and precedent. For example, under Article 27(3) of the Charter, members of the Security Council are obliged to abstain when they are parties to a dispute. But the Council has never enforced this rule, and has allowed P-5 members such as the U.S. to veto resolutions that are directed at them. Legislatures, in contrast, are supposed to act in a political manner, but they are empowered by democratic elections and a parliamentary system. In this sense the Security Council fails to conform to the legislative analogy. It is not democratically elected and is far from representative of the international state system. The P-5 veto alone is undemocratic and unrepresentative.

The Security Council does, however, effectively legislate what constitutes a threat to international peace and security, and empowers itself to impose economic, diplomatic, and military sanctions on countries. The Council has recently broadened this definition of threats to include intra-state issues such as human rights violations. Such moves "auto-interpret" a constitutional instrument (the Charter) so as to affect the rights of all of the parties, in an essentially political/legislative mode and yet with no possibility of judicial review. The Security Council also performs judicial roles when it appoints commissions to demarcate new political boundaries and then legislates them into being, and when it creates war crimes tribunals and authorizes them to obtain delivery of persons indicted, even from their own governments. Under the Charter, such Security Council Decisions become binding on all UN Member States, regardless of whether Members agree with them or not. The war crimes tribunals in particular are a radical political and legal development, and their credibility will rest to some extent on how other states react to the Council passing such major global legislation on their behalf. In purely political terms, establishing the war crimes tribunals was a very deliberate move to create a legal barrier to normalcy, so that any future peace settlements would not bargain away altogether the norm-reinforcing potential of these human tragedies.

The Security Council must seriously consider whether it is to be a only a political body, or also a law-making one. If it is to be solely political, then it should make only political decisions for specific cases and not engage in judicial functions. If the Council does wish to exercise judicial functions, then these must be applied with more care and according to principles and precedent. To date, law-making by the Security Council has been carried out in a clearly political fashion, and it will not likely be allowed to continue to do so indefinitely by the international community.

Evaluating the recent contribution of the Security Council to general international law depends also on whether one considers this contribution in terms Council decisions, as an *institution*, or rather as a *forum* for states to interact. An institutional focus points to clear legal limits on what the Security Council may take up as a concern, i.e. threats to international peace and security, though recent Council practice has extended these limits somewhat. In this sense the Council can only enunciate situational law, as a response to specific conflicts. However, here the Security Council has acted in an *example-setting* or persuasive capacity, as with the war crimes tribunals for the former Yugoslavia and Rwanda, which have motivated the more general international project to establish a permanent international criminal court. Through the cases that it explicitly deals with, the Council is a very important impulse-giver for general international law. Its decisions which refer to customary law are often seen as determinative statements of these international norms.