Part II

International Law and the Law of the United Nations
Droit international et droit des Nations Unies
Chapter 2

The Security Council *Legibus Solutus*?
On the Legislative Forays of the Council

*Georges Abi-Saab*

It has been my privilege and pleasure to have had Vera Gowlland-Debbas as a student, and later to have welcomed her as a colleague on the Faculty of the Graduate Institute of International Studies in Geneva, but above all to count her among my dear friends and comrades in arms, using our humble tools of international law in defense of the integrity of the legal system and of what we consider just causes.

Much of Vera’s substantial contribution to international law revolves around the United Nations Security Council and its role in the international legal system, starting with her impressive doctoral thesis, *Collective Responses to Illegal Acts in International Law: UN Action in the Question of Southern Rhodesia*;\(^1\) which immediately drew attention and was awarded the Certificate of Merit of the American Society of International Law. I hope it is not too presumptuous on my part, in a volume dedicated to Vera, to offer some preliminary reflections on the worrisome tendency of the Security Council since the end of the cold war to over-stretch its activities and powers beyond their foreseeable, and arguably permissible, legal limits.

The Security Council has been heavily criticized as abusing and/or exceeding its powers vis-à-vis Member States (as well as other entities and individuals), but also as preying on the competence and powers of other organs, particularly the General Assembly, not to mention the International Court of Justice, concentrating all powers that can be mustered on the international level in its own hands, in disregard of legal bounds, to become a kind of an international hobbesian leviathan. Whence the reference to *legibus solutus*, a contested legal

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\(^1\) (Dordrecht: Nijhoff, 1990).