Sidestepping the Security Council: Influence of Erosion?

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1. Introduction

Pursuant to Article 24 of the UN Charter, the Security Council bears primary responsibility for the maintenance of international peace and security. Other actors may complement the Security Council in this regard or take competing action. Both exercises – those of complementary as well as competing nature - can be seen as a form of sidestepping. This paper examines the trend of sidestepping the Security Council. Specifically, the paper interrogates whether sidestepping the Security Council erodes the system of collective security per se or whether – in the alternative - it can also be conceptualized as an E10-strategy of exercising influence, and if so in which situations and under which circumstances.

There are various recent examples of sidestepping the Security Council, ranging from the creation of the Syria Investigative Mechanism to the rise of unilateral measures imposed in the absence of (or on top of) UN sanctions. The US and EU sanctions currently in place against Russia are an example of unilateral measures taken outside the UN setting. The trend of sidestepping the Security Council can also be witnessed in the realm of the use of force. For instance, the Kampala decision to define and regulate aggression for ICC purposes without a precondition for Security Council determinations countered the idea of Security Council monopoly on aggression proceedings. Other instances of circumventing Security Council prerogatives in the jus ad bellum domain relate to justifications or exceptions to the prohibition on the use of force other than Chapter VII authorizations, most notably perhaps renewed and increased invocation of the doctrine of invitation as well as extensive interpretations of the right to self-defence.

Hence, sidestepping effectively tests the notion of Security Council monopoly or exclusivity and the extent of Security Council prerogatives. It occurs on an ad hoc basis as well as through institutional arrangements. It can be witnessed in the context of forcible and non-forcible Chapter VII measures and both permanent as well as elected members or a combination of the two may sidestep. Each situation gives rise to a different set of questions determining whether it should be framed as exercising or rather escaping influence. This paper maps and examines different instances of sidestepping and offers a cross-cutting analysis. This analysis could offer a basis for deeper questions interrogating whether sidestepping is a strategy that the E10 should actively pursue and if so in which situations and how or whether instead the risk of backlash and overall erosion of the system outweighs the advantages of sidestepping in incidental cases.

The paper thus proceeds as follows. It first sets out above-mentioned instances of bypassing the Security Council differentiating between non-forcible and forcible measures. The papers then offers a cross-cutting analysis that compares the procedural techniques of sidestepping as well as the specific role and views of elected members in each scenario. The articles concludes with some generic reflections on the advantages and disadvantages of sidestepping from an E-10 perspective.

2. Sidestepping non-forcible Chapter VII measures

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Coercive non-forcible measures can be imposed by the Security Council on the basis of Article 41 of the UN Charter. This provision grants the Security Council the power to decide what measures not involving the use of armed force are to be employed to give effect to its decisions. Some examples of non-forcible measures are given in Article 41 through a non-exhaustive list, yet the types of non-forcible measures that the Security Council imposes under Chapter VII have diversified over time. Newer types include accountability measures, such as the establishment of ad hoc Tribunals and ICC referrals. The more traditional Article 41-measures are UN sanctions, although these have also been modernized through the advent of targeted sanctions.

The Security Council has the authority to impose non-forcible measures with a view to addressing threats to peace. It does not have across-the-board enforcement authority for any violation of international law. The General Assembly has a residual or complementary responsibility for the maintenance of peace and security, subject to Article 12 of the UN Charter. In addition, the legal institution of state responsibility also offers grounds for states to react to violations of international law. The system of collective security and the institution of state responsibility may interact and overlap, but they respond to a different logic. Possibilities for sidestepping emerge in the dynamic between the Security Council prerogatives on the one hand and on the other the General Assembly's functions as prescribed in the UN Charter or alternatively between Security Council prerogatives under the system of collective security versus rights of States to take measures under general international law. Concrete instances of sidestepping non-forcible Chapter VII measures are explored in this section. Hereby, newer and more traditional non-forcible measures are considered in turn with a focus on the Syria Investigative Mechanism (section 2.1) and the rise of unilateral sanctions (section 2.2).

2.1 Intra-institutional sidestepping: The Syria Investigative Mechanism

The full name of the Syria Investigative Mechanism is: International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The tasks assigned to the Mechanism are twofold, namely (i) to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses in Syria, and (ii) to prepare files in order to facilitate and expedite fair and independent criminal proceedings. To some extent replicating the UNWCC, at its core the Syria Mechanism is supposed to function as a crossroads, collecting information and documentation from different fact-finders on the one hand while storing and preparing it with a view to passing it on to criminal jurisdictions on the other. It is thus a fundamentally different creature than the ad hoc Tribunals or the ICC.

The Mechanism was established by the General Assembly (GA) on 21 December 2016 against the backdrop of a divided Security Council. Several draft resolutions calling for a variety of measures had been vetoed over the years by Russia occasionally joined by China. Among those drafts was also a French proposal in 2014 calling for a referral of the situation in Syria to the ICC. GA Resolution 71/248 establishing the Mechanism noted “the repeated encouragement by the Secretary-General

and the High Commissioner for Human Rights for the Security Council to refer the situation in the
Syrian Arab Republic to the International Criminal Court”. It thus hinted at the absence of
accountability measures taken by the Security Council. In this sense, the General Assembly’s creation
can be seen as a corrective, or, as has also been suggested, a temporary Band-aid to preserve the
possibility of future trials. Such a view does presuppose that the alternative measure taken is
correct and that accountability is a goal to be pursued at this point in time. In this sense, seeing the
General Assembly’s action as a corrective is premised on an underlying perception that the veto-
power was unjustly exercised. Alternatively, a less value-laden and more economical way to regard
the General Assembly action as a corrective to the Security Council is based on numbers.

The French draft 2014 resolution calling for an ICC referral had been submitted by 65 States. As
indicated, the exercise of veto blocked adoption, but out of the fifteen members of the Security
Council, all ten elected states as well as three permanent members of the Security Council voted in
favour with no abstentions. The GA resolution, in turn, was sponsored by 59 States, of which 44
coincided with the group supporting the proposed ICC referral. As explained by the drafting State,
Liechtenstein, the text was elaborated by a cross-regional group. On process, the Liechtenstein
Ambassador emphasised efforts to reach out and have open consultations on the text. Liechtenstein
submitted that the General Assembly had to take ownership in light of the Security
Council’s failure to act. However, acknowledging that the General Assembly did not have the power
to enact an ICC referral or establish an ad hoc Tribunal, a different path was pursued in the form of
the Mechanism. The resolution was adopted with 105 states voting in favour, 52 abstaining and 15
voting against. Obviously, the negative votes included China and Russia which had also used their
veto at the Security Council, while the 65 sponsoring States for the Security Council ICC-referral, also
all voted in favour of the GA resolution.

States voting against or abstaining from the vote on the GA resolution presented a variety of reasons
for the absence of their support. Some states countered the suggestion that the Resolution was the
product of open consultations and critiqued the in their view hasty and untransparent procedure.
Arguments of a more political and strategic character concerned impact of the Resolution on efforts
regarding a peace process. Practical questions that were raised regarded the exact parameters of
the Mechanism and its relationship with the Syria Commission of Inquiry. The objections of a legal
nature struck at the legal basis of the Resolution arguing that the resolution violated Articles 2(7), 12
and 22 of the UN Charter. These three objections were replicated by Russia in a separate note.

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9 Namely: Albania, Andorra, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, The Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Arab Emirates, The United Kingdom of Great Britain and Northern Ireland, The United States of America.
10 UN Doc. A/71/PV.66, at 18.
12 UN Doc. A/71/PV.66, at 19.
15 For instance, Syria, Russia, Vietnam, Egypt, and Kyrgyzstan, UN Doc. A/71/PV.66, at 22, 23, 32, 33 and 34.
16 E.g., Syria, Russia, Ecuador, South Africa, Egypt, Singapore, UN Doc. A/71/PV.66, at 21, 23, 25, 26, 33, 34.
17 Such as Indonesia, Kyrgyzstan, Singapore, UN Doc. A/71/PV.66, at 32, 33, 34. Thailand also expressed such
concerns but these did not influence its positive vote, p. 35.
Firstly, Russia, along with other States argued that, given the absence of Syrian consent, the Mechanism encroached upon Syria’s sovereignty thus violating Article 2(7) of the UN Charter which prohibits the intervention in matters essentially within the domestic jurisdiction. The counterargument to this, as also presented by the Liechtenstein ambassador, is that the creation of the Mechanism does not entail the expansion of jurisdiction in any way; it is rather meant to facilitate and assist States to exercise their already existing jurisdiction, both Syria as well as third States who may wish to exercise universal jurisdiction. The facilitating character of the Mechanism thus undermines the argument re intervention. The second argument brought forward related to Article 12 of the UN Charter, and more specifically para. 1 of this provision which bars the General Assembly from acting when the Security Council is exercising its functions. Syria even requested a legal ruling from the GA President on this matter. The President referred to accepted practice that the General Assembly could consider the same matter in parallel with the Security Council, as also noted by the International Court of Justice. Syria did not pursue the argument. The essence of the third set of arguments was that the General Assembly did not have the power to create a mechanism with powers that it did not itself possess. This set of arguments emphasizes the prosecutorial nature of the Mechanism. Yet, as has been pointed out, the Mechanism is actually not a judicial body or an organ in any other way vested with prosecutorial powers. If the Mechanism is regarded as facilitative, it fits within a broader pattern of General Assembly accountability efforts. In conclusion, it is worth observing that the nature and effects of the Mechanism are in any event fundamentally different from an ICC referral as the latter measure can indeed create jurisdiction where there is non.

2.2 Decentralized sidestepping: The rise of unilateral measures in the absence of (or on top of) UN sanctions

The more traditional measure that the Security Council can take under Chapter VII of the UN Charter concerns the imposition of UN sanctions. As has been observed, the 25 years that followed the end of the Cold War were a peak moment for UN sanctions, and over 20 sanctions regimes were designed to address different kinds of threats including nuclear proliferation, terrorism and civil...
conflict. These regimes involve different types of sanctions, ranging from comprehensive economic sector sanctions against States to targeted sanctions such as travel bans and the freezing of assets directly imposed on selected individuals. The effect and working of such sanctions hinge on their implementation by States or regional organizations.

Individual States or regional organizations, as in particular the EU, can also autonomously impose restrictive measures of a similar type as UN sanctions as part of their foreign policy. Autonomous measures do not implement UN sanctions, but are in fact taken in the absence of or on top of Security Council sanctions and as such they can be conceptualized as decentralized sidestepping. As indicated, the US and the EU are particularly active players in this respect. Situations in which Western measures supplemented UN sanctions are Iraq (1990), the former Yugoslavia, and Iran (2006-2010). In these situations, the US and the EU were willing to adopt further-reaching measures, which the Security Council could not agree on. In general, such topping up autonomous measures support the overall aim that animates the UN sanctions and they can thus be seen as reinforcing and acting in tandem. The scenario of reinforcing autonomous measures is to be differentiated from unilateral measures that operate in parallel with UN sanctions but that are designed for a different purpose. In the latter scenario, there is no sidestepping at all, but rather parallel action that happens to target the same State. Finally, an entirely different setting concerns cases where states or regional organizations adopt decentralized measures in the absence of Security Council sanctions because the Council could not agree or is blocked by (the threat of) veto. Obviously, the restrictive measures against Russia are the prime example of this third scenario. Similar to General Assembly action regarding the Syria Mechanism analysed above, such actions can be seen as a corrective to Security Council paralysis. Yet, as said, that view, does assume that the sidestepping measures were appropriate, in other words that they were correct.

From an international law perspective, unilateral measures going beyond unfriendly acts, either topping up Security Council sanctions or adopted in the absence thereof, are principally regulated by general international law and specifically the rules on State responsibility. Coercive unilateral measures can be legal to the extent that they qualify as (third-party) countermeasures. In addition, special regimes such as WTO law, investment law and for instance international rules on immunity govern the legality of unilateral measures. From the specific perspective of this paper, the crucial question is whether States may still adopt unilateral measures when the Security Council acts or has explicitly decided not to act. A question that has some similarities with the logic of Article 12 of the UN Charter, and ultimately inquires into the exclusivity of Security Council powers. As discussed below, in the jus ad bellum realm, the unilateral exercise of self-defence is subject to Security Council action. A similar precondition has not been spelled out in the Charter for non-forcible coercive measures.

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Nonetheless, in open debates on the thematic issue of sanctions, States such as China have submitted that the imposition of unilateral measures undermines the authority of Security Council sanctions. Russia was even more articulate, stating that

“In discussing the issue of sanctions, we should not overlook other important issues, such as the illegitimacy of unilateral sanctions or the fact that it is unacceptable to use existing Security Council sanctions to arbitrarily intensify or develop restrictive measures at the national or regional levels. We categorically oppose arbitrary, expansive interpretations of the Security Council sanctions regime. Unfortunately, there has been a number of attempts via unilateral restrictions to circumvent the Security Council. We believe that such actions only undermine the system of international relations and torpedo political and diplomatic efforts in the quest to resolve crisis situations. Moreover, such actions are often of an extraterritorial nature, violating the sovereignty of third States and their lawful interests, in particular with regard to foreign trade.”

As a non-permanent member, Argentina also condemned the use of unilateral coercive measures and the extraterritorial application of domestic trade laws, and it recalled that the United Nations has the primary responsibility for the maintenance of peace and security as the cornerstone of the multilateral system.

Also outside Security Council setting, Russia and China have voiced their views that unilateral coercive measures defeat the objects and purposes of measures imposed by the Security Council and are not based on international law. In addition the matter is subject of regular discussion at the General Assembly, where the Non-Aligned Movement has annually submitted resolutions on “Human rights and unilateral coercive measures”. So far, twenty-one resolutions on this theme have been adopted. Resolutions on “Unilateral economic measures as a means of political and economic coercion against developing countries” are introduced on a bi-annual basis by the G77 and China. Nineteen such resolutions have been adopted so far. The voting record shows North-South divide, with the US and EU member states generally casting negative votes. A sustained practice of developed States including three of the P5 adopting unilateral measures as part of their foreign policy can thus be contrasted with the normative perspective of developing States including two of the P5 that regularly voice their opposition to this practice. The divide in the appreciation of the legality of sidestepping in this issue thus mirrors the divide in the Security Council neatly, although the exact positions regarding legality may differ per situation and specifically also depending on whether the unilateral measures top up or substitute Security Council action.

3. Sidestepping forcible Chapter VII measures

The Security Council is the only organ in the international legal order with the power to authorize force. In this vein, it can be said that the primacy of the Security Council’s responsibility to maintain peace has been translated in a unique power. Nonetheless, certain incursions into this power have been made, most notably through the Kampala amendments to the ICC Statute which create an independent avenue for a judicial response to aggression. Moreover, Article 51 of the UN Charter

36 GA Res 70/185, 22 December 2015, op. para. 2.
37 For an analysis of the voting, see A. Hofer, The developed/developing divide on unilateral coercive measures: legitimate enforcement or illegitimate intervention?, 16 Chinese Journal of International Law, 2017, pp. 175-214.
refers to the inherent right to self-defence of States, thus also allowing individual States to respond with force. This section explores the interrelationship between these two avenues and the Security Council’s prerogatives, specifically with a view to determining whether and to what extent the arrangements allow for sidestepping.

3.1 Inter-institutional sidestepping: The ICC legal framework on aggression

The Security Council’s generic mandate to maintain and restore international peace and security has been translated in Article 39 of the UN Charter into a specific power to determine acts of aggression. The concept of aggression was not defined in the UN Charter so as not to encroach upon the Council’s discretion. In 1974, the General Assembly adopted the famous Resolution 3314 which offers a definition of aggression, while it also underscores the Security Council’s powers and prerogatives. As is well-known, the International Court of Justice has generally displayed reservation vis-à-vis the Security Council as well as towards use of the word “aggression”. In this setting, discussions on the crime of aggression in the context of negotiations for an International Criminal Court first led to only conditional inclusion of this crime in the Statute. Article 5, para. 2 subjects the exercise of jurisdiction over aggression to future provisions on definition and trigger mechanisms, while explicitly stating that such future provisions must be consistent with the UN Charter. In a Special Working Group of the ICC Assembly of State Parties negotiations were continued and eventually consensus was reached at the Kampala Review Conference in 2010. The complicated architecture that was the outcome of the consensus is laid down in Article 8bis concerning the definition, and Articles 15bis and ter regulating exercise of jurisdiction. The latter provisions are specifically relevant for discussions on sidestepping and broader dynamics between the Security Council and the ICC.

One of the most crucial outcomes of Kampala concerned the role of the Security Council in determining aggression. While paying tribute to the Security Council’s prerogatives, the Kampala scheme interferes with the idea of Security Council monopoly on aggression proceedings. Although Article 15ter of the ICC Statute subjects the exercise of jurisdiction to a Security Council referral, thus largely respecting Security Council prerogatives, Article 15bis opens up the possibility that also state referral and proprio motu action by the Prosecutor can trigger aggression proceedings. The reach of Article 15bis is limited through the exclusion of non-State parties in para. 5, and an opt-out clause for State parties in para. 4. Furthermore, Article 15bis, para. 6 stipulates that when the ICC Prosecutor concludes that there is reasonable basis to proceed with an investigation in respect of a crime of aggression, he or she shall first ascertain whether the Security Council has made a determination and shall also notify the UN Secretary-General. When no Security Council determination is made before or within six months of the notification, the Prosecutor needs authorization for the commencement of investigation in respect of a crime of aggression, as per Article 15bis, paras. 7 and 8. Final counterbalancing elements that were added to make the proposal as such palatable included a specific reference to the Security Council’s powers under Article 16 of the ICC Statute to deter proceedings, the requirement that the entire Pre-Trial Division grants authorization to proceed with aggression investigations rather than only a Pre-Trial Chamber, and delaying of the exercise of jurisdiction over aggression until at least 2017, while also subjecting it to another explicit activation decision by the Assembly of State Parties. Despite these counterbalancing elements, the permanent members of the Security Council were united in their position that the Kampala arrangements contravened the UN Charter and the Security Council’s powers in relation to the maintenance of peace and security, and specifically the authority to make a determination on the

38 Article 2 reads, and Article 4 reads.
39 Simma: why not call a spade a spade?
40 pp. 626-627.
existence of an act of aggression.\textsuperscript{41} This P5 position was eventually a minority view, and as such the Kampala outcome tones down ideas of Security Council monopoly and offers possibilities for sidestepping.

The extent and modalities of sidestepping and whether this will occur at all remains to be seen. The potential dynamic between the Security Council and the ICC is on the one hand animated by Article 2 of the Relationship Agreement which prescribes that the United Nations and the ICC will respect each other’s status and mandate and that they shall cooperate closely whenever appropriate.\textsuperscript{42} On the other hand, the so-called “without prejudice”-clause of Article 15bis and ter demarcates the terrain of each institution as it stipulates that “a determination of an act of aggression by an organ outside the Court shall be without prejudice to the Court’s own findings under this Statute.” This provision underscores the Security Council’s discretion to make findings of aggression that go beyond the ICC definition, while also protecting the rights of accused before the ICC conform Articles 66 and 67 of the Statute ensuring that they cannot be confronted with determinations that they cannot contest. As each institution operates in accordance with its own mandate and institutional framework, there is a host of scenarios of divergent views that can be envisaged. The exact dynamics of this interplay will differ per situation, but the general possibility of ICC jurisdiction over aggression now looms over the Security Council and this in itself might have a certain disciplining effect, or, as has been argued elsewhere, it may engender a more “articulate approach” by the Security Council to avoid unintended interpretations allowing ICC intervention.\textsuperscript{43}

3.2 Decentralized sidestepping: the exercise of self-defence

Article 51 also constitutes an inroad into the system of collective security as it preserves the inherent right of self-defence for individual states or a group of states. Together with Security Council authorization, the right to self-defence is the only Charter-based exception to the prohibition on the use of force. States have the inherent right to defend themselves, “until the Security Council has taken measures necessary to maintain international peace and security”. The interrelationship between the two grounds justifying the use of force – Security Council authorization and self-defence - is also regulated by the reporting requirement in Article 51. Article 51 prescribes that states acting in self-defence must report their actions immediately to the Security Council and those measures shall not in any way affect the authority and responsibility of the Security Council. In theory therefore, the reporting requirement fully preserves Security Council prerogatives as the right to self-defence is subjected to Security Council action in a procedural and substantive sense. The reporting requirement enables the Security Council to assess the legality of the self-defence action. Yet, the prevailing view is also that failure to report does not invalidate the right to self-defence as such.\textsuperscript{44}

The balance between the two Charter-based justifications in practice deviates from the Charter-theory. While self-defence is framed as the exception that is subjected to Security Council action in theory, in practice the invocation of self-defence is more prevalent than Security Council


\textsuperscript{42} Articles 2 and 3 of the Negotiated Relationship Agreement between the International Criminal Court and the United Nations.


\textsuperscript{44} For an analysis on the status of the reporting obligation, see further Yoram Dinstein, War, Aggression and Self-Defence, CUP, 5th ed., 2011, pp. 239-241, with reference also to the ICJ’s statement in the Nicaragua Judgement that, “the absence of a report may be one of the factors indicating whether the State in question was itself convinced that it was acting in self-defence.” ICJ, Case Concerning Military and Paramilitary Activities in and against Nicaragua, Nicaragua versus United States of America, Judgement of 27 June 1986, para. 200. Also see, James A. Green, “The Article 51 Reporting Requirement for Self-Defense Actions”, in 55 Virginia Journal of International Law 3: 563-624 (2015).
authorization. Moreover, even though the reporting requirement is nominally adhered to, Article 51-reports are generally framed as mere notifications thereby limiting any outside scrutiny over lawfulness and in particular respect of the principles of proportionality and necessity. Self-defence as such can thus also be seen as an opportunity in itself to sidestep the system of collective security and to avoid any outside scrutiny. In principle, the Security Council can easily thwart this escape route by adopting a resolution under Chapter VII either endorsing the action or putting it to halt, but it may not always have an interest in doing so. Hence, the more important question from an E-10 perspective is to what extent sidestepping the system of collective security can still be governed by a rule of law paradigm. In this respect, it has been suggested that the reporting requirement offers some openings. Indeed, there may be merit in insisting that the reporting requirement goes beyond demanding mere notification also expecting that States make formal articulations on the scope of self-defence in concrete situations and that they make an effort to substantiate claims of self-defence, both legally and factually. Somewhat analogous to the sophisticated architecture that has been designed in past decades in UN sanctions and counter-terrorism context, some thinking may go into the creation of bodies or platforms, and ideally perhaps even panels of experts, at Security Council level that offer a more elaborate institutional environment to evaluate claims of self-defence and monitor its execution.

4 Cross-cutting analysis of sidestepping techniques and strategies

The different examples of sidestepping offer a mixed picture in many respects. The Syria Investigative Mechanism was a different – second best - measure aiming to reach the same goal of accountability that the preferred but unobtainable Security Council resolution would have. Instead, in the case of sanctions, the unilateral measures are inherently the same but substituting or adding to Security Council measures. The difference between unilateral measures and UN sanctions does not concern the nature of the measure per se, but rather the applicable legal regime as unilateral measures are governed by the system of state responsibility. Whereas the Investigative Mechanism was unique in its sort, the imposition of unilateral measures is part of a broader practice that divides the larger international community, even beyond the Security Council, along the fault lines of developed / developing states. The North-South divide is not necessarily to the same extent present in the different groups supporting or rejecting the Syria Investigative Mechanism. The sidestepping in both scenarios thus occurred with different alliances although the P2/P3 divide was the same in both. The sidestepping in the aggression domain through the ICC architecture is the only example where the P5 was united against a watering down of its exclusive powers. Yet, the institutional bias of the P5 in abstracto does not necessarily need to be replicated in practice and the exact positions of the P5 regarding ICC aggression investigations may differ in practice per situation. In contrast, in the context of self-defence, the P5 are likely among those using “sidestep” possibilities through extended interpretations of the right to self-defence. In this case, the interest of the E10 would be to monitor and discuss the exercise of this right as much as possible in a collective setting. Hence the split between the P5 witnessed in non-forcible sidestepping was not mirrored in the examples regarding jus ad bellum sidestepping, where a more united P5 came to the fore in any event in the ICC-aggression context.

5 Some general reflections on advantages and disadvantages from an E-10 perspective

- Complementing versus competing forms of sidestepping
- Disciplining effect on SC decision-making?

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