Equivocal Resolve? Toward a Definition of Chapter VII Resolutions

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Abstract
The United Nations Security Council has become significantly more active since the end of the Cold War. Nowhere is this more evident than in the increased resort to Chapter VII of the Charter, under which the Council can make decisions that are binding on member States. Despite the authority vested in the Security Council through Chapter VII, there is occasional disagreement over whether specific resolutions are indeed adopted under Chapter VII or not. Drawing on such disagreements, this paper develops a definition of Chapter VII resolutions. On the basis of this definition, the paper goes on to present an overview of the use of Chapter VII for the period 1946-2007, and relates it to worldwide conflict patterns. It illustrates and explores the increased use of Chapter VII in the post-Cold War era, as well as the distribution of Chapter VII resolutions across conflicts and issues on the Council’s agenda. The paper concludes by raising a few questions about possible consequences of the extensive use of Chapter VII for, most importantly, the legitimacy and the effectiveness of the Security Council.

Keywords
United Nations, Security Council, Security Council resolutions, Chapter VII.

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1 Introduction

Under Article 24 of the Charter of the United Nations, the Security Council (SC) is entrusted with the ‘primary responsibility for the maintenance of international peace and security’. Chapters VI and VII set out the various powers at the SC’s disposal. Under Chapter VII of the Charter, the SC can make decisions that are binding on member states, a unique authority in the international system. This is why it is particularly interesting to study the use of Chapter VII.

The primary purpose of this study is to initiate a discussion of what makes a Chapter VII resolution. Although, in most cases, it is clear whether a SC resolution is adopted under Chapter VII or not, there are exceptions. In this study, I address such exceptions on the basis of principle, rather than on a case by case basis. The discussion results in a definition of Chapter VII resolutions. This constitutes the main contribution of the study.

On the basis of this definition, the use of Chapter VII from 1946 to 2007 is outlined and analyzed. Patterns found in previous research, such as the dramatic increase in the use of Chapter VII since the end of the Cold War, are supported. For example, the yearly average of Chapter VII resolutions since 1990 is shown to be higher than the total number of Chapter VII resolutions for the whole period 1946-1989. Among the conclusions is the contention that as the number of Chapter VII resolutions has increased, their ‘value’ has decreased.

2. Towards a Definition of Chapter VII Resolutions

Most Chapter VII resolutions fulfil both of two criteria: they contain (1) a determination of a threat to the peace, a breach of the peace, or an act of aggression, and (2) an explicit statement that the SC is acting under Chapter VII of the Charter in the adoption of one or more

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operative paragraphs. In the rest of this paper, I will refer to these two broad criteria as ‘Article 39 determinations’ and ‘Chapter VII decisions’ respectively.

The concept of a Chapter VII resolution is probably most often associated with enforcement action taken under Chapter VII, i.e., the second criterion. However, it is commonly understood that in order to take enforcement action under Chapter VII, the SC must first make a determination of a threat to the peace, breach of the peace, or act of aggression. In this way, Article 39 serves as a ‘trigger’, a ‘threshold’, or a ‘gateway’ to Chapter VII (see e.g., Cot & Pellet 1991: 651-654; de Wet 2004: 18, 133; Gazzini 2005: 7; Sarooshi 1999: 33; Simma 2002: 718, 726).

Article 39 determinations are done under Chapter VII. However, an Article 39 determination does not have to be followed by enforcement action (de Wet 2004: 136; Österdahl 1998: 28). On several occasions the SC has determined the existence of a threat to the peace – sometimes with explicit reference to Article 39 – without resorting to enforcement, or any kind of binding measures. An example is resolution 1078 (1996), in which the SC is

*Determining* that the magnitude of the present humanitarian crisis in eastern Zaire constitutes a threat to peace and security in the region, ¹

and welcomes the Secretary-General’s proposal for a multinational force, but makes no decisions under, or other references to, Chapter VII.

Despite the purported necessity of making an article 39 determination before acting under Chapter VII, the SC has also adopted several resolutions in which it explicitly acts under Chapter VII, without first having determined the existence of a threat to the peace (see Kirgis 1995: 512). Prominent examples concern the immunity of UN peacekeepers from prosecution by the International Criminal Court in Resolutions 1422 (2002) and 1487 (2004). Several resolutions amending the statutes of the International Criminal Tribunal for Rwanda (ICTR) and Yugoslavia (ICTY) are of a similar character.

In other words, a substantial number of resolutions fulfil only one of the two broad criteria mentioned above, but the general consensus seems to be that either criterion is enough on its own. Consequently, we may talk about three types of Chapter VII resolutions, namely (1) those that fulfil only the first criterion, (2) those that fulfil only the second criterion, and (3) those that fulfil both criteria. The first type is the least common, the second type is more common, and the third type is the most common (see below).

¹ Emphasis in original, in all quotations of SC resolutions.
In the vast majority of cases, it is unproblematic to decide whether a resolution is a Chapter VII resolution or not, but there are exceptions. This is clearly illustrated by two earlier attempts to compile complete lists of all Chapter VII resolutions, which produced different results. Bailey and Daws, in *The Procedure of the UN Security Council* (1998: 271), present a list of 129 Chapter VII resolutions from 1946 through 1995. The increased resort to Chapter VII after the end of the Cold War is clearly illustrated by their finding that from 1946 through 1989, the SC adopted twenty-two Chapter VII resolutions, and from 1990 through 1995, it adopted 107.

The other compilation is presented by the Global Issues Research Group of the Foreign and Commonwealth Office, in the memorandum *Summary of UN Security Council Resolutions, 1946-1998* (1999). Disregarding the years 1996-1998, which Bailey and Daws’ list does not cover, the Global Issues Research Group counts seventeen Chapter VII resolutions from 1946 through 1989, and 104 from 1990 through 1995, a total of 121 – that is, eight fewer than Bailey and Daws. I will return to these differences below, in relation to my proposed definition of a Chapter VII resolution.

Discussions of Resolution 276 (1970) on Namibia show that even among experts there is no consensus as to what constitutes a Chapter VII resolution. A Dutch Professor of International Constitutional Law has argued that this resolution ‘was indeed adopted in terms of Chapter VII, even though the [International Court of Justice] went to some length to give the opposite impression’ (de Wet 2004: 40).

In the following sections, the two broad criteria used to identify a Chapter VII resolution are discussed in greater detail.

### 2.1 Explicit and Implicit Article 39 Determinations

By defining the main prerequisites for the application of Arts. 40 to 42, Art. 39 opens the way for the use of the most powerful instrument of the UN, the adoption of enforcement measures in cases of threats to the peace, breaches of the peace or acts of aggression. Accordingly, Art. 39 has been termed ‘the single most important provision of the Charter’. (Simma 2002: 718)

When the SC determines the existence of a threat to the peace, a breach of the peace, or an act of aggression, it does so on the basis of Article 39. Article 39 is part of Chapter VII, and consequently, Article 39 determinations are made under Chapter VII.

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Article 39 determinations may be more or less explicit. The most explicit type is found in resolution 54 (1948), where the SC, in operative paragraph 1,

*Determines* that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter of the United Nations.

Two things set this resolution apart from SC practice as later developed. First, with a few exceptions, the explicit reference to Article 39 has not been repeated in later article 39 determinations. Second, article 39 determinations are commonly done in a preambular paragraph.

Resolution 864 (1993), section B, contains an example of the most common type of Article 39 determination, where the SC *determines* that a certain situation *constitutes* a threat without explicitly referring to Article 39. In Resolution 864 (1993), the SC is

*Determining* that, as a result of UNITA’s military actions, the situation in Angola constitutes a threat to international peace and security.

There are a few variations of phrasing. In resolution 1464 (2003), the SC is

*Noting* the existence of challenges to the stability of Côte d’Ivoire and *determining* that the situation in Côte d’Ivoire constitutes a threat to international peace and security in the region.

In resolution 1590 (2005), the SC is

*Determining* that the situation in Sudan continues to constitute a threat to international peace and security.

There are also several resolutions that use other words than ‘determining’. In resolution 1234 (1999), the SC is

*Stressing* that the present conflict in the Democratic Republic of the Congo constitutes a threat to peace, security and stability in the region.

In resolution 1315 (2000), the SC is

*Reiterating* that the situation in Sierra Leone continues to constitute a threat to international peace and security in the region.

In resolution 1641 (2005), the SC is
Noting that factors of instability remain in Burundi, which continue to constitute a threat to international peace and security in the region.

I count all of the above examples as explicit Article 39 determinations – formulas such as these leave no doubt as to whether the SC has made an Article 39 determination or not. However, there are implicit article 39 determinations, where the SC does not identify a situation as constituting a threat, but where the language used presupposes the existence of such a threat. In Resolution 161 (1961), the SC, referring to the killings of three Congolese leaders, is

Deeply concerned at the grave repercussions of these crimes and the danger of widespread bloodshed in the Congo and the threat to international peace and security.

The SC is concerned by grave repercussions of certain crimes, and the danger of bloodshed, and the threat to international peace and security. The repercussions of said crimes are not determined to constitute the threat, but there is, nevertheless, a reference to a threat to international peace and security, at which the SC is deeply concerned. Similarly, in Resolution 353 (1974), concerning Cyprus, the SC is

Gravely concerned about the situation which has led to a serious threat to international peace and security, and which has created a most explosive situation in the whole Eastern Mediterranean area.

A more recent example is preambular paragraph 4 of Resolution 688 (1991), where the SC is

Gravely concerned by the repression of the Iraqi civilian population […] which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions which threaten international peace and security in the region.

In the operative section of the same resolution, the SC

1. Condemns the repression […] the consequences of which threaten international peace and security in the region;

2. Demands that Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end this repression.

Again, although the SC does not explicitly determine that the situation in question constitutes a threat, so the argument goes, the SC would not be concerned about, or demand the removal of, a threat to international peace and security, unless it considered that such a threat in fact existed.
Opinions differ as to whether implicit Article 39 determinations are enough to qualify a resolution as being a Chapter VII resolution. For example, neither Bailey and Daws nor the Global Issues Research Group include resolution 688 (1991) in their lists of Chapter VII resolutions. Other researchers, however, consider Resolution 688 (1991) as being a Chapter VII resolution. (see Guicherd 1999: 22; Sarooshi 1999: 226-229; Voeten 2005: 536; Österdahl 1997: 243-245).

I do not consider implicit Article 39 determinations as enough to make a Chapter VII resolution. I will elaborate on this further below, and relate it to explicit and implicit instances of the second criterion for a Chapter VII resolution, i.e. explicit and implicit Chapter VII decisions.

2.2 Chapter VI Language in Chapter VII Resolutions

Under Article 34 of Chapter VI of the UN Charter, the SC may investigate situations in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

This allows the SC to address potential threats before they become actual threats. This is very different from Article 39, under which the SC shall determine the existence of any threat to the peace, breach of the peace, or act of aggression[,] allowing the SC to address situations that have become actual threats, using the measures at its disposal under Chapter VII. (See Appendix 1 for the full text of these articles.) The difference between instances of potential and actual threats may be small, but the difference between, on the one hand, a determination under Chapter VI that a situation is likely to become a threat and, on the other hand, a determination under Chapter VII that a situation presently constitutes a threat, is very important. In most instances, it is clear which type of determination is made. For example, in resolution 47 (1948), concerning the situation in Jammu and Kashmir, the SC uses the formula

*Considering* that the continuation of the dispute is likely to endanger international peace and security[.]

Similarly, in resolution 113 (1956) on the situation in Palestine, the SC is
Considers that the situation now prevailing between the parties concerning the enforcement of the Armistice Agreements and the compliance given to the above-mentioned resolutions of the Council is such that its continuance is likely to endanger the maintenance of international peace and security[.]

A more recent example is found in resolution 1640 (2005), on Ethiopia and Eritrea, where the SC is

stressing that the continuation of the situation would constitute a threat to international peace and security[.]

These are examples of ‘Article 34 determinations,’ and such a formula clearly does not make a Chapter VII resolution.\(^3\) They may be contrasted with the unambiguous article 39 determinations in several resolutions mentioned above. However, on several occasions, the SC has mixed these two formulas. Examples are Resolutions 217 (1965), 713 (1991), and 733 (1992). In resolution 217 (1965), the SC

Determines that the situation […] is extremely grave […] and that its continuance in time constitutes a threat to international peace and security[.]

In resolution 713 (1991), the SC is

Concerned that the continuation of this situation constitutes a threat to international peace and security[.]

In resolution 733 (1992), the SC is

Concerned that the continuation of this situation constitutes, as stated in the report of the Secretary-General, a threat to international peace and security[.]

With reference to these resolutions, Österdahl (1997: 263) notes that

the “continuation of this situation” formula has been used simultaneously with references to Chapter VII of the UN Charter. This makes it seem as if, although the formula is reminiscent of Chapter VI, it might just as well be intended as a hint that the SC is acting under Chapter VII.

In these cases, I interpret the formula ‘constitutes a threat to international peace and security’ – with ‘constitutes’ in the present tense – as explicit Article 39 determinations.

\(^3\) Another example is Resolution 1638 (2005) in which the SC determines ‘that [former President Taylor’s] return to Liberia would constitute an impediment to stability and a threat to the peace of Liberia and to international peace and security in the region[,]’ However, the SC then goes on to act explicitly under Chapter VII in the operative paragraphs, so Resolution 1638 (2005) is clearly a Chapter VII resolution nevertheless.
2.3 Recalling and Reaffirming Previous Chapter VII Resolutions

Bailey and Daws (1998: 271) include resolution 665 (1990) on Iraq as a Chapter VII resolution, on the basis that it ‘[r]ecalls a previous Chapter VII resolution in its second preambular paragraph.’ I believe this logic is flawed (cf. Freudenschuß 1994: 493-496). Recalling or reaffirming a previous resolution adopted under Chapter VII is not enough to make a Chapter VII resolution. There is a clear pattern in SC practice that even when a previous resolution, in which the SC made an explicit Article 39 determination, is recalled or reaffirmed, an explicit Article 39 determination is nevertheless made in the new resolution.

A series of resolutions on the situation in Angola illustrate the point. In resolution 1127 (1997), the SC makes an explicit Article 39 determination. In resolution 1173 (1998), the SC reaffirms resolution 1127 (1997), and then makes an explicit Article 39 determination. The pattern is repeated in resolutions 1237 (1999), 1295 (2000), 1336 (2001), 1348 (2001), and 1404 (2002): each resolution reaffirms all the previous ones, and each makes a new Article 39 determination. In other words, the reaffirmation of several previous resolutions, each of which makes an explicit Article 39 determination, does not imply that the situation still constitutes a threat.\(^4\) Similar patterns are found concerning, \textit{inter alia}, Afghanistan, Haiti, Somalia, and Sudan.

The major exception to this practice is the situation in Iraq. In resolution 660 (1990), the SC determined that ‘there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait’. Next, in resolution 687 (1991), the SC is

\begin{center}
\textit{Conscious} of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons[.]
\end{center}

Resolution 1137 (1997) also contains an explicit Article 39 determination. Between the 1990 invasion of Kuwait until the intervention in Iraq by the United States and the United Kingdom in 2003, these are the three only resolutions where the SC makes Article 39 determinations about the situation in Iraq (not including the implicit Article 39 determination in Resolution 688 (1991)), among a total of fifty-nine Chapter VII resolutions on Iraq adopted during that period. Many of these resolutions recall ‘all previous relevant resolutions.’

After the 2003 intervention, there have been more explicit Article 39 determinations. From 2003 through 2007, the SC adopted eleven Chapter VII resolutions on Iraq, seven of

\(^4\) Cf. below on the amendment of Chapter VII decisions, such as the termination of sanctions. The SC may recall a resolution that made an Article 39 determination, only to conclude that the threat no longer exists. This is not contradictory – but it would be if the recollection of a previous resolution containing an Article 39 determination had the same meaning as actually making that determination a second time.
which contained explicit Article 39 determinations. This means that a majority of Chapter VII resolutions on Iraq are of the type that fulfils the second criterion only: the SC is acting under Chapter VII in the adoption of one or more operative paragraphs. Next, I take a closer look at this criterion.

2.4 Chapter VII Decisions

The second broad criterion for a Chapter VII resolution is that the SC makes a decision under Chapter VII. In the vast majority of these resolutions, there is an explicit reference to Chapter VII, without further specification of articles. Many resolutions contain, in the last preambular paragraph, the phrase

*Acting* under Chapter VII of the Charter of the United Nations [*].

A variation is found in Resolution 687 (1991) regarding Iraq, where the SC is

*Conscious* of the need to take the following measures acting under Chapter VII of the Charter,

In most cases, all operative paragraphs are adopted under Chapter VII, but in several resolutions Chapter VII is referred to only in relation to one or a few operative paragraphs. For the purposes of the present paper, no distinction is made between these two types of resolutions.

Several resolutions also contain references to specific articles of Chapter VII. An early example is Resolution 232 (1966), regarding Southern Rhodesia, where the SC,

*Acting* in accordance with Articles 39 and 41 of the United Nations Charter,

1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;

2. *Decides* that all States Members of the United Nations shall prevent:

[...]

and imposes sanctions on Southern Rhodesia. In resolution 1696 (2006), on Iran, the SC is

*Acting* under Article 40 of Chapter VII of the Charter of the United Nations in order to make mandatory the suspension required by the IAEA,

followed up later by resolution 1737 (2006), where the SC is
In a few resolutions, it can be argued that the SC makes an implicit Chapter VII decision. An example is Resolution 169 (1961), where the SC

*Authorizes* the Secretary-General to take vigorous action, including the use of the requisite measure of force, if necessary […]

Resolution 169 (1961) contains no Article 39 determination, and the SC does not explicitly act under Chapter VII in that resolution. However, only under Article 42 could the SC possibly decide on (or delegate the right to) the use of force. Consequently, the authorization to the Secretary-General to take measures including the use of force means that the resolution is adopted under Chapter VII.

A similar phenomenon is noted by Cot & Pellet (1991: 653-654) regarding resolutions in which the SC ‘orders’, ‘demands’, or ‘decides’, as opposed to ‘calls upon’, ‘urges’, or ‘requests’. The former terms could be seen as implying that the SC is using its authority to make binding decisions, which it can do only under Chapter VII.

However, I do not believe that such terms are enough to make a Chapter VII resolution. If they were, the common phrase ‘acting under Chapter VII of the Charter of the United Nations’ would be superfluous – the word ‘decides’ would suffice to make the decision mandatory on all Member States. SC practice – the frequent use of the formula ‘*Acting under Chapter VII of the Charter of the United Nations*’ – illustrates that this is not the case.

Likewise, less decisive terms – such as ‘calls upon’, ‘urges’, or ‘requests’ – are fully compatible with Chapter VII decisions. For example, regarding the delegation of Chapter VII powers, Sarooshi (1999: 171) argues that ‘there is no obligation on Member States to exercise these powers: the exercize of delegated powers is at the discretion of each Member State.’ The SC may delegate the right to use force to, for example, Member States participating in an operation to enforce a previous SC decision, and then ‘call upon’ Member States to participate in that operation.

As a final observation on decisions under Chapter VII, it should be emphasized that, as de Wet (2004: 133) notes, the SC has a discretion both in deciding ‘when to act (Article 39), and how to act (Articles 40, 41 and 42.’ The point here is that the concept of Chapter VII resolutions is rightly associated with *decisions* under Chapter VII – when the SC acts – rather than just any reference to the Chapter. Therefore, I argue, the mere mentioning of Chapter VII, or an article in Chapter VII does not by itself make a Chapter VII resolution. Hence,
formulas such as ‘acting in accordance with previous Chapter VII decisions’ or ‘recalling Article 50’ are not enough to make a Chapter VII resolution.

2.5 Explicit and Implicit Determinations and Decisions


I suggest that an implicit Article 39 determination is not enough to make a Chapter VII resolution – an Article 39 determination must be explicit. Concerning Chapter VII decisions however, I accept both explicit and implicit versions – but, importantly, I do not count the use of the words ‘orders’, ‘demands’, or ‘decides’, as constituting implicit Chapter VII decisions. This reasoning is based on three arguments.

The first concerns the link between the two broad criteria for a Chapter VII resolution, and the claim that each criterion is enough on its own. Of the nine resolutions containing implicit Chapter VII decisions, six also contain explicit Article 39 determinations. This means that six of them would count as Chapter VII resolutions irrespective of the Chapter VII decision being explicit or implicit. Conversely, of the seven resolutions containing implicit Article 39 determinations, only one contains an explicit Chapter VII decision, meaning that most of them are not ‘rescued’ by the other criterion.

Second, all nine implicit Chapter VII decisions were adopted during the Cold War, the last one in 1982. During the past twenty-five years, the SC has always been explicit when it wanted to make a Chapter VII decision. I see this as part of developing SC practice, in line with Simma’s (2002: 584) claim that

> while in the early practice of the SC it was more often than not preferred not to render the distinction visible, the SC now has taken to making clear what part of a resolution is founded on Chapter VII and therefore is endowed with binding force.

The implicit Article 39 determinations, on the contrary, cannot be explained by ‘early practice’. Three of seven resolutions containing implicit Article 39 determinations were adopted after the end of the Cold War, two as late as in 1998. It seems more reasonable to
conclude that the lack of explicitness in these cases is the result of deliberate decisions not to actually determine the existence of a threat to the peace, a breach of the peace, or an act of aggression.

The third argument is that both Bailey and Daws and the Global Issues Research Group include the resolutions containing implicit Chapter VII decisions, but not the resolutions containing implicit Article 39 determinations. The only difference between these lists (as far as these sixteen resolutions are concerned) is that Bailey and Daws include, and the Global Issues Research Group excludes, Resolution 62 (1948) – the one implicit Article 39 determination followed by an explicit Chapter VII decision.5

A fourth argument may be added, related exclusively to implicit Article 39 determinations. In Resolution 611 (1988), adopted after Israeli commandos assassinated Khalil al-Wazir (PLO’s second in command) in Tunis, the SC is

Gravely concerned by the act of aggression which constitutes a serious and renewed threat to peace, security and stability in the Mediterranean region[.]

In line with arguments made in regard to Resolution 161 (1961) above, one would find that the SC would not be gravely concerned by an act of aggression unless it considered that an act of aggression had occurred, and the consequent conclusion would be that the SC, in Resolution 611 (1988), determines the existence of an act of aggression, in accordance with Article 39.

However, the SC then goes on to argue that the act of aggression constitutes a threat to the peace, using a formula (with ‘constitutes’ in the present tense) which has been described above as an explicit Article 39 determination. By first stating that it is concerned by an act of aggression, and then making an explicit Article 39 determination (of the existence of a threat, not of an act of aggression) the SC, in Resolution 611 (1988), shows that being concerned by one of the three types of situations mentioned in Article 39 is not equivalent to making an Article 39 determination of the existence of such a situation. There is clearly a qualitative difference between the two types of references to such situations, a difference which the SC is certainly aware of. If the SC intends to make an Article 39 determination, it does so explicitly. Consequently, implicit Article 39 determinations are actually not Article 39 determinations at all.

5 I count Resolution 62 (1948) as a Chapter VII resolution, but on the basis of meeting the second criterion only – the SC makes a Chapter VII decision. Also, the two resolutions from 1998 are outside the period covered by Bailey & Daws.
2.6 A Definition of Chapter VII Resolutions

The discussion above contains several important points that are relevant to a definition of a Chapter VII resolution.

1. A determination that there exists *a threat to the peace, a breach of the peace, or an act of aggression* can only be done under Article 39, which means that when the SC makes such a determination it is employing Chapter VII.

2. In order to make a Chapter VII resolution, such an Article 39 determination needs to be *explicit*.

3. The determination should concern *the situation under consideration*. This is further discussed below, with reference to Resolution 1695 (2006).

4. A statement that the SC is *acting under Chapter VII* is required for fulfilment of the second broad criterion; the mere mentioning of Chapter VII or an article in Chapter VII does by itself not make a Chapter VII resolution. Whether *one or all operative paragraphs* are adopted under Chapter VII does not matter as far as this definition is concerned.

5. In making its decisions, the SC may be *explicitly or implicitly* acting under Chapter VII. Implicit action under Chapter VII is very rare, and seemingly a phenomenon of the past, but it refers to resolutions where the SC, without explicitly mentioning Chapter VII, made decisions that it could only make under Chapter VII.

6. Each of the two broad criteria is enough on its own.

With the above points in mind, I suggest the following definition of a Chapter VII resolution:

*A Security Council Resolution is considered to be ‘a Chapter VII resolution’ if it makes an explicit determination that the situation under consideration constitutes a threat to the peace, a breach of the peace, or an act of aggression, and/or*
explicitly or implicitly states that the Council is acting under Chapter VII in the adoption of some or all operative paragraphs.

On the basis of this definition, I can address the differences between the two previous lists of Chapter VII resolutions mentioned earlier. Bailey and Daws include eight resolutions not included by the Global Issues Research Group, namely Resolutions 62 (1948), 146 (1960), 217 (1965), 386 (1976), 421 (1977), 665 (1990), 669 (1990), and 941 (1994).

As noted above, I count Resolution 62 (1948) as a Chapter VII resolution, on the basis of measures explicitly taken under Article 40. Resolution 217 (1965) has also been referred to above as constituting a Chapter VII resolution. Resolution 941 (1994) is also clearly a Chapter VII resolution, which meets both broad criteria. Resolutions 146 (1960), 386 (1976) and 669 (1990) merely mention articles in Chapter VII, but, as argued in the fourth point above, this is not enough to make a Chapter VII resolution. Article 665 (1990), finally, has also been mentioned above – it recalls a previous Chapter VII resolution, which is not enough to make a Chapter VII resolution.

Resolution 1695 (2006) deserves to be mentioned in relation to the third point made above. It was adopted in reaction to the missile test conducted by the People’s Democratic Republic of Korea (DPR Korea). In Resolution 1695 (2006), the SC is

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

[and]

Expressing grave concern at the launch of ballistic missiles by the Democratic People’s Republic of Korea[.]

This should be compared to resolution 1718 (2006), in which the SC first repeats the determination from Resolution 1695 (2006), and then makes another determination more specifically related to the missile tests. In Resolution 1718 (2006), the SC is

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

[and]
Expressing profound concern that the test claimed by the DPRK has generated increased tension in the region and beyond, and determining therefore that there is a clear threat to international peace and security,

In resolution 1695 (2006), the threat to international peace and security is a general one, emanating from the ‘proliferation of nuclear, chemical and biological weapons, as well as their means of delivery.’ However, the measures taken in the resolution do not deal with the general threat of proliferation, but with the specific situation of the missile test performed by DPR Korea. In resolution 1718 (2006), the SC makes it clear that the test by the DPR Korea constitutes such a threat, and makes decisions related to that test.

In resolution 1695 (2006), the SC acts ‘under its special responsibility for the maintenance of international peace and security,’ without reference to Chapter VII, whereas in Resolution 1718 (2006), the SC explicitly acts ‘under Chapter VII of the Charter of the United Nations.’

It seems as if Resolution 1718 (2006) contains two Article 39 determinations – the same as in Resolution 1695 (2006) regarding proliferation in general, and another one specifically concerning the missile test. This clearly gives the impression that the threat posed by proliferation, as described in Resolution 1695 (2006), was primarily supposed to set the missile test in context. The SC then demanded, without resorting to Chapter VII, that DPR Korea suspend all such activities, and when these demands were not met, the SC, in Resolution 1718 (2006), turned to Chapter VII by first determining the existence of a threat to international peace and security as a result of the missile test, and then explicitly acting under Chapter VII in deciding on measures to counter that threat.

Resolution 1718 (2006) is clearly a Chapter VII resolution, which fulfils both broad criteria. Concerning Resolution 1695 (2006), however, I argue that it should not be counted as a Chapter VII resolution, despite the determination that proliferation constitutes a threat to peace and security. When the SC has the intention to determine that a specific situation constitutes a threat to the peace, in order to be able to address that situation, immediately or later, using measures under Chapter VII, it is fully capable of doing so in a manner that leaves no doubt as to those intentions. The fact that it has not done so in Resolution 1695 (2006) is, I believe, the result of a deliberate decision by the SC not to resort to Chapter VII in that resolution.
3 Patterns in the Use of Chapter VII

According to the above definition, I count 437 Chapter VII resolutions from 1946 through 2007. The total number of SC resolutions adopted during this period is 1794, and there have been 258 vetoes.

**Figure 1 Security Council Resolutions, 1946-2007.**

Of the Chapter VII resolutions, twenty-one were adopted during the Cold War, and 416 have been adopted since it ended. In 293 resolutions, the SC makes explicit Article 39 determinations. In 396 resolutions, the SC makes Chapter VII decisions, including the nine implicit Chapter VII decisions. 44 resolutions contain only Article 39 determinations, 144 resolutions contain only Chapter VII decisions, and 249 resolutions contain both Article 39 determinations and Chapter VII decisions.

In 2007, the SC adopted 37 Chapter VII resolutions. Only in 2005 and 2006 did the SC adopt more Chapter VII resolutions. However, as a share of the total number of SC resolutions adopted, 2007 was a record year: for the first time ever, more than 60 percent of all resolutions adopted during the year were Chapter VII resolutions. This is part of a steady trend. For most years from 1990 to 2000, Chapter VII resolutions constituted between twenty and thirty percent of all SC resolutions. In 2001 the figure was nearly 35 percent, the highest ever at the time. In 2002, 2003, and 2004 Chapter VII resolutions constituted between forty

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and fifty percent of all resolutions, in 2005 and 2006 the share increased to between fifty and sixty, and in 2007 it passed sixty percent.

Figure 2. Chapter VII resolutions as share of all Security Council resolutions, per year.

4 Analyzing the Patterns

4.1 Threats to the Peace

The UN Charter contains no definitions of threats to the peace, breaches of the peace, or acts of aggression. When the Charter was drafted, the practical content of these concepts was deliberately left to the discretion of the SC (Simma 2002: 719).

Of the 293 SC resolutions that contain explicit Article 39 determinations, 287 determine the existence of a threat to the peace, and six determine the existence of a breach of the peace.7 No resolution determines the existence of an act of aggression. In most cases, the formula used is that ‘the situation in [the country being considered]’ is what constitutes the threat, often preceded by a few paragraphs describing that situation.

Some resolutions contain more elaborate descriptions of the identified threat, such as Resolution 794 (1992), where the SC is

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7 Breaches of the peace have been determined in Resolutions 82 (1950), 83 (1950), and 84 (1950) regarding the armed attack on the Republic of Korea by forces from North Korea, Resolution 502 (1982) on the Argentine invasion of the Falklands Islands, Resolution 598 (1987) on the conflict between Iran and Iraq, and Resolution 660 (1990) on the Iraqi invasion of Kuwait.
Determining that the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security,

or Resolution 1521 (2003), where the SC is

Determining that the situation in Liberia and the proliferation of arms and armed non-State actors, including mercenaries, in the subregion continue to constitute a threat to international peace and security in West Africa, in particular to the peace process in Liberia.[]

Considering its responsibility for the maintenance of international peace and security, it seems reasonable to expect the SC to address severe crises and wars. The Conflict Barometer, published by the Heidelberg Institute on International Conflict Research – HIIK (2007), characterizes conflicts according to five levels of intensity:

1 A positional difference over definable values of national meaning is considered to be a latent conflict if demands are articulated by one of the parties and perceived by the other as such.
2 A manifest conflict includes the use of measures that are located in the stage preliminary to violent force. This includes for example verbal pressure, threatening explicitly with violence, or the imposition of economic sanctions.
3 A crisis is a tense situation in which at least one of the parties uses violent force in sporadic incidents.
4 A conflict is considered to be a severe crisis if violent force is used repeatedly in an organized way.
5 A war is a violent conflict in which violent force is used with a certain continuity in an organized and systematic way. The conflict parties exercise extensive measures, depending on the situation. The extent of destruction is massive and of long duration.

During the past five years, 2003-2007, the HIIK has recorded ‘war’ level conflicts in fifteen countries (sometimes with more than one conflict at war level in the same country): Afghanistan, Burundi, Central African Republic, Colombia, Côte d’Ivoire, Democratic Republic of the Congo, Indonesia, Iraq, Lebanon, Liberia, Pakistan, Somalia, Sri Lanka, Sudan, and Uganda. The SC adopted Chapter VII resolutions regarding nine of these countries (plus around ten other issues). During the same period, the HIIK also identifies ‘severe crises’ in some twenty countries, none of which are addressed through Chapter VII.
Seen in a longer perspective, the geographical patterns identified by Wallensteen and Johansson (2004: 25) are still clear (cf. Harbom 2007). A vast majority of Chapter VII resolutions concern Africa, Europe, and the Middle East. Despite the long periods of high intensity conflict in countries such as Guatemala, Ecuador, Nicaragua and Peru, the SC has addressed only two situations in the Americas under Chapter VII: the Falklands Islands in 1982 and Haiti since 1993. Similarly, despite conflicts such as those in Burma, Cambodia, Kashmir, and Vietnam, the SC has addressed only three situations in Asia under Chapter VII: the Korean War in 1950, East Timor around the turn of the century, and in 2006 the missile tests by DPR Korea.

This means that during its entire sixty year history, the SC has adopted no more than seven Chapter VII resolutions concerning conflicts in Asia. Another thirteen resolutions may be added to Asia if Afghanistan is counted there rather than in the Middle East, but it does not change the overall picture. This can be compared to the 18 Chapter VII resolutions adopted regarding the situation in Yugoslavia – during 1995 alone. Côte d’Ivoire, DR Congo, Iraq, and Sudan have also been addressed in seven or more resolutions in a single year. This clearly does not reflect the global distribution of violent conflicts.

An interesting case is the Sudan. There was war in the Sudan from 1963-1972, and again, practically uninterrupted, from 1983 to 2004. By 1996, the latter phase of the war had resulted in over 1,000,000 dead, over 400,000 Sudanese refugees in seven neighboring countries, and the largest population of internally displaced in the world: approximately 4,000,000. Up to fifty percent of the government’s budget was spent on the war effort, and there were reports of grave violations of human rights, including outright slavery (Harbom 2007; U.S. Committee for Refugees 1997). This situation was not considered by the SC to constitute a threat to the peace. However, mandatory sanctions were introduced against the Sudan in 1996, in order to address a threat to the peace, following an explicit Article 39 determination in Resolution 1054 (1996). The reason was that the Sudanese government refused to extradite three persons suspected of involvement in an assassination attempt against Egyptian president Hosni Mubarak.

To the casual observer, the consequences of the war may appear as more serious and worthy of attention than the government’s lack of cooperation regarding three hiding criminals, but the SC did not think so. However, there is another intriguing angle to the Sudanese case. The SC first addressed the issue of the three suspects in Resolution 1044 (1996) – not a Chapter VII resolution. The resolution gave the Sudanese government 60 days
to comply with its non-binding requests, which Sudan did not do. Hence, the SC adopted Resolution 1054 (1996), in which it determined that

the non-compliance by the Government of Sudan with the requests set out in paragraph 4 of resolution 1044 (1996) constitutes a threat to international peace and security[.]

In article 4 of resolution 1044 (1996), the Sudanese government is called upon to ‘undertake immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan [...]’ Arguably, it is the failure to extradite the three suspects that the SC reacts against, but the literal meaning of the Article 39 determination in Resolution 1054 (1996) is that the failure to comply with a non-binding (‘Chapter VI’) resolution constitutes a threat to the peace, and warrants action under Chapter VII.

Similar formulas have been used in relation to Libya, where the failure to comply with non-binding requests in Resolution 731 (1992) is determined to constitute a threat to the peace in Resolution 748 (1992), whereby sanctions were imposed on Libya, and in relation to Afghanistan, where the failure to comply with non-binding demands in Resolution 1214 (1998) is determined to constitute a threat to the peace in Resolution 1267 (1999), which imposes sanctions on the Taliban. The failure to comply with non-binding requests has not been as vigorously dealt with in other situations.

4.2 Chapter VII Decisions

There are several reasons for the SC to adopt resolutions under Chapter VII. First of all, the SC uses Chapter VII in order to determine the existence of a threat to the peace, a breach of the peace, or an act of aggression, and to do something about the situation so determined.

What situations qualify as threats to the peace depend not only on the concept of ‘threat’, but also on the concept of ‘peace’. At the time of drafting of the Charter, threats to the peace were conceived of in terms of military threats to international peace. Today, civil wars, human rights violations, lack of democracy, and violations of international humanitarian law – long-term structural threats to ‘positive peace’ – are often seen as threats to the peace within the meaning of Article 39 (de Wet 2004: 138-144; Schweigman 2001: 151-156; Österdahl 1998: 85-91). In this context, Österdahl (1998: 95) also notes that there are alternative

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9 In the Libyan case, the slightly biased argument has been made, that ‘a refusal to extradite the suspects could pose an imminent threat to international peace, as it may provoke unilateral military action against Libya by the United States and the United Kingdom’ (argument recounted by de Wet 2004: 167-168).
established international mechanisms for dealing with, for example, human rights and democracy issues, other than through the SC and Chapter VII.

The SC has often been criticized for being arbitrary regarding where to intervene – that seemingly similar situations are treated differently by the SC. The broadening of the concept of peace is likely to invite even more such criticism in the future, as the range of situations where the SC ought to have acted, on the basis of having taken action in other similar situation, is expanded.

Due to the political nature of Article 39 determinations, it is likely that situations are determined to constitute threats to the peace because (some members of) the SC wants to act there. For example, Österdahl (1998: 58) argues that in Angola, the SC did not specify what exactly made the situation threatening to international peace and security, prompting UN involvement. Rather, she claims, the situation was likely determined to be a threat in order for the SC to be able to do something about it. The opposite is probably equally true – situations where (some members of) the SC does not want to act through the UN, or at least not forcefully so, are simply not determined to constitute threats.

Another reason to use Chapter VII is the principle of ‘parallelism of form’, according to which a previous decision taken under Chapter VII can only be changed by another Chapter VII (de Wet 2004: 251-252). One type of decision taken under Chapter VII on the basis of parallelism of form is the termination of sanctions. An example is Resolution 919 (1994) on South Africa, where the SC,

Welcoming the first all-race multiparty election and the establishment of a united, democratic, non-racial government of South Africa, which was inaugurated on 10 May 1994,

[...]

1. Decides, acting under Chapter VII of the Charter of the United Nations, to terminated forthwith the mandatory arms embargo and other restrictions related to South Africa imposed by resolution 418 (1977) of 4 November 1977.[1]

The reason for terminating the arms embargo is obviously that the situation in South Africa (or more specifically ‘the acquisition by South Africa of arms and related matériel’) no longer constitutes a threat to international peace and security. Consequently, the situation in South Africa does not call for action under Chapter VII to counter a threat to international peace and security, but because the arms embargo was imposed under Chapter VII through Resolution 418 (1977), it takes a Chapter VII decision to terminate it.
Other examples are Resolutions 910 (1994) and 915 (1994) adopted in relation to the 1994 decision by the International Court of Justice on the Aouzou strip, and the subsequent establishment of the United Nations Aouzou Strip Observer Group (UNASOG). UNASOG needed to travel to Libya, which required an exemption from the sanctions against Libya, which were imposed under Chapter VII by Resolution 748 (1992). Consequently, the necessary exemptions were made under Chapter VII.

There are exceptions to the parallelism of form. When the SC terminated the sanctions against Southern Rhodesia through Resolution 460 (1979), it did not act under Chapter VII, even though it explicitly recognized that the sanctions were imposed under Chapter VII. In the resolution, the SC

2. Decides, having regard to the agreement reached at the Lancaster House conference, to call upon Member States to terminate the measures taken against Southern Rhodesia under Chapter VII of the Charter pursuant to resolutions 232 (1966), 253 (1968) and subsequent related resolutions on the situation in Southern Rhodesia;

One could argue that, because Resolution 460 (1979) terminates decisions taken under Chapter VII it is by implication adopted under Chapter VII – an implicit Chapter VII decision, explained by developing SC practice, as discussed above. However, my interpretation of the inconsistency is that the SC actually intends to terminate the sanctions without resorting to Chapter VII.

Indeed, the debate in the SC in relation to the adoption of resolution 460 (1979) concerned the principle of ‘parallelism of competence’ rather than ‘parallelism of form’ (de Wet 2004: 251). Several representatives argued that individual Member States were wrong to unilaterally lift sanctions after the situation in Southern Rhodesia had changed – only the SC could terminate the sanctions (S/PV.2181). However, it is not argued that the SC had to act under Chapter VII in order to terminate the sanctions. Further, as noted above, both Bailey and Daws and the Global Issues Research Group include the nine instances of implicit Chapter VII decisions; neither includes Resolution 460 (1979).

Resolutions 288 (1970) and 314 (1972) on Southern Rhodesia also deserve special comment. Both resolutions use the following formula:

*Acting in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter.*
Each resolution then goes on to decide (or reaffirm the decision, respectively) that the present sanctions shall remain in force. The decisions that sanctions shall remain in force are not explicit Chapter VII decisions – the formula ‘acting in accordance with previous decisions taken under Chapter VII’ is clearly not the same as ‘acting under Chapter VII’.\(^\text{10}\) However, decisions on sanctions can only be taken under Article 41. This is why, even though the SC is not explicitly acting under Chapter VII, I count resolutions 288 (1970) and 314 (1972) as Chapter VII resolutions.\(^\text{11}\) In these cases, there seems to be an intention to act under Chapter VII (which Bailey and Daws and the Global Issues Research Group also find).

The SC may also make Chapter VII decisions in order to delegate Chapter VII powers (Sarooshi 1999). A prominent example is Resolution 678 (1990), in which the SC

\begin{quote}
Authorizes Member States co-operating with the Government of Kuwait […] to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area[.]
\end{quote}

Examples of similar Chapter VII authorizations include the establishment of multinational forces in Bosnia (IFOR, Resolution 1031 (1995), SFOR, Resolution 1088 (1996)), in Afghanistan (ISAF, Resolution 1386 (2001)), and Haiti (Multinational Interim Force, Resolution 1529 (2004)), as well as the establishment of operations based on regional organizations (the European Union operations in the Democratic Republic of the Congo, Resolution 1671 (2006) and in Chad and Central African Republic, Resolution 1778 (2007), and the African Union operation in Somalia, Resolution 1744 (2007)).

### 4.3 Chapter VII as Default

A preliminary analysis suggests that SC resolutions, including Chapter VII resolutions, have become more detailed over the past fifteen years or so. In combination with the principle of parallelism of form, this is probably part of the explanation for the increase in the number of Chapter VII resolutions; even minor decisions require SC action under Chapter VII. This could have the unintended effect of devaluing Chapter VII resolutions.

\(^\text{10}\) Rather the opposite, actually. Under the concept of ‘parallelism of form’ the SC must act under Chapter VII if it is not acting in accordance with previous decisions taken under Chapter VII, e.g. if it wants to alter a previous Chapter VII decision.

\(^\text{11}\) One may also note that ‘the present sanctions’ referred to were imposed through Resolutions 253 (1968) and 277 (1970), and were not limited in time. Even without the decisions in resolutions 288 (1970) and 314 (1972), the sanctions would have remained in force.
Consider first the case of Southern Rhodesia. From 1965 to 1977, the SC adopted nine Chapter VII resolutions concerning the situation there. Most (though not all) of them contained binding decisions, regarding sanctions. In other words, each resolution had implications, often of an obligatory nature, for all states. When the SC resorted to Chapter VII in its handling of the situation in Southern Rhodesia, the resulting decisions were relevant for all – the SC wielded authority.

This may be contrasted with, for example, Resolution 1694 (2006) regarding Liberia – or, rather, regarding the United Nations Mission in Liberia – the SC, under Chapter VII,

*Decides* to increase the authorized size of UNMIL’s civilian police component by 125, and to decrease the authorized size of UNMIL’s military component by 125, from the current authorized levels[.]

This is the only operative paragraph in the resolution, except the concluding ‘*Decides* to remain actively seized of the matter.’ The resolution increased the authorized size of the police component from 1,115 to 1,240, an increase of eleven percent, and decreased the authorized size of the military component from 15,000 to 14,875, a reduction of less than one percent. The total authorized size of the mission remains unchanged. The reason for making such a decision under Chapter VII – and for that matter the reason for making it in New York rather than in Monrovia – is clearly parallelism of form. The SC has given such a detailed Chapter VII mandate to UNMIL that even seemingly minor operational decisions have to be made by the SC.

Resolution 1694 (2006), has implications only for Liberia and for countries contributing to UNMIL; it has no more practical implications for other states than any other internal UNMIL document. Another example is found in Resolution 677 (1990), where the SC, under Chapter VII,

2. *Mandates* the Secretary-General to take custody of a copy of the population register of Kuwait, the authenticity of which has been certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990;

3. *Requests* the Secretary-General to establish, in co-operation with the legitimate Government of Kuwait, an order of rules and regulations governing access to and use of the said copy of the population register.

This raises several questions: Had the Secretary-General not been allowed to take custody of the population register if it was not for this decision? And would he have ignored the request
of paragraph 3 if it had not been adopted under Chapter VII? Does this resolution have any implications whatsoever for any state other than Kuwait? Does it even have implications for Kuwait – is the handling of the population registry by the Secretary-General likely to have been any different absent this resolution, or if the resolution had not been adopted under Chapter VII? It is easy to get the impression that the active SC of the post-Cold War era frequently resorts to Chapter VII without actually wielding any real authority.

In addition to the content of Chapter VII resolutions possibly reducing the perceived authority exercised by the SC, the number of Chapter VII resolutions may have a similar effect. As noted above, in 2005, 2006 and 2007, a majority of SC resolutions have been Chapter VII resolutions. When the SC adopts a resolution today, it is the rule rather than the exception that the resolution is adopted under Chapter VII. Put differently, during the Cold War, the resort to Chapter VII was a clear signal that the SC took exceptionally strong measures regarding the issue at hand; lately, the choice not to use Chapter VII indicates that the SC is taking exceptionally weak measures in regarding the issue at hand.

A comparison often made by various observers is how the SC has reacted to Iraqi and Israeli violations of SC resolutions. Some will argue that Israel has violated at least as many SC resolutions as has Iraq, but while Iraq is punished by years and years of sanctions, and eventually a military intervention, Israel gets away with murder. Others will respond that the difference in reaction follows logically from the fact that Iraq has violated Chapter VII resolutions which contained explicit demands that Iraq was obliged under international law to comply with, whereas Israel (and the Palestinians, it is usually pointed out) have failed to implement Chapter VI resolutions, which contained only non-binding recommendations, and often vague ones at that.12

While Chapter VI resolutions do not carry the same legal authority as Chapter VII resolutions, much of their importance derives from the moral authority exercised by the SC. Unfortunately, there is a risk that the increased use of Chapter VII – which has actually made Chapter VII the default option for SC resolutions, at least more so than Chapter VI – may not only undermine the perceived authority of Chapter VII resolutions, but also of Chapter VI resolutions; if a SC resolution is not adopted under Chapter VII, it does not have to be taken very seriously.

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12 This is not the place to continue that particular debate. However, in light of the increasing resort to Chapter VII over the past several years, it is interesting to find that regarding Iraq, the SC has adopted around 80 resolutions since 1990, of which 69 have been Chapter VII resolutions. Conversely, the number of resolutions adopted regarding Israel and its relations with the Palestinians and its other neighbors is over 250 since 1946, three of which are adopted under Chapter VII. Note that these numbers by themselves do not constitute a basis for a judgement about compliance with or violation of the resolutions.
5 Concluding Remarks

In this paper I have suggested a definition of Chapter VII resolutions, based on the two broad criteria of (1) Article 39 determinations and (2) Chapter VII decisions. The main conclusion from this exercise is that the SC should try to be as explicit as possible about whether its various decisions are taken under Chapter VII or not, in order to avoid confusion over the use of the exceptional authority vested in it. As Kirgis (1995: 516) notes,

Security Council measures are disturbing if the members make no serious attempt to demonstrate how and why the specific acts or policies of the ‘respondent’ state constitute a threat to international peace as to justify the use of chapter VII enforcement measures.

On the basis of the suggested definition, I have illustrated the use of Chapter VII by the SC over the past several years, and contrasted it to the distribution of conflicts around the world. I have also raised some concerns regarding possible negative consequences of the increased resort to Chapter VII. It is my hope that the discussion, particularly in the first part of the paper, can be useful in further analyses of SC behavior.
APPENDIX 1: EXCERPTS FROM THE CHARTER OF THE UNITED NATIONS

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

Article 34
The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

CHAPTER VII: ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39
The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40
In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41
The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42
Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.
APPENDIX 2: CHAPTER VII RESOLUTIONS, 1946-2007

Israel/Palestine
54 (1948), 62 (1948), 611 (1988)

Korea
82 (1950), 83 (1950), 84 (1950)

Congo
161 (1961), 169 (1961)

Southern Rhodesia

South Africa

Falkland Islands
502 (1982)

Iran/Iraq
598 (1987)

Iraq

Yugoslavia

13 Because the concept of a Chapter VII resolution is, to an extent, debatable, the present compilation is probably not final. To help me improve it, kindly report any disagreements to patrik.johansson@pol.umu.se.

Somalia

Libya

Liberia

Haiti

Angola

Rwanda

Sudan

Zaire

Albania
1101 (1997), 1114 (1997)

Central African Republic

Sierra Leone
Democratic Republic of the Congo

East Timor

Afghanistan

Ethiopia/Eritrea

ICTR/ICTY

International Terrorism

International Criminal Court

Côte d'Ivoire

Non-proliferation/Weapons of Mass Destruction

Burundi

Lebanon

Iran

DPR Korea
1718 (2006)

Chad
1778 (2007)
References


