

*executive committee of
the directing council*



PAN AMERICAN
SANITARY
ORGANIZATION

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



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Topic 6: RULES OF PROCEDURE OF THE DIRECTING COUNCIL

The Director of the Pan American Sanitary Bureau, in compliance with Resolution XX, on Rules of Procedure of the Directing Council, approved at the VIII Meeting of the Council, addressed a letter on 17 October 1955 to Dr. Charles G. Fenwick, Director of the Department of International Law of the Organization of American States, as follows:

"As you will recall, during the VIII Meeting of our Directing Council a question arose regarding the interpretation of the Rules of Procedure governing voting and a legal opinion was requested.

"Specifically, the basic point in question was the problem of the two-thirds majority vote required under Article 15 of the Rules of Procedure and whether or not the number of abstentions could invalidate the quorum required under Article 8 of the Rules.

"As an ancillary point, question was also raised regarding the matters on which a two-thirds majority vote is required.

"I would very much appreciate your cooperation in reviewing this matter and rendering a legal opinion on the points in question so that we may comply with the wishes of the Directing Council.

"For your further information, I have attached the pertinent resolution of the Directing Council as well as a copy of the minutes of the session in which the discussion took place. A copy of the Basic Documents containing the Rules of Procedure of the Directing Council is also attached."

In a letter dated 28 November 1955, Dr. Fenwick replied as follows:

"Your letter of October 17th was duly received and set aside until I could obtain more detailed information with respect to the situation which gave rise to the question at issue. Rather than wait for your return to Washington I am now sending a tentative reply which can be revised if the information I have is not complete.

"1. It would appear that Article 8 of the Rules of Procedure of the Directing Council is sufficiently clear not to be open to dispute, - a majority of the Members participating in the Meeting of the Directing Council constitutes a quorum for the plenary sessions. No special number of representatives, therefore, is needed to constitute a quorum, since a quorum is not a majority of the Members of the Organization but of the Members participating in the Meeting.

"2. Article 10 of the Rules of Procedure requires that decisions shall be taken by a majority of Members present and voting, the phrase 'present and voting' being interpreted to mean representatives who cast an affirmative or negative vote. It is specifically provided that representatives who abstain are considered as not voting.

"3. On the basis of the above articles, 8 and 10, it would appear that the correct interpretation of Article 15 of the Rules of Procedure is that the two-thirds majority of the representatives present and voting, which is required for the addition of supplementary items to the agenda during any session of the Council, does not include those who abstain from voting.

"4. The requirement of a two-thirds vote appears to be limited to the addition of supplementary items to the agenda during sessions of the Council, as provided in Article 15, and to the amendment of the Rules of Procedure, as provided in Article 48.

"Assuring you of my desire to be at all times at your service, and regretting the delay in forwarding the above opinion."

The Director of the Pan American Sanitary Bureau presents the opinion of Dr. Fenwick to the Executive Committee for study and calls attention to the fact that, pursuant to Resolution XX of the VIII Directing Council Meeting, it is incumbent upon the Executive Committee to submit to the IX Meeting of the Directing Council such recommendations with respect to these problems as it deems pertinent.