

ARTICLE 66 (2)

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TEXT OF ARTICLE 66 (2)

It [the Economic and Social Council] may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of the specialized agencies.

INTRODUCTORY NOTE

1. By empowering the Economic and Social Council to perform services at the request of Governments and the specialized agencies, Article 66 (2) establishes one of the methods of action provided for by the Charter with a view to furthering the objectives set forth in other Articles. 1/

2. This study on Article 66 (2) deals with those decisions and parts of decisions which relate closely to the substance and phrasing of Article 66 (2), namely the provision of services. The question of services has been dealt with in the study on Article 66 (2) without regard to whether Article 66 was referred to in the decisions concerning such services. The relevant decisions of the General Assembly have also been included.

3. This study does not, however, deal with subsidiary questions, such as those concerning the organizational and procedural rules of the various bodies established to provide services or the structure of the machinery devised to render such services. Furthermore, it does not describe the practice relating to the termination of previously existing bodies charged with the rendering of services or the consideration of the establishment of new organizational structures.

4. Nor does this study on Article 66 (2) include an examination of the various procedures adopted pursuant to the basic decisions on technical assistance or the methods followed in (1) implementing these decisions; (2) formulating the country programmes of technical assistance; (3) conducting the negotiations with the Governments requesting such assistance and signing the appropriate agreements; (4) establishing the services and the functions of the technical assistance resident representatives; (5) selecting and briefing the experts; (6) following up the recommendations of these experts; (7) developing working relations between the United Nations programmes of technical assistance and bilateral and other programmes and the like.

1/ In the Preamble of the Charter, the Members of the United Nations expressed their determination "to promote social progress and better standards of life in larger freedom" and "to employ international machinery for the promotion of the economic and social advancement of all peoples". Under Article 55 it is incumbent upon the United Nations to promote "higher standards of living, full employment, and conditions of economic and social progress and development" and under Article 56 all Members pledged themselves "to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55".

5. Accordingly, many decisions or parts of decisions fall outside the scope of this study even though they were taken in connexion with the question of the provision of services. ^{2/} Among them are such subjects as the principle of the sovereign rights of the Member States and the principle of non-interference in their domestic affairs in connexion with the rendering of services, the organization, administration and financing of the ad hoc bodies established in connexion with particular situations and needs, schemes for voluntary contributions to be used for the rendering of services, the working of the special machinery of the Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries, including the Technical Assistance Conference, the Technical Assistance Board (TAB) and the Technical Assistance Committee (TAC) of the Council, recommendations to the specialized agencies regarding services rendered by them or their co-operation with the United Nations in matters of technical assistance, relations between the United Nations and the inter-governmental regional organizations engaged in the development of technical assistance programmes, ^{3/} co-operation with non-governmental organizations, reconstruction problems of devastated areas, action in the event of famine, measures in cases of catastrophes, the question of establishing new international mechanisms for financing the economic development of under-developed countries, and so forth.

6. The General Survey deals with the form in which various Articles are referred to in the decisions relevant to the provision of services, and the origin and the development of the various measures taken by the General Assembly and the Economic and Social Council to assist Governments. It provides the broad outlines of the various types of machinery and the procedures set up for rendering services and contains a brief description of some of the principal characteristics of the services made available to Governments.

7. In the Analytical Summary of Practice, the various decisions or parts of decisions which appear to relate to the application of the several aspects of Article 66 (2) with regard to services to Governments were grouped together under headings corresponding to a particular aspect of the Article. Thus, the decisions considered in the Analytical Summary refer to the following questions: how the Economic and Social Council performs services; the approval of the General Assembly required for action by the Council; the kind of services rendered to Governments; the eligibility of the Governments for services; and the question of a request by Governments for services.

I. GENERAL SURVEY

8. This part of the study describes the origin and the development of various services which the United Nations has decided to make available to Governments and to specialized agencies. It sets out the general framework within which the provision of services and the application of Article 66 (2) have been carried out.

9. Only in some instances have decisions relevant to the question of the provision of services included express references to Article 66 (2) and only in a few instances have they referred to Article 66 as a whole. Thus, in the preamble of the resolution ^{4/} entitled "Technical assistance programmes in relation to the status of women", the Economic and Social Council quoted Article 66 (2) in full. The General Assembly, in making arrangements for the transfer of the advisory social welfare functions of the

^{2/} Such decisions are, however, referred to when this is considered essential to the description of the services or of the questions relating to the Charter discussed below.

^{3/} See, for example, E S C resolution 222 B (IX).

^{4/} E S C resolution 504 J, II (XVI).

United Nations Relief and Rehabilitation Administration (UNRRA) to the United Nations, also quoted the full text of Article 66 in the preamble of its resolution. 5/

10. In some instances, other Articles have been cited in addition to Article 66. For example, the General Assembly, under resolution 418 (V), concerning advisory social welfare services, referred to Articles 55 and 60 in addition to Article 66, and the Economic and Social Council, under a resolution 6/ on the same subject, also referred to Article 56 in addition to those Articles. The Council, in its decision 7/ concerning expert assistance to Member Governments, referred to Articles 66 and 62 and also mentioned Chapter IX.

11. There also have been decisions concerning the provision of services which have not cited any Article of the Charter. 8/ Among these was one as far-reaching as the decision 9/ to establish the Expanded Programme of Technical Assistance.

12. Finally, there have been decisions concerning services to Governments which either cited Articles other than Article 66 (2) or used language taken from, or very similar to, that of the provisions of other Articles. Thus, when the General Assembly, upon recommendation 10/ of the Economic and Social Council, established 11/ the United Nations International Children's Emergency Fund (UNICEF), it did so "recognizing the desirability of establishing such a Fund in accordance with Article 55 of the Charter of the United Nations". The Council, in authorizing 12/ the Secretary-General to arrange for the organization of international teams of experts to advise countries on their economic development programmes, stated that it was "Acting under Article 62 of the United Nations Charter and in accordance with Article 55 of the Charter". In establishing 13/ the United Nations Expanded Programme of Technical Assistance, the General Assembly did so considering that "The promotion of conditions of economic and social progress and development is one of the principal objectives of the Charter of the United Nations", language very similar to the wording of Article 55. It also referred in this decision to its "objectives set forth in Chapters IX and X of the Charter".

13. Prior to the establishment of the United Nations, the League of Nations had, in some cases, provided services to Governments in the form of technical assistance in the economic, social and cultural fields. The International Labour Office had also rendered technical assistance to Governments in respect of their labour and social legislation. Furthermore, UNRRA had not only assisted Governments with emergency supplies but had helped them, by providing technical missions and experts, to organize and to distribute those supplies and to repair the destruction caused by the Second World War.

5/ G A resolution 58 (I).

6/ E S C resolution 312 (XI).

7/ E S C resolution 51 (IV).

8/ See, for example, Council resolutions 123 C (VI), 159 IV (VII) and 246 H (IX) concerning the request of the Governments of Peru and Bolivia for an inquiry into the effects of chewing the coca leaf, to be conducted in these countries, and Council resolution 502 G (XVI) and General Assembly resolution 730 (VIII) on technical assistance in the fields of prevention of discrimination and protection of minorities.

9/ E S C resolution 222 A (IX).

10/ E S C resolution 10 (III).

11/ G A resolution 57 (I).

12/ E S C resolution 139 A (VII).

13/ G A resolution 200 (III).

14. Since the establishment of the United Nations, the express provision for services to be rendered at the request of its Member Governments contained in the Charter has resulted in increasing attention to the question of such services. Both the General Assembly and the Economic and Social Council have repeatedly acted in these matters. 14/

15. The brief account of action taken which follows is, as pointed out in the Introductory Note, not limited to decisions taken by the Council with regard to the performance of services as provided under Article 66 (2), but also includes those initiated by the General Assembly.

16. As early as at its first session, the General Assembly, recognizing the responsibility of the United Nations under the Charter for assisting Member States in the various fields of economic, social and cultural development and further recognizing the importance of such development for the peace and prosperity of the world requested 15/ the Council to study ways and means "for furnishing, in co-operation with the specialized agencies, expert advice in the economic, social and cultural fields to Member nations who desire this assistance".

17. Likewise, at the same session, the Assembly, acting upon the recommendation of the Council, decided 16/ to establish UNICEF "For the benefit of children and adolescents" of countries which were victims of aggression and those which were receiving assistance from UNRRA and for "child health purposes generally". With these purposes in view, it authorized UNICEF "to make expenditures and to finance or arrange for the provision of supplied, material, services and technical assistance" to Governments in consultation with them and with their consent.

18. Also at its first session, the Assembly having regard to the arrangements 17/ made by the Council, initiated 18/ the provision of advisory social welfare services as from 1947.

19. Since those early sessions, the question of services provided at the request of Governments has been under continuous consideration by the General Assembly and the Council. New programmes of technical assistance have been put into operation, additional subsidiary bodies responsible for the rendering of services have been set up and numerous decisions have been taken with a view to stabilizing, improving and extending activities for the provision of these services. Various specific instances of services provided by United Nations organs are dealt with below.

14/ The provision of technical services to Governments was one of the principal reasons for the establishment of certain specialized agencies. Most of these agencies are, under their basic instruments, expressly required to render such services. The agencies in question and the reference in the respective basic instruments in which this stipulation is contained are as follows: the Food and Agriculture Organization of the United Nations (FAO), article I, paras. 1 and 3; the World Health Organization (WHO), chapter II, article 2; the United Nations Educational, Scientific and Cultural Organization (UNESCO), article VII, paragraph 3; the International Civil Aviation Organization (ICAO), chapter VII, article 44, and chapter XV.

15/ G A resolution 52 (I).

16/ G A resolution 57 (I).

17/ E S C resolution 11 (III).

18/ G A resolution 58 (I).

A. The United Nations Children's Fund

20. As stated earlier (see para. 12 above), UNICEF was established by the General Assembly at its first session. At its fifth session, on the recommendation 19/ of the Council that the emergency functions of UNICEF, which had originally been directed to the war devastated countries, "should, progressively, ... shift emphasis from immediate to long-term objectives", the General Assembly stipulated 20/ that the resources of UNICEF should be allocated in the future "for the purpose of meeting, through the provision of supplies, training and advice, emergency and long-range needs of children and their continuing needs particularly in under-developed countries, with a view to strengthening, wherever this may be appropriate, the permanent child health and child welfare programmes of the countries receiving assistance". Subsequently, at its eighth session, the General Assembly received certain recommendations 21/ from the Council which it incorporated in a decision 22/ by which, "considering the urgent need for continuing the work of UNICEF, particularly in the under-developed regions of the world", the General Assembly reaffirmed its previous decisions concerning UNICEF, "with the exception of any reference to time-limits" for existence of UNICEF and decided to delete from its name the word "emergency" and to call it in the future United Nations Children's Fund, retaining the symbol UNICEF.

B. Advisory welfare services 23/

21. In the years 1947, 1948 and 1949, advisory welfare services by the United Nations were provided for on an annual basis. At its first session, the General Assembly, acting upon a recommendation 24/ of the Economic and Social Council, decided 25/ to include in the budget of the United Nations for 1947 the funds necessary "for the continuance of the urgent and important advisory functions in the field of social welfare carried on by UNRRA" and authorized the Secretary-General, in consultation with the Council and with the co-operation of the specialized agencies where appropriate, to furnish prescribed types of services, including social welfare experts, fellowships, demonstration projects and technical publications, to the various Governments at their request. At its fourth session, the General Assembly adopted 26/ a recommendation 27/ of the Council and decided to place these services on a continuing basis as from 1950. Subsequently, on the recommendation 28/ of the Council, the General Assembly, at its fifth session, adopted 29/ a revised version of its earlier resolution 58 (I) by which it extended the range of services which were initially provided and defined the scope and the principles of operation of the programme in its new permanent form.

19/ E S C resolution 310 (XI).

20/ G A resolution 417 (V).

21/ E S C resolution 495 (XVI).

22/ G A resolution 802 (VIII).

23/ See also in this Repertory under Article 55.

24/ E S C resolution 11 (III).

25/ G A resolution 58 (I).

26/ G A resolution 316 (IV).

27/ E S C resolution 243 E (IX).

28/ E S C resolution 312 (XI).

29/ G A resolution 418 (V).

C. Technical assistance for the economic development of
under-developed countries 30/

22. Action to provide technical assistance for the economic development of under-developed countries dates from March 1947, when the Council, at its fourth session, acting upon the initiative of the General Assembly, 31/ adopted a resolution 32/ by which it instructed the Secretary-General "to establish machinery within the Secretariat designed to perform" specified services "in relation to expert assistance to Member Governments" and "especially to the less developed countries for aiding them in their development". At its seventh session, the Council decided 33/ to inform Member States that the Secretary-General "may, upon request, arrange for the organization of international teams ... of experts" to advise them in connexion with their economic development programmes.

23. It became apparent, however, that the practical value of the resolutions relating to this expert assistance was very limited because the Secretary-General did not have the necessary financial resources at his disposal. 34/ At its third session, therefore, the General Assembly, considering that "The lack of expert personnel and lack of technical organization are among the factors which impede the economic development of the under-developed areas" and that "The United Nations can extend efficacious and timely help in this connexion for the achievement of the objectives set forth in Chapters IX and X of the Charter" decided 35/ to appropriate the funds necessary to enable the Secretary-General to furnish technical assistance at the request of Members of the United Nations in connexion with their economic development and requested him to report regularly to the Economic and Social Council. Further, the Assembly recommended that the Council review at each session the action taken under the programme and formulate for the General Assembly recommendations concerning policy and budgetary action. By this resolution, establishing a regular United Nations Programme of Technical Assistance for the Economic Development of Under-developed Countries, the Governments of under-developed countries were provided with a range of services designed to meet the needs of their economic development and the foundation for technical assistance for economic development by the United Nations was laid. The Assembly also defined the scope of this programme and set forth the principles of its operation. At its fourth session, the General Assembly, upon the recommendation of the Council, decided 36/ that the regular budget of the United Nations should continue to provide for this programme.

24. A further development in the provision of technical assistance services at the request of Governments took place in 1950, with the inauguration of the Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries which has been established by virtue of decisions taken by the Council at its ninth session 37/ and by the General Assembly at its fourth session. 38/

30/ See also in this Repertory under Article 55.

31/ See paragraph 18, above.

32/ E S C resolution 51 (IV).

33/ E S C resolution 139 A (VII).

34/ See E S C (V), Suppl. No. 8, p. 3, E/471/Add.2; E S C (IX), Suppl. No. 11 A (E/CN.1/61); and G A (IV), Plen., 241st mtg., paras. 3-7.

35/ G A resolution 200 (III).

36/ G A resolution 305 (IV).

37/ E S C resolution 222 (IX).

38/ G A resolution 304 (IV).

25. Earlier action leading to this development is described below. By resolution 180 (VIII), entitled "Technical assistance for economic development" the Council, "Recognizing the significant contribution to economic development that can be made through international co-operation among countries, especially through the United Nations and its specialized agencies", called "upon Member Governments to promote by all appropriate means the expansion of the international exchange of technical knowledge, especially through the United Nations and its specialized agencies" and requested the Secretary-General to prepare "A comprehensive plan for an expanded co-operative programme of technical assistance for economic development through the United Nations and its specialized agencies, paying due attention to questions of a social nature which directly condition economic development". The Secretary-General was also asked to report on methods of financing such a programme and on ways of co-ordinating the planning and execution of the programme.

26. Such a plan ^{39/} was prepared by the Secretary-General in consultation with the specialized agencies, and was considered by the Council at its ninth session. This led to the adoption of a comprehensive resolution on the matter. By this resolution, ^{40/} the Council laid the foundations for an "expanded programme of technical assistance for economic development of under-developed countries" designed "to help those countries to strengthen their national economies through the development of their industries and agriculture, with a view to promoting their economic and political independence in the spirit of the Charter of the United Nations, and to ensure the attainment of higher levels of economic and social welfare for their entire populations". Under the terms of this resolution, the Expanded Programme of Technical Assistance of the United Nations and the participating specialized agencies ^{41/} would be financed by Members of the United Nations and members of any specialized agency participating in the programme through voluntary contributions. ^{42/} Further, the Secretary-General was authorized "to set up a special account for technical assistance for economic development, to which contributions of countries shall be credited and from which transfers shall be made to the participating organizations". The resolution also called for the establishment of two bodies, namely a Technical Assistance Board (TAB), an inter-agency body, and a standing Technical Assistance Committee (TAC) of the Council consisting of members of the Council, which was made responsible for determining general policy and for supervision of the programme, ^{43/} and was to report. By the same resolution the Council recommended a series of "principles to serve as guides to the United Nations and specialized agencies participating in the expanded programmes". These were set forth under the following headings: general principles, standards of work and personnel, participation of requesting Governments, co-ordination of effort, concentration and economy, and selection of projects. When the Expanded Programme of Technical Assistance of the Council came before the General Assembly at its fourth session, it was approved unanimously. ^{44/}

^{39/} United Nations Publications, Sales No.: 1949.II.B.1.

^{40/} E S C resolution 222 A (IX).

^{41/} Initially the participating organizations included the United Nations, the International Labour Organisation (ILO), FAO, UNESCO, ICAO and WHO; subsequently, the International Telecommunication Union (ITU) and the World Meteorological Organization (WMO) were added (E S C resolution 400 (XIII)).

^{42/} See also in this Repertory under Article 62 (4).

^{43/} See also Council resolution 433 A (XIV) which established a full-time Executive Chairman of the Technical Assistance Board and Council resolution 542 (XVIII) which revised the system of allocation of funds and the responsibilities of the Technical Assistance Board and Technical Assistance Committee, and see also in this Repertory under Articles 58 and 68.

^{44/} G A resolution 304 (IV).

D. Technical assistance in the field of public administration

27. Public administration is another field in which the General Assembly has authorized the provision of services at the request of Governments. At its third session, the Assembly, recognizing the need for training in methods of modern administration decided ^{45/} that an International Centre for Training in Public Administration be established and instructed the Secretary-General to report arrangements for such a centre to the Council for consideration. The Council, at its ninth session ^{46/} approved the report on the structure and functions of the Centre and its programme for 1950 submitted to it by the Secretary-General. At its sixth session, the General Assembly adopted ^{47/} the recommendation ^{48/} of the Council that the programme of training in public administration be placed on a continuing basis and directed the Secretary-General "to include an amount for these services in the United Nations budget in the future". Subsequently, at its eighth session, the General Assembly approved ^{49/} a revised United Nations programme in public administration, comprising services of experts, fellowships, scholarships, training institutions, technical publications, and so forth, thus widening the scope of the original programme in this field, which it had authorized in 1946.

E. Technical assistance in certain fields relating to human rights

28. The General Assembly has authorized the rendering, at the request of Member States, of services in certain fields relating to human rights which do not fall within the scope of the programmes of technical assistance described in the preceding paragraphs. At its eighth session, the General Assembly adopted resolution 729 (VIII), by which, after noting Council resolution 504 J II (XVI) concerning technical assistance for promoting and safeguarding the rights of women, it approved the decision of the Council authorizing the Secretary-General "to render, at the request of Member States, services which do not fall within the scope of existing technical assistance programmes in order to assist these States in promoting and safeguarding the rights of women". Similarly, the Assembly, at the same session, having considered a recommendation made by the Council under resolution 502 G (XVI) on technical assistance in the fields of prevention of discrimination and protection of minorities, authorized the Secretary-General, by resolution 730 (VIII) "to render, at the request of any State Member of the United Nations, technical advice and other services which do not fall within the scope of existing technical assistance programmes, in order to assist the government of that State within its territory in the eradication of discrimination or in the protection of minorities or both". Finally, at its ninth session, the Assembly adopted resolution 839 (IX), by which, after noting Council resolution 522 J (XVII) concerning technical assistance in freedom of information, it authorized the Secretary-General "to render, at the request of Member States, services which do not fall within the scope and objectives of existing technical assistance programmes, in order to assist these States in promoting freedom of information".

F. Provision of services of an emergency character through specially created bodies

29. Four additional subsidiary bodies established by the General Assembly in order to cope with particular situations and needs were also entrusted with the task of providing services at the request of Governments.

^{45/} G A resolution 246 (III).

^{46/} E S C resolution 253 (IX).

^{47/} G A resolution 518 (VI).

^{48/} E S C resolution 399 (XIII).

^{49/} G A resolution 723 (VIII).

30. The United Nations Relief for Palestine Refugees (UNRPR), which was financed by a special fund to which Governments and others made voluntary contributions was established 50/ by the General Assembly at the first part of its third session. The resolution contained the following preambular statement:

"Whereas the Acting Mediator, in his supplemental report of 18 October 1948, declares that 'the situation of the refugees is now critical' and that 'aid must not only be continued but very greatly increased if disaster is to be averted';"

By that resolution, the Secretary-General was also requested to report to the General Assembly on the action taken. The Agency operated under this resolution from December 1948 to December 1949; at its fourth session, the General Assembly authorized 51/ the continuation of UNRPR until such date as the United Nations Relief and Works Agency for Palestine Refugees in the Near East might accept transfer of UNRPR assets and liabilities.

31. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), also financed by a special fund to which Governments make voluntary contributions, was established 52/ by the General Assembly at its fourth session "To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission" and "To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available". The General Assembly also made arrangements for co-ordination of the technical assistance activities of that Agency with those carried out under the United Nations Expanded Programme of Technical Assistance.

32. The United Nations Korean Reconstruction Agency (UNKRA), which is financed by voluntary contributions from Members and non-members of the United Nations, was established 53/ by the General Assembly at its fifth session on the basis of a plan prepared at its request by the Economic and Social Council. The Agency was made responsible for conducting a programme of relief and rehabilitation in Korea which included provisions for the procurement and shipment of supplies and services and their effective distribution and utilization within Korea. The reports of the Agent General of the Agency were to be submitted to the General Assembly, and the Council was empowered to review these reports and any comments which the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) might make thereon, as well as other data that might be available, and to make reports and recommendations thereon to the General Assembly.

33. At its fourth session the General Assembly, following upon the initiative 54/ of the Council concerning the question of establishing a high commissioner's office for refugees under the control of the United Nations, decided 55/ to establish as of 1 January 1951, the Office of the United Nations High Commissioner for Refugees. At its fifth session, it adopted, 56/ on the basis of the draft prepared at its request by the Council, the Statute of the Office of the United Nations High Commissioner for Refugees. This agency is financed out of the budget of the United Nations and by

50/ G A resolution 212 (III).

51/ G A resolution 302 (IV).

52/ Ibid.

53/ G A resolution 410 (V) and E S C resolution 338 (XI).

54/ E S C resolution 248 A (IX).

55/ G A resolution 319 (IV).

56/ G A resolution 428 (V) and E S C resolution 319 (XI).

voluntary contributions. The Office of the High Commissioner, which has assumed some of the tasks previously performed by the International Refugee Organization (IRO), has also been given the function of "assisting governments" in matters of refugees. The High Commissioner, under this decision of the General Assembly, was instructed to report annually to the General Assembly through the Council.

34. It should be noted that all these four agencies have been established by the General Assembly to meet certain emergency problems. They are described here because all four can provide services to Governments. Furthermore, two of these bodies were established by the General Assembly on the basis of plans prepared by the Council and the reports of one are examined by the Council and those of the other are transmitted to the General Assembly through the Council.

G. Some characteristics of the sources provided to Governments by the United Nations

35. Decisions 57/ relating to the various programmes of technical assistance have contained several provisions defining the operation of these programmes. Under such provisions the Secretary-General has been given the power to decide 58/ on the amount of services to be furnished to the various Governments. In taking his decisions, the Secretary-General was requested to pay attention, within the limits of available funds, to such matters as "geographical considerations" 59/ or "the greater needs of the under-developed areas". 60/ The kind of services to be rendered to each country was left to the decision of the Government concerned. 61/

36. In this connexion, reference should also be made to another category of provisions: those which require that decisions on requests for technical assistance "should be guided solely by the Charter of the United Nations, by the principles of the United Nations programme for technical assistance and by appropriate resolutions of the General Assembly and of the Economic and Social Council"; 62/ those which prescribe that the various services rendered to countries should "not be a means of foreign economic and political interference in the internal affairs of the country concerned". 63/ and those which stipulate that such services should be performed "without discrimination because of race, creed, nationality status or political belief". 64/

57/ The Secretary-General established, in 1949, the Technical Assistance Administration (TAA) as a part of the United Nations Secretariat. The scope of TAA now includes, amongst others, United Nations technical assistance programmes and projects under General Assembly resolution 200 (III) relating to the regular United Nations Programme of Technical Assistance, Economic and Social Council resolution 222 A (IX) relating to the Expanded Programme of Technical Assistance and General Assembly resolutions 418 (V) on advisory social welfare services and 723 (VIII) on training in public administration.

58/ See, for example, G A resolutions 58 (I), 200 (III) and 418 (V).

59/ G A resolution 200 (III).

60/ G A resolution 418 (V).

61/ See, for example, G A resolution 200 (III) and 418 (V) and E S C resolution 222 A (IX), annex I, para. 2(b) of General Principles.

62/ See, for example, E S C resolution 222 A (IX), annex I, para. 1 of Selection of Projects. It should be noted that this principle applies not only to the United Nations but to all organizations participating in the Expanded Programme of Technical Assistance.

63/ G A resolution 200 (III), para. 4 (d) (i); see also E S C resolution 27 (IV); E S C resolution 222 A (IX), annex I, para. 2 (i) of General Principles and para. 1 of Selection of Projects; E S C 338 (XI), annex, section B.

64/ G A resolution 57 (I). See also E S C resolutions 222 A (IX), annex I, para. 3 of General Principles and 338 (XI), annex, section B.

37. Recommendations to the Secretary-General or to the specialized agencies or to both concerning their co-operation in matters of technical assistance have been included in several decisions on this subject. 65/

38. In a number of instances, the General Assembly and the Council have decided to inform the Governments concerned of the facilities available for technical assistance or recommended them to take advantage of such facilities. 66/ Similarly, on several occasions, the General Assembly and the Council, in considering particular subjects, have included in their decisions recommendations to the Secretary-General, the specialized agencies or various subsidiary organs 67/ to provide assistance requested by Governments, or to give sympathetic consideration to such requests, in stated fields, 68/ such as fiscal matters, 69/ production and use of insecticides, 70/ manufacture of prosthetic devices, 71/ land reform and agricultural development, 72/ conservation of non-agricultural resources, 73/ national income, 74/ migration, 75/ forest conservation and production of newsprint and printing paper, 76/ statistics, 77/ housing, community planning and building, 78/ prevention of discrimination and protection of minorities, 79/ the status of women, 80/ freedom of information 81/ and so forth.

39. Some other decisions have dealt with the priorities to be given to certain projects 82/ or have recommended "general principles" to be applied "in matters of assistance to governments". 83/

65/ See, for example, G A resolution 52 (I), 57 (I), 58 (I), 200 (III), 418 (V); E S C resolution 51 (IV), 180 (VIII), 222 A (IX) and 312 (XI). Further references on this subject may be found in this Repertory under Articles 58 and 63.

66/ G A resolution 401 (V); E S C resolutions 139 A (VII), 321 (XI) and 416 F (XIV).

67/ The regional commissions for Latin America and for Asia and the Far East are assisting Governments by providing assistance in various forms such as studies on economic resources and requirements in their respective regions, and organization of regional training seminars and conferences for the benefit of the Governments in their areas. (See paras. 59-63 below.)

68/ See also in this Repertory under Article 55 the studies concerning technical assistance for the economic development of under-developed countries.

69/ E S C resolution 67 (V) and 226 B (IX).

70/ E S C resolution 225 (IX).

71/ E S C resolution 309 E (XI).

72/ E S C resolutions 370 (XIII) and 424 (XIV).

73/ E S C resolution 345 A (XII).

74/ G A resolution 403 (V).

75/ G A resolution 624 (VII).

76/ E S C resolution 374 (XIII).

77/ E S C resolutions 371 (XIII) and 469 D (XV).

78/ E S C resolution 434 I (XIV).

79/ E S C resolution 502 G (XVI) and G A resolution 730 (VIII).

80/ E S C resolution 504 J (XVI) and G A resolution 729 (VIII).

81/ G A resolution 633 (VIII). See also E S C resolution 522 (XVII) and G A resolution 839 (IX).

82/ E S C resolution 451 A (XIV), annex.

83/ E S C resolution 496 (XVI). The principles listed under this resolution included the following: technical assistance projects should be selected bearing in mind the inter-related character of economic and social factors; such projects should be concerted with integrated plans for economic and social development prepared by each of the beneficiary Governments; such projects should yield early and permanent results and reach a maximum number of people; such projects should be adapted to the geographic, economic, social and demographic conditions of the country concerned. See also in this Repertory under Article 55.

40. By still other decisions, the General Assembly or the Council have recommended the rendering of services to stated countries 84/ or the increase of technical assistance activities in certain regions. 85/

41. Finally, it should be noted that certain decisions have dealt with the provision of particular services on the basis of specific requests by Governments. 86/

42. Funds for financing the regular programmes of technical assistance relating to advisory social welfare services, economic development and public administration are appropriated, according to the relevant decisions, as part of the regular annual budget of the United Nations. After the establishment of the Expanded Programme, however, special provisions were adopted stipulating "that additional technical assistance activities to be undertaken for the benefit of under-developed countries in the fields of economic development, public administration and social welfare should be considered under the expanded programme of technical assistance in cases where such additional programmes cannot be financed from the budget of the United Nations". 87/

43. On several occasions, when the General Assembly and the Council have been called upon to review the extensive operations of the machinery which they had established for the provision of services, they have expressed satisfaction at the work accomplished through these operations. 88/

H. Services at the request of the specialized agencies

44. The final part of Article 66 (2) authorizes the Economic and Social Council to perform services "at the request of the specialized agencies". 89/

45. The question of services rendered at the request of the specialized agencies clearly goes beyond the practice of the United Nations bearing upon Article 66 (2). Thus the agreements concluded under the Charter 90/ by the United Nations with the specialized agencies provide for co-operation, mutual assistance and the performance of services by the United Nations and the agencies. Accordingly, many of the services mutually rendered by these organizations are within the scope of these agreements. No attempt is therefore made here to deal with such types of services in connexion with Article 66 (2). 91/

84/ G A resolutions 387 (V), 515 (VI), 529 (VI) and 726 (VIII); E S C resolutions 254 (IX) and 493 (XIV).

85/ E S C resolution 382 C (XIII).

86/ G A resolution 134 (II); E S C resolutions 123 C (VI), 159, IV (VII) and 246 H (IX).

87/ G A resolution 518 (VI); see also G A resolution 723 (VIII).

88/ See, for example, G A resolutions 318 (IV), 519 A (VI) and 802 (VIII); E S C resolutions 243 E (IX), 312 (XI), 492 A (XVI) and 495 (XVI).

89/ The question of services "at the request of the specialized agencies" apparently refers to services to the requesting specialized agencies for their own benefit; however, this question was never raised in the discussions of the United Nations organs.

90/ See in this Repertory under Articles 63 (1) and 57.

91/ Nor does this study describe matters of a purely administrative character, such as provision of office or personnel facilities, which form part of the co-operation between the United Nations and the specialized agencies.

46. Only those practices of the United Nations study which relate to the decisions taken by the General Assembly and by the Council concerning services to specialized agencies or originating from requests for such services by specialized agencies are dealt with in this study. 92/

47. There have been no decisions by the General Assembly or the Council which have expressly invoked the application of Article 66 (2) with respect to the specialized agencies. In a few instances, however, the Council has included in its decisions provisions which may be considered as representing direct or indirect services to the specialized agencies.

48. Examples of decisions to provide services to specialized agencies upon request by the latter are set forth below.

(a) A resolution 93/ entitled "Assistance to the Food and Agricultural Organization", by which the Council requested the Secretary-General to offer all possible assistance to the Director-General of FAO in connexion with a survey and proposals concerning longer term international machinery with reference to food problems. The Director-General of FAO had been called upon by a special meeting convened by FAO to prepare the survey and the proposals, and to maintain close contact with the Economic and Social Council.

(b) A subsequent decision on the same subject, 94/ and following upon the recommendation of the Conference of FAO at its second session, by which the Council arranged for representation at meetings of a preparatory commission set up by the FAO to study the proposal for a World Food Board.

49. In some instances the United Nations has assisted specialized agencies on its own initiative. By one of its decisions on land reform, 95/ the Council requested the Secretary-General "To collaborate as appropriate with the Food and Agriculture Organization in maintaining and strengthening the central repository of information relating to land reforms and land policy" established by FAO. In another case, the Secretary-General was requested to build up a fiscal information service and also to provide, on request, technical advice, information and assistance on fiscal matters to the specialized agencies. 96/

50. In certain instances the United Nations has acted on its own initiative in assisting specialized agencies to bring their findings or recommendations to the attention of Governments. In one instance, the Council requested 97/ the Secretary-General to "transmit to all governments" the recommendations of the Expert Committee of the World Health Organization concerning precautionary measures to be taken with regard to synthetic narcotic substances; in another instance, it authorized 98/ the

92/ By numerous decisions, the General Assembly and the Council have requested the Secretary-General to co-operate with the specialized agencies, and vice-versa, on subjects such as the preparation of studies and reports, the implementation of joint projects and the like. For this category of recommendations, see in this Repertory under Articles 62 (1) and 63 (2).

93/ E S C resolution 2/13.

94/ E S C resolution 6 (III).

95/ E S C resolution 512 C (XVII).

96/ E S C resolution 67 (V).

97/ E S C resolution 246 A (IX). See also ESC (IX), Suppl. No. 9 (E/1361), p. 49.

98/ E S C resolution 436 J (XIV).

Secretary-General to act on its behalf in transmitting to Governments the findings of the World Health Organization under the International Opium Convention of 1925, as amended in 1946. At the suggestion 99/ of the Statistical Commission, the Council requested 100/ the Secretary-General to draw the attention of all Member Nations to the World Census of Agriculture sponsored by the FAO.

II. ANALYTICAL SUMMARY OF PRACTICE

51. A review of the decisions of the General Assembly and the Economic and Social Council relating to services to Governments and thus bearing upon Article 66 (2) shows the variations in practice in the application of the provision contained therein. These variations in the mode of application particularly affect several questions dealt with below.

A. How the Economic and Social Council performs services

52. According to the terms of Article 66 (2), the Economic and Social Council may perform services at the request of Members of the United Nations subject to the approval of the General Assembly.

53. The Council has, of course, not performed such services itself. It has, however, arranged for these services to be performed through such machinery as it has considered to be most appropriate.

54. Moreover, only in a very few cases has the Council been called upon to decide on specific requests from Governments. 101/

55. The Council has, therefore, discharged its responsibility under the Charter to perform services largely by recommending to the General Assembly the establishment of machinery and procedures for the provision of various categories of services, by implementing the recommendations and directives originating from the Assembly in respect of services, by prescribing the scope and the principles of operation of programmes relating to such services, by authorizing the administrative action required for the actual provision of these services and by reviewing reports on the actual implementation of the decisions taken by the Council and the Assembly relating to services. With respect to administrative action, the usual procedure has been to request the Secretary-General to provide the services decided upon by the Council and the General Assembly. Thus, in the case of technical assistance to under-developed countries the Secretary-General has been charged, under the decisions of the General Assembly and the Council, with the central responsibility for the administration and operation of the services provided for by the United Nations. 102/

56. The decisions set forth below illustrate some of the ways in which the Council has exercised its function to perform services.

99/ E S C (VI), Suppl. No. 3 (E/577), paras. 32-34.

100/ E S C resolution 114 B (VI).

101/ For example, in the case of the requests from the Governments of Bolivia and Peru for the services of a team of experts on the coca leaf. See paras. 75 and 76 below.

102/ See footnote 57 above.

(a) By resolution 10 (III), the Council recommended to the General Assembly the creation of an International Children's Emergency Fund which would be subject to the control of the Council. The Assembly, in establishing UNICEF, 103/ authorized the Council to lay down the principles relating to policies and programmes of UNICEF and requested from the Council a special report on the activities of UNICEF. By resolution 44 (IV), the Council approved the conclusions of the report presented by UNICEF in conformity with the request of the Assembly as well as the principles for the operation of UNICEF, which provided for the submission of annual and other reports to the Council. Subsequently, at its various sessions the Council adopted several resolutions relating to the activities of UNICEF, its terms of reference and its programme and made recommendations to the General Assembly.

(b) By resolution 248 A (IX) the Council, having considered the need to make provision for refugees, requested that plans be made for the establishment of a high commissioner's office for refugees, as one of two alternative means relating to the protection of refugees. Following this action by the Council, the General Assembly, at its fourth session, established 104/ such an office and requested the Council to prepare a plan for consideration by the Assembly embodying provisions for the functioning of the office of the United Nations High Commissioner for Refugees. The plan of the Council, contained in resolution 319 (XI), was subsequently adopted 105/ by the General Assembly in an amended form.

(c) The Council, at its eleventh session, acting upon a request 106/ by the General Assembly, recommended 107/ to it, as a means of assisting the civil population of Korea, the establishment of the United Nations Korean Reconstruction Agency (UNKRA), which was made responsible for the provision of supplies and services for the relief and rehabilitation of Korea. The General Assembly duly established 108/ this agency.

(d) By resolution 52 (I), the Assembly referred to the Council "for study the question of ... ways and means for furnishing ... expert advice ... to Member Nations"; the Council, by resolution 51 (IV), therefore instructed the Secretary-General to "establish machinery ... designed to perform ... services" to this effect.

(e) By resolution 11 (III), the Council recommended the transfer to the United Nations of the "advisory functions in the field of social welfare carried on by UNRRA". The Assembly, in turn, by resolution 58 (I), extended the action of the Council and requested "the Secretary-General ... In consultation with the Economic and Social Council, to make provision ... for the continuance of the ... advisory functions in the field of social welfare". The Council, by resolution 43 (IV), authorized the Secretary-General to undertake these functions. Subsequently, in several instances the Council has dealt with reports on the implementation of these resolutions, and has made

103/ G A resolution 57 (I).

104/ G A resolution 319 (IV). Under the terms of this resolution, the High Commissioner was to report "annually on his work to the General Assembly through the Economic and Social Council".

105/ G A resolution 428 (V).

106/ G A resolution 376 (V).

107/ E S C resolution 338 (XI).

108/ G A resolution 410 (V). Under this decision, the Agent General of the Agency reports to the General Assembly, but the Council is requested to review his reports and related data and to make appropriate reports and recommendations to the General Assembly.

recommendations for the continuation of this programme. By resolution 312 (XI), the Council submitted to the Assembly a modified text of General Assembly resolution 58 (1) which the latter adopted under resolution 418 (V).

57. The Council has exercised its functions relating to the establishment and operation of other services under the programmes for technical assistance in a manner similar to that described above. 109/

58. In certain instances, the Council has referred the consideration of, and arrangement for, services to its subsidiary organs 110/ such as the Economic and Employment Commission during the period of its operations, 111/ the Social Commission, 112/ the Statistical Commission, 113/ the Commission on the Status of Women, 114/ the Commission on Narcotic Drugs, 115/ and so forth. Similarly, the Council requested 116/ the Technical Assistance Committee (TAC) to make "critical examinations of activities undertaken and results achieved" under the Expanded Programme of Technical Assistance.

59. The regional economic commissions have also participated in the work designed to provide services to Governments in their respective fields of responsibility. 117/

60. Thus, under the terms of reference of the Economic Commission for Asia and the Far East (ECAFE), the Council provided 118/ that the Commission shall:

"Perform such advisory services, within the available resources of its secretariat, as the countries of the region may desire, provided that such services do not overlap with those rendered by the specialized agencies or the United Nations Technical Assistance Administration;" and

"Assist the Economic and Social Council, at its request, in discharging its functions within the region in connexion with any economic problems, including problems in the field of technical assistance."

109/ Under the relevant resolutions of the Council and the Assembly, the Secretary-General was given, within prescribed limits, discretionary powers in the handling of government requests falling within the scope of the regular programmes of technical assistance.

110/ By resolution 2 (III), establishing the Fiscal Commission, the Council authorized this Commission "to assist any Member government of the United Nations" in the field of public finance "upon the request of that government".

111/ E S C resolution 27 (IV).

112/ E S C resolution 78 (V).

113/ E S C resolution 149 C (VII).

114/ E S C resolution 242 E (IX).

115/ By resolution 202 (VIII), the Council requested the Commission on Narcotic Drugs to select the team of experts to be sent to Bolivia and Peru to inquire into the effects of chewing of the coca leaf.

116/ E S C resolution 222 A (IX).

117/ At the United Nations Secretariat level, arrangements were made by the Secretary-General for the participation of the secretariats of the regional economic commissions in the execution of the technical assistance programme by providing that "the secretariats of the regional economic commissions shall play a full and active role in the development of the programme and should have an important part in stimulating and developing its implementation" (E/CN.11/AC.12/2).

118/ E S C (XIII), Suppl. No. 1, (E/2152), appendix II, p. 99.

61. In the case of the Economic Commission for Latin America (ECLA), the Council provided 119/ that the Commission shall:

"Assist the Economic and Social Council and its Technical Assistance Committee in discharging their functions with respect to the United Nations technical assistance programme, in particular by assisting in their appraisal of these activities in the Latin-American region."

62. No such general provision was made by the Council in the case of the Economic Commission for Europe (ECE), but the Commission itself requested 120/ its Executive Secretary, "in co-operation with the ECE Committees and the Member governments, to pay increasing attention to and further to develop the exchange of technical information and such technical assistance services as may be rendered through the ECE machinery; such activities to be fully co-ordinated with the technical assistance activities administered by the Secretary-General".

63. Furthermore, the Council has on occasion requested 121/ the regional economic commissions to assist Governments with respect to some particular field of activity as, for example, building, housing and town and country planning.

B. The approval of the General Assembly

64. Article 66 (2) requires the "approval of the General Assembly" before the Council may perform services, that is to say, all decisions of the Council to provide services at the request of Governments are subject to the overriding authority of the General Assembly. 122/

65. The practice followed so far indicates that the Assembly has, in fact, approved all such decisions by the Council. The examples of how the Council performs services, given in the preceding paragraphs, indicate also, to a certain extent, how the Assembly has approved the decisions of the Council relating to services. This act of "approval" has taken various forms. The Assembly, having decided to establish various subsidiary bodies, such as UNICEF, UNKRA, UNRWA, the Office of the High Commissioner for Refugees, then prescribed their organization, finances and terms of reference, following as a rule the plans prepared for it by the Council. 123/

66. As regards the various programmes of technical assistance, the Assembly approved 124/ them as a whole, including the principles of their operation.

67. When the rendering of services has involved special expenses for the United Nations, as in the case of the regular programme of technical assistance, the Assembly

119/ Ibid., p. 101.

120/ E S C (XI), Suppl. No. 10 (E/1674), p. 18, resolution 4.

121/ See, for example, E S C resolution 434 I (XIV).

122/ Through its annual reports which describe its activities, the Council presents for consideration of the General Assembly all its actions relating to the provision of services. However in most instances the Council has sought the specific approval of the General Assembly (see, for example, E S C resolution 222 A (IX)). In resolution 504 J, II (XVI), the Council was, for example, explicit on this point, deciding that "subject to the approval of the General Assembly" the Secretary-General shall be authorized to perform, at the request of Member States, certain types of services relating to the status of women.

123/ See paras. 29-34, above.

124/ G A resolution 304 (IV).

has included in its decisions special clauses providing for the appropriation of the necessary funds. ^{125/} The General Assembly has similarly made provision in the budget of the United Nations for services provided in response to special requests from Governments. ^{126/}

68. It should be noted also that in some cases the General Assembly, upon reviewing the annual reports of the Economic and Social Council, which include information on technical assistance activities, or when considering relevant proposals of the Council, has adopted resolutions containing recommendations on the way in which these activities should be carried out. ^{127/}

C. The services

69. Another question connected with the wording of Article 66 (2) relates to the modes of application of the term "services". Both the General Assembly and the Council have, on various occasions, dealt with the nature of services to be made available to Governments and have described both the kind of such services and the fields in which they might be rendered.

70. The decisions, described below, provide an illustration of the fields and the types of services which have been made available to Governments by the Assembly and the Council.

1. Services provided by specially created bodies

71. Services have been provided through specially created bodies, as described below.
(a) United Nations Children's Fund

When the question of establishing an International Children's Emergency Fund was considered at the third session of the Economic and Social Council and at the first session of the General Assembly, its primary responsibility was conceived to be the continuation of the emergency supplementary child-feeding carried on by UNRRA and, therefore, UNICEF was established, essentially, as a supply agency for the benefit of needy children. The aid to countries afforded by UNICEF consisted, under the terms of General Assembly resolution 57 (I), of "the provision of supplies, material, services and technical assistance" and, under Council resolution 44 (IV), priority was given to the following types of work: supplementing the essential food and other supplies needed to alleviate malnutrition and disease in children and safeguarding the health of expectant and nursing mothers; supplying essential clothing and shoes and furnishing cod liver oil or substitutes, as well as medical supplies; encouraging the re-establishment of children's institutions and services destroyed by the war; and enlisting the co-operation of the United Nations and of WHO in giving assistance for fellowships for the training of health and welfare personnel for children's work. By resolution 310 (XI), the Council stated that UNICEF should be continued for the purpose of "(a) Providing supplies, training services, and advisory assistance in support of the recipient countries' permanent programmes for children, and (b) Meeting relief needs in cases of serious emergencies". Subsequently, the General Assembly, under resolution 417 (V), prescribed that the policies of UNICEF be formulated and its resources utilized "for the purpose of meeting, through the provision of supplies, training and advice, emergency and long-range needs of children and their continuing needs particularly in under-developed countries, with a view to strengthening, wherever

^{125/} See for example G A resolutions 58 (I), 200 (III) and 246 (III).

^{126/} As in the case of services rendered to the Governments of Bolivia and Peru in respect of the inquiry into the effects of chewing the coca leaf.

^{127/} See, for example, G A resolution 519 (V).

this may be appropriate, the permanent child health and child welfare programmes of the countries receiving assistance".

(b) The Office of the High Commissioner for Refugees

By resolution 428 (V), relating to the Office of the High Commissioner for Refugees, the General Assembly stipulated that the functions of this Office were to include the provision of assistance to Governments in matters relating to the repatriation and assimilation of refugees. It did not, however, specify the form in which this assistance might be given.

(c) United Nations Korean Reconstruction Agency

According to the terms of the decision 128/ concerning the functions of UNKRA, the services afforded by this body were to embrace all activities relating to the conduct of a relief and rehabilitation programme in Korea. These activities were to cover supplies and services and were to include elaboration of programmes, procurement and shipment, and effective distribution and utilization, as well as assistance to the appropriate authorities in Korea in taking the measures necessary for the rehabilitation of the Korean economy.

(d) United Nations Relief and Works Agency for Palestine Refugees in the Near East

The terms of reference 129/ of UNRWA covered relief, and works programmes, and reintegration projects in connexion with these refugees and mentioned supply programmes and assistance for the health, welfare and education programmes.

2. *Technical assistance services*

72. Another category of services made available to Governments by virtue of decisions of the General Assembly and the Economic and Social Council has consisted of those afforded through the operation of the various schemes of technical assistance.

73. During the early stages of the discussion relating to technical assistance, this term was used by some representatives in its broadest sense, to include the furnishing of material aid to the various under-developed countries. "Technical assistance", however, as finally provided for by Assembly and Council resolutions, has been confined to advisory or technical services designed to contribute to economic, social and cultural development of the countries concerned through the "international interchange of technical knowledge", with provision for supplies and equipment only for demonstration purposes or as an integral part of a technical assistance project. 130/ The relevant resolutions have defined the nature of these services as set forth below.

128/ G A resolution 410 (V).

129/ See G A resolutions 302 (IV), 393 (V) and 513 (VI): Resolution 302 (IV) refers to the co-ordination of "the technical assistance activities" of this Agency with "the technical assistance programmes of the United Nations".

130/ Studies and reports prepared by the Secretary-General at the request of the General Assembly and the Council for the use of the Governments may be considered as also constituting provision of services to them. In fact, several of these studies and reports have provided technical information on economic and social matters and have related to the planning of national economic and social programmes. For further information on such studies and reports see in this Repertory under Article 13 (1) (b) and (2), annex, and Article 62 (1).

(a) Under resolution 58 (1), by which the Assembly approved the rendering of advisory services in the field of social welfare, the following services were made available to Governments: (i) "social welfare experts to provide ... advisory services, and to put into practice, ... new technical methods in any branch of social welfare"; (ii) fellowships; (iii) demonstration equipment and tools for the rehabilitation of physically handicapped persons and (iv) technical publications. Subsequently, by resolution 418 (V), the Assembly decided to include in this programme the following additional services: (i) scholarships; (ii) the organization of "projects for experimenting in or demonstrating various phases of social welfare"; and (iii) the furnishing of films and the planning and conducting of seminars.

(b) By resolution 51 (IV), adopted pursuant to Assembly resolution 52 (I), the Council made available "Expert assistance to Member Governments". According to the terms of the resolution, this assistance might be given "particularly in the form of teams of experts who would study specific problems and recommend appropriate practical solutions for the consideration of the Member Governments concerned".

(c) Under General Assembly resolution 200 (III), entitled "Technical assistance for economic development", the services made available to Governments included the provision of: (i) teams of experts, (ii) fellowships, (iii) training of local technicians within the under-developed countries by promoting visits of experts, and (iv) assistance for obtaining technical personnel, equipment and supplies, the organization of seminars and the exchange of current information concerning technical problems of economic development.

(d) The resolutions relating to the Expanded Programme of Technical Assistance have not enumerated the types of services available under this programme. Council resolution 222 A (IX), approved by General Assembly resolution 304 (IV), referred, however, to "experts and groups of experts" and prescribed that supplies and equipment might be furnished "in so far as they form an integral part of a project of technical assistance". Furthermore, this resolution indicated in general terms the fields in which technical assistance might be rendered within the framework of the Expanded Programme. 131/

(e) Under resolution 723 (VIII) by which the General Assembly revised the technical assistance programme in public administration established under resolution 246 (III),

131/ The report of the Secretary-General on an expanded programme of technical assistance for economic development (E/1327/Add.1), referred to in the preamble of Council resolution 222 A (IX) described the following types of services to be made available under the Expanded Programme: comprehensive exploratory surveys; technical advisory services by experts or teams of experts; scientific and industrial research; training, through fellowships, scholarships, seminars, exchange of personnel; pilot and demonstration projects; provision of equipment and supplies connected with assistance projects; dissemination of technical information. Commenting on the Expanded Programme, the Council, by the same resolution indicated that "Although the word 'programme' is employed in this connexion, it is not contemplated that all projects described in the 'programme' would or should be executed" but the participating organizations should be ready to provide "the types of technical services which are described in the 'programme'" (footnote to annex I of the resolution). In a more general way, the Council stated that "The services envisaged should aim at increased productivity of material and human resources and a wide and equitable distribution of the benefits of such increased productivity, so as to contribute to the realization of higher standards of living for the entire populations" (annex I to the resolution).

"technical assistance related to public administration, including training for public service" was to be provided "through (i) The Advisory services of experts; (ii) Fellowships and scholarships; (iii) Training institutes, seminars, conferences, working groups and other means; (iv) The provision of technical publications". Such assistance was also to include "The collection, analysis and exchange of technical information in the field of public administration" as well as "assistance to governments to promote, by all suitable means, sound public administration, in relation to economic and social development".

74. Decisions concerning technical assistance programmes have sometimes contained provisions relating to the quality of the said services. Thus, technical assistance economic development should, under the terms of General Assembly resolution 200 (III) be "of high quality and technical competence". Similarly, by resolution 222 A (IX) of the Expanded Programme of Technical Assistance, the Council set forth a series of principles to be observed as regards the "Standards of work and personnel", and prescribed that "The highest professional competence should be maintained in all services undertaken by the participating organizations in rendering technical assistance to requesting countries". 132/

3. Services outside the scope of technical assistance

75. Certain services similar in nature to those provided by the technical assistance programmes have been rendered to Governments, at their request, under special decisions. There have also been cases in which the General Assembly and the Economic and Social Council have issued a general authorization making available to Governments certain services which have been described as services which "do not fall within the scope of existing technical assistance programmes".

76. The first category comprises decisions relating to services in the field of narcotic drugs. Thus, by resolution 134 (II), the General Assembly, noting the resolution adopted by the Commission on Narcotic Drugs of the Council, invited the Council to consider the request made by the Government of Peru that a committee of experts be sent to study the effects of chewing of the coca leaf on the inhabitants of certain zones of the Andean region. The Council, by resolution 159, IV (VII), approved "the despatch of a commission of enquiry to Peru ... to investigate the effects of chewing the coca leaf and the possibilities of limiting its production and controlling its distribution" and, by resolution 202 (VIII), requested the Commission on Narcotic Drugs to select the experts who would be members of that commission. By resolution 246 H (IX), the Council also approved a similar request made by the Government of Bolivia and decided that the same Commission of Enquiry should also carry out investigations in Bolivia.

132/ Furthermore, this resolution contains the following statements relating to the standards of services: "Experts should be chosen not only for their technical competence, but also for their sympathetic understanding of the cultural backgrounds and specific needs of the countries to be assisted ... Adequate preparation of experts should be provided before assignments are undertaken; such preparation should be designed to give understanding of the broad objectives of the common effort and to encourage open-mindedness and adaptability." Technical assistance projects "should not be commenced unless properly qualified experts and assistants have been secured and trained".

77. The second group of decisions relates to technical assistance in the field of human rights, namely in promoting and safeguarding the rights of women and in the fields of prevention of discrimination and protection of minorities. Thus, by resolution 504 J, II (XVI), the Council recommended the rendering to Member States, at their request, of "services which do not fall within the scope of existing technical assistance programmes, in order to assist these States in promoting and safeguarding the rights of women". The Assembly approved 133/ this decision. Similarly, the Council, by resolution 502 G (XVI), recommended to the General Assembly that the Secretary-General be authorized to render to Member States, at their request, "expert technical advice and other services in order to assist these States in the eradication of prejudice or discrimination or in the protection of minorities". The Council recommended further that these services "should include, but need not be restricted to, technical expert advice regarding the drafting of legislation and the establishment of administrative and judicial machinery". The Assembly approved 134/ this resolution and decided that the services in question might also include "services in such matters of fundamental importance as education".

D. Eligibility for services

78. Article 66 (2) authorizes the Economic and Social Council to perform, with the approval of the General Assembly, services at the request of "Members of the United Nations".

79. Therefore, by virtue of this Article, any Member of the United Nations can request services falling within the field of action of the Council.

80. Various decisions providing for technical assistance services have expressly specified that the said services were available only to "Member Nations" or that they were provided at the request of "Member Governments" or of "Members of the United Nations". These decisions are dealt with in paragraph 82 below.

81. On the other hand, there is no express provision in the Charter either authorizing or prohibiting the provision of economic or social services at the request of non-members of the United Nations. The General Assembly and the Council have on several occasions, decided to extend the right to request services to non-members. The decisions authorizing such services to non-member States are dealt with in paragraphs 83-88 below. These decisions, which represent an established practice of providing services in respect of non-members were taken without any significant constitutional debate.

1. Member States

82. Under the terms of a number of decisions, only Members of the United Nations are eligible to receive certain services. Thus, General Assembly resolution 52 (I) and Council resolution 51 (IV) on expert assistance both refer expressly to "Member nations" or to "Member Governments". General Assembly resolutions 633 (VII), 729 (VIII), 730 (VIII) and 839 (IX), and Council resolutions 520 G (XVI), 504 J, II (XVI), and 522 J (XVII), concerning technical assistance in promoting and safeguarding the rights of women, in the fields of prevention of discrimination and protection of minorities, and in promoting freedom of information respectively, refer to "Members of the

133/ G A resolution 729 (VIII).

134/ G A resolution 730 (VIII). See also G A resolution 839 (IX).

United Nations". By General Assembly resolution 200 (III), entitled "Technical assistance for economic development", provision was made for the rendering of services "when requested ... by Member Governments". ^{135/}

2. Non-member States

83. A number of General Assembly resolutions providing for services at the request of Governments do not contain provisions making eligibility for such services dependent on membership in the United Nations.

84. Thus, under General Assembly resolution 57 (I) concerning the establishment of UNICEF, no distinction was made between Members and non-members of the United Nations as regards their eligibility for supplies or other assistance. These services were made "available to Governments" in general "on the basis of need". The terms of this resolution expressly mentioned as eligible for benefits "countries which were victims of aggression" and "countries ... receiving assistance from the United Nations Relief and Rehabilitation Administration"; that is to say, certain categories of countries irrespective of whether or not they were Members of the United Nations.

85. Similarly, by resolution 58 (I) entitled "Transfer to the United Nations of the advisory social welfare functions of UNRRA", the Assembly covered both Members and non-members in referring to the "continuance of the urgent and important advisory functions in the field of social welfare carried on by UNRRA", since the countries assisted by UNRRA included some which did not subsequently become Members of the United Nations. Under the terms of this resolution, the various services might be provided to "Governments which show the need for them". ^{136/} Nevertheless, this resolution specifically referred to "Member countries" in connexion with one type of service, namely, the furnishing of "technical publications". This limitation, however, was deleted in the subsequent revision of this resolution and, under General Assembly resolution 418 (V), all the types of social welfare advisory services were made available to "governments which show the need for them". Prior to the adoption of this

^{135/} The phrase "Member Governments" was substituted by the General Assembly for an earlier phrase proposed in the draft resolution (G A (III/1), 2nd Com., Annexes, p. 5, A/C.2/129 and p. 19, A/C.2/157) on this subject, originally submitted by the representatives of Burma, Chile, Egypt and Peru. This earlier phrase referred to "Governments participating in the work of the United Nations" and would have included non-member countries participating in the work of regional commissions. At one of the later sessions of the General Assembly, a draft resolution (G A (IV), 2nd Com., Annex, p. 2, A/AC.2/L.30/Rev.1) to amend the clause on eligibility of resolution 200 (III) was submitted to the Second Committee by the representative of the Philippines who suggested that "any self-governing country which is responsible for its international relations and participates in the work of any specialized agency or of any regional economic commission of the United Nations" should be eligible for technical assistance. This draft resolution was, however, ruled out of order since the subject had already been discussed and closed. (G A (IV), 2nd Com., 94th mtg., para. 29, 113th mtg., paras. 19-22 and 114th mtg., paras. 40-51).

^{136/} Regarding eligibility for services provided by the Office of the High Commissioner for Refugees, reference may be made to Assembly resolution 319 (IV) under which "Means should be provided whereby interested Governments, non-members of the United Nations, may be associated with the work of the High Commissioner's Office". See also General Assembly resolution 428 (V).

resolution, the Council had expressly specified, by resolution 43 (IV), that in the consideration of applications "for advisory social welfare services that are submitted by countries formerly assisted by UNRRA", the Secretary-General was to "make no distinction between those countries other than that of their need for such services".

86. The various decisions relating to technical assistance in public administration 137/ have not contained explicit provisions making eligibility dependent on membership in the United Nations. The preamble of General Assembly resolution 246 (III) referred to the need for the administrative training of persons "recruited on a wide geographic basis, but mainly from the countries in greatest need of access to the principles, procedures and methods of modern administration", 138/ while, by resolution 723 (VIII), the General Assembly authorized the provision of the prescribed assistance in this field "at the request of governments" in general. 139/

87. Finally, the services afforded by the Expanded Programme of Technical Assistance have been made available, in practice, not only to the members of the United Nations but also to a certain category of non-members, namely those which are members of one or more of the participating specialized agencies. Resolution 222 A (IX), by which the Council provided for the establishment and the functioning of this programme, did not explicitly deal with the matter of eligibility. There was reference to "the requesting Governments" in general, without making eligibility dependent on membership in the United Nations and it has been the accepted interpretation that assistance under the Expanded Programme may be granted to any State which is a Member either of the United Nations or of any one of the participating specialized agencies. 140/

137/ G A resolutions 246 (III) and 723 (VIII).

138/ It should be noted, however, that the plan of action for training in public administration proposed by the Secretary-General and approved by the Council under resolution 253 (IX), referred specifically to the training of civil servants of "Member Governments" (see E S C (IX), Annex, p. 9, E/1336). Reference to "Member Governments" is also made in the budget estimates for 1950 and 1951 presented to the General Assembly by the Secretary-General in connexion with the implementation of this programme (G A (IV), Suppl. No. 5 (A/903), p. 236 and G A (V), Suppl. No. 5 (A/1267), p. 301).

139/ By resolution 723 (VIII), the Assembly also stated that technical assistance activities in the field of public administration "are no longer adequately covered by the terms of resolution 246 (III)", and that these "activities now form an integral part of a wider programme of assistance to governments in the field of public administration, including aspects other than training", and authorized additional services in these fields from funds available from the Expanded Programme of Technical Assistance.

140/ When the General Assembly, at its fourth session, considered and approved the decisions of the Council, the Rapporteur of the Second Committee stated in his report on this subject (G A (IV), Plen., Annex, p. 86, A/1064, para. 14) that "Several representatives held the view that it might have been desirable to have stated explicitly in the Council's resolution that all fields of technical assistance for economic development would, under the expanded programme, be open to all members of the United Nations or of any specialized agency, irrespective of whether they were members of the particular participating organization which was operating in the field in which the assistance was sought." (See also E/AC.6/SR.81, para. 65).

88. On two occasions, the General Assembly decided to make particular States eligible for certain services to which, according to the provisions governing these services, they would not have been otherwise entitled. Thus, the General Assembly declared 141/ Libya eligible to receive, at its request, technical assistance from the Expanded Programme after its independence had been achieved and before it became a Member of the United Nations or of a specialized agency participating in the Expanded Programme. 142/ Similarly, Korea, although a non-member of the United Nations, became eligible for technical assistance services otherwise reserved to Members by virtue of Assembly resolution 410 (V) by which the Assembly established UNKRA and recommended that this Agency "Make use of the advice and technical assistance of the United Nations".

3. Territories

89. The various decisions relating to the provision of services at the request of Governments have not expressly mentioned the Non-Self-Governing or Trust Territories as being eligible to receive services. It has been an established practice to consider the eligibility of such Territories in connexion with the appropriate requests of the metropolitan Governments and the Administering Authorities submitted on behalf of such Territories.

90. Certain Assembly resolutions, however, have specifically mentioned Trust and Non-Self-Governing Territories in connexion with eligibility for technical assistance services.

91. Thus, General Assembly resolution 439 (V), entitled "Technical assistance for Trust Territories" contained the statement that "under the expanded programme of technical assistance for economic development of under-developed countries (resolution 222 (IX) of the Economic and Social Council), the Trust Territories are eligible to receive technical assistance upon the request of the Administering Authorities concerned". By the same resolution, the Assembly recommended that the Administering Authorities "make full use" of the facilities available under the Expanded Programme of Technical Assistance as well as under the regular programmes of technical assistance of the United Nations and the specialized agencies for economic development, social welfare services and training for public administration. General Assembly resolution 444 (V) contained similar provisions as regards the use, for the benefit of Non-Self-Governing Territories, of the facilities available under the Expanded Programme of Technical Assistance.

92. Finally, specific decisions have referred to the question of technical assistance services to "the former Italian colonies" 143/ and to the rendering of such services to Libya before the independence of that country became effective. 144/

E. The request

93. The services to Member Governments referred to in Article 66 (2) may be rendered, according to the terms of this Article, only at their request.

94. The principal questions of application of this part of Article 66 (2) bear upon the form and scope of the request and the obligations connected with it.

141/ G A resolution 390 (V). See also E S C resolution 322 B (XI) and 401 (XIII).

142/ G A resolutions 387 (V) and 389 (V) refer to provisions relating to technical assistance to Libya prior to its independence.

143/ E S C resolution 322 A (XI).

144/ See G A resolutions 387 (V) and 389 (V) and E S C resolution 322 B (XI).

1. The formal request

95. The condition that the Government concerned must submit a formal request in order to receive services has been observed at all times by the General Assembly and the Economic and Social Council in connexion with all their decisions relating to the provision of services. 145/

96. Under the decisions relating to the various technical assistance programmes or to UNICEF, it was laid down that services could not be rendered to the Governments concerned in the absence of an explicit request from those Governments requesting such services. Services for the benefit of Non-Self-Governing or Trust Territories have required the formal request of the metropolitan Governments for the former and of the Administering Authorities for the latter. 146/

2. The scope of the request

97. Under the terms of various decisions it has been the responsibility of the requesting Governments to specify the kind of services which they desired to receive within the scope of the various technical assistance programmes. The provisions relating to this question have prescribed that "The kinds of services to be rendered to each country shall be decided by the Government concerned" 147/ or have stipulated that technical assistance "shall be rendered... only in agreement with the Governments concerned", that it shall be given "only to or through Governments" or that it shall be "provided, as far as possible in the form which that country desires". 148/ Similarly, the supplies or other assistance provided by UNICEF have been granted "in agreement with the Governments concerned" according to "the plans of operation drawn up by the Governments" and "on the basis of need"; 149/ it was further stipulated that UNICEF "shall not engage in any activity in any country except in consultation with, and with the consent of, the Government concerned". 150/

98. Furthermore, certain provisions have dealt specifically with the content of the request and have indicated the information which should accompany it. For instance,

145/ At the eighth session of the Council, in the course of the discussion on resolution 180 (VIII), entitled "Technical assistance for economic development", at its draft stage, the following questions were raised by one representative, as reported in the Summary Record: "...if an under-developed country was so backward that it did not realize the advantages of exploiting its resources, was it not the responsibility of the international community to awaken and stimulate that country's interest? If the international community was of the opinion that the economic backwardness of a given region constituted a real danger, was it not duty bound to intervene in the interest of the country itself as well as in the interest of the world community as a whole? No country had the right to refuse to develop its resources; the principle of the sovereign equality of nations did not justify such a course". It was, however, pointed out during these discussions that the community of nations could not force a country to develop economically. (E S C (VIII), 255th mtg., pp. 352 and 353).

146/ See, for example, E S C resolution 222 A (IX), annex I, para. 2(a) and G A resolutions 57 (I), 200 (III), 246 (III), 418 (V), 439 (V) and 444 (V).

147/ See, for example, G A resolutions 58 (I), 200 (III) and 418 (V); and E S C resolution 222 A (IX).

148/ G A resolution 200 (III) and E S C resolution 222 A (IX).

149/ See G A resolution 57 (I).

150/ E S C resolution 44 (IV), annex.

under resolution 222 A (IX), the Council laid down the general principle that the requesting Governments should be expected to agree to inform the organizations participating in the Expanded Programme, "whenever technical assistance is requested, of all assistance which they are already receiving or requesting from other sources in the same field of development". ^{151/}

3. *Obligations connected with the request*

99. Closely related to the question of the request is the question of the obligations which the request entails for the Governments applying for services.

100. A number of decisions have authorized the rendering of services in certain fields without providing for any financial or other responsibility on the part of the beneficiary Governments. For instance, no provision of such a nature has been included in the decisions relating to technical assistance in promoting and safeguarding the rights of women and in the fields of prevention of discrimination and protection of minorities". ^{152/}

101. Similarly, earlier decisions relating to the various technical assistance programmes have not contained provisions imposing financial obligations on the Governments requesting services. ^{153/}

102. The General Assembly, however, has not followed a uniform practice with regard to this question. Thus, certain decisions have expressly laid down the principle of participation of the Governments concerned in meeting the expenditure incurred in carrying out the services they have requested. ^{154/} Under resolution 418 (V) entitled "Advisory social welfare services" the Assembly laid down that these services were to be rendered "in conformity with the principle that each requesting Government shall be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it, either by making a contribution in cash, or in the form of services for the purposes of the programme being carried out". Furthermore, by resolution 222 A (IX), relating to the Expanded Programme of Technical Assistance which was subsequently approved under Assembly resolution 304 (IV), the Council prescribed that "The requesting Governments should be expected to agree: ... Normally to assume responsibility for a substantial part of the costs of technical services with which they are provided, at least that part which can be paid in their own currencies;". Similarly, by resolution 723 (VIII), entitled "Technical assistance in public administration", the General Assembly reaffirmed "the principle by which each requesting Government shall continue to be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it".

103. Requesting Governments have been required to assume a number of additional obligations. Regarding, for instance, services provided for under the Expanded

^{151/} For discussion on this provision, see footnote 156 below.

^{152/} G A resolution 729 (VIII) and 730 (VIII).

^{153/} In several instances during the discussion of services provided by the technical assistance programmes, it was suggested, but not agreed, that the expenses involved in the provision of services should be borne entirely by the countries requesting such services. A formal amendment to this effect submitted at the seventh session of the Council in connexion with resolution 139 A (VII) was defeated. This amendment read as follows: "in respect of assistance granted by the experts of the United Nations the expenses must be paid by the countries applying for such assistance". Similar considerations have also been advanced in connexion with other resolutions relating to technical assistance.

^{154/} See, for example, G A resolutions 57 (I), 58 (I) and 200 (III).

Programme, ^{155/} the requesting Governments have been expected to agree to facilitate the work of the technical experts by helping them to secure necessary information; to give full and prompt consideration to the technical advice they have received in response to the requests they have initiated; to undertake to maintain or to establish such governmental co-ordination machinery as might be needed to ensure that their own resources are utilized in the interest of economic development; to undertake the sustained efforts required for economic development, including continuing support and progressive assumption of financial responsibility for the administration of projects initiated at their request; to publish information on the results of the technical assistance rendered; and to give publicity to the programme within their countries. ^{156/}

^{155/} See E S C resolution 222 A (IX).

^{156/} When the Council, at its ninth session, considered the annex to resolution 222 A (IX) containing "Observations on and Guiding Principles of an Expanded Programme of Technical Assistance for Economic Development" and prescribing the obligations which the Governments requesting assistance were expected to assume in connexion with this assistance, several deletions to this annex were proposed. The amendments proposing such deletions were presented on the ground that the text of the resolution as it stood represented an infringement of the sovereign rights of the requesting Governments. These amendments referred in particular to the deletion of the following provisions: (1) the provision requesting Governments to establish co-ordination machinery and to mobilize, canalize and utilize their own technical, natural and financial resources in the interest of economic development; (2) the provisions under which the requesting Governments were expected to agree to publish information or provide for study materials suitable for publication on the results of technical assistance rendered and to give publicity to the programme within their countries; (3) the provision under which the requesting Governments were to provide information on all assistance which they were already receiving or had requested from various organizations; and (4) the provision under which the United Nations and the participating specialized agencies were to agree to give "special attention ... in timing and emphasis to activities tending to bring an early increase in national productivity of material and human resources". The amendments relating to all the above-mentioned deletions were rejected by the Council. (See E S C (IX), 343rd mtg., pp. 921, 922 and 926.)