



*executive committee of
the directing council*

PAN AMERICAN
HEALTH
ORGANIZATION

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



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PARTICIPATION OF OBSERVER GOVERNMENTS IN THE MEETINGS OF THE GOVERNING BODIES

The Director of the Pan American Sanitary Bureau presents for consideration by the Executive Committee the following study on participation with observer status in the meetings of the Governing Bodies of PAHO by countries not having their seats of Government or territories in the American hemisphere.

This study was prompted by a point raised in the XXVII Meeting of the Directing Council in 1980.

This document suggests criteria and procedures that the Governing Bodies of PAHO could follow in deciding on the admission to observer status of Governments from outside the Region of the Americas.

The Pan American Health Organization is an international agency whose constitutional structure comprises the Pan American Sanitary Conference as the supreme governing authority, the Directing Council, the Executive Committee, and the Pan American Sanitary Bureau as Secretariat.

Under an Agreement with the Organization of American States entered into on 23 May 1950, the Pan American Health Organization is recognized as a specialized organization of the inter-American system.

Under an Agreement with the World Health Organization entered into on 24 May 1949, the Governing Bodies and Secretariat of the Pan American Health Organization are, respectively, the Regional Committee and Regional Office of the World Health Organization for the Americas.

In view of the foregoing, in Article 5 of the Rules of Procedure of the Conference and Article 6 of those of the Directing Council, and by Resolution XV adopted by the Directing Council in its V Meeting in 1951, PAHO has established that all meetings of the Conference and its Directing Council are at the same time meetings of the Regional Committee of the World Health Organization, except when the Conference or Council is considering constitutional matters, the juridical relations between PAHO and WHO or the OAS, or other questions relating to PAHO as an inter-American specialized organization.

During the XXVII Meeting of the Directing Council in 1980, in response to a point raised by the representative of a Member Government, the Director offered to make a study to determine whether Member Governments of WHO not of this Region could participate as observers in meetings of the Governing Bodies of PAHO.

This question was raised again in the 67th Session of the Executive Board of WHO in 1981, and was the subject of a legal analysis by the Director-General of the World Health Organization, in which it was emphasized that the legal statute of WHO does not provide for the participation of its Member Governments as observers in the meetings of the different Regional Committees. In the past, it was noted, Governments which requested to participate as observers had been informed that they could not do so officially, but that their representatives could witness open sessions of the Regional Committees from the diplomatic gallery. In special circumstances, it was concluded, Article 3 of the Rules of Procedure of the Executive Board of WHO could be applied to enable a Government not of a given Region to participate as an observer in the deliberations of the respective Regional Committee concerning a specific matter of special interest to that Government. This Article could be applied by invoking the last rule in the Rules of Procedure of the various Regional Committees, which, in matters not provided for therein, authorizes them to apply, at their discretion, the rules of the World Health Assembly and the Executive Board.

Moreover, PAHO, as an inter-American specialized international organization the meetings of whose Sanitary Conference, Directing Council and Executive Committee are subject to their own legal statutes, is empowered to consider whether to authorize the participation of countries not having their seats of Government or territories in the American Hemisphere as observer countries in the meetings of its Governing Bodies.

However, since the legal statute of PAHO makes no provision for the status of observer government, the Conference or the Directing Council may wish to establish the criteria and conditions to be met by a Government to participate as an observer in meetings of the Governing Bodies.

For purposes of considering these criteria, it is necessary to distinguish between participation in meetings that the Governing Bodies of PAHO hold in their capacity as the Regional Committee of WHO and requested participation in meetings of PAHO as an inter-American specialized organization.

In regard to meetings of PAHO as an inter-American specialized organization, consideration could be given:

- to the fact the requesting Government has made financial-technical contributions to the cooperation programs carried on by the Organization;
- to the historical and cultural bonds that link the country of the requesting Government to the countries in the Region.

Exercising its supreme authority, the Conference or Council could consider the following procedures for authorizing participation with observer status:

1. The interested Government must present its request to the Director together with all directly relevant information.
2. The Director must present the request, with a report thereon, to the Executive Committee.
3. On the basis of the request and the Director's report, the Executive Committee will recommend appropriate action to the Directing Council or to the Pan American Sanitary Conference.

4. On the basis of the request and its related documentation, the Conference or the Directing Council will decide whether to grant observer status to the requesting country.

In the case of requests from WHO Member Governments for participation with observer status in meetings of the Regional Committee of the Americas, in keeping with the indications of WHO the Regional Director will ask the Regional Committee for the authority, whenever a request for such status is received, to decide, after consultation with the Director-General of WHO and on the basis of Rule 3 of the Rules of Procedure of the Executive Board of WHO, whether to allow the requesting Government to participate without vote in deliberations on any matter of particular concern to it.

In view of the foregoing considerations, the Executive Committee could, if it so decided, approve a resolution along the following lines:

Proposed Resolution

PARTICIPATION OF OBSERVER GOVERNMENTS IN THE MEETINGS
OF THE GOVERNING BODIES

THE EXECUTIVE COMMITTEE,

Having considered the study submitted by the Director regarding the participation as observers, in the meetings of the Governing Bodies of PAHO, of non-American States having no territories within the Americas,

RESOLVES:

To recommend to the XXVIII Meeting of the Directing Council the approval of the following resolution:

THE DIRECTING COUNCIL,

Bearing in mind the interest expressed at the XXVII Meeting of the Directing Council in the development of criteria and procedures for granting observer status to meetings of the Governing Bodies of PAHO to other non-American States having no territories within the Americas; and

Having considered the recommendation made by the Director General regarding the participation as observers in the meetings of Regional Committees of States having no territories within the Region, and taking into account that the provisions of the Rules of Procedure of the Executive Board could be applied to the deliberations of Regional Committees,

RESOLVES:

1. To adopt the following criteria and procedures in considering a request for observer status before the Governing Bodies of PAHO to non-American States having no territories within the Americas:

- a) The requesting State should demonstrate historical and cultural ties with the Region of the Americas;
- b) The requesting State should have or be prepared to contribute technically or financially to the PAHO programs of technical cooperation;
- c) The requesting State should submit its request at least 60 days in advance of the date established for the next Executive Committee meeting, setting forth in detail the basis for the request, in accordance with paragraphs (a) and (b) above;
- d) The Executive Committee shall examine the request in light of (a) and (b) above, and submit a recommendation to the Conference or to the Directing Council;
- e) The Conference or the Directing Council shall decide whether to grant the requesting State the status of observer to PAHO.

2. States which are granted observer status to PAHO shall have the following privileges:

- a) Attend public sessions of the Governing Bodies;
- b) Attend public meetings of the committees and working parties of such Governing Bodies;
- c) Participate in the debate of the Governing Bodies, with the permission of the presiding officer, without the right to vote;
- d) Receive documents prepared for the Governing Bodies and other PAHO technical and scientific publications of interest to the observer.

3. To authorize the Regional Director:

- a) To apply, with regard to any future request for participation as observer by any State from outside the Region to the Regional Committee, and after previous consultation with the Director-General of WHO, the provisions of Article 3 of the Rules of Procedure of the Executive Board of WHO;
- b) In accordance with the above provision, the requesting State may designate a representative, who shall have the right to participate without vote in the deliberations of any matter of particular concern to that State, provided that the costs of the participation shall be borne by the State concerned.