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I. The General Framework of the Security Council’s Interference with International Law

The meaning and effect of the UN Security Council decisions can be approached from different perspectives. They can be examined from the perspective of interaction between law and power, “hegemonic international law”,¹ or other related doctrines. But to understand the legal merits of this question, it must be approached from the perspective of understanding the ambit and effect of the relevant norms. This means, more specifically, the understanding of the scope of delegated powers of the Security Council, and the ways of discovering the content of the Council decisions through the application of interpretative methods.

The whole problem certainly has a political aspect. However, the interpretation of a treaty or other instrument is an inherently legal, not political, question. As the ICJ affirmed in the case concerning the Conditions of Admission of a State to Membership in the United Nations, the political elements involved in a case cannot deprive it of its legal significance when the purely legal issue of interpretation is involved.²

The criteria governing the clarification of meaning and standards of review of Security Council resolutions are important due to the expansion of the activities of the Security Council, especially its interference with the variety of norms and principles of international law, which in its turn constitutes the interference with expectations that international legal actors have in relation to these norms and principles. The need for

² ICJ Reports 1947-48, 57 et seq.