



PAN AMERICAN HEALTH ORGANIZATION  
WORLD HEALTH ORGANIZATION



## 41st DIRECTING COUNCIL

*San Juan, Puerto Rico, 27 September-1 October 1999*

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*Provisional Agenda Item 3.1*

CD41/3 (Eng.)

15 July 1999

ORIGINAL: ENGLISH

### **PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE PAN AMERICAN HEALTH ORGANIZATION**

Resolution EB102.R1 of the Executive Board of the World Health Organization (WHO) requested that the Governing Bodies of the Pan American Health Organization (PAHO) consider amending its Constitution so that the Director of the Pan American Sanitary Bureau would be appointed for a five-year term and be eligible for reappointment only once.

At its 123rd Session, the Executive Committee of PAHO considered a background paper prepared by the Secretariat (Document CE123/2) and recommended that the 41st Directing Council consider amending the PAHO Constitution in order to bring PAHO's practice into line with the Charter of the Organization of American States and with the WHO Executive Board's Rules of Procedure. Accordingly, Executive Committee Resolution CE123.R1 recommended to the 41st Directing Council:

1. That it consider amending Articles 7.A and 21.A of the PAHO Constitution to read as follows:

“Article 7.A. The Conference shall meet every five years at the Headquarters of the Organization on a date fixed by the Director of the Bureau in consultation with the Executive Committee.”

“Article 21.A. The Bureau shall have a Director elected at the Conference by the vote of a majority of the Governments of the Organization. The Director shall hold office for a period of five years, and may not be reelected more than once. In the event that the successor to the Director has not been elected prior to the expiration of the Director's term of office, the Director shall continue to serve until the successor takes office. In the event of the resignation, incapacity, or death of the Director, the Deputy Director shall assume the duties of the Director until the next meeting of the

Council. The Council shall then elect a Director ad interim by a majority vote of the Governments present and voting.”

2. That these amendments take effect as of the opening date of the 26th Pan American Sanitary Conference in 2002 and that they not apply to the incumbent Director.

3. That the Director, in accordance with the provisions of Article 28 of the PAHO Constitution, advise the Member States of the proposed amendments at least three months in advance of their consideration by the 41st Directing Council and, to that end, transmit to the Member States a copy of Document CE123/2 and of Resolution CE123.R1 (Annexes A and B).

By means of Document CE124/8, mailed to all Member States in May 1999, the Director complied with the constitutional and Executive Committee mandates with respect to notification of proposed constitutional amendments. The Executive Committee, at its 124th Session in June 1999, took note of the fulfillment of the necessary requirements.

The Directing Council is asked to consider the proposed amendments.

Annexes



PAN AMERICAN HEALTH ORGANIZATION  
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## 123rd SESSION OF THE EXECUTIVE COMMITTEE

Washington, D.C., September 1998

CD41/3 (Eng.)  
Annex A

*Provisional Agenda Item 3.1*

CE123/2 (Eng.)  
13 August 1998  
ORIGINAL: ENGLISH

### **PROPOSAL TO AMEND THE CONSTITUTION OF THE PAN AMERICAN HEALTH ORGANIZATION IN RELATION TO THE TERM OF OFFICE OF THE DIRECTOR OF THE PAN AMERICAN SANITARY BUREAU**

#### **1. Background**

In Resolution EB102.R1, the Executive Board of the World Health Organization (WHO), at its 102nd session, amended Rule 48 of its Rules of Procedure to state that:

. . . Subject to Article 54 of the Constitution, the appointment of a Regional Director shall be for five years and he or she shall be eligible for reappointment once only.

In the same resolution, the Board:

. . . Requests the Regional Director for the Americas to bring this amendment to the attention of the appropriate governing body of PAHO with a view to considering an amendment to its Constitution, and taking such other action as may be appropriate, so as to establish the same rules for the appointment of the Director of PAHO as are established by this resolution.

The Executive Committee of PAHO, at its 122nd Session in June 1998, considered Resolution EB102.R1. The Members of the Committee noted that, since the Pan American Sanitary Conference elects the Director of the Pan American Sanitary Bureau (PASB) and the Conference is held at four-year intervals in accordance with the PAHO Constitution (Article 7.A), a change in the term of office of the Director of the Pan American Sanitary Bureau (PASB) would require a change in the periodicity of Conferences.

The Committee Members were of the opinion that, while consistency of Regional practices might be desirable, there was not sufficient time for all the Member States to be adequately informed about the nature and ramifications of such a change in the short time remaining before the Pan American Sanitary Conference in September 1998. They further noted that if the interval between the 25th and 26th Pan American Sanitary Conferences were to be lengthened to five years, the 26th Conference would no longer coincide with the observance of the Organization's 100th anniversary in 2002. The Committee therefore proposed that, should it be decided to amend the Constitution to introduce these changes, it be indicated that they would come into effect only with the opening of the 26th Pan American Sanitary Conference in 2002.

The Director of PASB informed the Executive Committee that he would prepare a brief background paper on the subject for the consideration of the Committee at its 123rd Session.

## **2. Considerations**

It might be useful to keep in mind the following provisions when reviewing the options presented below (or other options) in relation to the term of office of the Director of PASB and the possible introduction of a term limitation.

### **2.1 *Global Relationship***

Under Article 1 of the agreement between the World Health Organization and the Pan American Health Organization, which came into effect on 1 July 1949:

*The States and territories of the Western Hemisphere make up the geographical area of a regional organization of the World Health Organization.*

### **2.2 *Inter-American Relationship***

Under part I of the agreement between the Council of the Organization of American States and the Directing Council of the Pan American Health Organization, which came into effect on 23 May 1950:

*The Pan American Sanitary Organization is recognized as an Inter-American Specialized Organization.*

### **2.3 *Director of the Pan American Sanitary Bureau***

Article 21.A of the PAHO Constitution provides:

*The Bureau shall have a Director elected at the Conference by the vote of a majority of the Governments of the Organization. The Director shall hold office for a period of four years.*

#### **2.4 Regional Director of the World Health Organization for the Americas**

Rule 58 of the Rules of Procedure of the Pan American Sanitary Conference states that:

*Acting as Regional Committee of the World Health Organization, and in conformity with Articles 49 and 52 of the Constitution of the World Health Organization, the Conference shall submit to the Executive Board of the World Health Organization the name of the person so elected, for appointment as Regional Director.*

#### **2.5 Amendments to the Constitution of the Pan American Health Organization**

Article 28 of the PAHO Constitution states:

*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.*

### **3. Options**

The Executive Committee may wish to consider the following options:

#### **3.1 Maintenance of the Status Quo**

The Pan American Sanitary Conference or the Directing Council could decide that there is no benefit to be gained for PAHO by the proposed changes and opt to maintain the status quo for the following reasons:

- there is no substantive effect on the integration of PAHO and WHO by the synchronization or not of the length of the term of office and number of terms allowed of the Director of the Pan American Sanitary Bureau and those of the other Regional Directors of WHO;

- a four-year term and no restrictions on reelection have worked satisfactorily up to now for PAHO;
- the terms of office of the Regional Directors of the various WHO Regions do not coincide.

*Action:* No action required.

### **3.2 *Separate the Issues of Term of Office and Term Limitation***

#### **3.2.1 *Term Limitation***

The Pan American Sanitary Conference or the Directing Council could decide to introduce a term limit for the Director of the Pan American Sanitary Bureau, while maintaining the four-year term of office and the periodicity of the Pan American Sanitary Conferences.

*Action:* This could be accomplished by:

- (a) an amendment to Article 21.A of the PAHO Constitution, as follows:

*Article 21.A: The Bureau shall have a Director elected at the Conference by the vote of a majority of the Governments of the Organization. The Director shall hold office for a period of four years **and may not be reelected more than once.** In the event that **the successor to the Director has not been** elected prior to the expiration of **the Director's** term of office, the Director shall continue to serve until **the successor takes office.** In the event of the resignation, incapacity, or death of the Director, the Deputy Director shall assume **the duties of the Director** until the next meeting of the Council. The Council shall then elect a Director *ad interim* by a majority vote of the Governments present and voting.*

OR, alternatively, if it were felt that a term limitation did not belong in the Constitution:

- (b) adoption of a resolution containing the provision that *the Director of the Pan American Sanitary Bureau may not be reelected more than once.*

*Note:* WHO did not amend its Constitution to alter the terms of the Director General or the format of election.

In either case, the Conference or Council could also consider a caveat similar to that made by the Executive Board that would exclude the Director currently in office from this limitation.

### 3.2.2 *Term of Office*

The Pan American Sanitary Conference or the Directing Council could decide to change the term of office of the Director of PASB from four to five years, but decide not to set any limitation on the number of terms of office.

*Action:* This could be accomplished by an amendment to Articles 7.A and 21.A of the PAHO Constitution, as follows:

*Article 7.A: The Conference shall meet every **five** years at the Headquarters of the Organization on a date fixed by the Director of the Bureau in consultation with the Executive Committee.*

*Article 21.A: The Bureau shall have a Director elected at the Conference by the vote of a majority of the Governments of the Organization. The Director shall hold office for a period of **five** years. In the event **that the successor to the Director has not been** elected prior to the expiration of **the Director's** term of office, the Director shall continue to serve until **the** successor takes office. In the event of the resignation, incapacity, or death of the Director, the Deputy Director shall assume **the duties of the Director** until the next meeting of the Council. The Council shall then elect a Director ad interim by a majority vote of the Governments present and voting.*

### **3.3 Change Term of Office and Introduce Term Limitation**

The Pan American Sanitary Conference or the Directing Council could decide to change the term of office of the Director of PASB from four to five years, necessitating a corresponding change in the intervals between Pan American Sanitary Conferences from four to five years, and also decide to set a limit of two terms for the Director, to reflect the practice of the Organization of American States (OAS) for the Secretary General (*The Secretary General of the Organization shall be elected by the General Assembly for a five-year term and may not be reelected more than once . . .*) and that of WHO for the Director-General and other Regional Directors.

*Action:* In order to bring PAHO practice into line with the OAS Charter and with the WHO Executive Board's Rules of Procedure, Articles 7.A and 21.A of the PAHO Constitution could be modified as follows:

Article 7.A. *The Conference shall meet every **five** years at the Headquarters of the Organization on a date fixed by the Director of the Bureau in consultation with the Executive Committee.*

Article 21.A. *The Bureau shall have a Director elected at the Conference by the vote of a majority of the Governments of the Organization. The Director shall hold office for a period of **five** years, **and may not be reelected more than once**. In the event that **the successor to the Director has not been** elected prior to the expiration of **the Director's** term of office, the Director shall continue to serve until the successor takes office. In the event of the resignation, incapacity, or death of the Director, the Deputy Director shall assume **the duties of the Director** until the next meeting of the Council. The Council shall then elect a Director *ad interim* by a majority vote of the Governments present and voting.*

The Pan American Sanitary Conference or the Directing Council could indicate that the amendments will come into effect with the opening of the 26th Pan American Sanitary Conference in 2002, and will not apply to the incumbent Director.

#### **4. Action Requested of the Executive Committee**

The Executive Committee is requested to consider the above or other options and transmit them to the Directing Council together with its opinion.





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## 123rd SESSION OF THE EXECUTIVE COMMITTEE

Washington, D.C., September 1998

CD41/3 (Eng.)  
Annex B

### *RESOLUTION*

#### *CE123.R1*

#### **PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE PAN AMERICAN HEALTH ORGANIZATION**

##### *THE 123rd SESSION OF THE EXECUTIVE COMMITTEE,*

Having reviewed Document CE123/2, "Proposal to Amend the Constitution of the Pan American Health Organization in Relation to the Term of Office of the Director of the Pan American Sanitary Bureau";

Noting the action of the Executive Board of WHO to amend Rule 48 of the Rules of Procedure of the Board to provide that the appointment of a Regional Director shall be for five years and he or she will be eligible for reappointment once only, and its request that PAHO consider an amendment to its Constitution to establish the same rules for the appointment of the Director of PAHO;

Bearing in mind that the Secretary General of the Organization of American States is also elected for a five-year term and may not be reelected more than once;

Taking into consideration the importance to the Organization of the Pan American Sanitary Conference being held in the 100th anniversary year of the Pan American Health Organization, that is, in 2002; and

Aware of the provisions for amending the Constitution of the Pan American Health Organization,

***RESOLVES:***

1. To request the Director:
  - (a) to include in the agenda of the 41st Directing Council in 1999 the item *Proposed Amendments to the Constitution of the Pan American Health Organization*;
  - (b) to transmit Document CE123/2, which contains the options for possible amendments to the PAHO Constitution, to the Member States of PAHO at least three months in advance of their consideration by the 41st Directing Council, in accordance with the provisions of Article 28 of the Constitution.
  
2. To recommend to the 41st Directing Council that it:
  - (a) consider amending Articles 7.A and 21.A of the Constitution of the Pan American Health Organization to read as follows:

“Article 7.A. The Conference shall meet every five years at the Headquarters of the Organization on a date fixed by the Director of the Bureau in consultation with the Executive Committee.”

“Article 21.A. The Bureau shall have a Director elected at the Conference by the vote of a majority of the Governments of the Organization. The Director shall hold office for a period of five years, and may not be reelected more than once. In the event that the successor to the Director has not been elected prior to the expiration of the Director’s term of office, the Director shall continue to serve until the successor takes office. In the event of the resignation, incapacity, or death of the Director, the Deputy Director shall assume the duties of the Director until the next meeting of the Council. The Council shall then elect a Director ad interim by a majority vote of the Governments present and voting.”
  - (b) establish the effective date of the amendments as the opening date of the 26th Pan American Sanitary Conference in 2002.
  - (c) decide that the amendments not apply to the incumbent Director.

*(Adopted at the single meeting, 25 September 1998)*