

*executive committee of
the directing council*

PAN AMERICAN
HEALTH
ORGANIZATION

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



44th Meeting
Washington, D. C.
October 1961

CE44/4 (Eng.)
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F I N A L R E P O R T

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FINAL REPORT

Under the chairmanship of Dr. James Watt (United States of America), the 44th Meeting of the Executive Committee of the Pan American Health Organization was held on 4 October 1961 in Washington, D. C., in the International Conference Suite of the U. S. Department of State, as convened by the Director of the Pan American Sanitary Bureau. The following Members of the Committee, Observers, and officers of the Bureau were present:

Members:

Dr. Victorio Vicente Olguín	ARGENTINA
Dr. Gastão Cesar Andrade	BRAZIL
Dr. Gustavo Fricke	CHILE
Dr. Alberto Aguilar Rivas	EL SALVADOR
Dr. Arturo Zelaya Pinel	HONDURAS
Dr. James Watt	UNITED STATES OF AMERICA
Mr. Howard B. Calderwood	
Mr. Laurence Wyatt	

Member absent:

COLOMBIA

Member and Secretary ex officio of the Committee:

Dr. Abraham Horwitz, Director	PAN AMERICAN SANITARY BUREAU
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Observers:

Dr. Miguel E. Bustamante

MEXICO

Dr. Lisandro Lattuf

VENEZUELA

Advisers to the Director of the Pan American Sanitary Bureau:

Dr. John C. Cutler, Assistant Director

Dr. Víctor A. Sutter, Secretary General

Dr. Stuart Portner, Chief of Administration

Chief, Secretariat Services:

Dr. José Quero Molares

AGENDA

The agenda appearing in Document CE44/1 was approved.

TOPICS DISCUSSED AND RESOLUTIONS APPROVED

During the 44th Meeting of the Executive Committee, the following topics were discussed.

1. Amendments to the Staff Rules of the Pan American Sanitary Bureau - Assignment Allowance

Dr. Portner (Chief of Administration, PASB) reminded the Members of the Committee that the amendments to the Staff Rules contained in Document CE43/4 submitted by the Director to the 43rd Meeting had been approved with the exception of the proposed amendment to Staff Rule 260. The change proposed in that Rule provided for the cessation of the assignment allowance when a staff member had been in receipt of it for five consecutive years at any one duty station; and was the result of a decision by the Consultative Committee on Administrative Questions, which sets the pattern for administrative matters in the common system of the United Nations, and of the introduction of the change into the Staff Rules of WHO. When the Assignment Allowance, which amounted to between \$800 and \$1,400 a year, depending on the grade and dependency status of the professional staff member, was instituted in January 1958, no terminal date had been set for it.

After consideration of the matter at the 43rd Meeting, the Executive Committee adopted Resolution VI, which requested WHO to initiate within the United Nations a re-examination of the provisions of the Staff Rule 260

(Assignment Allowance) with a view to eliminating "conditions of employment that would discriminate against those staff members stationed at Schedule S Duty Stations for periods of five consecutive years" and requested the Director "to undertake all possible measures to solve the problem of the assignment allowance and report thereon to the meeting of the Executive Committee." Pursuant to that resolution, the Director communicated with the Director General of the World Health Organization. As already stated, WHO has adopted the amendment to Staff Rule 260; but it has made provision for transitional arrangements to alleviate any hardship suffered by a staff member as a result of the adoption of the amendment. Similar arrangements might therefore be made by PAHO and, if that were done, there would be no further obstacle to the adoption of the proposed amendment to Staff Rule 260.

In reply to a question put by Mr. Calderwood (United States of America), the Chairman confirmed that the Executive Committee would be approving the resolution contained in Document CE44/2 on the understanding that the above-mentioned transitional arrangements would be made.

Dr. Fricke (Chile) asked why the allowance was to be discontinued after five year, since a staff member might well remain at the same duty station and continue to be faced with the same problems.

Dr. Portner (Chief of Administration, PASB) explained that staff at Schedule S duty stations -- field staff -- had been granted the allowance, because unlike other staff they did not receive an allowance for the removal of their household effects. However, it had never been the intent of the

allowance to place those staff members in a permanently advantageous position vis-a-vis staff members at Headquarters. Since with an allowance of between \$800 and \$1,400 a year staff members at Schedule S stations would have accumulated \$ 4,000 to \$7,000 in a period of five years, it was considered that they would thus have a sufficient sum available to meet any expenses involved in rotation.

The Committee then unanimously approved the following resolution:

RESOLUTION I

CE44.R1

THE EXECUTIVE COMMITTEE,

Having examined the report of the Director regarding his negotiations with the World Health Organization (Document CE44/2) on the matter of the provisions of Staff Rule 260; and

Considering the advisability of maintaining uniformity of rules and conditions of employment for PASB and WHO staff,

RESOLVES:

1. To confirm the amendment of Staff Rule 260 of the Pan American Sanitary Bureau as follows:

260 ASSIGNMENT ALLOWANCE

260.1 A staff member, other than those appointed under Rules 1120 and 1130, who is assigned to an official station other than in the country of his place of residence, under circumstances which the Bureau classifies as a Schedule "S" assignment in accordance with Rule 410.2, shall receive an allowance designed to compensate for the dislocation factors resulting from the nature of the assignment.

260.2 The amount of the allowance shall vary by grade level and differentiate between those with and without dependants as defined in Rule 210.3(a) and (b).

260.3 The assignment allowance shall normally cease when a staff member has been in receipt of it for five consecutive years at any one duty station.

2. Report of the Subcommittee on Basic Documents of the Pan American Health Organization

The Chairman called upon Mr. Wyatt (United States of America), the Rapporteur of the Subcommittee on Basic Documents, to present the Report.

Mr. Wyatt (Rapporteur, Subcommittee on Basic Documents) explained that the documents pertinent to the agenda item were Documents CD13/16, CE44/3 and CE44/3 Addendum I. Document CD13/16 contained the revised texts of the Basic Documents as proposed by the Subcommittee, together with the relevant resolution of the 43rd Meeting of the Executive Committee and the text of the letter of July 10, 1961, under cover of which the Director submitted the proposed revisions to the Member Governments for comment. Document CE44/3 with its Addendum contained the comments received from Governments.

Mr. Wyatt summarized the history of the origin of the Subcommittee on Basic Documents, and referred in particular to two resolutions of the XV Pan American Sanitary Conference, 1958. Resolution XXX of that Conference related to procedures for the election of the Director, and its operative clause read:

RESOLVES:

"To recommend to the Executive Committee the establishment of a working party that, with legal counsel, will make a study of the problems inherent in the election of the Director, and present, after consultation with the Member Governments, a proposal to the XIII Meeting of the Directing Council, so that it may adopt a specific procedure governing the election of the Director."

Resolution XXXIV related to improvement in the texts of the Basic Documents. Its operative clauses read:

RESOLVES:

"1. To instruct the Executive Committee to undertake, with legal advice, a thorough study of the Constitution of the Organization and the Rules of Procedure of the XV Conference, in order that it may prepare suggestions (a) to improve their clarity and the equivalence of meaning between the English and Spanish texts of these basic documents, and (b) to the end that the said texts may be more adequate for their own objectives.

2. To suggest to the Executive Committee that it consider the advisability of naming a subcommittee to make the said study.

3. To instruct the Executive Committee to request the opinion of the Governments with respect to its suggestions, and thereafter to submit its recommendations to a future meeting of the Directing Council for appropriate action."

Consequently, the 36th Meeting of the Executive Committee had established the Subcommittee on Basic Documents to undertake the studies requested by those resolutions.

The Subcommittee on Basic Documents presented to the 43rd Meeting of the Executive Committee, April 1961, the proposed revisions of the texts of the Constitution and Rules of Procedure of the Conference. The 43rd Meeting by Resolution VIII requested the Subcommittee to complete its study of the Rules of Procedure of the Directing Council and the Executive Committee; authorized the Director to submit the proposed revisions to the Member Governments for comments; and requested that any comments be sent to the Director by 1 September 1961 so that he could present them to the 44th Meeting of the Executive Committee. By the same resolution, the Executive Committee decided to hold its 44th Meeting concurrently with the XIII Meeting of the Directing Council, and to submit its recommendations, together with the comments of Governments, to that Meeting.

The Rapporteur stated that the Subcommittee on Basic Documents had kept its terms of reference in mind at all times. The Subcommittee had not prepared new documents, but rather had made certain proposals so that the existing documents might be improved in clarity, in equivalence of meaning between the languages, and in adequacy for their own objectives. Consequently, with the main exception of the provisions for the election of the Director, the changes proposed were chiefly editorial, or ones of terminology, or to recognize existing practice.

The Rapporteur informed the Executive Committee that the Subcommittee had studied the comments received from Governments, and had come to certain conclusions which might be helpful to the Committee. The replies of the Governments of Brazil and France had expressed full agreement with the proposed revisions. The Government of Peru had stated that the texts were under study.

The reply of the Government of El Salvador had indicated that the proposed texts were better worded and reflected practices dictated by experience; however, it was felt that the term "majority" needed more precise definition. The Subcommittee recognized the need for absolute clarity on that point and had suggested the following formulation which might be added to Rule 42 of the Rules of Procedure of the Conference: "For the purpose of these rules, "majority" means any number of votes greater than half the votes cast by the Governments present and voting or, in the case of the election of the Director, any number of votes greater than half the number of the Governments of the Organization."

A comment was received from the Government of Mexico on the formulation of Article 21-A of the Constitution (Election of the Director). The text proposed by the Subcommittee required the Director to be elected by a majority of the Governments of the Organization, i.e., a minimum of 13 votes. The suggestion of the Government of Mexico that the words "present and voting" be added would, if followed, reduce the minimum votes required to six, since the revised Rules of Procedure would make the quorum ten. The Subcommittee felt that in proposing that the Director be elected by a majority of the Governments of the Organization it had struck a balance between requiring so many votes that it might be difficult to elect a Director and requiring so few votes that the Director could not be regarded as having adequate support of the Governments of the Organization.

The Government of the United States had suggested that, in the proposed text, the second sentence of Article 2-A of the Constitution be replaced by the words "American States which are Members of the Organization are hereinafter called Member Governments." The Subcommittee thought that wording and improvement, since it avoided mention in the Constitution of the specific number of Members and thus the need for a constitutional amendment should the membership increase. Moreover, it used the words "American States" in the same way as did the Organization of American States when referring to self-governing States. Another suggestion of the United States was that Article 28 be revised to read:

"Proposals to amend the Constitution shall be communicated to the Member Governments at least three months in advance of their consideration by the Conference or the Council. Amendments shall come into force for all Member Governments when adopted by the Conference by a two-thirds vote of the representatives of all Member Governments or when adopted by the Council by a two-thirds vote of those representatives."

That suggestion was also considered an improvement by the Subcommittee, since it seemed reasonable that proposed constitutional amendments should be in the hands of Governments well in advance. A further United States suggestion was that Rules 42 and 43 of the Rules of Procedure of the Conference - relating to voting in plenary sessions - be somewhat shortened and combined into one rule. While the Subcommittee recognized that it was desirable to be as brief and concise as possible, it thought it better to retain the original wording in the interests of clarity, especially since it had proposed an addition to Rule 42 to meet the point raised by the Government of El Salvador. Finally, the Government of the United States suggested that Rule 46 of the Rules of Procedure of the Conference relating to the possibility of secret ballots be amended by adding the words "except budgetary questions." Votes on the adoption of the budget and related questions, it was suggested, were a matter of primary importance to the Governments of the Organization and should not be taken by secret ballot. While the Subcommittee agreed on the desirability of non-secret voting on budgetary matters, it felt that it was not an issue in the Pan American Health Organization and that the addition of those words might in fact give rise to an issue where none existed in practice. The Subcommittee was of the opinion that the present text was satisfactory.

The Rapporteur stated that the Subcommittee on Basic Documents believed that its proposed revisions, together with the further modifications which it had proposed in the light of comments from Governments, would improve the Basic Documents and result in a satisfactory fulfillment of the responsibilities which the XV Pan American Sanitary Conference had given to the Executive Committee. The Subcommittee therefore hoped and recommended that the XIII Meeting of the Directing Council would be able to adopt the Constitution as revised and, consequentially, the Rules of Procedure of the Directing Council, and that it might recommend to the XVI Pan American Sanitary Conference, 1962, that it adopt the Rules of Procedure for the Conference, as revised. The Rules of Procedure of the Executive Committee as revised could be adopted at its meeting following the adoption of the revisions to the Constitution. The Subcommittee made this recommendation in the light of the requirement of the XV Pan American Sanitary Conference in its Resolution XXX that the XIII Meeting of the Directing Council adopt provisions on the election of the Director, and in view of the desirability of coming to a decision or recommendation on the Basic Documents in advance of the next Pan American Sanitary Conference.

In conclusion, the Rapporteur expressed the thanks of the Subcommittee to the Director and his staff for their invaluable cooperation and his appreciation of the opportunity to serve on the Subcommittee and to work with the distinguished Representatives from Brazil, El Salvador, and Mexico.

Dr. Aguilar (El Salvador) congratulated the Subcommittee on its work of preparing revisions in the texts and stated that his Government approved the reports the Subcommittee had presented. He accepted the definition of "majority" proposed by the Subcommittee, which met the point raised by his Government.

Dr. Bustamante (Observer, Mexico) stated that in view of the very clear explanation given by the Rapporteur and the definition of "majority" now proposed by the Subcommittee, he wished to withdraw the suggestion made by his country. He was of the opinion that the report of the Subcommittee, which represented many years of work, should, if the Executive Committee so decided, be submitted to the XIII Meeting of the Directing Council.

Mr. Calderwood (United States of America) expressed appreciation of the consideration the Subcommittee had given to the proposals of the Government of the United States and the conclusions it had reached. While his Government attached much importance to the revision of Rule 46 of the Rules of Procedure of the Conference, so as to bring it into agreement with those of the World Health Assembly, it would, without prejudice to raising the matter at a later date, be prepared to support the resolution proposed in Document CE44/3. However, the Committee should make some recommendations to the Directing Council and that might be done, he proposed, by replacing paragraph 3 of the operative part by the following words:

"To submit the proposed texts as contained in Document CD13/16, together with the comments of Governments as contained in Document CE44/3, to the XIII Meeting of the Directing Council for its consideration and appropriate action."

and then adding the following fourth paragraph:

"To recommend that the revisions in the Basic Documents proposed by the Subcommittee, as further modified by the Subcommittee in the light of the comments of Governments, be adopted."

The Committee then unanimously approved the following resolution:

RESOLUTION II

CE44.R2

"THE EXECUTIVE COMMITTEE,

Having examined the revised texts of the Basic Documents as proposed by the Subcommittee on Basic Documents (Document CD13/16);

Having studied the comments made by the Member Governments (Document CE44/3); and

Considering the terms of Resolutions XXX and XXXIV of the XV Pan American Sanitary Conference,

RESOLVES:

1. To take note of the work of the Subcommittee on Basic Documents of the Pan American Health Organization.
2. To express its thanks to the Subcommittee for the important work accomplished.
3. To submit the proposed texts as contained in Document CD13/16, together with the comments of Governments as contained in Document CE44/3 to the XIII Meeting of the Directing Council for its consideration and appropriate action.
4. To recommend that the revisions in the Basic Documents proposed by the Subcommittee, as further modified by the Subcommittee in the light of the comments of Governments, be adopted.

Dr. Lattuf (Observer, Venezuela) said that he would like to ask the Rapporteur to explain the reasons which had led the Subcommittee to propose the revision of the provisions in the Constitution relating to the election of the Director, since the original provisions had provided for a vote of two thirds of the Governments present and voting, whereas the revised version called for a simple majority.

Mr. Wyatt (Rapporteur, Subcommittee on Basic Documents) said that the Subcommittee was fully agreed that it was desirable for the Director to be elected by the greatest number of votes possible. The Subcommittee took into account that there was a very real difference between a majority of the Governments present and voting and a majority of the Governments of the Organization. Since the quorum was 10, the first majority could conceivably allow a Director to be elected by 6 votes; the second, on the other hand, required a minimum of 13. That appeared to be a reasonable and realistic compromise; it would ensure that the Director elected would have the support of a majority of the Governments and yet would not require so large a majority as to make it difficult to secure a sufficient number of votes for any one candidate.

3. Closure of the Meeting

All items on the agenda having been dealt with, the Chairman adjourned the meeting.

IN WITNESS WHEREOF, the Chairman of the Committee and the Director of the Pan American Sanitary Bureau, Secretary ex officio, sign the present Final Report in the English and Spanish languages, both texts being equally authentic.

DONE in Washington, D. C., United States of America, this fourth day of October 1961. The Secretary shall deposit the original texts in the archives of the Pan American Sanitary Bureau and shall send copies thereof to the Member Governments.

Chairman of the Executive Committee
Representative of the United States
of America

Director of the Pan American Sanitary
Bureau
Secretary ex officio of the Executive
Committee