



XXI PAN AMERICAN SANITARY CONFERENCE

XXXIV REGIONAL COMMITTEE MEETING

WASHINGTON, D.C.

SEPTEMBER 1982

Provisional Agenda Item 39

CSP21/25 (Eng.)

27 July 1982

ORIGINAL: ENGLISH-SPANISH

INSTITUTE OF NUTRITION OF CENTRAL AMERICA AND PANAMA (INCAP)

This document summarizes the process of restructuring the Institute of Nutrition of Central America and Panama (INCAP), in compliance with Resolution XXX of the XXVIII Meeting of the Directing Council (1981), approving in principle the final transfer of INCAP to its new political and administrative status as scientific agency of technical cooperation of Central America and Panama, outside the organic and administrative system of PAHO.

The new Basic Agreement of INCAP was signed by representatives of the six member governments of INCAP and by the Director of the Pan American Sanitary Bureau on 25 September 1981 in Washington, D.C. (see Annex).

Five basic administrative documents were prepared by PASB and reviewed by a Working Group of INCAP, which met in Washington, D.C., 26-30 July 1980. These documents deal with the Terms of Reference for INCAP's Directing Council and Technical Advisory Committee; the Financial and Staff Rules and Regulations; and the INCAP Working Capital Fund.

Based upon the recommendations of the above Working Group, the XXXIII INCAP Directing Council will consider the adoption of these documents and the effective date of the transfer of INCAP to its new political and administrative condition.

PAHO/WHO will continue as a member of INCAP and will provide technical cooperation and financial assistance to its program, in accordance with the directives established by PAHO/WHO Governing Bodies.

INSTITUTE OF NUTRITION OF CENTRAL AMERICA AND PANAMA (INCAP)

Resolution XXX of the XXVIII Meeting of the Directing Council of PAHO approved in principle the final transfer of INCAP to its new political and administrative status as an agency of Central America and Panama, and the participation of PAHO/WHO as a member of INCAP.

Resolution XXX also requested the Director to continue supporting the restructuring of INCAP until it is completed and further requested the Director to keep the Directing Council informed on the progress of these important measures.

The Director is pleased to inform the XXI Pan American Sanitary Conference that a new Basic Agreement of INCAP was signed by the six member governments of INCAP and by the Director of PASB. A copy of the new Basic Agreement is annexed.

The Director has continued to support the restructuring of INCAP and a Working Group composed of representatives of the six INCAP member governments is meeting in Washington, D.C., 26-30 July 1982 to review the following documents relating to the new status of INCAP:

- Proposed Terms of Reference of the INCAP Directing Council;
- Proposed Terms of Reference of the INCAP Technical Advisory Committee;
- Proposed Financial Rules;
- Proposed INCAP Staff Rules;
- INCAP Working Capital Fund.

Based upon the recommendations of this Working Group, the XXXVIII INCAP Directing Council, meeting in San José, Costa Rica, on 27 August 1982 will consider the adoption of these documents and the effective date of transfer of INCAP from the administrative and organizational jurisdiction of PAHO.

When the Final Report of the meeting of the XXXVIII INCAP Directing Council is available, the pertinent resolutions will be brought to the attention of the Pan American Sanitary Conference for its consideration and any action that it deems appropriate.

Annex

CSP21/25 (Eng.)
ANNEX

TRANSLATION
ORIGINAL: SPANISH

BASIC AGREEMENT OF THE INSTITUTE OF NUTRITION
OF CENTRAL AMERICA AND PANAMA

The Representatives of the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama (henceforth called "the Member Countries"), and of the Pan American Sanitary Bureau, Secretariat of the Pan American Health Organization and Regional Office of the World Health Organization for the Western Hemisphere (henceforth called "PASB"), properly authorized and whose credentials have been found in good order;

CONSIDERING:

That the Institute of Nutrition of Central America and Panama (henceforth called " INCAP" or "the Institute") was established by the Agreement signed by the representatives of the Member Countries and of PASB, in Guatemala, on 20 February 1946;

CONSIDERING:

That the Agreement which established INCAP was extended and modified by the Protocol signed in Tegucigalpa, Honduras, on 14 December 1949, and that subsequently the Member Countries organized the Institute on permanent bases, signing the "Basic Agreement of the Institute of Nutrition of Central America and Panama" in Guatemala City on 17 December 1953;

CONSIDERING:

That INCAP has earned international prestige for its technical and scientific achievements, and that its activities should be adjusted to the needs and current interests of the Member Countries, within the framework of national policies and the principles of Technical Cooperation among Developing Countries;

CONSIDERING:

That the Member Countries have expressed their interest in strengthening the national programs for food and nutrition, as a fundamental element for attaining the goal of "Health for all by the year 2000"; and that with this purpose the Council of INCAP, in its Extraordinary Meeting held in Mérida, State of Yucatán, Mexico on 4 and 5 December 1980, decided in Resolution I, paragraph 3, that the Basic Agreement of the Institute should be revised;

THEREFORE:

Agree to sign this Basic Agreement subject to the following terms:

PART I

OBJECTIVES AND ACTIVITIES

ARTICLE 1. The Institute of Nutrition of Central America and Panama (INCAP) will continue functioning on a permanent basis as a scientific institution of technical cooperation, whose general objective is to contribute to the development of the nutritional sciences, to promote their practical application, and to strengthen the technical capability of the countries of Central America and Panama so that they may solve their food and nutrition problems.

ARTICLE 2. In order to reach the general objective mentioned in the previous Article, INCAP will carry out activities in the fields of:

- a) Training and development of human resources.
- b) Technical cooperation.
- c) Research.

ARTICLE 3. The specific objectives in each one of those fields will be the following:

- A. In training and development of human resources:
 - a) To collaborate in determining the needs for human resources in the fields of food and nutrition and in programming their development at the level of the Member Countries.
 - b) To develop programs of specialization in the fields of nutrition and food sciences, as well as tutorial training in allied specific fields, at all levels.
 - c) To collaborate in the training of professionals, technicians, and auxiliary personnel in nutrition and food sciences, both at the level of INCAP and in the Member Countries.
 - d) To collaborate in providing training in the food and nutrition sciences for staff in the different sectors of the Member Countries.
- B. In technical cooperation:
 - a) To collaborate with the Member Countries in improving their knowledge of the food/nutrition problem and in developing and maintaining surveillance systems in this field.

- b) To advise the Member Countries on the formulation and development of national policies and plans regarding food and nutrition.
- c) To give technical cooperation to the Member Countries in the various stages of the process of planning, programming, execution and evaluation of the plans, programs and projects of food and nutrition in the different sectors.
- d) To strengthen technical cooperation between the Member Countries and INCAP, through the best utilization of available resources, both in the Member Countries and in the Institute.
- e) To propitiate the exchange of technical and professional personnel among the Member Countries, as part of technical cooperation of the Institute.
- f) To promote and to collaborate in the process of technical cooperation among the Member Countries, through the establishment of mechanisms for the exchange, utilization and dissemination of experiences developed by the Member Countries individually, or in cooperation with the Institute itself.
- g) To collaborate in the application of the results of research on food and nutrition carried out by INCAP and the Member Countries.
- h) To collaborate with the countries of the area in the organization and strengthening of the operational capacity of the technical nutrition units of the health sector and other sectors.
- i) To collaborate, through the national authorities, with the various sectors and institutions of the countries of the area, which are in charge of programs or specific activities for the solution of food and nutrition problems.

C. In research:

- a) To collaborate with the Member Countries in the conduct of operational research that will make it possible to develop and transfer appropriate technologies in nutrition, and to apply them to health programs; especially at the level of primary health care.
- b) To investigate in the countries of the area appropriate technologies on basic foods and food technology.

- c) To collaborate with the Member Countries in evaluative investigations on the process and impact of the food and nutrition programs at the field level.
- d) To develop, in the countries of the area, research aimed to find new alternatives for the solution of food and nutrition problems, such as new sources of nutrients, new food technologies, infection-nutrition interaction, control of specific nutritional deficiencies and other pertinent studies.

ARTICLE 4. INCAP will carry out its activities either directly or through collaboration with national and international agencies and other scientific entities involved in the field of food and nutrition, taking advantage to the utmost of the resources and facilities of the Member Countries. The results will be available freely to the Members and Associates of INCAP and to the scientific community.

ARTICLE 5. So that research carried out by INCAP may have practical results in the Member Countries, the Institute will carry out those field activities that are agreed upon with the respective national authorities and that are in accordance with the objectives of the Institute. Each one of the Member Countries will give the necessary facilities and will designate specialized personnel in order to cooperate with INCAP in the development of these field activities.

ARTICLE 6. INCAP will undertake only those programs which may directly or indirectly benefit its Members. In preparing such programs, the following criteria will be taken into consideration, within the frame of reference of this Basic Agreement:

- a) The priorities determined by the Directing Council of INCAP.
- b) The fields of action established by the Member Countries.
- c) The recommendations issued by the Technical Advisory Committee.

PART II

MEMBERS AND ASSOCIATES

ARTICLE 7. The Members of INCAP are the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, and the Pan American Sanitary Bureau.

ARTICLE 8. Other countries and institutions that adhere to this Basic Agreement will become Associates of INCAP once their admission has been unanimously approved by the Directing Council of INCAP, and they will have the following rights and obligations:

- a) The Associates will have the right to obtain technical and scientific information of possible application in other countries or regions, as well as the technical cooperation that INCAP is capable of offering them in accordance with its resources and with the priorities established by its Directing Council;
- b) The Associates will have the obligation to support INCAP in the fulfillment of its objectives and activities, by means of economic, technical and administrative assistance.

PART III

ORGANS

ARTICLE 9. The organs of the Institute are:

- a) Directive:
 - The Directing Council of INCAP.
 - The Directorate.
- b) Advisory:
 - The Technical Advisory Committee.

PART IV

THE DIRECTING COUNCIL OF INCAP

ARTICLE 10. The highest directive organ of INCAP is its Directing Council, which will be comprised by the Ministers of Health of the Member Countries of the Institute and by the Director of PASB. In case of impediment, the Ministers of Health may be represented in the Directing Council of INCAP by the respective Vice-Minister, and the Director of PASB may be represented by the Deputy Director. Should circumstances of a serious nature preclude both from attending the meeting, the Ministers of Health and the Director of PASB may be represented by some other high-level staff member duly authorized to take decisions.

ARTICLE 11. The Directing Council of INCAP will meet regularly once a year, and extraordinarily whenever two or more of its members consider it necessary and submit a written request indicating the points they wish to discuss. Considering their importance, the meetings will be given sufficient duration, and the corresponding provision will be included in the Rules of Procedure of the Directing Council.

ARTICLE 12. The headquarters of the regular meeting of the Directing Council of INCAP will be rotatory, in the following order: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, unless the Directing Council agrees to hold the meeting in another country.

ARTICLE 13. Each member will have in the Directing Council the right to one vote, and decisions will be taken by absolute majority of votes. In order to have the right to vote, the Member Countries must be found to be current in their obligations with INCAP or have agreed on special arrangements for payment.

ARTICLE 14. The functions of the Directing Council of INCAP are:

- a) To determine the policy of the Institute in matters of training and development of human resources, technical cooperation, research, administration, and acceptance of donations, legacies and grants.
- b) To approve, modify or reject the plans, programs and projects for training and development of human resources, technical cooperation and research, as well as for other activities of the Institute.
- c) To appoint the Director of INCAP and to delegate to him the faculties that are considered necessary.
- d) To determine the financial policy of the Institute and to approve, modify or reject the annual budget that the Director of INCAP will present to the Directing Council.
- e) To approve or reject the reports that the Director of INCAP will present to the Directing Council.
- f) To approve and to modify the statutes, standards and regulations that are indispensable for the organization and administration of INCAP, as well as the Rules of procedure of the Directing Council itself.
- g) To propose any modifications to this Basic Agreement that might be considered necessary as a consequence of the analysis of the results of the periodic evaluations.

PART V

THE DIRECTORATE

ARTICLE 15. The Directorate will be under the responsibility of a Director appointed by the Directing Council of INCAP for a period of four years. The Directing Council may reelect the Director for subsequent periods or remove him from office at any time if such a measure is considered to be in the interest of the Institute.

ARTICLE 16. The functions of the Director are:

- a) To administer the Institute in accordance with the policies, objectives, plans, programs and projects determined and approved by the Directing Council of INCAP.
- b) To appoint the technical, scientific and administrative personnel, according to the dispositions in effect.
- c) To call the meetings of the Directing Council of INCAP and to act as Secretary Ex-officio in the same.
- d) To submit at the regular meeting of the Directing Council of INCAP the annual report of activities and the financial statements for the previous year, as well as the plans, programs, projects and budget for the coming year.
- e) To present reports to the Directing Council of INCAP, and to its members individually, every four months. The Director will present additional reports whenever there is a request by any of the members or when the Directorate considers it necessary.
- f) To submit to the consideration of the Directing Council of INCAP the statutes, rules and regulations that are indispensable for the organization and administration of the Institute.
- g) To fulfill and to enforce, within his area of competence, this Basic Agreement and the statutes, rules and regulations dictated by the Directing Council of INCAP.
- h) To fulfill the functions delegated to him by the INCAP Directing Council and, in general, to undertake and carry out whatever actions he may consider necessary, in accordance with this Basic Agreement, in order to reach the objectives of the Institute.

ARTICLE 17. At least two months before the regular meeting of the Directing Council of INCAP, the Director will present the proposed program and annual budget to the consideration of the Ministries of Health of the Member Countries for their review, analysis, and verification for consistency with the national policies or plans in the fields of food and nutrition. In each Ministry of Health the technical level will formulate recommendations to the respective Ministers.

PART VI

TECHNICAL ADVISORY COMMITTEE

ARTICLE 18. INCAP will have a Technical Advisory Committee comprised of:

- a) A representative appointed by each of the Ministers of Health of the Member Countries.
- b) A representative of the Director of PASB.
- c) Four international experts, to be appointed by the Director of the Institute, bearing in mind the need to maintain a multidisciplinary equilibrium in the activities of the Committee. The fields of specialization of these experts must be approved by the Directing Council of INCAP prior to their appointment.

ARTICLE 19. The Technical Advisory Committee will have the following functions in regard to the directive organs of INCAP:

- a) To formulate recommendations for the planning, administration, execution and evaluation of the programs of training and development of human resources, technical cooperation and research.
- b) To suggest new programs and projects within the context of this Basic Agreement.
- c) To recommend the appropriate actions in order to improve in a continuous manner the scientific quality of INCAP.
- d) To advise on any other matter that is submitted to its consideration.

ARTICLE 20. The Technical advisory Committee will be of a permanent character, and its members will be persons with technical and administrative capabilities in health, food, nutrition, and allied disciplines.

ARTICLE 21. The Technical advisory Committee will meet regularly once per a year and extraordinarily whenever it is considered necessary by the Director of INCAP, who will convene the meetings.

ARTICLE 22. A regulation to be approved by the Directing Council of INCAP will govern the operation of the Technical Advisory Committee.

PART VII

HEADQUARTERS OF INCAP

ARTICLE 23. The headquarters of INCAP, as coordinating center of its activities of training and development of human resources, technical cooperation and research, will be in the Republic of Guatemala.

ARTICLE 24. INCAP headquarters may be transferred to any other of the countries of the area when the Directing Council considers it desirable.

ARTICLE 25. While the headquarters of INCAP are located in the Republic of Guatemala, the Government of this country is committed to allow the Institute to use, without any cost and for the whole duration of its existence, the buildings where it operates, as well as the lands on which they are constructed, and the Institute will be able to make the expansions and improvements that may be necessary.

PART VIII

FINANCING

ARTICLE 26. The Member Countries will defray the expenditures of INCAP by means of quotas that will be determined by its Directing Council and submitted to the approval of the respective Governments.

ARTICLE 27. PASB will maintain and expand its contribution in terms of the technical, administrative and economic resources approved by the Directing Council of the Pan American Health Organization.

ARTICLE 28. The Associates of INCAP will participate in the financing of the Institute by means of quotas or contributions that will be determined by the Directing Council of INCAP and submitted by the Associates with the approval of their respective Governments or Governing Bodies.

ARTICLE 29. In all cases, the quotas that are determined will be paid annually, in advance, to the Directorate of INCAP, during the month of January of the corresponding year.

ARTICLE 30. INCAP can receive other financial resources for the development of activities previously approved by its Directing Council.

PART IX

PRIVILEGES AND IMMUNITIES

ARTICLE 31. INCAP will have the legal capacity to:

- a) execute acts and celebrate contracts for the attainment of its objectives.
- b) To acquire movable or immovable property and to dispose of it according to the legal regulations in effect in each Member Country.
- c) To appear before judicial, administrative, or any other authorities.

ARTICLE 32. The judicial and extrajudicial representation of INCAP will correspond to the Director of the Institute or to whoever performs his functions, and this faculty may be delegated exclusively for judicial effects.

ARTICLE 33. INCAP and its property and assets, whatever their nature, will enjoy in the territory of all the Member Countries immunity from any judicial or administrative process. Excepted are those cases in which the Directing Council of INCAP expressly waives that immunity.

ARTICLE 34. The property and assets of INCAP, whatever their nature, will be exempt in all the Member Countries of all types of taxes, duties and charges, either national, departmental or municipal, with the exception of those that constitute a remuneration for public services.

ARTICLE 35. The administrative offices, agencies, files, documents and all correspondence that are in the possession of INCAP will be inviolable.

ARTICLE 36. INCAP will enjoy in the territory of all the Member Countries the postal franking privileges established in the Inter-American postal agreements in effect.

ARTICLE 37. Without being affected by fiscal ordinances, regulations, or moratoria of any nature:

- a) INCAP may hold funds and foreign currency of any kind and operate accounts in any currency.

- b) INCAP will have the freedom to transfer its funds and foreign currency from one Member Country to another, or within any one of the Member Countries. In addition, INCAP can convert to any other foreign currency the currency it has in custody.

ARTICLE 38. The representatives and the officers of INCAP will be granted in all the Member Countries the following privileges and immunities:

- a) They will enjoy immunity against any legal process with respect to activities carried out in the performance of their duties, with the exception of:
 - Actions concerning private real estate located in the territory of the country in which they perform their duties.
 - Successional actions in which they act, on a personal basis and not on behalf of INCAP, as executor or administrator of a will, heir, or legatee.
 - Actions regarding any professional or commercial activity performed outside their official duties.
- b) They will be exempt from taxes on salaries and benefits paid by the Institute.
- c) They will be exempt, as well as their spouses and minor children, from any immigration restrictions and from alien registration, with the same exceptions indicated in item "a".
- d) They will be accorded, with regard to international movement of funds, the same privileges as those enjoyed by officers of comparable rank in the diplomatic missions recognized by the respective Government.
- e) They can import, duty-free, their furniture and personal effects at the time they occupy their post in the respective country.
- f) They will be given in times of national or international crisis, repatriation facilities similar to those enjoyed by the officers of diplomatic missions, extensive to their dependent family members.

- g) Clauses "a" and "b" will be common to all the representatives and officers of INCAP and clauses "c", "d", "e" and "f" will apply only to those who are not nationals of the country in which the application of these rights is requested.

ARTICLE 39. Without prejudice to the privileges and immunities mentioned above, all persons who enjoy them will be obliged to abide by the laws and regulations of the Member Country in which they reside.

ARTICLE 40. The privileges and immunities mentioned above are granted to the representatives and officers of INCAP exclusively in the interest of the Institute. The directive organs of INCAP may waive them if, in their opinion, they impede the course of justice and can be waived without prejudice to the interests of the Institute.

PART X

FINAL DISPOSITIONS

ARTICLE 41. This Basic Agreement must be ratified by the signatories in accordance with their respective constitutional procedures. The instruments of ratification will be deposited in the Secretariat of the Organization of American States and the latter will give notice of said deposit to the other signatories.

ARTICLE 42. This Basic Agreement will enter into effect when it is ratified by all the Members of INCAP under the terms established in Article 41.

ARTICLE 43. When this Basic Agreement enters into effect, the Basic Agreement signed in Guatemala on 17 December 1953 will become null and void.

ARTICLE 44. Any Member or Associate of INCAP may withdraw, by giving written notice to the Directorate of the Institute, who will inform the Directing Council of all the notices of withdrawal received. Six months after the date of receipt of a notice of withdrawal, this Basic Agreement will no longer be in effect for the Member or Associate who wishes to withdraw, and the Member or associate will be separated from INCAP, but will still be obligated to comply with the financial commitments and other obligations derived from this Basic Agreement up to the date of withdrawal. Should the number of Member Countries be reduced to one as the result of decisions to withdraw, INCAP will be liquidated and the product of its properties and assets will be divided among the countries that have been Members, in proportion to their total contributions to the Institute.

ARTICLE 45. The fulfillment of the present Basic Agreement will be evaluated at least every five years as a basis for proposing possible modifications better adapted to the current conditions of development in the Member Countries.

PART XI

TRANSITORY ARTICLES

ARTICLE 46. Pending approval of the new statutes, rules and regulations for the organization and administration of the Institute and the Rules of Procedure of the Directing Council of INCAP and of the Technical Advisory Committee, the statutes, rules and existing regulations will continue in effect as long as they are not in conflict with this Basic Agreement.

ARTICLE 47. The financial commitments contracted by the Member Countries under the Basic Agreement signed in Guatemala on 17 December 1953 will continue in effect until all pending quotas are paid in full.

IN WITNESS WHEREOF, the undersigned, duly authorized representatives of the parties, sign this Basic Agreement in seven originals, equally authoritative, in the city of Washington, District of Columbia, on 25 September 1981.

FOR THE GOVERNMENT OF THE REPUBLIC OF COSTA RICA: _____ (signed)

FOR THE GOVERNMENT OF THE REPUBLIC OF EL SALVADOR: _____ (signed)

FOR THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA: _____ (signed)

FOR THE GOVERNMENT OF THE REPUBLIC OF HONDURAS: _____ (signed)

FOR THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA: _____ (signed)

FOR THE GOVERNMENT OF THE REPUBLIC OF PANAMA: _____ (signed)

FOR THE PAN AMERICAN SANITARY BUREAU: _____ (signed)

ADDENDUM TO THE BASIC AGREEMENT OF THE INSTITUTE
OF NUTRITION OF CENTRAL AMERICA AND PANAMA

Signatories

COSTA RICA

Dr. Carmelo Calvosa Chacón
Ministro de Salud

EL SALVADOR

For Dr. José Ramón Avalos Navarrete
Encargado del Despacho del
Ministerio de Salud Pública y
Asistencia Social
Dr. José Arturo Coto
Director General de Salud

GUATEMALA

Dr. Gustavo A. Cordero
Viceministro de Salud Pública
y Asistencia Social
Encargado del Despacho
(Signed in Guatemala City
on 20 November 1981)

HONDURAS

Dr. Juan Andonie Fernández
Ministro de Salud Pública y
Asistencia Social

NICARAGUA

For Lcda. Lea Guido
Ministro de Salud Pública
Dr. Joaquín Solís
Viceministro de Salud Pública

PANAMA

For Dr. Jorge Medrano
Ministro de Salud
Dra. Edith de Bethancourt
Viceministro de Salud

PAN AMERICAN SANITARY BUREAU

Dr. Héctor R. Acuña
Director



XXI PAN AMERICAN SANITARY CONFERENCE

XXXIV REGIONAL COMMITTEE MEETING

WASHINGTON, D.C.

SEPTEMBER 1982

Provisional Agenda Item 39

CSP21/25, ADD. I (Eng.)
7 September 1982
ORIGINAL: ENGLISH-SPANISH

INSTITUTE OF NUTRITION OF CENTRAL AMERICA AND PANAMA

This addendum updates Document CSP21/25 dated 27 July 1982 to include the results of the meeting of the INCAP Working Group held in Washington, D.C., on 26-30 July 1982 and the resolutions of the XXXIII Meeting of the INCAP Directing Council held in San José, Costa Rica, on 27 August 1982.

INCAP Working Group

A Working Group composed of representatives of the six INCAP member countries met in Washington, D.C., during 26-30 July 1982. This Working Group reviewed the following documents which were developed for the further restructuring of INCAP:

- Proposed Rules of Procedure of the INCAP Directing Council;
- Proposed Rules of Procedure of the INCAP Technical Advisory Committee;
- Proposed INCAP Financial Rules;
- Proposed INCAP Staff Rules;
- INCAP Working Capital Fund.

The Working Group completed a report of its review with appropriate recommendations for consideration of the XXXIII Meeting of the INCAP Directing Council on 27 August 1982.

INCAP Directing Council

The INCAP Directing Council at its XXXIII Meeting on 27 August 1982 reviewed the report and recommendations of the INCAP Working Group and approved resolutions pertaining to the continuation of the restructuring of INCAP. These resolutions are annexed to this addendum and are summarized below:

- Resolution III approved new Rules of Procedure of the Directing Council of INCAP effective immediately.
- Resolution IV approved new Rules of Procedure of the Technical Advisory Committee of INCAP to be effective when the new Basic Agreement is ratified.
- Resolution V approved new Financial Rules of INCAP to be effective when the new Basic Agreement enters into effect.
- Resolution VI approved new INCAP Staff Rules to be effective 1 January 1983.
- Resolution VII approved a target level of \$600,000 for the INCAP Working Capital Fund. This level is considered to be the minimum essential requirement for INCAP operations as an independent entity. This resolution also includes other matters related to the financing of the Working Capital Fund.
- Resolution VIII requests the Director of PAHO that the administration of INCAP continue under the responsibility of PAHO until the new Basic Agreement is ratified or a decision is taken at an earlier date to transfer the responsibility of the administration of INCAP. This resolution VIII also reaffirms that the appointment of the Director of INCAP is the responsibility of the Director of PASB until final ratification of the new INCAP basic agreement or until a decision is taken at an earlier date to transfer the responsibility of the administration of INCAP.

Staff Rules

The INCAP Directing Council has the authority to adopt new INCAP Staff Rules to replace the current INCAP Staff Rules which were first approved by the INCAP Directing Council in its V Meeting in 1954 and amended on various occasions by that body. The new INCAP Staff Rules approved at the XXXVIII Meeting of the INCAP Directing Council, to be effective 1 January 1983, will provide a number of advantages of an administrative nature to the Institute and will significantly facilitate the activities involved in INCAP's transition to its new status.

The new Staff Rules include conditions of employment and a single salary scale for the professional staff, which will make it possible to assimilate professional staff members now under PAHO conditions of employment and those who have their wages established individually through personal service contracts. Any assimilation of PAHO staff under INCAP conditions of employment would result in savings in personnel costs to meet programmatic needs while at the same time providing fair conditions of employment to such staff.

The INCAP Staff Rules were prepared after extensive consultation with INCAP staff members.

New Basic Agreement of INCAP

The new Basic Agreement of INCAP was signed by the representatives of the six member countries of INCAP and by the Director of PASB on 25 September 1981. Copy of this Basic Agreement is attached to Document CSP21/25 dated 27 July 1982. This new Basic Agreement will enter into effect when it is ratified by all the Members of INCAP (including PAHO) and when the instruments of ratification are deposited in the Secretariat of the Organization of American States. The Director of PASB requests the authorization of the Pan American Sanitary Conference to ratify this agreement in the name of PAHO.

Annexes

RESOLUTION III

DRAFT RULES OF PROCEDURE OF THE DIRECTING COUNCIL OF INCAP

THE COUNCIL,

Having reviewed the draft Rules of Procedure of the Directing Council of INCAP (CIncap 33/5) (Rev. 1) for the regulation of its functions and activities once INCAP enters upon its new status as an agency of Central America and Panama outside the organic and administrative system of PAHO, or in its current administrative situation;

Considering the provisions of the new Basic Agreement of INCAP, which has been signed by representatives of the six Member Governments and the Director of the PASB; and

Cognizant of the need to adopt new Rules of Procedure for the conduct of the Council's activities under the new administrative system,

RESOLVES:

1. To approve the Rules of Procedure of the Directing Council of INCAP as contained in document CIncap 33/5 (Rev. 2), Annex II of this document.

2. These Rules of Procedure shall go into effect on this date.

RESOLUTION IV

DRAFT RULES OF PROCEDURE OF THE TECHNICAL ADVISORY COMMITTEE

THE COUNCIL,

Considering the provision of Article 22 of the new Basic Agreement of INCAP concerning the need for Rules of Procedure to govern the activities of the Technical Advisory Committee; and

Cognizant of the need to establish Rules of Procedure for the Technical Advisory Committee,

RESOLVES:

To approve the Rules of Procedure of the Technical Advisory Committee of INCAP as contained in Document CIncap 33/4 (Rev. 2), Annex III of this document, to enter into effect upon ratification of the new Basic Agreement.

RESOLUTION V

FINANCIAL REGULATIONS

THE COUNCIL,

Cognizant of the need to establish new Financial Regulations for the functioning of INCAP in keeping with the Institute's new administrative system; and

Having reviewed the draft Financial Regulations presented in Document CIncap 33/7 (Rev. 1), Annex IV of this document,

RESOLVES:

1. To approve the Financial Regulations of INCAP presented in Document CIncap 33/7 (Rev. 1).

2. These Regulations shall govern the financial management of the Institute upon entry into force of the new Basic Agreement of INCAP.

RESOLUTION VI

STAFF RULES OF INCAP

THE COUNCIL,

Mindful that Article VI (a) of the current Basic Agreement of INCAP (1955) authorizes the Council to adopt and amend all statutes and regulations deemed necessary for the organization and administration of INCAP;

Cognizant of the need to establish new Staff Rules to adjust the conditions of employment for the staff members of the Institute to the new administrative policy guidelines formulated by the Council;

Having examined the Staff Rules of INCAP contained in document CIncap 33/6;

Considering that the conditions of employment established in the new Staff Rules are better suited to the institutional characteristics of INCAP as an agency of Central America and Panama, and must therefore be put into effect as soon as possible;

Considering that, independently of the entry into force of the Basic Agreement (1981), the Staff Rules must be approved as soon as possible because reorganization of the personnel system is essential for reduction of the costs of INCAP; and

Cognizant of the need to normalize the status of INCAP staff now employed under special contracts,

RESOLVES:

1. By virtue of the powers vested in it by Article IV (a) of the current Basic Agreement of INCAP (1955), to approve the Staff Rules of INCAP set forth in document CIncap 33/6 (Rev. 1), Annex V of this document, for entry into force on 1 January 1983.

2. To approve the procedures for placing the staff members of PAHO now assigned to INCAP in conditions of employment consistent with the institution's actual economic situation, and to request the Director that arrangements be made to that end.

RESOLUTION VII

WORKING CAPITAL FUND OF INCAP

THE COUNCIL,

Considering that an adequate Working Capital Fund is needed to support the operations of INCAP;

Having seen Document CIncap 33/8 on the proposed level of the Working Capital Fund of INCAP and on the sources recommended for its operation, except in regard to the increase of the quotas of the Member Governments;

Recognizing the necessity, for the functioning of the Working Capital Fund of INCAP and for the financial soundness of the Institute, that the Member Countries pay their quotas and settle their arrears thereof, as indicated in Annex I, CIncap 33/8; and

Accepting the necessity of a firm policy on advances from donor and contracting agencies for the execution of INCAP projects funded from extrabudgetary sources,

RESOLVES:

1. To increase the Working Capital Fund of INCAP progressively to the level of \$600,000 until the Institute's budgetary situation justifies a change therein.
2. To establish a firm policy of including a clause requiring advances from donor/contracting agencies in all contracts/agreements entered into by the Institute for projects funded from extrabudgetary sources.
3. To request all Member Countries to pay their quotas punctually.
4. To reduce the level of the reserves for Supplies and Inventory to \$25,000 and that of the Reserve Fund for Equipment and Vehicles to \$17,000.
5. To reaffirm approval of the new salary scale for the professional staff of INCAP as from 1 January 1983, and to request the Director of PASB that the budgetary savings expected from its application be paid into the Working Capital Fund of INCAP.

6. To request the Director of INCAP to explore ways of adding to the sources of Miscellaneous Income in order to strengthen the Institute's budget and Working Capital Fund.

7. To request the Director of the PASB to consider the possibility of assigning to INCAP's Working Capital Fund, as from 1982, monies that may be available to defray support costs of INCAP's extrabudgetary projects.

RESOLUTION VIII

ADMINISTRATION OF INCAP

THE COUNCIL,

Cognizant of the need for continued administrative support by PAHO to INCAP during the stage of transition into and consolidation in its new status as an independent agency; and

Mindful of the offer made by the Director of the PASB to maintain the requisite support,

RESOLVES:

1. To thank the PASB for the work done so far in its function, entrusted to it by the Council, of administering INCAP.

2. To request the Director of the PASB that the Institute continue to be administered by the Organization until the new Basic Agreement is ratified by all the Member Countries, or until such earlier date as may be chosen for transfer of responsibility for the Institute's administration.

3. To reaffirm that the appointment of the Director of INCAP is a responsibility of the Director of the PASB until the new Basic Agreement is ratified by all the Member Countries or until such earlier date as may be chosen for transfer of responsibility for the Institute's administration.