



*directing council*

PAN AMERICAN  
SANITARY  
ORGANIZATION

IX Meeting

*regional committee*

WORLD  
HEALTH  
ORGANIZATION

VIII Meeting



Antigua Guatemala  
September 1956

CD9/3 (Eng.)  
1 August 1956  
ORIGINAL: ENGLISH

Topic 4: RULES OF PROCEDURE OF THE DIRECTING COUNCIL

The VIII Meeting of the Directing Council, in Resolution XX, requested the Director to obtain the opinion of a legal adviser on the provisions of the Council's Rules of Procedure with respect to the two-thirds majority vote and the quorum, and to present this opinion to the Executive Committee for study. At its 28th Meeting, the Committee studied the opinion given by the Director of the Department of International Law of the Pan American Union, as contained in Document CE28/2, attached, and set forth its recommendations to the Council in Resolution VI, as follows:

The Executive Committee,

Considering that the Directing Council, at its VIII Meeting, requested the Director to obtain a legal opinion on the interpretation of the provisions of the Rules of Procedure of the Directing Council with respect to a quorum and the vote required for the adoption of a resolution;

Considering that the Directing Council requested the Executive Committee to submit to the IX Meeting of the Council recommendations with respect to the interpretation of the above-mentioned articles of the Rules of Procedure; and

Having examined the opinion given by the Director of the Department of International Law of the Pan American Union, as set forth in Document CE28/2, to the effect that:

- a) No special number of representatives is needed to constitute a quorum, since a quorum, according to Article 8 of the Rules of Procedure, is not a majority of the Members of the Organization, but of the Members participating in the Meeting;

- b) On the basis of Articles 8 and 10 of the Rules of Procedure, it would appear that the correct interpretation of Article 15 of the Rules is that the two-thirds majority of the representatives present and voting does not include those who abstain from voting;
- c) The requirement of a two-thirds vote appears to be limited to the instances mentioned in Articles 15 and 48,

RESOLVES:

1. To recommend that the Directing Council consider the adoption of the following interpretation of the Rules of Procedure that relate to a quorum and to the vote required for the adoption of a resolution:

"A resolution shall be considered adopted if it obtains a simple majority vote of the representatives of the Members who cast an affirmative or negative vote, or a two-thirds majority in those instances in which a two-thirds majority is required by the Rules of Procedure or by decision of the Council in accordance with Article 6-B of the Constitution. It is not necessary that the number of affirmative and negative votes cast in any particular case be equal to or greater than the number required to establish a quorum."

2. To further recommend that the Council consider the adoption of the following amendments to the Rules of Procedure:

- a) Amend Article 8 of the Rules of Procedure to read as follows: "The presence of a majority of representatives of Members of the Directing Council shall be required to constitute a quorum for a Meeting of the Council."
- b) Insert a new Article, 8-A, to read as follows: "A majority of the representatives of the Members of the Directing Council participating in a Meeting shall constitute a quorum in a plenary session, provided that the number is not less than ten."
- c) In Article 10 substitute the words "this article" for the words "these Rules," at the beginning of the second sentence.

*executive committee of  
the directing council*



PAN AMERICAN  
SANITARY  
ORGANIZATION

*working party of  
the regional committee*

WORLD  
HEALTH  
ORGANIZATION



28th Meeting  
Washington, D. C.  
June 1956

CE28/2 (Eng.)  
1 March 1956  
ORIGINAL: ENGLISH

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.