



# The Chapter VII Powers of the United Nations Security Council (Studies in International Law)

*Erika De Wet*

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This study provides a comprehensive analysis of the questions pertaining to the powers of the Security Council under Chapter VII of the Charter of the United Nations. In doing so it departs from the premise that an analysis of the limitations to the powers of the Security Council and an analysis of judicial review of such limitations by the ICJ, respectively, are inter-dependent. On the one hand, judicial review would only become relevant if and to the extent that the powers granted to the Security Council under Chapter VII of the Charter are subject to justiciable limitations. On the other hand, the relevance of any limitation to the powers of the Security Council would remain limited if it could not be enforced by judicial review. This inter-dependence is reflected by the fact that Chapters 2 and 3 focus on judicial review in advisory and contentious proceedings, respectively, whereas Chapters 4 to 9 examine the limits to the powers of the Security Council. The concluding chapter subsequently illuminates how the respective limits to the Security Council's enforcement powers could be enforced by judicial review. It also explores an alternative mode of review of binding Security Council decisions that could complement judicial review by the ICJ, notably the right of states to reject illegal Security Council decisions as a "right of last resort". The space and attention devoted to the limits of the Security Council's enforcement powers reflect the second aim of this study, namely to provide new direction to this aspect of the debate on the Security Council's powers under Chapter VII of the Charter. It does so by paying particular attention to the role of human rights norms in limiting the type of enforcement measures that the Security Council can resort to in order to maintain or restore international peace and security.

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