly, and the consequences are directed at civilians when they have no control over the actions of the group.

Role of Regional Organizations: Regional organizations have become more and more significant stakeholders in filling the enforcement gaps defining the international legal order, providing alternative delivery channels in cases where universal institutions, like the ICJ, ICC, and UN Security Council, frequently fail. In contrast to the global system, where the enforcement process is impeded by state consent, political selectivity, veto authority, and lack

¹³ United Nations. (1945). Charter of the United Nations and Statute of the International Court of Justice. San Francisco: United Nations.



of a centralized executive, political entities in the region are at times more cohesive, their response to decision-making is quicker, and they hold apparent peer accountability. An example is the European Union, which has evolved an advanced system of supranational law with the Court of Justice of the European Union imposing obedience by dropping resolutions and a structural scheme of sanctions. On the same note, the Peace and Security Council of the African Union has on several occasions approved interventions as a way of averting mass atrocities. ECOWAS has shown incredible decisiveness, most recently in its 2017 intervention in The Gambia in order to enforce a democratic transition. Although world tribunals are more suitable in most cases, regional human rights courts, including the European Court of Human Rights, Inter-American Court of Human Rights, and the African Court on Human and Peoples' rights, have been found to be easier and more cost-effective to comply with, in part, due to historical, cultural, and political factors, where states in a region have shared ties. However, none of these regional mechanisms is devoid of limitations: the principle of non-interference, which is a strict principle of ASEAN, makes the organization less responsive to crises, the Arab League lacks consistency in responding to crises due to chronic political fragmentation, and many regional organizations lack the financial and institutional capacity to impose decisions. However, all is not so bad on the levels of enforcement because the relative success of regional organizations demonstrates that not all levels of international governance are equally weak in enforcement. They demonstrate that where states unify sovereignty in smaller and more unified structures, enforcement is more realistic, predictive, and not prone to geopolitical paralysis, which is the bane of international institutions. The inclusion of regional enforcement models in the general international system, as well as the contribution of the private actors, corporate compliance systems, and transnational business forums, might consequently be involved in narrowing the gap between law on paper and law in reality, providing a more realistic way through which accountability in international affairs can be enhanced.

Recommendations: Practical, balanced reforms can be made towards the enforcement dilemma in international law, in terms of enhancing accountability without giving too much power to the few states. The world is in urgent need of a fairer system, one that can shield weaker and less influential countries from the decisions of the powerful ones. Gradual and binding commitments can render the enforcement more predictable and efficient even in the case of the involvement of powerful states, rather than idealistic solutions or unrealistic ones.

1. **General Assembly resolutions** are binding on the parties that agreed to them. General resolutions of the General Assembly are usually unproductive under Article 10 of the UN Charter, except when it comes to internal UN affairs, such as budgeting. The Security Council has binding powers mainly under Chapter VII, as strengthened by Article 25. It is an arrangement that limits the power of the General Assembly. The practical way out would be to reform Article 108, which permits amendments with a two-thirds majority, in such a way that the resolutions passed by two-thirds of the General Assembly would be legally effective, at least in non-military matters. This would save the power of the Security Council to veto several military issues and minimize the time of serious opposition by the permanent members. It would also provide the wider international society with a more significant input in the development of international legal responsibilities.



2. The existing system of **veto** can enable one permanent member of the Security Council to veto any resolution, even in instances where the majority favors the move. Since formal Charter amendments need the agreement of all members of the P5, it is almost impossible to eliminate the veto. A more pragmatic option is that the P5 come up with a political commitment that is voluntary and that will not involve the veto in instances of genocide, crimes against humanity, or large-scale crimes against humanity. Also, the resolution can only fail in case at least two permanent members vote, and it is not possible to have one state blocking collective action unilaterally. This would have the effect of effectively reinterpreting Article 27(3) without the need to amend the Charter. Although it is impractical to put the P5 under pressure by diplomacy, a voluntary commitment is much more feasible and would go a long way in curbing abuse of the veto.
3. The ICJ and ICC are not valid checks on strong states due to the jurisdictional boundaries. As a viable starting point, it is possible to increase the application of advisory opinions. Article 96 gives the ICJ the option to provide advisory opinions to the General Assembly. Another possible resolution, not a P5 veto, would be to get the Assembly to seek an ICJ opinion automatically to make a Chapter VII issue when a P5 veto is invoked. Even though advisory opinions have no binding force, they have moral and political implications and make the process of obstruction more expensive.
A more significant reform would be to have the Security Council consider findings by the ICJ that an Article 39 breach of the peace has occurred as a reason to have enforcement considered as mandatory. More radical ones involve the adoption of a protocol that provides the ICJ with mandatory jurisdiction over cases involving the UN Charter, such as whether the use of veto is legal or not. Although the resistance of P5 is not surprising, the non-P5 states may accumulate political pressure gradually by isolating the states refusing to enforce the clear-cut ICJ judgments. In the case of the ICC, international prosecution of the offenders of core crimes, genocide, war crimes, crimes against humanity, and aggression, would be universal, meaning any state may prosecute the offender irrespective of nationality or location. States that refuse to prosecute may hand over suspects to the ICC in order to hold them accountable to a multinational court, and not an individual one.
4. One of the greatest weaknesses of the UN system is the lack of a **permanent executive** arm that can implement international law. The UN may also create a very professional Rapid Deployment Corps under the Department of Peace Operations instead of depending on ad hoc contributions by troops. Article 43 already requires its member states to make armed forces available to the Security Council. The only whole-hearted reform would be to have each state contribute a percentage of its military power to a standing multinational force of a small fixed percentage. This force is allowed to be under an official jurisdiction of the Security Council to be able to adhere to the Charter, yet the ICJ and the ICC must be allowed to seek its services whenever any state or individual is found guilty of violating international law. Such requests would then have to be voted on by the Security Council, and they can only be rejected by two permanent members. In case there is no vote within fourteen days, the request would be automatically approved. When this occurs, the operational control would temporarily change into the ICJ or ICC for the mission under consideration. Such an arrangement would maintain the Charter and prevent judges from acting as puppets in the game of politics.



Conclusion: International law is meant to establish a just, predictable international system, but in my opinion, its functioning has continued to be eroded by actual structural flaws in its implementation. The absence of a unifying legislature, the reliance of the courts on the goodwill of the states, the sparing use of the veto, and the states' ability to unconstitutionally evade their liabilities all tend to make piecemeal compliance a grace. All these problems emerge most in major crises when there is a domination of political interests at the top, and the strong states manipulate the results to suit their own strategic interests. Consequently, the most common thing that the victims of a conflict usually have nothing left is protection or justice, and this is mainly because of the civilians. Nevertheless, international law is not in vain despite these difficulties. It provides us with a common body of norms, provides us with ways of peaceful resolution of conflict, and provides us with norms used to govern the conduct of the states. The issue is not so much with the principles but with the asymmetrical, unstable manner of enforcement. Empowering the General Assembly, limiting the abuse of the veto, increasing the powers of the judiciary, and establishing an effective enforcement system are viable solutions that might make the system more balanced and believable. Such reforms would not eliminate all political interests, but they would limit the influence of potent states to prevent injustice and provide the weaker ones with a more reasonable voice in world decisions. After all, the future of international law will depend on whether states will accept collective security over partisan political interests. A more reasonable system of enforcement would not only save vulnerable populations but also enhance stability on the international level, as no state is strong or weak if it is able to violate the basic norms without any consequences. Concisely, international law is not complete until it is enforced in uniformity, fairly and genuinely for the collective interests of the international community.