



XV Pan American Sanitary Conference

San Juan, Puerto Rico
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X Meeting Regional Committee



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Topic 26: AMENDMENTS TO ARTICLES 12-C AND 15 OF THE CONSTITUTION OF THE
PAN AMERICAN SANITARY ORGANIZATION

The Executive Committee, at its 29th Meeting (Antigua Guatemala, September 1956), adopted Resolution I amending Article 3 of its Rules of Procedure to the effect that "the Executive Committee shall elect from among its members a Chairman and a Vice-Chairman, who shall hold office until their successors are elected. The election shall take place each year at the first meeting of the Executive Committee following the election of its new members by the Directing Council."

The 34th Meeting of the Executive Committee (Washington, May 1958) studied means of resolving the existing contradiction between Article 3 of its Rules of Procedure as modified above, and Article 15 of the Constitution of the Organization. The former article provides that the election of the Chairman and the Vice-Chairman shall take place each year, whereas the latter states that the election shall be held at each meeting of the Executive Committee. The Committee took into account the comments made on this point by the Department of International Law of the Pan American Union (Document CE34/12), and at the aforementioned 34th Meeting adopted Resolution III. Quoted below is the portion referring to the Pan American Sanitary Conference:

"1. To recommend to the XV Pan American Sanitary Conference that Article 15 of the Constitution, which provides that 'at each meeting the Executive Committee shall elect its own officers from among representatives present,' be changed to agree with the procedure approved by the Executive Committee at its 29th Meeting, whereby the term of office of the Chairman and the Vice-Chairman extends for the period between two meetings of the Directing Council, which is the practice followed at the present time.

2. To request the Director to transmit to the XV Pan American Sanitary Conference the background information on the above recommendation."

At the same meeting, the Executive Committee, in considering the proposed program and budget of the Pan American Sanitary Organization for 1959, studied the procedure followed in the preparation of the budget document. The Representative of Cuba pointed out that "under the present arrangement, it is the function of the Executive Committee to prepare the proposed budget, with the cooperation of the Director of the Pan American Sanitary Bureau. However," he added, "the Director should also be empowered to present the proposed program and budget that he believes to be most appropriate in each instance," a procedure which, he said, "would grant to the Director the same rights that Article 55 of the WHO Constitution gives to the Director-General of the WHO" (Document CE34/15, page 76). The Committee shared this view and unanimously approved Resolution XVII, as follows:

"The Executive Committee,

Considering that Article 12-C of the Constitution provides that one of the functions of the Executive Committee shall be to prepare a proposed program and budget with the cooperation of the Director of the Pan American Sanitary Bureau; and

Considering that the procedure set forth in Article 12-C limits the function of the Director, who should have authority to present the proposed program and budget that he deems most appropriate in each instance, as is the method outlined in Article 55 of the Constitution of the World Health Organization,

RESOLVES:

1. To recommend to the XV Pan American Sanitary Conference that it amend Article 12-C of the Constitution to read as follows:

Article 12-C. To consider and submit to the Conference or to the Council the proposed program and budget prepared by the Director, with such recommendations as it deems advisable.

2. To make the corresponding change in the Financial Regulations of the Pan American Sanitary Bureau, if the foregoing recommendation is approved."

It should be pointed out that, if approved by the Conference, the proposal of the Executive Committee would affect Article III of the Financial Regulations of the Pan American Sanitary Bureau, which might be drafted as follows:

3.1 The proposed annual program and budget shall be prepared by the Director of the Pan American Sanitary Bureau.

3.2 The estimates shall cover expenditures for the financial year to which they relate, and shall be presented in U.S. dollars.

3.3 The annual budget estimates shall be divided into parts, sections, chapters, and articles, and shall be accompanied by such information annexes and explanatory statements as may be requested on behalf of the Conference or the Directing Council, and such further annexes or statements as the Director may deem necessary and useful.

3.4 The Director shall submit the proposed annual program and budget to the Executive Committee for examination.

3.5 The Executive Committee shall examine the Director's proposed program and budget and shall make such recommendation thereon as it deems appropriate.

3.6 The Director shall submit to the Conference or the Directing Council for consideration the proposed program and budget, together with the recommendations made thereon by the Executive Committee. The proposed program and budget shall be transmitted to all Member States at least thirty days prior to the meeting of the Conference or of the Directing Council.

3.7 The budget for the following financial year shall be adopted by the Conference or the Directing Council.

3.8 Supplementary estimates may be submitted by the Director when and as he may deem necessary.

3.9 The Director shall prepare supplementary estimates in a form consistent with the annual estimates and shall submit such estimates to the Executive Committee for examination and recommendation. The Director shall submit to the Conference or Directing Council for consideration the supplementary estimates, together with the comments of the Executive Committee.