

directing council

regional committee



**PAN AMERICAN
HEALTH
ORGANIZATION**



**WORLD
HEALTH
ORGANIZATION**



XXXVI Meeting

Washington, D.C.
September 1992

XLIV Meeting

Provisional Agenda Item 3.4

CD36/9 (Eng.)
12 August 1992
ORIGINAL: ENGLISH

**CONSIDERATION OF THE REQUEST OF THE UNITED STATES OF AMERICA
IN REGARD TO PUERTO RICO**

On 13 March 1992 the United States of America applied for the admission of the Commonwealth of Puerto Rico as an Associate Member of the World Health Organization. This application was made pursuant to a request by the Government of the Commonwealth of Puerto Rico, a territory for whose international relations the United States of America is responsible.

The Constitution of WHO (1946) contemplates the category of Associate Member of the World Health Organization (Article 8). The Director-General of WHO submitted the request to the Member States, and included Puerto Rico's request under Item 11: "Admission of new Members and Associate Members" in the provisional agenda of the Forty-fifth World Health Assembly. The World Health Assembly unanimously approved this request for admission (Resolutions WHA45.3, "Admission of new Members and Associate Members," and WHA45.12, "Assessment of new Members and Associate Members--Assessment of Puerto Rico").

In accordance with a resolution of the First World Health Assembly in 1948, on rights and obligations of Associate Members and Other Territories¹, Associate Members admitted by the World Health Assembly have the right to participate in WHO's Regional Organizations (Regional Offices). At that time, the Director of the Pan American Health Organization made a statement² that the application of the recommendation allowing Associate Members by the World Health Assembly to participate in Regional Organizations did not apply to the American Region based on the special nature of the relationship between PASB and WHO.

¹ Basic Documents, WHO, pages 19 to 22.

² Off. Rec. World Health Organization. Basic Documents, WHO, page 21.

This reservation is still valid, as is the agreement between PAHO and WHO (1949), based on the same fact. Thus, since participation in the Region of the Americas does not come as a consequence of the admission of an Associate Member by the World Health Assembly, a solution has to be found within the letter and spirit of the Constitution of PAHO (1947).

On June 5, 1992, the Governor of the Commonwealth of Puerto Rico petitioned the Government of the United States of America to present, sponsor and support an application for admission as an Associate Member of the Pan American Health Organization. On June 19, 1992 the Assistant Secretary of State for International Organizations Affairs, on behalf of the United States Government, conveyed to the Director of PAHO the request from Puerto Rico, in accordance with a mechanism which could assure Puerto Rico's inclusion in PAHO's work, as PAHO's Constitution does not have a formal position for Associate Members. (Annex I)

The Director of PAHO put before the 105th Meeting of the Executive Committee the request on behalf of the Commonwealth of Puerto Rico for admission as an Associate Member of PAHO. The Director explained to the Executive Committee that the Constitution of PAHO does not have a specific provision for Associate Members. However, Article II (b) of PAHO's Constitution addresses the issue of participation in PAHO of territories or groups of territories within the Western Hemisphere which are not responsible for the conduct of their international relations. It establishes the principle that they shall have the right to be represented and to participate in the Organization. Likewise, it determines that the nature and extent of the rights and obligations of these territories or groups of territories in the Organization shall be determined in each case by the Directing Council. In the institutional tradition of PAHO the concept of participation in the Organization of the already mentioned territories or groups of territories has been restricted to those whose international relations are in the hands of countries whose seats of Government are outside the Region (as it is the case with France, the Netherlands, and the United Kingdom). These Governments are called "participating governments" (Resolutions XV and XL of the V Meeting of the Directing Council, Washington, D.C., 1951).

Bearing in mind the principle and the procedure, it seems appropriate to borrow from the Constitution of the World Health Organization the concept of Associate Member, to allow the participation in PAHO of territories or groups of territories whose international relations are in the hands of countries whose governments have their seats in the Region. Towards this end, it is within the authority of the Directing Council to establish by resolution, an analogous procedure to that of WHO for admission, rights and

obligations of Associate Members of the Pan American Health Organization, including their assessments to the Organization. Individual applications for such membership would be decided under that procedure on a case-by-case basis. (See draft resolution in Annex II.)

Should the Directing Council decide to establish the membership category of Associate Member, it is then pertinent for the Council to consider the request of the Government of the United States of America in relation to the admission of Puerto Rico as an Associate Member of PAHO. (See draft resolution in Annex III.)

Annexes

OFFICE OF THE GOVERNOR
SAN JUAN, PUERTO RICO 00901



June 5, 1992

John R. Bolton, Esq.
Assistant Secretary for International
Organization Affairs
Bureau of International Organizational Affairs
U. S. Department of State
2201 C Street, N.W. Room 6323
Washington, D.C. 20520

Dear Mr. Bolton:

On behalf of the Government of the Commonwealth of Puerto Rico and under the authority bestowed upon me by the Constitution and the laws of the Commonwealth, I hereby petition the Government of the United States of America to present, sponsor and support our application for admission as an associate member of the Pan American Health Organization (PAHO), under the procedures deemed appropriate by the Executive Committee of the PAHO Directing Council, which will meet on June 22, 1992 at the PAHO headquarters in Washington, D.C.

As you are aware, Puerto Rico, with the consent and sponsorship of the Government of the United States of America, became an associate member of the World Health Organization (WHO) on May 7, 1992 during the 45th World Health Assembly in Geneva, Switzerland. Although associate membership in the WHO should mean automatic participation in the work and activities of the PAHO when it operates as the Western Hemisphere Regional Organization of the WHO, it does not entail automatic admittance for Puerto Rico into the PAHO when it functions as an Inter-American Specialized Organization.

We understand that the situation of the PAHO is unique among Regional Organizations of the WHO. According to the terms of the agreement of May 24, 1949 between the WHO and the PAHO, the PAHO retained its separate name and legal identity. Therefore, in order to clarify Puerto Rico's status in the PAHO, the Government of the Commonwealth of Puerto Rico hereby requests the Government of the United States of America to present an official letter of

sponsorship and support for the admission of the Commonwealth of Puerto Rico as an associate member of the PAHO. I believe this application will hopefully provoke a definitive clarification by the Directing Council on the Status of WHO associate members within the PAHO.

As a precedent, it should be recalled that the participation (including financial obligations) in the PAHO by certain members of the WHO not having their seats of government within the Western Hemisphere required two clarifying resolutions (XV and XL) by the PAHO Directing Council at its Fall 1951 meeting.

Our role in the Caribbean Basin, which is well known to the United States Government, as an active promoter of economic development, trade, investment, educational opportunities, and technical and scientific cooperation in that area, makes it particularly convenient for Puerto Rico to be an associate member of the PAHO.

Puerto Rico has participated very actively in similar international organizations. With the consent and approval of the Government of the United States of America, Puerto Rico already belongs, other than the WHO, to the United Nations Food and Agricultural Organization (FAO), the World Tourism Organization (WTO), the Organization of Ibero-American States for the Promotion of Education, Science and Culture (OEI), and the United Nations Economic Commission for Latin America and the Caribbean (ECLAC). At the WTO, Puerto Rico has been elected on four consecutive occasions to its Executive Committee representing associate members. Needless to say, the Commonwealth of Puerto Rico has assumed all financial obligations connected with membership in these organizations and would do so also if accepted into the PAHO.

Because the Executive Committee of the PAHO Directing Council meets on June 22, your early action will be most appreciated.

With the assurances of my highest consideration, I remain

Cordially yours,



Rafael Hernández Colón

ASSISTANT SECRETARY OF STATE
WASHINGTON

HEALTH
92 JUN 22 11:10:32

June 19, 1992

Dear Carlyle:

As you know, the World Health Assembly last month admitted Puerto Rico as an associate member of WHO. We were very pleased with the support this candidacy received from you and from the delegates from other countries in this region. I understand that everything went very smoothly on this issue, and I want to thank you for your assistance.

Now that Puerto Rico has achieved this status in WHO, it is only natural that it wants to participate in PAHO meetings and to be included in administration of health programs in the region. Attached for your information is a letter I have received from the Governor of Puerto Rico, asking that Puerto Rico be accorded associate member status in PAHO as well.

While I recognize that PAHO does not have a formal position for associate member, it does have a provision for special membership situations in Article 2 (B) of the PAHO Constitution. At the same time, it seems to me that when meetings are held at PAHO for the WHO regional committee for the Americas, it is only natural that Puerto Rico be included as a WHO associate member from this region. Whatever course you pursue, I hope that you and your staff can quickly develop a mechanism that can ensure Puerto Rico's inclusion in your work.

I will inform the Governor of Puerto Rico that I have written to you on this subject, and look forward to hearing from you soon.

Sincerely,



John R. Bolton
International
Organization Affairs

Dr. Carlyle Guerra de Macedo
Director, Pan American Health Organization
525 23rd Street, N.W.
Washington.

ANNEX II

Proposed Resolution

ASSOCIATE MEMBERS OF THE PAN AMERICAN HEALTH ORGANIZATION.
ADMISSION, RIGHTS AND OBLIGATIONS

THE XXXVI MEETING OF THE DIRECTING COUNCIL,

CONSIDERING,

1. That Article 2.B of the Constitution of the Pan American Health Organization (PAHO) establishes the principle of participation in the Organization of territories or groups of territories that are not fully responsible for the direction of their international relations;

2. That the participation in PAHO of territories or groups of territories whose international relations are the responsibility of States whose seats of government are outside the Region is permitted by means of the category of Participating Governments (States), in accordance with said Article 2.B of the Constitution of PAHO and by means of Resolutions XV and LX of the V Meeting of the Directing Council of PAHO (1951);

3. That the direct participation in PAHO of territories or groups of territories whose international relations are the responsibility of Member Governments (States) whose seats of government are in the Region has not been expressly covered;

4. That it is opportune to regulate, in light of the constitutional principle of participation, a modality of direct participation for a territory or groups of territories in the Region whose international relations are the responsibility of States whose seats of government are in or outside the Region, within the limitations set forth in the present resolution;

5. That the category of Associate Member contemplated in the Constitution of the World Health Organization can be adopted by analogy under the Constitution of PAHO, and in accordance with the terms of the present resolution; and

6. That Article 2.B of the Constitution of PAHO determined that the form of participation and the rights and obligations of territories or groups of territories that are not responsible for their international relations are determined by the Directing Council or the Pan American Sanitary Bureau,

RESOLVES:

1. To adopt the following procedure for the admission as Associate Members of territories or groups of territories in the Region whose international relations are the responsibility of States with seats of government in or outside the Region:

A. ADMISSION

The request for admission as an Associate Member must be presented to PAHO, as a distinct international legal person, by the State responsible for the international relations of the territory or groups of territories, by means of a communication addressed to the Director of the Pan American Sanitary Bureau.

The Director shall transmit the request to Member Governments (States) and shall include the issue in the provisional agenda of the following meeting of the Directing Council or the Pan American Sanitary Conference.

A majority of members on the Directing Council or the Pan American Sanitary Conference shall be required to approve such a request.

B. OBLIGATIONS

Obligations of Associate Members in PAHO are the following:

a. In general, the same obligations of Member Governments (States), with the limitations set forth in the present resolution.

b. Payment of financial contributions, which shall be established, on a case by case basis, at the same time and following the same procedure as for Member or Participating Governments (States). Financial contributions of Associate Members shall be paid directly to PAHO.

C. RIGHTS

Rights of Associate Members in the Organization are the following:

a. To participate, with no vote, in the meetings of the Pan American Sanitary Conference, the Directing Council and the Executive Committee of the Directing Council.

b. To participate with voice and vote in technical commissions or committees.

- c. To have access to all technical cooperation services of the PAHO, in accordance with established program and budget procedures applied to Member Governments (States).
 - d. To receive information and documentation produced or distributed by PAHO.
2. The present resolution shall enter into effect immediately and may be applied to any request for admission as Associate Member that the Director may have received.

ANNEX III

Proposed Resolution

ADMISSION OF THE COMMONWEALTH OF PUERTO RICO AS
ASSOCIATE MEMBER OF THE PAN AMERICAN HEALTH ORGANIZATION

THE XXXVI MEETING OF THE DIRECTING COUNCIL,

CONSIDERING,

1. That the United States of America, as a Member Government (State) responsible for the international relations of the Commonwealth of Puerto Rico, has presented to the Director a request, on behalf of the Governor of Puerto Rico, for the admission of Puerto Rico as an Associate Member of PAHO;

2. That Puerto Rico was admitted as an Associate Member of the World Health Organization in May of 1992; and

3. That the Directing Council of PAHO has approved a resolution which provides for the direct participation as Associate Members in PAHO of territories or groups of territories in the Region that are not fully responsible for their international relations,

RESOLVES:

1. To admit Puerto Rico as an Associate Member of PAHO with immediate effect, in accordance with the terms of Resolution ___ of the ___ Meeting of the Directing Council.

2. To establish the assessment of Puerto Rico at 0.02% of PAHO's budget for the biennium 1992-1993.

3. To instruct the Director to take the necessary measures to facilitate, by Puerto Rico, its enjoyment of the rights and fulfillment of the obligations as an Associate Member of PAHO.