

*executive committee of
the directing council*

PAN AMERICAN
HEALTH
ORGANIZATION



*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



44rd Meeting
Washington, D. C.
October 1961

CE44/3 (Eng.)
1 September 1961
ORIGINAL: ENGLISH

Topic 3: REPORT OF THE SUBCOMMITTEE ON BASIC DOCUMENTS OF THE
PAN AMERICAN HEALTH ORGANIZATION

The Document CD13/16 * will serve as a report to the Executive Committee, as well as to the Directing Council, on the work of the Subcommittee on Basic Documents of the Pan American Health Organization carried out in accordance with Resolution VIII of the 43rd Meeting of the Executive Committee.

In compliance with the above mentioned Resolution VIII, the Director transmitted to the Member Governments the proposed revised texts of the Constitution and Rules of Procedure of the Conference, Directing Council, and Executive Committee, as developed by the Subcommittee. These documents together with the Director's letter of transmittal to the Member Governments requesting their comments are contained in Doc. CD13/16.

As of 1 September 1961, comments have been received only from the Government of Mexico (see Annex).

In view of the foregoing, the Executive Committee may wish to adopt a resolution along the following lines:

Proposed Resolution

The Executive Committee,

Having examined the revised texts of the Basic Documents as proposed by the Subcommittee on Basic Documents (Document CD13/16);

Having studied the comments made by the Member Governments (Document CE44/3); and

Considering the terms of Resolutions XXX and XXXIV of the XV Pan American Sanitary Conference,

*Distributed separately.

RESOLVES:

1. To take note of the work of the Subcommittee on Basic Documents of the Pan American Health Organization.
2. To express its thanks to the Subcommittee for the important work accomplished.
3. To submit the proposed texts as contained in Document CD13/16 to the XIII Meeting of the Directing Council for its consideration and appropriate action.

Annex: Letter of the Government of Mexico.

CE/4/3 (Eng.)
ANNEX

(SEAL OF MEXICO)

Office of International Affairs
Letter No. 021

Department of Health and
Welfare

Subject: Opinion on Provisional Drafts
of Basic Documents of PAHO

Mexico, D.F., 5 August 1961

Dr. Abraham Horwitz
Director, Pan American Sanitary Bureau
1501 New Hampshire, Ave., N. W.
Washington 6, D. C.

Dear Sir:

I acknowledge receipt with pleasure of the following provisional drafts prepared by the Subcommittee on Basic Documents of the Organization: Constitution of the Pan American Health Organization; Rules of Procedure of the Pan American Sanitary Conference; Rules of Procedure of the Directing Council of the Pan American Health Organization; and Rules of Procedure of the Executive Committee of the Organization.

At the indication of Dr. José Alvarez Amézquita, Minister of Health and Welfare, I am pleased to inform you that after careful study all four documents were found to be satisfactory, and I only venture to make one observation about Article 21-A of the Constitution, namely, that for greater clarity with regard to the Election of the Director, the text should read: "present and voting."

Yours very truly,

(Signed)
Dr. Miguel E. Bustamante

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CE44/3 (Eng.)
ADDENDUM I
3 October 1961

Topic 3: REPORT OF THE SUBCOMMITTEE ON BASIC DOCUMENTS OF THE
PAN AMERICAN HEALTH ORGANIZATION

Communications received from the Governments of Brazil, El Salvador,
France, Peru, and United States of America.

(Original: Portuguese)

MINISTRY OF HEALTH

BRAZIL

No. 2/2/120

18 August 1961

Sir:

The legal advisers of this Ministry have examined the texts of the Constitution, the Rules of Procedure of the Conference, the Directing Council, and the Executive Committee of the Pan American Health Organization sent to this Ministry under cover of letter ACP-CL-36-61 of 16 July 1961 and are in agreement with the modifications introduced into those basic documents.

This opinion will be communicated to the Representative of Brazil to the XIII Meeting of the Directing Council to be held next October.

Yours very truly,

(sgd.)

Cattete Pinheiro

Dr. Abraham Horwitz
Director
Pan American Sanitary
Washington, D.C.

(Original: Spanish)

(SEAL)
Public Health Dept.
San Salvador, El Salvador, C. A.

5 September 1961

Dr. Abraham Horwitz
Director, Pan American Sanitary Bureau
Washington, D.C., U. S. A.

Dear Dr. Horwitz:

With regard to document ACP-CL-36-61 of the Pan American Health Organization, a study has been made of the proposed revised texts of the Basic Documents: Constitution, and Rules of Procedure of the Conference, the Directing Council, and the Executive Committee, and the opinion is as follows:

1. That, in general, the proposed text is better worded and reflects the practices dictated by experience.
2. The only important point is to define precisely (so as to avoid any possible discussion) what a majority is in voting: relative majority and absolute majority.
3. There are some errors that appear to be purely typographical.

Yours very truly,

Alberto Aguilar Rivas
Director General

CE44/3 (Eng.)

ADDENDUM I

Page 4

(Original: French)

MINISTRY OF FOREIGN AFFAIRS

REPUBLIC OF FRANCE

United Nations and International Organizations
052

Paris, 30 August 1961

Sir:

In your communication ACP-CL-36-61 dated 18 July 1961, you requested that I send you any comments I might have on the revised texts of the Constitution of the Pan American Health Organization and of the Rules of Procedure of the Directing Council and the Executive Committee of the Organization.

I am pleased to inform you that the documents in question meet with no objection on my part.

Very truly yours,

For the Minister and by authorization
Minister Plenipotenciary

(sgd.)

Director for United Nations and
International Organization Affairs

Dr. Abraham Horwitz
Director, Pan American Sanitary Bureau
1501 New Hampshire Avenue, N.W.
Washington 6, D.C.

(Original: Spanish)

LETTER RECEIVED FROM THE GOVERNMENT OF PERU

Of. No. 408 - O.I.I.

Dr. Abraham Horwitz, Director
Pan American Sanitary Bureau
1501 New Hampshire Avenue, N.W.
Washington 6, D. C.

Sir:

I take pleasure in acknowledging receipt of your communications ACP-CL-15-61 of 10 July and ACP-CL-36-61 of 25 July 1961, copies of which were also addressed to the Minister, and of the following enclosures: the Constitution of the Pan American Health Organization, in duplicate, preliminary draft revision prepared by the Subcommittee on Basic Documents, English and Spanish texts, which are being duly noted and studied; and the draft agenda for the XIII Meeting of the Directing Council, which will be held in the main conference room of the United States Department of State Building (2201 C St., N.W.) in Washington, D.C., from 3 to 17 October 1961.

Under separate cover this office also received one copy of the Boletín de la Oficina Sanitaria Panamericana for June, Vol. I, No. 6, and one copy of the WHO Cronica.

We thank you for your courtesy and remain,

Very truly yours,

(sgd.)

Dr. Eduardo Goicochea
Chief Medical Officer, Office of
International Exchange
Ministry of Public Health and Welfare

(Original: English)

MODIFICATIONS TO THE PROPOSED REVISED TEXTS OF THE BASIC DOCUMENTS
OF THE PAN AMERICAN HEALTH ORGANIZATION, SUGGESTED BY THE GOVERNMENT
OF THE UNITED STATES OF AMERICA

The Government of the United States of America suggests the following modifications to the proposed revised texts of the Constitution of the Pan American Health Organization and of the Rules of Procedure of the Conference and of the Directing Council, as presented by the Subcommittee on Basic Documents:

PROPOSED CONSTITUTION

Article 2: Membership

Substitute the following language for the second sentence: "American States which are Members of the Organization are hereinafter called Member Governments."

(Comment: This change would cover any change in the membership. There appears to be no necessity to refer to the number of present members.)

Article 28: Amendments

Substitute the following language: "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."

(Comment: It seems desirable that States be notified three months in advance of proposed constitutional changes.)

RULES OF PROCEDURE OF THE CONFERENCE

Rules 42 and 43: Voting in Plenary Sessions

Combine in one rule by substituting the following language for the proposed texts of these two rules: "Motions shall be considered adopted when they have received the affirmative vote of a majority of the Governments present and voting, except when the Constitution or these Rules of Procedure provide otherwise. For the purpose of these rules "Governments present and voting" means Governments casting an affirmative or negative vote. In computing

(Original: English)

a majority, any fraction shall be counted as a whole number. If the votes are evenly divided the motion shall be regarded as not adopted."

(Comment: The second part of the first sentence of Rule 42 in the proposed text appears to be unnecessary.)

Rule 46:

Insert in Line 3, after the word matter: "except budgetary questions."

(Comment: The vote on the adoption of the budget and related questions, which is a matter of primary importance to Member States, should not be taken by secret ballot.)

RULES OF PROCEDURE OF THE DIRECTING COUNCIL

Rules 40 and 41:

Modify as in case of Rules 42 and 43 of the Rules of Procedure of the Conference.

Rule 44:

Modify as in the case of Rule 46 of the Rules of Procedure of the Conference.