

directing council



PAN AMERICAN
SANITARY
ORGANIZATION
VII Meeting

regional committee

WORLD
HEALTH
ORGANIZATION
V Meeting



Washington, D. C.
9-22 October 1953

CD7/27 (Eng.)
8 October 1953
ORIGINAL: SPANISH

Topic 15: REVISION OF THE CONSTITUTION OF THE
PAN AMERICAN SANITARY ORGANIZATION

The Executive Committee at its 20th Meeting adopted the following resolution (Document CE20/12, Rev. 1, page 10) with regard to this item on the agenda:

RESOLUTION II

WHEREAS:

The Permanent Committee on Revision of the Constitution of the Pan American Sanitary Organization, in order to keep the Executive Committee informed of the progress of the work of constitutional revision, has presented a Report, together with two Annexes, for transmittal to the Directing Council,

THE EXECUTIVE COMMITTEE

RESOLVES:

1. To take note of the progress made by the Permanent Committee in the work of constitutional revision.

2. To transmit to the VII Meeting of the Directing Council for consideration the Report and two Annexes (Document CPRC/32 and Annexes I and II) presented by the Permanent Committee on Revision of the Constitution of the Pan American Sanitary Organization.

Document CPRC/32 and Annexes I and II are attached herewith

Pan American Sanitary Bureau
Regional Office of the
World Health Organization

CPRC/32 (Eng.)
28 September 1953
ORIGINAL: ENGLISH

PERMANENT COMMITTEE ON REVISION OF THE
CONSTITUTION OF THE PAN AMERICAN SANITARY ORGANIZATION

Report of the Permanent Committee
to the VII Meeting of the Directing Council

In order to keep the directing bodies informed as to the progress of the Committee's work, a report was presented at the 19th Meeting of the Executive Committee (April 1953) which is attached hereto (Annex I). The following changes have occurred in the membership of the Committee since the aforementioned report:

As of 2 September 1953, Dr. Luis F. Thomen, Representative of the Dominican Republic, was replaced by Dr. Mario Bergés Chupani. On the same date Mr. Howard B. Calderwood was elected Chairman of the Committee.

The Committee has held 20 sessions, of which 10 have taken place since the last meeting of the Directing Council in October 1952. Members of the Directing Council will recall that a resolution was adopted last year, at the VI Meeting, inviting Member Governments of the Pan American Sanitary Organization to submit to the Permanent Committee on Revision of the Constitution any observations they might wish to make with respect to the Draft Revised Constitution which had been circulated before the meeting of the Directing Council. Up to now, eleven Member Governments have responded to this invitation.

Since the last meeting of the Directing Council, the Committee has re-considered those articles of the Draft Revised Constitution upon which observations were made. The observations which were considered included those which were made at the time of the meeting of the Directing Council last year and those which have since been sent to the Committee. As a consequence of the Committee's review, the texts of certain of those articles have been modified and consequential changes made in other articles. The attached document contains the new texts as modified by the Committee (Annex II).

It will be noted that in the case of Article 12 alternative texts have been included. The first of these alternatives provides for meetings of the Conference alternately at Headquarters and in the territory of one of the Member States. The second leaves the decision as to the place of each meeting to the decision of each Conference, with the proviso that in the event no invitation is received from a Member Government the next meeting will be held at Headquarters. The Committee decided to ask the Directing Council to indicate its preference between the two texts.

It will be noted that certain of the articles upon which Governments submitted observations do not appear in the attached document. (In this connection Articles 3 and 44 might be mentioned particularly.) With respect to these articles the Committee would point out that:

- 1) the observations received indicated the existence of divergent views among the Members Governments which submitted observations, and
- 2) no observations have as yet been made by ten Member Governments.

For these reasons, and because of the importance of the questions involved, the Committee decided not to submit a redraft of these particular articles until a further opportunity is given to Member Governments to present observations on the Draft Revised Constitution. Consequently, the Committee recommends that the Member Governments be invited by the Directing Council to submit to the Director for transmittal to the Permanent Committee any further observations which they may wish to make with respect to the Draft Revised Constitution. If the Directing Council should decide to accept this recommendation, the Committee would also suggest that Governments be asked to submit their observations as early as practicable, and, if possible, before 1 February 1954.

The Committee will complete its review of the entire text of the Draft Revised Constitution and present a complete text of a newly Revised Draft for consideration by the XIV Pan American Sanitary Conference when it meets next year.

Respectfully submitted to the Directing Council of the Organization through the Executive Committee.

(signed)

Howard B. Calderwood

Chairman of the Permanent Committee
and Representative of the United States of America

(signed)

Victor Vergara M.
Representative of Chile

(signed)

Mario Bergés Chupani
Representative of the
Dominican Republic

THIRD REPORT OF THE PERMANENT COMMITTEE ON REVISION OF THE
CONSTITUTION OF THE PAN AMERICAN SANITARY ORGANIZATION
(Submitted to the 19th Meeting of the Executive Committee,
Document CEL9/15)

At its VI Meeting in Havana, September 1952, the Directing Council resolved (Resolution X) to postpone the revision of the Constitution until the opinions of the majority of the Governments and the interested agencies were known, to refer the existing documents on this subject to the Governments, and to transmit any additional documents to the Permanent Committee on Revision of the Constitution so that it might prepare a new draft revision or reaffirm the present revised text.

The Permanent Committee held its tenth session on 20 October 1952, at which time it examined the documents referred to it by the Directing Council and also considered a recommendation of the Director of the Pan American Sanitary Bureau to the effect that the text of Article 44 of the new Constitution be drafted in more general terms. At the same time, the Committee recommended that the Bureau urge the Governments to make known their opinions on the constitutional revision by 5 January 1953, so as to enable the Committee to continue its work in Washington.

Accordingly, the Pan American Sanitary Bureau addressed circular letter SGC-CL-77-52 to those Governments that had not yet expressed their views. The opinions of the Governments of Colombia, Peru, Brazil, Nicaragua, and Venezuela were received in reply. The proposal of Argentina, dated 9 December 1952, had been received previously.

Committee membership - The Government of the Republic of Chile appointed Dr. Victor Vergara M. to replace Dr. Alberto Díaz Alemany as its representative on the Permanent Committee. Dr. Horacio Vicioso Soto replaced Dr. Arturo Calventi as Adviser to Dr. Luis F. Thomen, Representative of the Dominican Republic. Mr. Howard B. Calderwood continued to act as Representative of the United States.

At its eleventh session, held 11 March 1953, the Permanent Committee considered the proposals submitted by the Governments and the interested agencies, and also examined a comparative report presented by the Pan American Sanitary Bureau on the proposed amendments to the Draft Constitution prepared by the Permanent Committee (Document CPRC/14). At the request of the Committee, the Bureau addressed another circular letter to those Governments that had not yet submitted their opinions. The Government of Guatemala expressed its views in a communication dated 2 March 1953.

At the twelfth and thirteenth sessions of the Permanent Committee, held on 16 March and 2 April 1953, respectively, attention was devoted to the work of revising the Draft Constitution prepared by the Permanent Committee, in the light of the opinions expressed by the Governments. The Committee will continue the work of revision on this basis, and will inform the Executive Committee at its next meeting of the status of its work.

Respectfully submitted to the Executive Committee of the Organization.

(signed)

Luis F. Thomen, Chairman
Representative of the Dominican Republic

(signed)

Victor Vergara H.
Representative of Chile

(signed)

Howard B. Calderwood
Representative of the United States
of America

SUMMARY OF THE REVISION OF THE DRAFT PROPOSED CONSTITUTION
PREPARED BY THE PERMANENT COMMITTEE (Document CPRC/14)

1) Up to the present time, no observations have been received on the following articles of the Proposed Constitution:

1, 7, 11, 13, 14, 15, 16, 17, 18, 19, 27, 28, 29, 31, 33, 34, 35, 39, 40, 41, 42, 43, 45, 46, 48, 52 and 53.

Even in the event no observations are received on the afore-listed articles, minor changes will be necessary in some of them so as to bring them into conformity with the articles that have been reviewed and amended. Also, the numbering of the articles will have to be changed, as some articles have been deleted.

2) In the case of the following articles of the Proposed Constitution, observations have been made by the Governments and other interested parties, but no final texts have as yet been prepared by the Committee:

First part of the Preamble; paragraph b) of Article 2; Article 3; Article 3-bis proposed by the Organization of American States; Article 6; Article 8; Article 10; Article 26, with the exception of the first line; and Article 44.

3) The articles of the Proposed Constitution (Document CPRC/14) that have been reviewed by the Committee in the light of the observations made by the Governments and other interested parties and for which texts have been agreed upon by the Committee, are presented on the following pages, each article being listed on a separate page.

CONSTITUTION
OF THE
PAN AMERICAN SANITARY ORGANIZATION

PREAMBLE

(First part pending)

The Representatives of the American States in the Directing Council of the Pan American Sanitary Organization, being duly authorized by their respective Governments to revise the Constitution of the Pan American Sanitary Organization approved in October 1947 at Buenos Aires, hereby agree on the following text:

(Approved at the Thirteenth Meeting of the
Permanent Committee, 2 April 1953)

Article 2

(a) The Members of the Organization are the twenty-one American Republics which have ratified the Pan American Sanitary Code.

(Approved at the Thirteenth Meeting of the
Permanent Committee, 2 April 1953)

CHAPTER III - ORGANS

Article 4

The Organization shall comprise:

- (a) The Pan American Sanitary Conference (hereinafter called the "Conference");
- (b) The Executive Committee of the Conference (hereinafter called the "Executive Committee"); and
- (c) The Pan American Sanitary Bureau (hereinafter called the "Bureau").

(Approved at the Twelfth Meeting of the
Permanent Committee, 16 March 1953)

CHAPTER IV - THE CONFERENCE

A. Composition, Voting, Meetings

Article 5

Each Member shall be represented in the Conference by not more than three delegates, one of whom shall be designated by his Government as chief delegate. The delegations should preferably be comprised of persons qualified by their technical competence in the field of health and shall include officials of the national health administrations.

(Approved at the Thirteenth Meeting of
the Permanent Committee, 2 April 1953)

Article 9

This article has been deleted and the content thereof
incorporated into Article 38.

(Decision approved at the Seventeenth
Meeting of the Permanent Committee,
10 September 1953)

Article 12

(Proposal of the Committee)

The Conference shall meet in regular session every two years, alternately at the seat of the Organization and in the country determined at the immediately preceding meeting. The Director of the Bureau (hereinafter called the "Director"), with the approval of the Executive Committee, shall fix the date of the regular sessions to be held at the seat of the Organization. The place and the date of the sessions which are to be held away from the seat of the Organization shall be fixed by the Director in consultation with the host Government. If the session cannot be held in the country previously selected, the Director shall make the necessary arrangements for the Conference to meet at the seat of the Organization.

Article 12

(Proposal of the OAS)

The Conference shall meet in regular session every two years in the country selected at the preceding meeting, on the date fixed by the host Government in consultation with the Director. As far as possible, an effort shall be made not to hold two successive meetings of the Conference in the same country. If the meeting cannot be held in the country previously selected, the Director shall make the necessary arrangements for the Conference to meet at the seat of the Organization.

(At the Thirteenth Meeting, held on 2 April 1953, the Committee decided to submit both texts so that the Directing Council might indicate its preference)

Article 20

The Conference shall also:

- (a) review the reports of the Director;
- (b) review and approve the budget of the Organization;
- (c) elect the Member States to serve on the Executive Committee;
- (d) elect the Director in accordance with Article 36 of this
Constitution.

(Approved at the Thirteenth Meeting of
the Permanent Committee, 2 April 1953)

Article 21

The Conference may delegate any of its functions to the Executive Committee, except the following: (a) determination of the general policies of the Organization; (b) approval of the total amount of the budget; (c) the election of the Director; (d) approval of agreements between the Pan American Sanitary Organization and the World Health Organization or the Organization of American States; (e) admission of new Members; (f) determination of the nature and extent of participation of territories; and (g) adoption of amendments to this Constitution. The Executive Committee shall perform on behalf of the Conference the functions delegated to it by the Conference.

(Approved at the Thirteenth Meeting of
the Permanent Committee, 2 April 1953)

CHAPTER V - THE EXECUTIVE COMMITTEE

A. Composition, Voting, Meetings

Article 22

The Executive Committee shall be composed of one representative of each of seven Member States elected by the Conference to act on its behalf. Those States shall be elected for overlapping terms of three years and shall not be eligible for re-election until one year has elapsed.

(Approved at the Thirteenth Meeting of
the Permanent Committee, 2 April 1953)

Article 23

Each representative may be accompanied by alternates and advisers.

(Approved at the Fifteenth Meeting of
the Permanent Committee, 21 August 1953)

Article 24

Member States which are not represented on the Executive Committee and territories or groups of territories referred to in Article 3 of this Constitution may participate without vote in the meetings of the Executive Committee.

(Approved at the Fifteenth Meeting of
the Permanent Committee, 24 August 1953)

Article 25

This Article has been deleted and the content thereof
incorporated into Article 38.

(Decision approved at the Seventeenth
Meeting of the Permanent Committee,
10 September 1953)

Article 26

"The expenses of each representative, or each alternate,
attending

Note: The final wording of the remainder of this article was
left pending.

(Decided at the Fifteenth Meeting of the
Permanent Committee, 24 August 1953)

Article 30

The Executive Committee shall meet at least once a year.
Special sessions shall be called by the Director when he deems them necessary or upon request of at least three Members of the Organization. The Director shall convoke the meetings in accordance with the rules of procedure.

(Approved at the Fifteenth and Seventeenth Meetings of the Permanent Committee, 24 August and 10 September 1953)

B. Functions

Article 32

The functions of the Executive Committee shall be:

- (a) to perform those functions delegated to it by the Conference, and to carry out the decisions and policies of the Conference;
- (b) to advise the Conference on matters referred to it by that body and on matters assigned to the Organizations by conventions, agreements and regulations;
- (c) to submit advice or proposals to the Conference on its own initiative;
- (d) to examine and comment on the program and budget prepared by the Director and, in the year in which the Conference does not meet and subject to any decision of the Conference, approve the budget within the limits of the total amount fixed by that body;
- (e) to submit to the Conference the annual budget prepared by the Director, together with any recommendations the Executive Committee may deem advisable;
- (f) to perform such other duties as may be authorized by the Conference;
- (g) to take emergency measures within the functions and financial resources of the Organization to deal with events requiring immediate action.

(Approved at the Fifteenth Meeting of
the Permanent Committee, 24 August 1953)

Article 36

The Director shall be elected by the Conference by a two-thirds vote of the delegations present and voting, to serve on such terms as the Conference may determine. The Director shall always be elected by secret ballot. The term of office for which the Director is elected shall not exceed four years. In the case of resignation, incapacity or death of the Director, the Assistant Director senior in that post shall act as Director ad interim until the next Conference.

(Approved at the Eighteenth Meeting of the
Permanent Committee, 16 September 1953)

Article 37

The Director shall appoint the Assistant Director or Assistant Directors with the approval of the Executive Committee. The Director shall also appoint all other personnel of the Bureau in accordance with the staff regulations adopted by the Organization. In selecting the personnel of the Bureau, consideration shall be given to the competence and integrity of the candidates, the Director having the obligation of distributing the posts in such manner as to guarantee the widest possible geographical representation.

(Approved at the Nineteenth Meeting of the
Permanent Committee, 21 September 1953)

Article 38

The Director shall be ex officio Secretary of the Conference, of the Executive Committee, of all the committees of the Organization and of conferences covered by it. He shall participate in the deliberations of these bodies with voice but without vote. He may delegate these functions.

(Approved at the Eighteenth Meeting of the
Permanent Committee, 16 September 1953)

Article 47

The territories that participate in the Organization in accordance with Article 3 shall make financial contributions to the Organization on the basis established by the Conference.

(The Permanent Committee, at its Eighteenth Meeting on 16 September 1953, decided to retain this Article subject to the final text to be adopted for Article 3.)

CHAPTER X - REVISION OF THE PAN AMERICAN SANITARY CODE

Article 49

(a) Any Member of the Organization or the Director may propose revisions and amendments to the Pan American Sanitary Code for consideration by the Conference.

(b) The revisions and amendments that are approved by the Conference with an affirmative vote of two thirds of the Members present and voting shall be submitted to the Members of the Organization for appropriate action.

(Approved at the Eighteenth Meeting of the
Permanent Committee, 16 September 1953)

CHAPTER XI - AMENDMENTS

Article 50

Texts of proposed amendments to this Constitution shall be communicated by the Director to the Members of the Organization at least three months in advance of their consideration by the Conference. Amendments shall come into force for all Members when adopted by the Conference by two thirds of the Members present and voting.

(Approved at the Eighteenth Meeting
of the Permanent Committee, 16 Sep-
tember 1953)

CHAPTER XII - INTERPRETATION

Article 51

The Members of the Organization, at the Conference, shall decide any question or dispute concerning the interpretation or application of this Constitution.

(Approved at the Eighteenth Meeting of the
Permanent Committee, 16 September 1953)

Article 54

All constitutional and regulatory provisions of the Organization that are contrary to the present Constitution are hereby revoked.

(Approved at the Nineteenth Meeting of
the Permanent Committee, 21 September 1953)