



PAN AMERICAN HEALTH ORGANIZATION
WORLD HEALTH ORGANIZATION

28th PAN AMERICAN SANITARY CONFERENCE

64th SESSION OF THE REGIONAL COMMITTEE

Washington, D.C., USA, 17-21 September 2012

Provisional Agenda Item 3.6

CSP28/28 (Eng.)
11 September 2012
ORIGINAL: ENGLISH

REQUEST FROM THE KINGDOM OF THE NETHERLANDS FOR ADMISSION OF ARUBA, CURAÇAO, AND SINT MAARTEN AS ASSOCIATE MEMBERS OF THE PAN AMERICAN HEALTH ORGANIZATION

1. Article 2(B) of the Constitution of the Pan American Health Organization (PAHO) provides that territories or groups of territories within the Western Hemisphere which are not responsible for the conduct of their international affairs “shall have the right to be represented in the Organization.”¹ In accordance with this disposition, in 1951 the Kingdom of the Netherlands became a Participating State of PAHO in representation of its constituent countries in the Americas at that time, namely the Netherlands Antilles and Aruba.²

2. On 10 October 2010 the Kingdom of the Netherlands underwent a process of constitutional reform pursuant to which the Netherlands Antilles was dissolved as a constituent country within the Kingdom; the five islands which had comprised the Netherlands Antilles became two new autonomous countries, Curaçao and Sint Maarten, while the remaining three islands of Bonaire, Sint Eustatius, and Saba became public entities of the Netherlands. Nonetheless, these two new autonomous countries did not acquire political independence and remained within the Kingdom of the Netherlands. The status of Aruba within the Kingdom did not change.

¹ In accordance with Resolution CD3.R9 [1949], Participating States are defined as: “States Members of the WHO not having their seats of government within the Western Hemisphere which either (a) by reason of their Constitution consider certain territories or groups of territories in the Western Hemisphere as part of their national territory, or (b) are responsible for the conduct of the international relations of territories or groups of territories within the Western Hemisphere.” The rights granted Participating States are on behalf of their territories in the Western Hemisphere and are contingent upon their making an equitable contribution to the budget of PAHO.

² The Kingdom of the Netherlands’ status as a PAHO Participating State was officially established in 1951 pursuant Directing Council Resolutions CD5.R15 and CD5.R40 which resolved on the issue of quota assessments for the three Participating States (The United Kingdom, France and The Kingdom of the Netherlands).

3. On 15 August 2012, the Minister of Foreign Affairs of the Kingdom of the Netherlands presented a communication to the Director of the Pan American Sanitary Bureau (PASB) formally requesting admission of Aruba, Curaçao and Sint Maarten as new Associate Members of PAHO (Annex A).

4. The category of Associate Member in PAHO was established in 1992 pursuant to Resolution CD36.R2 which established the procedure for admission 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,” as well as their corresponding rights and obligations (Annex B). In accordance with established procedures, the Director of the PASB transmitted the request of the Kingdom of the Netherlands to all PAHO Member States and included this item in the provisional agenda of the 28th Pan American Sanitary Conference.

5. If the request from the government of the Kingdom of the Netherlands is approved by a majority of members of PAHO, Aruba, Curacao, and Sint Maarten will become new Associate Members of PAHO with immediate effect and be subject to the rights and obligations set forth in Resolution CD36.R2. These include the right to participate without a vote in the meetings of PAHO’s Governing Bodies, and the obligation to pay assessed contributions to PAHO.

6. By Resolution CD51.R11 (2011), the 51st Directing Council adopted the scale of assessments for Member States, Participating States and Associate Members, establishing the Adjusted Scale for the Kingdom of the Netherlands at 0.068% of the approved budget for 2012-2013. As a transitional solution and with the intention of reflecting the admission of Aruba, Curaçao, and Sint Maarten as Associate Members, PASB suggests keeping the total assessed contribution of the Kingdom of the Netherlands for 2012-2013 at 0.068% but dividing it in four equal sub-quotas of 0.017% each, equivalent to US\$ 16,354 per year, to be applied to the new three Associate Members of Aruba, Curaçao, and Sint Maarten and to the Kingdom of the Netherlands itself as a Participating State.

7. The determination of the scale for future biennia would be discussed with the Member States, Participating States, and Associate Members keeping the net zero sum for the total contribution of the Kingdom of the Netherlands and taking into consideration the population factor of these territories within the Region and the fact that Associate States pay a reduced per capita rate due to the very nature of this type of membership.

Action by the Pan American Sanitary Conference

8. In accordance with Resolution CD36.R2 [1992], the Conference is requested to consider the attached resolution (Annex C) for review and adoption.



MINISTER OF FOREIGN AFFAIRS

Dr Mirta Roses Periago
Director, Pan American Health Organization
Regional Office for the Americas of the World Health Organization
525 23rd Street, N.W.
Washington, D.C. 20037
United States of America

The Hague
August 15, 2012

Dear Madam Director,

On 10 October 2010, the Netherlands Antilles ceased to exist as a country within the Kingdom of the Netherlands. Since that date, the Kingdom has consisted of four countries: the Netherlands (including the islands of Bonaire, St Eustatius and Saba), Aruba, Curaçao and St Maarten.

The Kingdom of the Netherlands, including its countries in the Western Hemisphere, is at present represented in Pan American Health Organization (PAHO) as a Participating State. The governments of Aruba, Curaçao and St Maarten have asked me to request the status of Associate Member for their respective countries. Associate membership will enable them to participate directly in PAHO activities.

Referring to the conditions and procedures governing associate membership set out in resolution II adopted by the 36th Directing Council of PAHO in 1992, I therefore have the honour to request, on behalf of the governments of Aruba, Curaçao and St Maarten, their admission as Associate Members of PAHO.

I would be grateful if, in accordance with Resolution II, you could transmit this request to PAHO Member States and include these applications on the provisional agenda of the 28th Pan American Sanitary Conference, which is scheduled to start on 17 September 2012.

If this request is approved by a majority of PAHO members at the upcoming Pan American Sanitary Conference, the governments of Aruba, Curaçao and St Maarten will become subject to the obligations and rights set out in Resolution II. These include the obligation to pay a financial contribution directly to PAHO and the right 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.

Please accept the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Uri Rosenthal'.

Uri Rosenthal
Minister of Foreign Affairs of the Kingdom of the Netherlands



PAN AMERICAN HEALTH ORGANIZATION
WORLD HEALTH ORGANIZATION



36th DIRECTING COUNCIL

43rd SESSION OF THE REGIONAL COMMITTEE

Washington D.C., 21-25 September 1992

RESOLUTION

CD36.R2

ASSOCIATE MEMBERS OF THE PAHO: ADMISSION, RIGHTS, AND OBLIGATIONS

THE 36th DIRECTING COUNCIL,

Considering,

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 conduct of their international relations;

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 XL of the V Meeting of the Directing Council of PAHO (1951);

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:

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;

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

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 Conference.

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

B. Obligations

Obligations of Associate Members of PAHO are the following:

a) In general, the same obligations as 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 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.

September 1992 OD 253, 111



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CSP28/28 (Eng.)
Annex C

PROPOSED RESOLUTION

ADMISSION OF ARUBA, CURAÇAO, AND SINT MAARTEN AS ASSOCIATE MEMBERS OF THE PAN AMERICAN HEALTH ORGANIZATION

THE 28th PAN AMERICAN SANITARY CONFERENCE,

Having considered the *Request from the Kingdom of the Netherlands for admission of Aruba, Curaçao, and Sint Maarten as Associate Members of the Pan American Health Organization* (Document CSP28/28);

Considering that the Kingdom of the Netherlands, as a Participating State of the Pan American Health Organization (PAHO), is responsible for the international relations of Aruba, Curaçao, and Sint Maarten, and has presented a request to the Director of the Pan American Sanitary Bureau (PASB), on behalf of the governments of Aruba, Curaçao, and Sint Maarten, for their admission as Associate Members of PAHO;

Considering that in 1992 the Directing Council, through Resolution CD36.R2, established the procedure for 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; and

Considering that in accordance with the procedure for admission of new Associate Members, the Director of the PASB transmitted the request of the Kingdom of the Netherlands to PAHO Member States for consideration,

RESOLVES:

1. To admit Aruba, Curaçao, and Sint Maarten as Associate Members of PAHO.
2. To establish the assessed contributions of the Kingdom of the Netherlands as a Participating State and of Aruba, Curaçao, and Sint Maarten as Associate Members of

PAHO at 0.017% each of the approved budget for 2012-2013, equivalent to US\$ 16,354 per year.

3. To determine the assessed contributions of the Kingdom of the Netherlands as a Participating State and of Aruba, Curaçao, and Sint Maarten as Associate Members of PAHO for future biennia taking into consideration the population factors of such territories of the Kingdom of the Netherlands in the Americas and the nature of the membership of Associate States.
4. To instruct the Director to take the necessary measures to facilitate the full enjoyment of the rights and obligations of Aruba, Curaçao, and Sint Maarten as Associate Members of PAHO.

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