

# WORLD LAW

## WORLD COURT AND UNITED NATIONS CHARTER: THE PRINCIPLE OF EFFECTIVENESS IN INTERPRETATION

THERE is reason to believe that the legal doctrine that rules of law, including treaties and international constitutional instruments, should be so construed as to make their application a means of fulfillment rather than an exercise in futility, commends itself with increasing insistence to judges and statesmen as the crisis in the world community continues. With the growth into a majority of United Nations membership of states which were not represented at the organization conference of San Francisco and did not participate in the drafting of the charter, the interpretation doctrine of giving effect to the intention of the parties to the charter as an international act more and more passes from the realm of realism into the realm of fiction. Findings based on literal or restrictive interpretations are at best as likely to defeat as to achieve the purposes that the founders took such pains to enunciate. The maxim of interpretation, *ut res magis valeat quam pereat*,<sup>1</sup> seems likely to be the prevailing guide in future ascertainment of the authorizations underlying the functions and powers of the United Nations. There would seem to be no convincing argument that resulting findings would violate the basic aspirations of those who were the original signatories of the charter.

The judgments and opinions of the International Court of Justice support the assertion that the principle of effectiveness has on the whole prevailed in the court's interpretation of the charter.<sup>2</sup> Examination of these pronouncements may appropriately be made in the light of current history.

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<sup>1</sup> "That the thing may rather have effect than be destroyed." "As a rule, the established canons of construction . . . partake of the nature of customary law." LAUTERPACHT, *THE DEVELOPMENT OF INTERNATIONAL LAW BY THE INTERNATIONAL COURT* 27 (1958) [hereinafter cited as LAUTERPACHT].

For a helpful exposition of treaty interpretation by the World Court, as indicated in its advisory opinion concerning the Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization, [1960] I.C.J. Rep. 150, see *The IMCO Opinion: A Study in Treaty Interpretation*, 1961 DUKE L.J. 288.

<sup>2</sup> LAUTERPACHT at part four *passim*. This book was written before the author became a judge of the World Court.

The sixteenth year of the United Nations witnessed the emergence of constitutional questions the solution of which is of the utmost significance to the potentiality of the United Nations as an instrument of order and a safeguard against violence and chaos. The United Nations' efforts toward peaceful settlement in the Congo were frustrated by external pressures and internal disorders, climaxed by the murder of a powerful political leader, Patrice Lumumba. Thereupon the Security Council, "fearing widespread civil war and bloodshed," provided for the immediate taking of "all appropriate measures" of prevention, "including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort."<sup>3</sup>

The operational executive of the United Nations for implementing such a resolution is the Secretary-General.<sup>4</sup> It was while engaged on a mission in Africa pursuant to various resolutions, which both the Security Council and the General Assembly had adopted for the purpose of peace and stability in the Congo, that Secretary-General Hammarskjold met death in an airplane accident. So admirable had been his statesmanship, so remarkable its results through the years, that this tragic event amounted to a world calamity. The office of Secretary-General and its functioning had become so controversial because of inter-play of "power politics" among certain United Nations members, that a constitutional crisis of the first magnitude at once arose with respect to the election and activities of his successor. Controversy relating to the use of force by the United Nations combined with this even more profound problem to cast ominous shadows over the sixteenth session of the General Assembly when it convened in September 1961.

After some six weeks of patient and highly capable negotiations among leaders of the General Assembly, an Acting Secretary-General,

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<sup>3</sup> Resolution of 21 February 1961. On 24 November 1961, the Security Council adopted another resolution, re-affirming previous ones and containing the following: "The Security Council . . . authorizes the Secretary-General to take vigorous action, including the use of requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries as laid down in paragraph A-2 of the Security Council resolution of 21 February 1961." 8 United Nations Review (No. 3, Mar. 1961) at 9; *id.* (No. 12, Dec. 1961) at 9 (complete texts of resolutions). The earlier resolution "urges that the United Nations take," the later one "authorizes the Secretary-General to take" the contemplated action. It will be noted that the words "in the last resort" do not appear in the later resolution.

<sup>4</sup> See U.N. CHARTER arts. 97-101.

with essentially the same powers and in accordance with unquestionably correct procedure of appointment, received the unanimous votes of both the General Assembly and the Security Council<sup>5</sup> to serve the remainder, approximately a year and a half, of his predecessor's term of office. This encouraging consummation, however, left open the question of the permanent powers and character of the office, and did not throw any light upon the constitutional authority of the United Nations to carry out the mandate that the "Secretary-General shall act . . .,"<sup>6</sup> or to fulfill the declared purpose of the United Nations to "maintain international peace and security."<sup>7</sup>

While the World Court, which under the charter<sup>8</sup> "shall be the principal judicial organ of the United Nations," has not directly decided any questions involving the legal use of force and the powers and duties of the Secretary-General in the execution of relevant resolutions of the Security Council and General Assembly, a number of precedents seemingly in point may be cited from its expressions to guide statesmen toward a correct estimate of what the law probably is. Similarly, the use of alternative procedures for the appointment of the Secretary-General may be indicated from what the Court has already said and done.

A survey of the nearly one hundred important pronouncements of the World Court since its establishment as the League of Nations' Permanent Court of International Justice forty years ago reveals that it has been preoccupied with the interpretation of treaties. The charter, though it declares its own pre-eminence,<sup>9</sup> is still a treaty and the Court's attitude toward treaties in general is of immediate relevance to the present inquiry.

In the first contentious case which it decided,<sup>10</sup> the World Court, in interpreting the Treaty of Versailles,<sup>11</sup> found itself confronted as it

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<sup>5</sup> U.N. CHARTER art. 97. "The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization."

<sup>6</sup> U.N. CHARTER art. 98.

<sup>7</sup> U.N. CHARTER art. 1, para. 1.

<sup>8</sup> U.N. CHARTER art. 92.

<sup>9</sup> U.N. CHARTER art. 103.

<sup>10</sup> The Wimbledon, P.C.I.J., ser. A, No. 1, at 24-25 (1923). See also ser. C, No.

3, at 43, 44, 66-73.

<sup>11</sup> 3 *Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and other Powers* 3149 (1923).

has been many other times, by defendant's insistence that the obligations of states, because of their being "sovereign," should be restrictively interpreted.<sup>12</sup> The Court declined

to see in the conclusion of any Treaty, by which a State undertakes to perform or refrain from performing a particular act of abandonment of its sovereignty. No doubt any convention creating an obligation . . . places a restriction upon the exercise of the sovereign rights of the State, in the sense that it requires them to be exercised in a certain way. But the right of entering into international engagements is an attribute of state sovereignty.<sup>13</sup>

Accordingly, the Court has not felt bound to accept unreservedly the doctrine of restrictive interpretation of the obligations of states and has usually avoided its implications. After all, a restrictive interpretation of the obligations of one of the states parties to an action before the Court implies a restrictive interpretation of the rights of the other or others.<sup>14</sup> The charter provides that the United Nations is based on the principle of the sovereign equality of all of its members.

Rather astoundingly refined sensitivity to the concept of sovereignty has from time to time been urged upon the Court. Thus when the General Assembly requested an advisory opinion regarding *Reservations to the Genocide Convention*,<sup>15</sup> the argument was put forward on behalf of states parties to that treaty that only those states parties were entitled to seek interpretation of it, hence that the General Assembly's request was an unwarranted interference on its part. The Court rejected this contention. It noted that the General Assembly had taken the initiative in drafting and adopting the Genocide Convention and submitting it to states for ratification, and observed that "there can be no doubt that the precise determination of the conditions for participation in the Convention constitutes a permanent interest of direct concern to the United

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<sup>12</sup> The Court had been similarly confronted in rendering an early advisory opinion. Advisory opinion No. 2, P.C.I.J., ser. B, No. 2, at 23 (1922). See also LAUTERPACHT 300.

<sup>13</sup> P.C.I.J., ser. A, No. 1, at 25 (1923).

<sup>14</sup> Lauterpacht points out that "Undue regard for the sovereignty of one state implies undue disregard of the sovereignty of another," and refers to the declarations of the United States Supreme Court that "where a treaty fairly admits of two constructions, one restricting the rights that may be claimed under it and the other enlarging them, the more liberal construction is to be preferred," and that "the power to make binding obligations is a competence attaching to sovereignty." *Jordan v. Tashiro*, 278 U.S. 123, 127 (1928); *Perry v. United States*, 294 U.S. 330, 353 (1935); *Asakura v. Seattle*, 265 U.S. 332, 342 (1924); LAUTERPACHT 306. See U.N. CHARTER art. 2, para. 1.

<sup>15</sup> [1951] I.C.J. Rep. 15.

Nations which has not disappeared with the entry into force of the Convention."<sup>16</sup>

Similarly, the Court has taken a broad view of the competence of the International Labor Organization, which was a part of the League of Nations as it is now of the United Nations, when asked for an advisory opinion whether ILO possessed authority with respect to the regulation of working conditions of persons employed in agriculture, a competence not specifically mentioned in the ILO constitution.<sup>17</sup> The answer was clearly in the affirmative. In another ILO case the Court, discussing an earlier treaty,<sup>18</sup> reaffirmed that it must, in determining nature and scope, look to "practical effect rather than to the predominant motive that may be conjectured to have inspired it [the measure]."<sup>19</sup> It is apparent that, in the absence of stipulations to the contrary, an interpretation is favored which permits wider rather than more restrictive activity "in order to make effective" the general purposes of international organizations.<sup>20</sup>

In no pronouncement of the Court has this judicial trend been better or more tellingly illustrated than in the advisory opinion of 1949 on *Reparation for Injuries Suffered in the Service of the United Nations*,<sup>21</sup> delivered in response to inquiries by the General Assembly as to whether, *inter alia*:

In the event of an agent of the United Nations in the performance of his duties suffering injury in circumstances involving the responsibility of a State, has the United Nations, as an Organization, the capacity to bring an international claim against the responsible *de jure* or *de facto* government with a view to obtaining the reparation due in respect of the damage caused (a) to the United Nations, (b) to the victim or to persons entitled through him?<sup>22</sup>

<sup>16</sup> *Id.* at 20.

<sup>17</sup> P.C.I.J. ser. B, Nos. 2 & 3, at 35 (1922). The opinion dealt with the original constitution as contained in part XIII of the Treaty of Versailles. Precisely, it held that the word "industry" included "agriculture."

<sup>18</sup> LAUTERPACHT 267, 269.

<sup>19</sup> Competence of the International Labour Organization to regulate, incidentally, the personal work of the employer, P.C.I.J. ser. B, No. 13, at 19 (1926). The Court held that the ILO was competent to regulate the personal work of the employer when incidental to the regulation of the work of the employees.

<sup>20</sup> LAUTERPACHT 269.

<sup>21</sup> [1949] I.C.J. Rep. 174. Lauterpacht asserts that this opinion "provides . . . the most significant contribution made by the Court to the question of the nature, growth and functions of international law." LAUTERPACHT 29.

<sup>22</sup> [1949] I.C.J. Rep. at 175.

Discussing first the United Nations' capacity to bring an international claim, the Court noted that the development of international law has always been influenced by the requirements of international life, among them the need for collective activities to be carried on internationally "by certain entities which are not States."<sup>23</sup> This development has culminated in the United Nations, which is described in its charter as not merely "a center for harmonizing the actions of nations in the attainment of . . . common ends,"<sup>24</sup> but one equipped with organs and assigned special tasks "of an important character, and covering a wide field"<sup>25</sup> such as "the maintenance of international peace and security, the development of friendly relations among nations, and the achievement of international co-operation in the solution of problems. . . ."<sup>26</sup> Citing the charter-granted legal capacity, privileges, and immunities of the United Nations in the territories of its member states, and the special convention on the privileges and immunities of the United Nations,<sup>27</sup> and finding it difficult to envisage operation except "upon the international plane and as between parties possessing international personality,"<sup>28</sup> the Court came to the conclusion that the United Nations had been accorded the status of an international person—"a subject of international law," capable of possessing international rights and duties, with capacity to maintain rights and duties by bringing international claims. The Court said:

It [the United Nations] is at present *the supreme type of international organization*, and it could not carry out the intentions of its founders if it was devoid of international personality. It must be acknowledged that its Members, by entrusting certain functions to it, with the attendant duties and responsibilities, have clothed it with the competence required to enable those functions to be effectively discharged.<sup>29</sup>

There remained the question whether the sum of United Nations' international rights comprised the right to bring an international claim against a state to obtain reparation for injury to a United Nations' agent in the course of the performance of his duties. Its rights, the Court declared, "must depend upon its purposes and functions as specified or implied in its constituent documents and developed in practice."<sup>30</sup> The Court pointed out that the functions of the United Nations "are of such

<sup>23</sup> *Id.* at 178.

<sup>25</sup> [1949] I.C.J. Rep. at 179.

<sup>27</sup> 1 U.N.T.S. 15.

<sup>29</sup> *Ibid.* (Emphasis added.)

<sup>24</sup> U.N. CHARTER art. 1, para. 4.

<sup>26</sup> *Ibid.*

<sup>28</sup> [1949] I.C.J. Rep. at 179.

<sup>30</sup> *Id.* at 180.

a character that they could not be effectively discharged if they involved the concurrent action" of the Foreign Offices of all the member states and concluded that these members have endowed the United Nations itself with authority to bring such claims.<sup>31</sup> That 104 states, representing the vast majority of the international community have the power in conformity with international law, to bring into being and maintain an entity possessing international personality, not merely personality recognized by them alone, with capacity to bring international claims<sup>32</sup> was affirmed by the Court as beyond doubt. The Court was unanimous in its affirmative holding that, regardless of whether defendant state was a member, the United Nations had capacity to bring an action for damage to itself.

The Court further held, by eleven votes to four, that the United Nations could bring an action with respect to damage caused the victim.

The Charter does not expressly confer upon the [United Nations] Organization the capacity to include, in its claim for reparation, damage caused to the victim or to persons entitled through him. The Court must therefore begin by enquiring whether the provisions of the Charter concerning the functions of the Organization, and the part played by its agents in the performance of those functions, imply for the Organization power to afford its agents the limited protection that would consist in the bringing of a claim on their behalf for reparation for damage suffered in such circumstances. *Under international law, the Organization must be deemed to have those powers which, though not expressly provided in the Charter, are conferred upon it by necessary implication as being essential to the performance of its duties.* This principle of law was applied by the Permanent Court of International Justice to the International Labour Organization in its Advisory Opinion No. 13 of July 23rd, 1926,<sup>33</sup> and must be applied to the United Nations.<sup>34</sup>

The principle of implied powers clearly set forth in the italicized passage of the foregoing quotation was asserted in the Court's subsequent advisory opinion regarding the *Effect of Awards of Compensation*

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<sup>31</sup> *Ibid.*

<sup>32</sup> *Id.* at 185.

<sup>33</sup> Competence of the International Labour Organization to regulate, incidentally, the personal work of employer, P.C.I.J. ser. B, No. 13 (1926).

<sup>34</sup> [1949] I.C.J. Rep. at 182-183 (Emphasis added.) Compare "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional." *McCulloch v. Maryland*, 17 U.S. 316, 421 (1819).

tion Made by the United Nations Administrative Tribunal,<sup>35</sup> in which the Court responded in the negative to the General Assembly's inquiry:

Having regard to the Statute of the United Nations Administrative Tribunal and to any other relevant instruments and to the relevant records, has the General Assembly the right on any grounds to refuse to give effect to an award of compensation made by that Tribunal in favour of a staff member of the United Nations whose contract of service has been terminated without his assent?<sup>36</sup>

Though there is no express authorization in the charter for the establishment by the General Assembly of a tribunal to determine finally disputes between the United Nations and staff employees in the Secretariat, the Court had no difficulty in finding

. . . that the power to establish a tribunal, to do justice as between the Organization and the staff members, was essential to ensure the efficient working of the Secretariat, and to give effect to the paramount consideration of securing the highest standards of efficiency, competence and integrity. Capacity to do this arises by necessary intendment out of the Charter.<sup>37</sup>

The Court rejected the contention that the implied power of the General Assembly to establish such a tribunal could not be carried so far as to enable the tribunal to intervene in matters falling within the province of another principal organ, that headed by the Secretary-General.<sup>38</sup> There was, moreover, no limitation on the exercise of implicit powers to prevent empowering the tribunal to deliver judgments binding on the General Assembly itself.<sup>39</sup>

Effectiveness of the provisions of article four of the charter would seem to be the normal result of the Court's decision in its advisory opinion on *Conditions of Admission of a State to Membership in the United Nations*.<sup>40</sup> The General Assembly had inquired:

Is a Member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph I of the said Article? In particular, can such a Member, while it recognizes the conditions set forth in that provision to be fulfilled by the

<sup>35</sup> [1954] I.C.J. Rep. at 56.

<sup>37</sup> *Id.* at 57.

<sup>38</sup> *Id.* at 60. See U.N. CHARTER art. 101.

<sup>39</sup> *Id.* at 61.

<sup>36</sup> *Id.* at 48.

<sup>40</sup> [1948] I.C.J. Rep. 57.

State concerned, subject its affirmative vote to the additional condition that other States be admitted to membership in the United Nations together with that State?<sup>41</sup>

The Court, regarding the question as “a purely legal one,” and realizing that the General Assembly could “hardly be supposed to have intended to ask the Court’s opinion as to the reasons which, in the mind of a Member, may prompt its vote,” refused to entertain contentions that it could not deal with such questions because “political,” or because couched in abstract terms, or because involving “an interpretation of the Charter.” Nowhere could the Court find in the basic law governing its activity any provision forbidding it to exercise “an interpretative function which falls within the normal exercise of its judicial powers.”<sup>42</sup>

The subsequent advisory opinion dealing with the *Competence of the General Assembly for the Admission of a State to the United Nations*<sup>43</sup> required consideration of the second paragraph of article four of the charter. That paragraph provides:

The admission of any such state [*i.e.*, one possessing the qualifications of being peace-loving and accepting and able and willing to carry out the obligations of the charter as set forth in the first paragraph] to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Again the Court was confronted with the objection that it was incompetent to interpret the charter and again it asserted its competence. Similarly, it repeated its assertion that it could not “attribute a political character to a request which, framed in abstract terms, invites it to undertake an essentially judicial task, the interpretation of a treaty provision.”<sup>44</sup> The General Assembly’s question was:

Can the admission of a State to membership in the United Nations, pursuant to Article 4, paragraph 2, of the Charter, be effected by a decision of the General Assembly when the Security Council has made no recommendation for admission by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent Member upon a resolution so to recommend?<sup>45</sup>

The Court presumably knew, whether or not it was judicially cognizant thereof, that the object of the inquiry was to ascertain whether

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<sup>41</sup> *Id.* at 58.

<sup>43</sup> [1950] I.C.J. Rep. 4.

<sup>45</sup> *Id.* at 7.

<sup>42</sup> *Id.* at 61.

<sup>44</sup> *Id.* at 6-7.

the United Nations, acting through the General Assembly, could bypass the Security Council when the latter was rendered inoperative because of the unanimity rule in relation to permanent members. It chose, however, to frame its negative answer on other grounds<sup>46</sup> and so to avoid the exceedingly difficult issue that from the point of view of realism was actually confronting it. Its opinion was rendered on March 3, 1950. Later that year the Security Council, confirming earlier practice, read the unanimity rule as requiring only the votes of the permanent members present and voting,<sup>47</sup> and on November 3, 1950, the General Assembly, in its Uniting for Peace Resolution, asserted its authority to take independent action to carry out the primary purpose of the United Nations to "maintain international peace and security" whenever the Security Council because of lack of unanimity of the permanent members, fails to exercise its primary responsibility" to do so.<sup>48</sup> Practice has confirmed the General Assembly's decision and it may be considered a part of the constitutional law of the United Nations.

The two advisory opinions in regard to new members are perhaps more notable for certain individual and dissenting statements than for the pronouncement of the Court. Thus Judge Alvarez<sup>49</sup> in dissent, developing his thesis of the "new international law," noted that:

To decide that the right of veto may be freely exercised in every case in which the Security Council may take action would mean deciding that the will of a single Great Power could frustrate the will of all the other Members of the Council and of the General Assembly, even in matters other than the maintenance of peace and security; and that would reduce the U. N. O. to impotence.<sup>50</sup>

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<sup>46</sup> For example, "to hold that the General Assembly has power to admit a State to membership in the absence of a recommendation of the Security Council would be to deprive the Security Council of an important power which has been entrusted to it by the Charter. It would almost nullify the role of the Security Council in the exercise of one of the essential functions of the Organization. It would mean that the Security Council would have merely to study the case, present a report, give advice, and express an opinion." *Id.* at 9.

But it may be pertinent to inquire whether the Court's opinion does not deprive the General Assembly of the exercise of an important power contemplated for that pre-eminent "principal organ."

<sup>47</sup> See McCLURE, *WORLD LEGAL ORDER* 241 (1960).

<sup>48</sup> U.N. GEN. ASS. OFF. REC. 5th Sess., Resolution 377(v) (Nov. 3, 1950).

<sup>49</sup> [1950] I.C.J. Rep. 4, 12.

<sup>50</sup> *Id.* at 20.

It would, moreover, "be an absurdity." Continuing he said:

Even if it is admitted that the right of veto may be exercised freely by the permanent Members of the Security Council in regard to the recommendation of new Members, the General Assembly may still determine whether or not this right has been *abused* and, if the answer is in the affirmative, it can proceed with the admission without any recommendation by the Council.

It has been argued that the Security Council is alone competent to appraise the use made by one of its permanent Members of the right of veto, and that this is shown by the practice which has become established. I cannot agree with that opinion either: the General Assembly is entitled not only to ask the Council for what reason it has failed to recommend a State seeking admission, but also to determine whether or not this right of veto has been abused.<sup>51</sup>

The doctrine of abuse of rights, though it cannot be considered here, is worthy of the study of those concerned with the future of United Nations jurisprudence.

The foregoing incomplete indication of the Court's attitude toward the currently outstanding United Nations constitutional controversies over the use of force and the election of the Secretary-General is featured by the substantial confirmation of the principle of effectiveness in the interpretation of the charter and the recognition of implied as well as express powers conferred upon the United Nations by its constitution.

Because the above-outlined holdings emanate from "the principal judicial organ of the United Nations," they are the most authoritative statements of what may be termed United Nations Law as an important sector of World Law. Taken as a whole, these decisions seem to lay a firm legal foundation for far-reaching development of the authority of the United Nations to take any necessary action, not prohibited but consistent with "the letter and spirit of the Constitution,"<sup>52</sup> to fulfill its purposes and maintain itself as a going concern equipped with the organs established by the charter in unimpaired efficiency for the performance of their tasks.

The General Assembly is the "principal organ" in which all the members of the United Nations are represented. Like its predecessor, the Assembly of the League of Nations, the General Assembly has by

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<sup>51</sup> *Ibid.*

<sup>52</sup> *McCulloch v. Maryland*, 17 U.S. 316, 421 (1819). See footnote 34 *supra*.

constitutional usage year by year added to its functions and its powers. This trend and the conclusion derived from the above-outlined decisions of the International Court of Justice would seem to point in the direction of the authority of the General Assembly to elect a Secretary-General should the Security Council be inactivated, just as it can authorize and direct armed forces in United Nations command should the Security Council, because of its unanimity rule, fail to act.<sup>53</sup>

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<sup>53</sup> On 20 December, 1961, the General Assembly requested an advisory opinion of the Court on the question: "Do the expenditures authorized in General Assembly resolutions [designating them] relating to the United Nations operations in the Congo undertaken in pursuance of the Security Council resolutions [designating them], and the expenditures authorized in General Assembly resolutions [designating them] relating to the operations of the United Nations Emergency Force [Suez] undertaken in pursuance of General Assembly resolutions [designating them] constitute 'expenses of the Organization' within the meaning of Article 17, paragraph 2, of the Charter of the United Nations?" Article 17, paragraph 2, is as follows: "The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." The response of the Court may be expected further to develop the law of the charter relating to the matters discussed herein.