



PAN AMERICAN HEALTH ORGANIZATION
WORLD HEALTH ORGANIZATION



144th SESSION OF THE EXECUTIVE COMMITTEE

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RESOLUTION

CE144.R20

INSTITUTIONAL REVIEW AND INTERNAL REORGANIZATION OF THE INSTITUTE OF NUTRITION OF CENTRAL AMERICA AND PANAMA

*Transfer of Administration of the Institute of Nutrition of Central America and
Panama to its Directing Council*

THE 144th SESSION OF THE EXECUTIVE COMMITTEE

Having reviewed the report of the Director of PASB *Institutional Review of the Institute of Nutrition of Central America and Panama - Transfer of the Administration of the Institute of Nutrition of Central America and Panama to its Directing Council* (Document CE144/19),

RESOLVES:

To recommend to the Directing Council of PAHO that it adopt a resolution along the following lines:

**INSTITUTIONAL REVIEW AND INTERNAL REORGANIZATION OF THE
INSTITUTE OF NUTRITION OF CENTRAL AMERICA AND PANAMA**

***Transfer of Administration of the Institute of Nutrition of
Central America and Panama to its Directing Council***

THE 49th DIRECTING COUNCIL,

Considering that in Article VII of the Basic Agreement for the Institute of Nutrition of Central America and Panama (INCAP), the Member States of INCAP delegated to its Directing Council the authority to request every five years that PAHO take responsibility for the administration of the Institute;

Recognizing that Article LI of the Basic Agreement for INCAP states that INCAP operations be evaluated at least every five years as a basis for proposing possible amendments adapted to the development realities of the Member States;

Pointing out that the Basic Agreement for INCAP entered into force on 22 January 2003, which means that the term stipulated in Articles VII and LI mentioned above has elapsed;

Noting that a participatory process for evaluating the operations of the Institute was carried out in fulfillment of the mandate in Article LI of the Basic Agreement for INCAP and the resolutions of the Directing Council of PAHO concerning periodic evaluation and analysis of the Pan American centers;

Recognizing that the aforementioned evaluation process resulted in a new Institutional Strategic Framework for the Institute, which declares that INCAP is a mature institution that performs a fundamental function in support of the health sector of the social subsystem of the Central American Integration System;

Considering that implementation of the Institutional Strategic Framework requires that INCAP acquire full functional autonomy consistent with its degree of institutional maturity and its status as a full member and the oldest institution in the Central American Integration System (SICA);

Noting that in Resolution II, the LIX Meeting of the Directing Council of INCAP decided to assume the administration of INCAP with full functional autonomy, including the appointment of its Director, as of September 2009, and adopted the necessary adjustments to the Basic Agreement for the Institute to permit its internal reorganization under the authority of its Directing Council; and

Recognizing that the Directing Council of INCAP has the authority to approve the adjustments to the Basic Agreement for INCAP derived from the exercise of the authority delegated to it by the members of INCAP in Article VII of the Basic Agreement,

RESOLVES:

1. To take note of the decision of the Directing Council of INCAP to assume the administration of INCAP with full functional autonomy.
2. To note that the Pan American Health Organization will continue to be part of INCAP as a full member, but that it will no longer be responsible for the administration of the Institute under the terms of Articles VII, XXXIV, XXXV and XXXVI of the Basic Agreement for INCAP.
3. To adopt the Adjustment to the Basic Agreement for the Internal Reorganization of INCAP as adopted by Resolution II of the LIX Directing Council of INCAP (Annex), which becomes an integral part of this resolution and which eliminates articles VII, XXXIV, XXXV and XXXVI and amends Articles XV, XIX, XX and XXXIX of the Basic Agreement for INCAP.
4. To request the Director of PASB to:
 - (a) institute the administrative and legal measures necessary for ensuring the orderly and transparent transfer of the administration of INCAP to the Directing Council of the Institute, in accordance with the Adjustment to the Basic Agreement for INCAP approved by the Directing Council of INCAP and by this Council; and
 - (b) ensure that the Organization continues to participate in INCAP as a full member.

Annex

(Seventh meeting, 25 June 2009)

RESOLUTION II*

ADJUSTMENT TO THE BASIC AGREEMENT FOR THE INTERNAL REORGANIZATION OF INCAP**

THE DIRECTING COUNCIL

Whereas Article LI of the Basic Agreement for the Institute states that the Agreement should be reviewed every five years as the grounds for proposing amendments to adapt it to the development situation of the Member States, and Article VII states that PAHO/WHO is responsible for the administration of the Institute at the request of this Council, an arrangement that will be renewed every five years and must be accepted every time by the Directing Council of the Pan American Health Organization, Regional Office for the Americas of the World Health Organization (PAHO/WHO).

Whereas the Basic Agreement for the Institute entered into force on 22 January 2003, which means that the period stipulated in Articles VII and LI mentioned above has ended. In this context, a participatory evaluation of Institute operations was undertaken, resulting in a proposal for a new Institutional Strategic Framework (ISF).

Whereas at its LVIII Meeting in San Salvador on 10 September 2007, this Council adopted the ISF through Resolution V and instructed the Director of INCAP to begin the review and Adjustment of the Basic Agreement for the Institute to align it with its new Strategic Framework.

Whereas the ISF recognizes that INCAP today is a mature institution that is playing a key role in the construction of the new Central America as a region that seeks development in peace, justice, freedom, and democracy and is exercising with great responsibility its respective functions to support the health sector of the Central American Integration System's (SICA) social subsystem.

Whereas implementation of the Institutional Strategic Framework requires INCAP to attain full autonomy consistent with its level of institutional maturity and status as a full member and the oldest institution of the Central American Integration System (SICA).

* Resolution II of the LIX Directing Council of INCAP, 27 January 2009, Tegucigalpa, Honduras.

** This document is a translation of true copy of the adopted resolution.

Whereas this Council, at a Special Meeting held in Panama on 21 February 2008, issued instructions that a proposal be drafted to amend the Basic Agreement to reflect the internal reorganization of the Institute and the mechanisms that will enable it to assume greater programmatic, financial, and administrative autonomy, in line with the ISF.

Whereas this Council, at a Special Meeting held in San Salvador on 23 June 2008, noted that INCAP is a mature institution that plays a key role as a Specialized Institution in Nutrition in Central America and that in the near future can disengage from the administration of PAHO/WHO and administer itself with functional autonomy, guided by its Directing Council, making it advisable to ensure the orderly and transparent transition of its administration.

In light of the above and pursuant to Articles 12 and 17 of the Social Integration Treaty and Article VII of the Basic Agreement for INCAP,

RESOLVES:

- I. To declare that the Directing Council shall take responsibility for the administration of INCAP with full functional autonomy, including the appointment of its Director, in September 2009.
- II. To recognize that the Pan American Health Organization, Regional Office for the Americas of the World Health Organization (PAHO/WHO) shall remain part of INCAP as a regular member, but shall cease to administer the Institute under the terms of Articles VII, XXXIV, XXXV, and XXXVI of the Basic Agreement.
- III. To amend the Basic Agreement for INCAP to permit a reorganization of the Institute, placing it under the administration and authority of this Council. To this end, from the date that this Council takes over the administration of the Institute, as stated in Section I of this Resolution, the following Articles of the Basic Agreement for INCAP shall be amended as follows:

Article XV: Under the principal functions of the Directing Council of INCAP, add a new numeral 2 that reads: "Elect the Director of INCAP, following the procedures approved by this Council." Renumber the other numerals.

Article XIX: INCAP shall be managed by a Director appointed by the Directing Council, who shall be elected according to the procedures approved by this Council. The Director of INCAP shall take responsibility for managing the Institute pursuant to the present Basic Agreement and the duties and functions stipulated by the Directing Council of INCAP.

Article XX: Amend the first paragraph to read, “The Director of INCAP shall be responsible for the implementation of Institute activities according to the rules, regulations, and programmatic and administrative orientations adopted by its Directing Council and as stipulated in the present Basic Agreement.” Amend numeral 8 of this Article to read: “Perform the functions delegated to him by the Directing Council and, in general, undertake and execute whatever actions he deems necessary, pursuant to the present Basic Agreement.”

Article XXXIX: Replace with the following text: “PAHO/WHO shall contribute resources to the INCAP budget to finance the Institute activities included in the Regional Strategy and Plan of Action on Nutrition in Health and Development for the Americas, the work plans of PAHO/WHO, and others agreed upon by the two institutions. PAHO/WHO financial contributions to INCAP shall be formalized through (i) the signing of periodic general legal instruments and/or (ii) specific instruments for individual activities or projects.”

- IV. To declare inapplicable Articles VII, XXXIV, XXXV, XXXVI of the Basic Agreement due to their inconsistency.