

*executive committee of
the directing council*



PAN AMERICAN
SANITARY
ORGANIZATION

34th Meeting
Washington, D.C.
May 1958

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



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Topic 3: STUDY ON AMENDMENTS TO THE RULES OF PROCEDURE OF THE EXECUTIVE COMMITTEE

The Executive Committee, at its 33rd Meeting, agreed that a study should be made of the amendments that it would be advisable to introduce in its Rules of Procedure and requested the Director to prepare a document containing the necessary information for this study.

The Director deemed it advisable to request the opinion of Dr. Charles G. Fenwick, Director of the Department of International Law of the Pan American Union, and for that purpose addressed the following letter to Dr. Fenwick under date of 24 February 1958:

"At the 33rd Meeting of the Executive Committee of the Pan American Sanitary Organization, held in Washington, D.C. on 26 September 1957, certain problems of interpretation arose in connection with the Committee's Rules of Procedure. The Committee decided that a study should be prepared on the amendments that it would be advisable to introduce in those Rules.

Your cooperation on previous occasions has been so valuable that I take the liberty of again requesting that you give us the benefit of your advice by studying the Rules of Procedure of the Executive Committee and proposing the modifications that you consider it necessary to introduce in them. I would call your attention to a special problem that perhaps should be the object of a new regulatory provision.

At the afore-mentioned meeting of the Executive Committee the scope of Article 8 of the Rules, which provides that the presence of five representatives constitutes a quorum, was discussed in relation to the new representatives elected by the Directing Council in accordance with Article 13-A of the Constitution of the Pan American Sanitary Organization. The question arose owing to the fact that the Executive Committee was convened by its Chairman before the closing session of the Directing Council meeting and, therefore, before the signature of the Final Report of the Council meeting; In the

opinion of one representative it was doubtful whether there was a quorum, for even though six members of the Executive Committee were present at the meeting, two of them were members newly elected by the Directing Council at its eighth plenary session.

For the preparation of the draft Rules of Procedure of the Executive Committee, it might perhaps be advisable that you take into account the modifications made by the Directing Council, at its X Meeting, in its own Rules of Procedure (Articles 6, 24, and 44).

In order to facilitate your study and findings, I am transmitting to you the following background documents: (a) Basic Documents of the Pan American Sanitary Organization; (b) Rules of Procedure of the Executive Committee, of the Directing Council, and of the Pan American Sanitary Conference; (c) Final Report of the 33rd Meeting of the Executive Committee (Page 3); (d) Documents CE31/16, CE31/18, CD10/24, and CD10/73 (page 14).

I would greatly appreciate it if the draft you prepare could be sent to me at your earliest convenience."

In reply to the above letter, Dr. Charles G. Fenwick sent the following communication dated 24 April 1958:

"I have the honor to acknowledge receipt of your letter of 25 February 1958 (DPB-51-58), in which you request the collaboration of the Department of International Law of the Pan American Union in connection with certain problems of interpretation of the Rules of Procedure of the Executive Committee of the Pan American Sanitary Organization.

In your communication you specifically request of this Department the following:

1. An opinion on the scope of Article 8 of the Rules of Procedure of the Executive Committee, which provides that the presence of five representatives constitutes a quorum, in relation to the new representatives elected by the Directing Council in accordance with Article 13-A of the Constitution of the Pan American Sanitary Organization.

2. A study of the Rules of Procedure of the Executive Committee with the purpose of having this Department propose modifications that it would be advisable to introduce in those Rules.

With regard to the first point, it is fitting to bear in mind the generally-accepted principle that the resolutions contained in the Final Report of a conference come into force on the date on which they are definitively approved by the conference. The signature of the Final Report, notwithstanding the fact that it is a solemn act, is no more than a formalization of the approval already given to those resolutions in plenary session. This principle, it would appear, might also be applied with respect to the resolutions approved by the Directing Council of PASO and to the signature of the Final Report.

The Department of International Law, taking into account this general principle as well as the provisions of Article 27 of the Rules of Procedure of the Executive Committee to the effect that "the Drafting Committee shall prepare the Final Report, which shall include the resolutions taken in regard to all agenda items," is of the opinion that the representatives of the Member Governments elected to a term of office may assume that office on the Executive Committee immediately after their election by the Directing Council and without the need for awaiting signature of the Final Report of the Directing Council meeting.

As regards the second point, the Department of International Law takes the liberty of proposing the following modifications in the Rules of Procedure of the Executive Committee:

1. To modify Articles 6, 17, 26, and 28 for the purpose of entrusting the functions of Secretary of the meetings of the Executive Committee to the Director of the Bureau instead of to the Secretary General. This Department considers that the modification of these articles would avoid the confusion in the duties assigned to the Director and the Secretary General in the present Rules of Procedure. Moreover, the amendments proposed conform to the system already applied by the World Health Organization as well as by the Directing Council of the Pan American Sanitary Organization. In the case of the World Health Organization, the Director-General exercises the function of Secretary of meetings of the Executive Board. In accordance with the amended Rules of Procedure adopted by the Directing Council of PASO at its X Meeting, the function of Secretary of the Council is assigned to the Director of the Pan American Sanitary Bureau. In the case of the Executive Committee of the Directing Council, it would therefore be logical that the Committee follow the criterion established by the Council and consider it advisable to entrust the function of Secretary to the Director of the Bureau.

Furthermore, with regard to Article 28, this Department takes the liberty of proposing that the Final Report be signed only by the Chairman and the Secretary. Inasmuch as the Final Report is a document that is prepared by the Drafting Committee and distributed to the other members of the Executive Committee before the closing session, there appears to be no reason for all members of the Committee to be obliged to sign that Report.

2. To invert the order of Articles 12 and 13 and amend them to conform to the practice at present followed with regard to the approval of the agenda of topics and the preparation of the order of business for the sessions. In accordance with the proposed Article 12, the Executive Committee would approve, at the beginning of each meeting, the agenda of topics and the order of priority for their discussion; and in accordance with the proposed Article 13, the Director of the Pan American Sanitary Bureau would prepare the orders of the day for the sessions, following the order of priority established by the Committee.

3. To modify Article 32 to provide that the approval of amendments to the Rules of Procedure shall require the affirmative vote of the absolute majority of the members of the Committee, that is the affirmative vote of four of the seven members.

Finally, this Department takes the liberty of calling attention to the contradiction that appears to exist between Article 3 of the Rules of Procedure of the Committee, which provides that the election of the Chairman and Vice-Chairman shall take place each year, and Article 15 of the Constitution of PASO, which provides that "at each meeting the Executive Committee shall elect its own officers from among representatives present." In this respect, account should also be taken of Article 14-A of the PASO Constitution, which provides that "the Executive Committee shall meet with due advance notice at least every six months or whenever a meeting is called by the Director of the Pan American Sanitary Bureau, or upon request of at least three Member Governments..." The Department of International Law considers that this matter also should be the object of study on the part of the Executive Committee.

I take pleasure in enclosing a copy of the modifications that this Department takes the liberty of proposing, and I trust they will be useful in the study that the Committee proposes to make on its Rules of Procedure."

The Director has the honor to present to the Executive Committee for consideration the attached document which, to facilitate the deliberations, contains the text now in force and the new text of articles of the Rules of Procedure in which modifications are suggested by the Department of International Law of the Pan American Union.

MODIFICATIONS SUGGESTED BY THE DEPARTMENT OF INTERNATIONAL LAW OF THE
PAN AMERICAN UNION IN THE RULES OF PROCEDURE OF THE EXECUTIVE COMMITTEEPresent Text

Art. 6. The Secretary General of the Pan American Sanitary Bureau shall act as Secretary of the Executive Committee.

Art. 12. The Director of the Pan American Sanitary Bureau shall formulate a program for each session.

Art. 13. The Executive Committee shall adopt an agenda and approve a program at the beginning of each meeting.

Art. 17. There shall be a Drafting Committee composed of the Chairman, the Vice-Chairman, and the Secretary.

Art. 26. The right to speak shall be limited to representatives, observers designated by Members and territories as defined in Article 2 of the Constitution, observers of organizations entitled to representation, the Director of the Pan American Sanitary Bureau, and the Secretary. However, the Chairman may extend the right to speak to alternates, advisers of representatives, and to officials of the Pan American Sanitary Bureau and the World Health Organization.

Proposed New Text

Art. 6. The Director of the Bureau shall be Secretary ex officio of the Executive Committee and of all its subcommittees and working parties. He may delegate these functions.

Art. 12. The Executive Committee, at the beginning of each meeting, shall approve the agenda of topics and establish the order of priority for their discussion.

Art. 13. The Director of the Pan American Sanitary Bureau shall prepare the orders of the day in accordance with the preceding article.

Art. 17. A Drafting Committee shall be established, composed of the Chairman, the Vice-Chairman, and the Secretary or the person to whom the Secretary may have delegated his functions.

Art. 26. The right to speak is granted to representatives, their alternates and advisers, to observers designated by Member Countries and by territories as defined in Article 2 of the Constitution, to observers of organizations entitled to representation, to the Director of the Pan American Sanitary Bureau and, as the case may be, to the official who acts as Secretary. The Chairman may extend the right to speak to officials of the Pan American Sanitary Bureau and the World Health Organization.

Present Text

Art. 28. The representatives, the Director, and the Secretary shall sign the Final Report.

Art. 32. These Rules may be modified or otherwise changed by resolution of the Committee whenever it is deemed necessary or advisable.

Proposed new Text

Art. 28. The Chairman and the Secretary shall sign the Final Report.

Art. 32. These Rules may be modified or amended at the proposal of any member of the Executive Committee with the affirmative vote of the absolute majority of the members of the Committee.