



## XXI PAN AMERICAN SANITARY CONFERENCE

## XXXIV REGIONAL COMMITTEE MEETING

WASHINGTON, D.C.

SEPTEMBER 1982

Provisional Agenda Item 9CSP21/6 (Eng.)  
19 July 1982  
ORIGINAL: ENGLISH

## REQUEST OF THE GOVERNMENT OF BELIZE FOR MEMBERSHIP IN THE PAN AMERICAN HEALTH ORGANIZATION

The Director of the Pan American Sanitary Bureau has the honor to inform the Pan American Sanitary Conference that he has received a letter dated 17 March 1982 from the Ministry of Foreign Affairs of Belize which, on behalf of the Government and in accordance with the provisions of Article 2, paragraph A, of the PAHO Constitution, requests membership for Belize in the Pan American Health Organization. A copy of this letter and of the reply of the Director are attached (Annexes I and II).

Belize, which previously enjoyed the benefits of membership in the Pan American Health Organization as Territory of the United Kingdom, became a sovereign state on 21 September 1981. It has been admitted into membership in the United Nations.

The 88th Meeting of the Executive Committee considered the request of Belize and adopted the following Resolution II at its first plenary session:

## THE EXECUTIVE COMMITTEE

## RESOLVES:

To recommend to the XXI Pan American Sanitary Conference adoption of the following resolution:

## THE XXI PAN AMERICAN SANITARY CONFERENCE,

Having examined the formal request for membership in the Pan American Health Organization made on behalf of the Government of Belize by the Prime Minister, Minister of Foreign Affairs, in a communication dated 17 March 1982; and

Considering that the Government of Belize has declared its readiness to accept all the obligations of the Constitution of the Pan American Health Organization, to comply with the provisions of the Pan American Sanitary Code, as amended by the Additional Protocol of 24 September 1952, and to contribute by means of a quota assessment to the financial support of the Organization,

RESOLVES:

1. To approve with satisfaction the request of the Government of Belize for membership in the Pan American Health Organization.
2. To instruct the Director to transmit this decision to the Member Governments of the Organization.

In accordance with the decision taken during the same meeting of the Executive Committee, the Director is attaching as Annex III to this document a copy of the statement made by the Observer of Guatemala during the first plenary session concerning the request of the Government of Belize. Also in compliance with the decision of the Executive Committee, attached is a copy of a document entitled "Analysis of Legal Requirements for Admission of new Member States to the Pan American Health Organization" (Annex IV), which was prepared by the Secretariat.

Annexes



*Ministry of Foreign Affairs*  
*Independence Hill*  
*Belmopan*  
*Belize, Central America*

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No. 41

The Ministry of Foreign Affairs of Belize presents his compliments to the Director of the Pan American Health Organization and has the honour to apply on behalf of the Government of Belize for membership in the Pan American Health Organization in accordance with Article 2 A of the Constitution of the Organization.

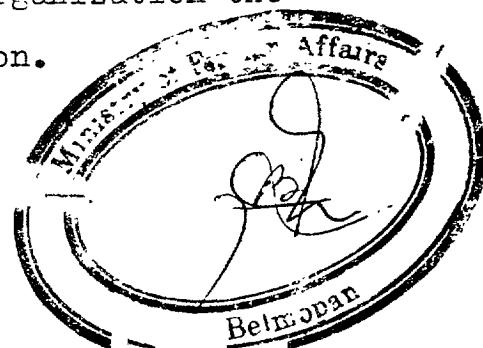
Belize is an independent and sovereign state and wishes to become a full member of the Pan American Health Organization. This Government will fulfil the financial obligations imposed on members in accordance with the Constitution of the Organization; will comply with the provisions of the Pan American Sanitary Code as amended by the additional protocol of 1952; and will cooperate fully with other member states in the work of the Organization.

The Ministry of Foreign Affairs of Belize avails itself of this opportunity to renew to the Director of the Pan American Health Organization the assurances of its highest consideration.

MINISTRY OF FOREIGN AFFAIRS

BELMOPAN, BELIZE

1982-03-17





PAN AMERICAN HEALTH ORGANIZATION

*Pan American Sanitary Bureau, Regional Office of the*

WORLD HEALTH ORGANIZATION



525 TWENTY THIRD STREET, N.W. WASHINGTON D.C. 20037, U.S.A.

CABLE ADDRESS OFSANPAN

IN REPLY REFER TO ACO-098-82

TELEPHONE 861-3200

5 April 1982

Your Excellency,

I acknowledge receipt of your letter of 17 March 1982, by means of which your Government is seeking membership in the Pan American Health Organization.

We appreciate the interest of your government in becoming a member of the Organization, recognizing the obligations set forth by the Constitution of the Pan American Health Organization, the provisions of the Pan American Sanitary Code, as amended by the additional Protocol of 24 September 1952, and accepting to contribute by means of quota assessments to the financial support of the Organization.

The application of Belize will be submitted to the 88th Meeting of the PAHO Executive Committee which meets in Washington from 23 June to 2 July 1982, and to the XXI Pan American Sanitary Conference, which is tentatively scheduled to meet in Washington from 20 to 29 September. Your government should plan to send a representative to the Pan American Sanitary Conference meeting. We look forward to Belize becoming a member of the Pan American Health Organization.

Accept, Your Excellency, the assurances of my highest consideration.

(signed)

Héctor R. Acuña  
Director

His Excellency  
Mr. George C. Price  
Prime Minister and  
Minister of Foreign Affairs  
Ministry of Foreign Affairs  
Independence Hill  
Belmopan  
Belize, Central America

Statement of the Observer for Guatemala at the First Plenary Session  
of the 88th Meeting of the Executive Committee

Mr. SANTISO-GALVEZ (Observer, Guatemala) said that his country's Government had found it necessary to send an observer to this meeting because of the inclusion on the agenda of an item of utmost importance to Guatemala: that concerning the request of the Government of Belize for membership in the Pan American Health Organization.

Following precise instructions from his Government, he would state the firm and categorical position of Guatemala on this matter and provide some background in order to help the representatives better understand the vital importance of the Belize question to his country.

History, he said, relates how the Great British colonial empire began to grow in the 16th century, particularly at the expense of Spanish populations and territories on the shores of the Caribbean and parts of the South Atlantic, accomplished by the killing of hundreds of inhabitants of those places, the destruction of villages and towns, the sacking of whole cities, and the usurpation and occupation by force of territories in the Americas. These crimes were committed by pirates of English and other nationalities in the service of His Britannic Majesty. According to the historical record, it would seem that between 1603 and 1617 an English pirate named Wallace occupied and seized a small area of land at the mouth of a river belonging to the Captaincy General of Guatemala, which territory and river were given the name of Belize. The fact is that by 1670 there were some 700 English pirates established at the mouth of the Belize river, which they had made the base of operations for their raids and plunderings, while at the same cutting the so-called campeachy wood, or logwood, in quest of which they had penetrated inland in every direction.

Because of the existing political situation in Europe and the vast distances that separated Spain from its American colonies, that country was unable to hinder the usurpation of its territories or protect the lives of its subjects. At that time it was not possible for a colonial power to send out in two or three weeks, as was recently done, a powerful fleet of 40 ships equipped with the most modern and sophisticated war equipment in order to maintain the colonial system in Latin America. To regulate the situation created by English piracy in the Spanish colonies in America, a number of agreements were concluded between Spain and England, in none of which is any reference made to the territory of Belize. In 1763 and 1783, Spain and England signed the Treaties of Paris and Versailles, respectively. Under the Treaty of Paris, Spain for the

first time gave England permission to cut logwood at the Belize establishment. In guaranteeing this privilege for the first time, it was expressly recognized that the establishment was located on Spanish ground, and the English colonists were placed under the protection of His Catholic Majesty. Later, Article 6 of the Treaty of Versailles fixed precisely the borders of the territory obtained in usufruct, which encompassed about 2,966 km<sup>2</sup>, so that "good relations might prevail between the two nations, and that the English fellers and workers might not overstep the border out of uncertainty as to where it lies." In this Article, Spain again reserved clearly and categorically its sovereignty over the territory so demarcated. The provisions of the Treaty of Versailles left the colonists unsatisfied, and they continued to commit abuses and advance greater claims. Spain then decided to put an end to that irksome matter and expanded the concessions of the Treaty by signing the Convention of London in 1786. The additional territory was about 1,163 km<sup>2</sup>. Thus, the entire territory granted in usufruct by Spain and England in Belize was not more than about 4,129 km<sup>2</sup>. It was important to remember this the speaker said, because of what he would relate later.

It was not worthwhile to relate here the sad and reprehensible acts committed by the English in Belize in the last years of the 18th century and during the 19th century, for it is a distressing and very long story, but the speaker did want to talk about Belize after 1821. That was the year in which the independence of Central America was proclaimed, and first Central America and then Guatemala as a state in the Central American Federation asserted their sovereignty over all of Belize. Spain herself sanctioned this fact in 1836 when the Courts authorized the Crown to enter into treaties of peace and recognition with the new Spanish-American states. Indeed, that very same year, Spain replied to a request made to her by England for sovereignty over the territories referred to in the pacts of 1783 and 1786, when they were still Spanish, with the following statement, whose eloquence needs no comment:

The sovereignty that Spain once exercised throughout the territory has passed to the Republic of Guatemala under the provision transferring dominion and by effect of the uprising that resulted in its independence.

The English dwellers in Belize were continuing their clandestine inroads into the national territory of Guatemala in violation of every agreement with Spain, were endeavoring to spread into major areas of Guatemalan territory. In the face of this threat, the Government of the Republic negotiated from 1857 with Great Britain for the conclusion of a border treaty that would protect the rest of the country's territory from the unceasing usurpations of those English lumbermen, the descendants of pirates, who pursued their aims by the same means as their forebears.

In early 1859 an English minister plenipotentiary arrived in Guatemala to negotiate the border treaty or convention which Guatemala desired for the reasons already stated. It was soon found that the English envoy had not been instructed to negotiate a convention, but rather to impose on Guatemala a treaty, the text of which had already been written in London. The usurpation of Belize, the northeastern part of the Republic of Guatemala, was thus forced to sign a convention which was referred to as a border treaty but was actually one of cession of territory by Guatemala in exchange for compensation by England consisting in the construction of a road. The borders between the Belize establishment and the Republic of Guatemala that the English imposed under this Convention, and which Guatemala in its weakness was obliged to accept, embraced a greater area of Guatemalan territory beyond that defined in the Treaty of 1786, that is, the 4,129 km<sup>2</sup> of the Spanish concessions were transformed by rapine into 22,000 km<sup>2</sup>. Thus, the territory referred to in the Convention, outside the limits of the Spanish concessions, constituted a true usurpation of national territory of Guatemala in flagrant violation of her sovereignty. Once the Convention had been signed and ratified, the English refused to fulfill their compensating obligation. For many years, in long painful negotiations, Guatemala presented her claim to Great Britain without any results, in consequence of which in 1946 the Government of Guatemala declared the Convention of 1859 to have lapsed, and the Constitution of the Republic pronounced Belize part of the territory of Guatemala. Later, between 1962 and 1981, many meetings were held between the Governments of Guatemala and Great Britain toward direct negotiations in order to find some solution to the controversy over the Guatemalan territory of Belize. Unfortunately, none of them was successful because of the British Government's refusal to accept the reasonable proposals that Guatemala always presented.

On 11 March 1981 the Minister of Foreign Affairs of Guatemala, the Minister of State for Commonwealth Affairs of the United Kingdom, and the Prime Minister of Belize signed in London an important document (called a Basis of Understanding) by which Guatemala would recognize the independent State of Belize once a treaty or treaties had been concluded to give effect to that Basis of Understanding, in which the parties committed themselves to convert the content of that Basis into treaty articles as soon as possible. This did not come about because Great Britain, again making a mockery of her obligations, refused to conclude the necessary agreement or agreements on the basis it had previously accepted, and announced she would unilaterally give independence to Belize on 21 September 1981.

In view of this, the Government of Guatemala issued an official communiqué in which it said, among other things, that it would not

recognize the independence given unilaterally to Belize; that Guatemala would continue resolutely struggling to regain that part of her territory by all peaceful means available to it under international law and practice; that Guatemala had the best intentions toward the people of Belize, which it regarded as a sister people, and hence deplored that it was swindled by being lead down a wrong path on which, it was hoped, it would come to no serious harm; that the Government reaffirmed its solemn and patriotic commitment to acquiesce to nothing that tended to impare the rights of Guatemala; and would continue to protect everything that was part of the national interest.

When, in the teeth of all the right, reason and justice that she had on her side, Guatemala became on 21 September 1981 the victim of the outrage by which she was robbed of a sixth of her national territory (which was what the independence of Belize imposed by a colonial power amounted to), the Government of Guatemala reasserted its position of not recognizing that independence because it took no account of the historical, geographic, legal and moral rights she had been claiming for more than 100 years. The fundamental government statute of 27 April 1982 said in Article 114 that "in relation to the territory of Belize, Guatemala stands by the claim of her rights."

Recently, on 9 June, Mr. Eduardo Castillo Arriola, Minister of Foreign Affairs of Guatemala, made the following statement in respect of the Belize question:

Guatemala will encourage negotiations in quest of a just solution to the Belize problem through new proposals, for the Basis of Understanding signed last year has lapsed because the United Kingdom did not abide by it. Guatemala will present, through new bases, what it really needs and its true position for arriving at a definitive arrangement, for it cannot rest content with a mere outlet to the sea, which it already enjoys without dispute in any case. Guatemala does not recognize the alleged present frontiers of Belize, and has every intention of negotiating a complete readjustment, both in the west and in the south, in the east, and on the sea. It is not just a question of a border or any single route; this is one of the most important objectives in the negotiation in order to determine the territory that is rightfully ours. Moreover, for Guatemala, Belize is legally nonexistent, for Guatemala does not recognize the independence unilaterally granted by the United Kingdom; this is another of the points to be resolved in an overall settlement. Our country stands firm in its position regarding its rights to the territory in dispute and, in compliance with the fundamental statute of government, maintains a claim in



respect of that territory. Guatemala is prepared to reach a quick solution in negotiation with the United Kingdom and on the new bases referred to. If no arrangement can be reached by these means, we will use other means to enable us to settle the controversy.

The Charter of the Organization of American States, signed at Bogotá in 1948, established no procedure for the admission of new members to the OAS. Because of this, in 1962 the Council of the Organization considered a note and an explanatory memorandum of the Representative of Guatemala on the need to establish a procedure for the admission of new members, and decided to refer them to the Committee on Judicial and Political Affairs for study. In 1964 the Counsel, at the request of the Representative of Argentina, convened the First Inter-American Special Conference to study the subject of the admission of new members. During that conference, the Delegation of Guatemala presented a draft additional protocol to the Charter, setting forth the requirements for and impediments to the admission of new members. This proposal was not accepted. On 18 December 1964 the Conference then approved the so-called Act of Washington, operative paragraph 3 of which reads as follows:

The Council of the Organization shall come to no decision on any request for admission presented by a political entity whose territory is subject, entirely or in part, and prior to the date of the present resolution, to litigation or dispute between an extrahemispheric country and one or more Member States of the Organization so long as the controversy shall not have been settled by peaceful means.

When the reforms to the Charter of Bogotá were being drafted, the present Article VIII of the Charter was written with the same language of the Act of Washington, but with a few appropriate changes in operative paragraph 3, and the Protocol of Buenos Aires was approved in 1967. It was obvious, the speaker said, that the present Article VIII of the Charter was fundamental, inasmuch as it safeguarded the legitimate interests of several charter countries of the OAS which still had territorial problems to be solved by peaceful means, and not by the overwhelming use of extrahemispheric colonial power against a country in Latin America. This was why they had been providentially included in Article VIII of the revised OAS Charter. Under the provisions of Article II of the Agreement between the World Health Organization and the Pan American Health Organization, which went into effect on 1 July 1949, the Pan American Sanitary Conference, through the Directing Council of the Pan American Health Organization, and the Pan American Sanitary Bureau served respectively as the Regional Committee and the Regional Office of the

World Health Organization for the Western Hemisphere. And according to paragraph 1 of the Agreement between the Council of the Organization of American States and the Directing Council of the Pan American Health Organization, of 23 May 1950, the latter Organization was recognized as an inter-American specialized organization, and through that agreement was linked to the OAS.

The speaker said that the Government of Guatemala had been profoundly surprised and concerned that the Administration of the Pan American Sanitary Bureau should have prepared--apparently with no particular consultation or any thorough study of the Belize question or examination of the political and other implications of the matter--a proposed resolution in which this Executive Committee recommended to the XXI Pan American Sanitary Conference that it approve with satisfaction the request of Belize for membership in the Pan American Health Organization. If approved here, this proposed resolution would enormously impair the position of Guatemala in her struggle and efforts to find a solution to the controversy with Great Britain on the Guatemalan territory of Belize, and greatly damage the legitimate interests of the Guatemalan people as a charter member of PAHO. The Government of Guatemala considered that, since Belize had not become a member of the World Health Organization nor had expressed any intention of doing so, it made no sense for it to claim admission to an agency of the inter-American system that was a regional office of that world organization. Moreover, Belize could not become a member of the OAS because of the provisions of Article VIII of the OAS Charter. In view of this legal obstacle to admission in the Organization itself, it would be inconsistent for Belize to become a member of one of its specialized agencies, as was the Pan American Health Organization.

For all these reasons, the Government of Guatemala courteously, but also firmly, formally requested the Executive Committee to reject without further ado the request of Belize for membership in PAHO.

CSP21/6 (Eng.)  
ANNEX IV

ANALYSIS OF LEGAL REQUIREMENTS FOR ADMISSION OF NEW MEMBER STATES  
TO THE PAN AMERICAN HEALTH ORGANIZATION

ANALYSIS OF LEGAL REQUIREMENTS FOR ADMISSION OF NEW MEMBER STATES  
TO THE PAN AMERICAN HEALTH ORGANIZATION

Provisions of PAHO Constitution

The Constitution of the Pan American Health Organization (PAHO) contains only one requirement for full membership in the Organization:

"All American States are entitled to membership in the Organization. (American States which are Members of the Organization are hereinafter called Member Governments)." (PAHO Constitution, Article 2.A, Final Act, XII Pan American Sanitary Conference, CD1.R1, 1947).

This is the only membership criterion established in the original 1947 Constitution. It is essentially a continuation of the membership criteria for the earliest Inter-American Sanitary Conventions dating from 1902. All the original Pan American sanitary codes from the 1905 Regulations on International Sanitary Policy (Convention Ad Referendum, Second General International Sanitary Convention) to the Pan American Sanitary Code of 1924 (VII Pan American Sanitary Conference, U.S.T.S. 714, 1924) were open to adherence upon demand by any government.<sup>1</sup>

Thus, the tradition within the Hemisphere has been to welcome all independent States from the Region into the Inter-American Health System.

The PAHO Constitution, in continuing this tradition, opens its membership to "all American States." This term is subject to precise legal definition. "American" has a geographical meaning: the seat of government of the State must be located in the Western Hemisphere. A "State," under international law, is traditionally defined as an entity which has 1) a people, 2) a territory, 3) a government, and 4) a capacity to enter into relations with other States of the world. An entity is recognized as a State when other States accord it diplomatic relations, when it is admitted to membership in an international organization, or when it is allowed to accede to international treaties.

There is nothing in PAHO's history or practice to suggest that the term "American States" in the PAHO Constitution has any other meaning than this accepted legal definition. The practice of admitting all newly independent American States to membership upon application confirms this interpretation. Likewise, various resolutions adopted by the Pan American Sanitary Conferences since 1947 also confirm this meaning (E.g. CSP12.R2, 1947, Annex).

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<sup>1</sup>Only American States generally acceded to these treaties because of their Inter-American context, titles and nature of the obligations for notification and quarantine.

There are no other formal legal requirements for admission to membership in PAHO. In practice, American States, in their applications for PAHO membership, have indicated their willingness to assume all the obligations imposed by the Constitution and to comply with the provisions of the Pan American Sanitary Code, as well as to contribute by means of a quota assessment to the financial support of the Organization. PAHO Directing Council and Sanitary Conference resolutions admitting new Member Governments have noted these acceptances of PAHO legal obligations. But such statements are not formal legal requirements. Indeed, in 1963, the PAHO Directing Council failed to adopt such a requirement, reasserting the provisions of Article 2.A of the PAHO Constitution as the sole criteria for admission of new members (CD14.R21, 1963, cf. CSP12.R2, 1947, Annex).<sup>2</sup>

#### PAHO-OAS Relationship

The suggestion that PAHO's relationship with the Organization of American States (OAS) in some way affects PAHO membership criteria has no legal foundation.

PAHO, as an organization, is independent from the OAS. This independence can be traced to the creation of the International Sanitary Bureau in 1902; it was strengthened by the 1924 Pan American Sanitary Code. Its most recent formulation is our present Constitution, approved in 1947, which, significantly, predates the Charter of the OAS (signed at Bogotá, 30 April 1948, 2 U.S.T.S. 2394). The PAHO Constitution is a separate international treaty, which can be amended only in accordance with its own provisions, unless specifically abrogated by a later multilateral agreement.

The OAS is similarly independent. Its Charter establishes its own membership requirements, in chapter III. Those provisions differ from PAHO's in their procedural specificity, as well as by the Article 8 requirement for peaceful resolution of certain territorial claims prior to OAS admission after 1964.

OAS membership requirements do not even purport to pertain to Inter-American Specialized Organizations, which are governed by an entirely separate Chapter (XXI) of the OAS Charter, providing in pertinent part:

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<sup>2</sup>This does not mean that a State admitted without such advance acceptance of the PAHO constitutional obligations would be free later to reject them. Under the doctrine of pacta sunt servanda, a State which ratifies a treaty is bound by its provisions.

"For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States." (Article 130, OAS Charter).

"Relations that should exist between the Specialized Organizations and the Organization (OAS) shall be defined by means of agreements concluded between each organization and the Secretary General, with the authorization of the General Assembly." (Article 134, OAS Charter).

The OAS Charter, thus, does not require or suggest that members of Inter-American Specialized Organizations must be members of the OAS, or that eligibility for OAS membership has any relevance for membership in an Inter-American Specialized Organization. The PAHO Constitution clearly states that all American States are entitled to membership in PAHO. The OAS Charter could not and does not affect this provision.

The Agreement concluded between the OAS and PAHO in 1950 (CD3.R2) simply ratifies this independent relationship:

"The Pan American Sanitary Organization is recognized as an Inter-American Specialized Organization." (Article I, OAS-PAHO Agreement, 1950).

"The Pan American Sanitary Organization shall continue to enjoy the fullest autonomy in the accomplishment of its purposes, within the limits of the instruments which govern it...." (Article III, OAS-PAHO Agreement, 1950).

Thus, it should be clear that the tie between PAHO and the OAS in no way amends the requirements for admission to PAHO established by the PAHO Constitution.

PAHO history and practice confirm this conclusion. There are at present two Member Governments of PAHO which have never applied for admission to the OAS: the State of Guyana was admitted to PAHO in 1967; the State of Canada became a PAHO Member Government in 1971. Neither is a member of the OAS. Separate quota assessments were established for each country upon admission. (CD17.R1, 1967; CD20.R2, 1971). This is precedent for admission to PAHO of other non-OAS American States.

Conclusion

1. The PAHO Constitution states, in Article 2.A, that all American States are entitled to membership in the Organization. This is consistent with the history of the Inter-American health system.
2. American States are those entities with a) a people, b) a territory, c) a government whose seat is located in the Western Hemisphere, and d) a capacity to enter into international relations with other States.
3. PAHO's status as an Inter-American Specialized Organization, recognized in conformity to Chapter XXI of the Charter of the OAS, could not and does not purport to amend this PAHO Constitutional provision. Precedent exists for admission to PAHO of non-OAS American States.
4. In practice, new Member Governments have indicated their willingness to accept the provisions of the Pan American Sanitary Code and the PAHO Constitution, prior to admission to PAHO, but this is not a formal legal requirement for admission.
5. Thus, all entities which are American States are entitled to admission to PAHO; Article 2.A of the PAHO Constitution contains the sole legal requirements for admission of new Member Governments.