

directing council



PAN AMERICAN
HEALTH
ORGANIZATION

XXVIII Meeting

regional committee

WORLD
HEALTH
ORGANIZATION

XXIII Meeting



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CRITERIA FOR GRANTING OBSERVER STATUS TO NONREGIONAL GOVERNMENTS

The Director of the Pan American Sanitary Bureau presents to the Directing Council a report on the study carried out in relation to participation with observer status in 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.

The 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 Executive Committee, at its 86th Meeting in June 1981, reviewed the study and adopted Resolution XXVI, which recommends to the Directing Council approval of a proposed resolution contained therein.

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. The only exception is 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 States 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. This analysis emphasized that the legal statute of WHO does not provide for the participation of its Member States as observers in the meetings of the different Regional Committees. In the past, it was noted, States 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 states that, in matters not provided for in the Rules, the Committees are authorized 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.

The Executive Committee deliberated this question, and decided to recommend, for future requests from WHO Member States from outside the Region, not to differentiate between PAHO and WHO meetings for this purpose, to welcome all WHO Member Governments as non-participating observers, and to follow the WHO policy of limiting participating observers to issues in which the country has a particular interest. To this end, the Executive Committee, in Resolution XXVI, recommends to the Directing Council approval of the following resolution:

THE DIRECTING COUNCIL,

Bearing in mind the interest expressed at the XXVII Meeting of the Directing Council in a review of the methods of receiving observers from non-American States having no territories within the Americas at meetings of the Governing Bodies of PAHO;

Having reviewed the study on this subject prepared by the Director; and

Having also reviewed the procedures established by the World Health Organization to be followed regarding observers at meetings of the WHO Executive Board and at meetings of WHO regional committees,

RESOLVES:

To adopt the following policies regarding non-American Member States of the World Health Organization having no territories within the Americas:

1. To welcome any such Member State to attend, without the right to speak or vote, any public sessions of the Governing Bodies of PAHO.

2. To permit any such Member State to attend as an observer, with the right to speak but without the right to vote, at a public session of a Governing Body of PAHO during the deliberation of any matter of particular concern and unique relevance to that State, including a matter involving a financial and/or technical contribution to PAHO by that State, under conditions to be established by the Chairman of the meeting, upon the determination in advance by the Director of PAHO after consultation with the Director General of WHO that special circumstances exist which justify this participation, provided that the costs of participation be covered by the State concerned.

3. To apply these policies and procedures to any such Member State which may apply hereafter for observer status to PAHO or to meetings of its Governing Bodies.