



directing council

PAN AMERICAN
SANITARY
ORGANIZATION
VI MEETING

regional committee

WORLD
HEALTH
ORGANIZATION
IV MEETING



*Havana, Cuba
15-24 September 1952*

CD6/19 (Eng.)
14 September 1952
ORIGINAL: ENGLISH

Topic 16: REPORT OF THE PERMANENT COMMITTEE OF THE EXECUTIVE
COMMITTEE ON REVISION OF THE CONSTITUTION OF THE
PAN AMERICAN SANITARY ORGANIZATION

The Executive Committee, at its 17th Meeting, adopted the following resolution (document CE17/35, p. 11) after considering the Report of its Permanent Committee on Revision of the Constitution of the Pan American Sanitary Organization (document CE17/12):

RESOLUTION IV

REVISION OF THE CONSTITUTION OF THE PAN
AMERICAN SANITARY ORGANIZATION

WHEREAS:

The Permanent Committee entrusted with the revision of the Constitution of the Pan American Sanitary Organization submitted to the Executive Committee a draft constitutional revision and a report thereon, to be transmitted to the Directing Council; and

Resolution XIV, approved by the Directing Council at its V Meeting, provided that the aforesaid proposed revision and report should be transmitted to the Directing Council for consideration at its VI Meeting,

THE EXECUTIVE COMMITTEE

RESOLVES:

To take note of the draft constitutional revision and the report thereon as prepared by the Permanent Committee of the Executive Committee, and to transmit both documents to the Directing Council for consideration at its VI Meeting.



*executive committee of
the directing council*

PAN AMERICAN
SANITARY
ORGANIZATION

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



*17th Meeting
Havana, Cuba
10-12 September 1952*

CE17/12 (Eng.)
9 September 1952
ORIGINAL: SPANISH

Topic 7. REPORT OF THE PERMANENT COMMITTEE OF THE
EXECUTIVE COMMITTEE ON THE REVISION OF
THE CONSTITUTION OF THE PAN AMERICAN
SANITARY ORGANIZATION

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PROPOSED RESOLUTION

REVISION OF THE CONSTITUTION OF THE
PAN AMERICAN SANITARY ORGANIZATION

WHEREAS:

The Permanent Committee entrusted with the revision of the Constitution of the Pan American Sanitary Organization submitted to the Executive Committee a draft constitutional revision and a report on same to be transmitted to the Directing Council;

Resolution XIV approved by the Directing Council at its V Meeting provided that the proposed revision and the report mentioned in the preceding paragraph be considered by the Directing Council at its VI Meeting,

THE EXECUTIVE COMMITTEE

RESOLVES:

To submit the proposed revision of the Constitution and the report on same prepared by the Permanent Committee of the Executive Committee to the consideration of the Directing Council at its VI Meeting.

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

Background

At its V Meeting the Directing Council adopted Resolution XIV, the operative part of which reads as follows:

"RESOLVES:

- "1. That the revision of the Constitution be postponed until the opinion of the governments and of the interested agencies are more fully known.
- "2. That a permanent committee of the Executive Committee be established, for the specific purpose of studying the revision of the Constitution.
- "3. That the existing documents on the subject be referred to the said committee, as well as any documents that arrive in sufficient time to enable it to prepare the report and the draft revisions that the Directing Council is to consider at its VI Meeting."

In accordance with the above, the Executive Committee, adopted the following resolution at its 15th Meeting (Resolution I):

"RESOLVES:

- "1. To appoint the Representatives of Chile, the Dominican Republic and the United States as the Permanent Committee to study the revision of the Constitution of the Pan American Sanitary Organization, and to prepare a report and draft revision to be submitted to the Directing Council at its VI Meeting.
- "2. To instruct the Director of the Pan American Sanitary Bureau to transmit to the above-mentioned Permanent Committee the existing documents on this subject, as well as any that may be received later, and to make available the cooperation of the necessary technical staff of the Bureau in order to facilitate the work of the said Committee.

Members of the Committee

The following representatives were appointed to serve on the Permanent Committee: the Government of Chile appointed Mr. Alberto Díaz Alemany; the Dominican Republic appointed its Ambassador in Washington, Dr. Luis F. Thomen; the United States of America was represented by Mr. Howard B. Calderwood. Dr. Luis F. Thomen was elected Chairman of the Committee.

Working Party

The Committee created a legal working party composed of the Representative of Chile, the Representative of the United States of America and lawyers of the Pan American Sanitary Bureau. This group met as often as necessary to study the special problems entrusted to it and to revise and harmonize the articles of the Constitution provisionally approved by the Permanent Committee.

Work of the Committee

The Committee for the Revision of the Constitution has so far held nine (9) meetings: on 3 and 23 January, on 28 February, on 17 March, on 2 and 8 April, on 24 June, on 2 and 17 July, 1952.

After establishing a general plan of work, the Permanent Committee studied the basic problems of the revision of the Constitution and its repercussion on the functioning of the Organization. Using as a working basis the draft Constitution originally proposed by the Director of the Pan American Sanitary Bureau (Document CE 13/10, Annex III) based on the present Constitution, its Articles were studied and were replaced provisionally by new texts. And then a methodical revision was made of the provisionally approved text in order to bring the various provisions into harmony, improve their form and content. Later revisions were made of the structure of the draft, and the English and Spanish texts were revised to make them equivalent. Finally a column of references and marginal comments was prepared which appears in the draft Constitution referred to in this report.

Meaning of the Revision

The deliberations and decisions of the Permanent Committee were guided by the recommendations of both the Directing Council and the Executive Committee as regards reduction in the number of governing bodies of the Organization as well as definition of the status accorded within the Organization to territories in the Americas that are dependent on European States.

In accordance with the afore-mentioned recommendations, the Draft Constitution proposed by the Permanent Committee provides that the Directing Council of the Organization be abolished and that the Pan American Sanitary Conference, which up to the present has met once every four years, henceforth hold biennial meetings. In addition, a clear distinction was made between the Members of the Organization and the participating non-Members. Although the Committee deemed it the duty of the Conference to determine the nature and scope of the participation of the territories, it was believed advisable to establish the principal limitations of such participation in the Constitution.

Throughout the draft the Permanent Committee endeavored to ensure the technical independence and autonomy of the Organization, without depriving it of the necessary characteristics to be recognized as a Specialized Agency of the Organization of American States and to act, at the same time, as the Regional Committee and Regional Office of the World Health Organization.

The provisions of the draft regarding the technical and administrative problems of the Organization, as well as the modifications in the drafting and form which have been included, are self-explanatory in the proposed text and are explained in the column of references and comments contained in the same document.

Handling of the Draft

The Constitution proposed by the Permanent Committee was transmitted to the Council of the Organization of American States for an opinion, in conformity with Resolution VIII approved at the 16th Meeting of the Executive Committee. The Council of the Organization of American States forwarded the documents to its Committee on Inter-American Organizations for study.

Accompanied by a circular letter of explanation, the English and Spanish texts were sent to the Member Governments of the Organization for an opinion.

The draft was also sent to the Headquarters Office of the World Health Organization requesting observations or comments.

Cooperation of the Secretariat

The Permanent Committee has received the cooperation of the technical personnel of the Pan American Sanitary Bureau, particularly of the Director, the Secretary General, the legal advisers of the Bureau and the Conference Section. In addition, it has had at its disposal a series of documents which the Secretariat had previously circulated, in which the

resolution and official documents regarding the revision of the Constitution appear, and as well the draft revisions which previously had been received from the Governments. Members of the staff of the Bureau were entrusted with processing documents and minutes, translating and distributing them.

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

(signed)

Dr. Luis F. Thomen
Chairman of the Permanent Committee
and Representative of the Dominican Republic

(signed)

Alberto Díaz Alemany
Representative of Chile

(signed)

Howard B. Calderwood
Representative of the
United States of America

CE17/12 (Eng.)
ANNEX I
9 September 1952
ORIGINAL: ENGLISH-SPANISH

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

DRAFT CONSTITUTION (Document CPRC/14)

CPRC/14 (Eng.)
20 July 1952
ORIGINAL: ENGLISH-SPANISH

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

PROPOSED CONSTITUTION

COMMENT

CONSTITUTION

OF THE

PAN AMERICAN SANITARY ORGANIZATION

PREAMBLE

(Original text in present Constitution -- Text to
be drafted by Chairman of Permanent Committee)

.....

The Representatives of the American States in the
Directing Council of the Pan American Sanitary Organi-
zation, being duly authorized by their respective Govern-
ments, hereby adopt the following Constitution for the Pan-
American Sanitary Organization:

CHAPTER I - PURPOSES

COMMENT

Article 1

The fundamental purposes of the Pan American Sanitary Organization (hereinafter called the "Organization") shall be to promote and coordinate efforts of the countries of the Western Hemisphere to combat disease, lengthen life, and promote the physical and mental health of the people.

Same as Article 1 of present Constitution.

CHAPTER II - MEMBERSHIP AND PARTICIPATION
OF TERRITORIES

Article 2

(a) The Members of the Organization are the twenty-one American Republics.

Based on Article 2A of present Constitution.

(b) Membership in the Organization shall be open to other American States which shall be admitted as Members when their application has been approved by the Conference by a two-thirds vote of the Members present and voting.

Article 3

Any territory or group of territories within the Western Hemisphere which is not responsible for the conduct of its international relations may be represented and may participate in the Organization. The nature and extent of

Based on Article 2B of present Constitution. Certain limitations with regard to the participation of territories appear

COMMENT

such representation and participation, as well as the obligations of any such territory or group of territories, shall be determined by the Members of the Organization represented at the Pan American Sanitary Conference, within the limitations established in this Constitution.

throughout this Proposed Constitution; see, for example, Articles 10, 22, 44(b), 49 (b), 50, and 52.

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").

The Directing Council is eliminated as an organ of the Organization; otherwise textually same as Article 3 of present Constitution.

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 delegates should be qualified by their technical competence in the field of health and should preferably be officials of the national health administrations.

Based on Article 5B of present Constitution.

Article 6

Each territory, and each group of territories under the jurisdiction of the same State, may be represented in the Conference by not more than three delegates who should be qualified by their technical competence in the field of health and should preferably be officials of the health administration of the territory or group of territories.

Article 7

The delegates may be accompanied by alternates and advisers.

Article 8

The expenses of the delegations to the meetings of the Conference shall be borne by their respective Governments.

Article 9

The Director of the Bureau (hereinafter called the "Director") shall participate in the Conference with voice but without vote.

Article 10

(a) Each Member State, together with any territory or group of territories which are under its jurisdiction and which may be represented in the Conference, shall have one vote.

COMMENT

Derived from Article 5A of present Constitution.

Based on Article 5B of present Constitution.

Based on Article 7E of present Constitution.

Based on Article 9D of present Constitution.

Based on Article 6A of present Constitution.

COMMENT

(b) Territories or groups of territories under the jurisdiction of the same non-American State shall vote as a single unit whenever they are entitled to vote. Only one vote may be cast on behalf of each such unit.

Derived from Article 6A of present Constitution.

Article 11

Except as otherwise provided in this Constitution or by the Conference, motions shall be considered adopted when they have obtained a majority vote of the delegations present and voting.

Based on Article 6B of present Constitution.

Article 12

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, 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 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.

New.
Compare with Article 7A and Article 10A of present Constitution.

COMMENT

Article 13

Special sessions of the Conference shall be held at the request of the Executive Committee or of a majority of the Members. Special sessions shall normally be held at the seat of the Organization. The Director, in consultation with the members of the Executive Committee, shall fix the place and date of the special sessions.

New. Since the Directing Council is abolished and annual regular sessions of the Conference are not required, it may be necessary for PASO to convoke special sessions of the Conference until the World Health Assembly decides to hold its sessions biennially.

Article 14

The Director shall convoke all meetings of the Conference.

New. Derived from Article 12A of present Constitution.

Article 15

Sufficiently in advance of the date fixed for the meeting of the Conference the Government of the country in which the session is to be held shall appoint a committee to cooperate with the Bureau in organizing the meeting.

Based on Article 7B of present Constitution.

Article 16

The Conference shall approve its agenda, shall elect its own officers and shall adopt its own rules of procedure.

Based on Article 7D and F of present Constitution.

COMMENT

B. Powers and Functions

Article 17

The Conference is the supreme governing authority of the Organization.

Similar to Article 4A of present Constitution.

Article 18

The Conference shall determine the general policies of the Organization and shall instruct, as deemed proper, the Executive Committee and the Director with respect to any matter within the scope of the Organization.

Based on Article 4B of present Constitution.

Article 19

The Conference shall serve as a forum for the interchange of information and ideas relating to health problems of the countries of the Western Hemisphere.

Based on Article 4D of present Constitution.

Article 20

The Conference shall also:

- (a) review the reports of the Director;
- (b) review and approve the annual budget of the Organization;

Based on Article 8C of present Constitution.

Based on Article 8D of present Constitution.

COMMENT

(c) elect the Member States to serve on the Executive Committee;

New. See Article 13A of present Constitution

(d) elect the Director in accordance with Article 36 of this Constitution.

Derived from Article 4E of present Constitution.

Article 21

The Conference may delegate any of its functions to the Executive Committee, to be performed by that body on behalf of the Conference, except: (a) determination of the general policies of the Organization; (b) approval of the total amount of the annual 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.

Derived from Article 4C of present Constitution, but specifies functions which may not be delegated. This article is considered necessary in view of biennial sessions of the Conference and the consequent increase of functions of the Executive Committee.

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

Based on Article 13A of present Constitution.

COMMENT

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.

Article 23

Each representative may be accompanied by alternates and advisers whose expenses shall be borne by their respective Governments.

Derived from Article 13A of present Constitution.

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, at their own expense, send observers who may participate without vote in the meetings of the Executive Committee.

Derived from Article 13B of present Constitution.

Article 25

The Director shall participate in the Executive Committee with voice but without vote.

Derived from Article 9D of present Constitution.

Article 26

The expenses of the representatives attending meetings of the Executive Committee shall be paid by the Bureau except

Based on Article 14B of present Constitution.

COMMENT

when a meeting is held immediately preceding or immediately following the Conference, in which event the expenses of the representatives shall be borne by their respective Governments.

Article 27

Each member of the Executive Committee shall have one vote.

Based on the rules of procedure of the Executive Committee.

Article 28

A majority of the members of the Executive Committee shall constitute a quorum.

Based on the rules of procedure of the Executive Committee.

Article 29

Motions shall be adopted by a majority vote of the representatives present and voting, except when the Executive Committee decides otherwise.

Based on the rules of procedure of the Executive Committee.

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.

Compare with Article 14A of present Constitution.

COMMENT

Article 31

The Executive Committee shall approve its agenda, shall elect its own officers and shall adopt its own rules of procedure.

Based on Article 15 and Article 16 of present Constitution.

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;

Derived from Article 8A of present Constitution.

(b) to advise the Conference on matters referred to it by that body and on matters assigned to the Organization by conventions, agreements and regulations;

Derived from Article 12D of present Constitution

(c) to submit advice or proposals to the Conference on its own initiative;

Derived from Article 12D of present Constitution and Article 28 (e) of WHO Constitution.

(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.

New. Compare with Article 12C, and Article 8D of present Constitution and Article 55 of WHO Constitution.

COMMENT

(e) to submit to the Conference the annual budget prepared by the Director, together with any recommendations the Executive Committee may deem advisable;

New. Based on Article 55 of WHO Constitution.

(f) to perform such other duties as may be authorized by the Conference;

Based on Article 12E of present Constitution.

(g) to take emergency measures within the functions and financial resources of the Organization to deal with events requiring immediate action.

Derived from Article 28 of the WHO Constitution.

CHAPTER VI - THE PAN AMERICAN SANITARY BUREAU

Article 33

The duties and functions of the Bureau shall be those specified in the Pan American Sanitary Code, and such other functions as may be assigned to the Bureau by the Conference, or by the Executive Committee acting pursuant to Article 32 of this Constitution.

Based on Article 17 of present Constitution.

Article 34

The Bureau shall have a Director, not more than two Assistant Directors, and such technical and administrative staff as the Organization may require.

Compare with Article 18A and 18B, of present Constitution. The title "Secretary General" which appears in Article 18B of present Constitution is eliminated in order to

COMMENT

Article 34 (Cont.)

avoid confusion with the functions associated with that title under the Charters of the United Nations and Organization of American States.

Article 35

The Director shall be the chief technical and administrative officer of the Organization and shall be the legal representative thereof.

New.
Derived from Article 31 of WHO Constitution.

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. In 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.

Derived from Article 4E and Article 18A of present Constitution and Article 31 of WHO Constitution.

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.

Based on Article 18B of present Constitution.

COMMENT

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 convened by it. He may delegate these functions.

New. Based on Article 32 of WHO Constitution.

Article 39

The Director shall prepare and submit annually to the Executive Committee the financial statements and budget estimates of the Organization.

New. Based on Article 34 of WHO Constitution; Compare with Article 12C of present Constitution.

Article 40

The Director shall submit an annual report on the work of the Organization to the Executive Committee for transmittal to the Conference.

Derived from Article 8C of present Constitution.

Article 41

The Director may make suitable arrangements for consultation and cooperation with other organizations having interest in or relation to public health, subject to confirmation by the Conference.

Based on Article 23 of present Constitution.

Article 42

(a) No member of the staff of the Bureau may act as a representative of any Government.

Based on Article 19 of present Constitution.

(b) In the performance of their duties, the Director and all personnel of the Bureau shall not seek nor receive

COMMENT

instructions from any Government or from any authority external to the Organization. They shall refrain from any action which is incompatible with their position as international officers. Each Government, on its part, shall respect the exclusively international character of the Director and the personnel and shall not seek to influence them.

CHAPTER VII - TECHNICAL COMMISSIONS

Article 43

The Director shall appoint such technical commissions as are authorized by the Conference or the Executive Committee.

Based on Article 20 of present Constitution.

CHAPTER VIII - RELATIONS

Article 44

(a) The relations between the Pan American Sanitary Organization and the World Health Organization, and the relations between the Pan American Sanitary Organization and the Organization of American States shall be governed by the agreements which have been concluded in accordance with the Constitution of the World Health Organization and the Charter of the Organization of American States.

(b) Any new agreement or any revision of the present agreement of 24 May 1949 between the Pan American Sanitary Organization and the World Health Organization, and any new

New

COMMENT

agreement or any revision of the present agreement of 23 May 1950 between the Pan American Sanitary Organization and the Organization of American States, shall require a two-thirds vote of the Members of the Organization represented at the Conference. Proposals concerning any such agreement or revision shall be submitted to the Members at least three months in advance of the Conference.

New

CHAPTER IX - FINANCIAL PROVISIONS

Article 45

The Member States shall make financial contributions to the Organization in accordance with Article 60 of the Pan American Sanitary Code (Havana, 1924).

Based on Article 21A and 21B of present Constitution.

Article 46

The Member States may make contributions for general expenses and extraordinary contributions for specific purposes in addition to their regular annual quota contributions.

Same as Article 21C of present Constitution.

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,

Derived from Article 21D of present Constitution.

COMMENT

Article 48

The Conference or the Executive Committee may accept donations and bequests made to the Organization, provided that the conditions attached to such donations or bequests are consistent with the purposes and policies of the Organization. Those donations or bequests which do not require financial or other obligations on the part of the Organization may be accepted by the Director.

Derived from Article 22 of present Constitution.

CHAPTER X - REVISION OF THE PAN
AMERICAN SANITARY CODE

Article 49

(a) The Director shall propose such revisions and amendments of the Pan American Sanitary Code as he considers necessary for the consideration of the Executive Committee or the Conference.

Based on Article 24 of the present Constitution.

(b) Such revisions and amendments shall be approved by the Conference and submitted to the Members of the Organization for appropriate action.

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

Derived from Article 25 of present Constitution and similar to Article 73 of WHO Constitution.

COMMENT

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.

CHAPTER XII - INTERPRETATION

Article 51

Any question or dispute concerning the interpretation or application of this Constitution shall be decided by the Conference.

New

CHAPTER XIII - ENTRY INTO FORCE

Article 52

This Constitution shall enter into force when approved by the Directing Council by a two-thirds vote of the Members present and voting.

Based on Article 26A of present Constitution.

Article 53

Resolutions, decisions and actions previously adopted by the organs of the Organization which are in effect when this Constitution is adopted shall continue in force insofar as they are consistent with the provisions of this Constitution, subject to any subsequent actions which the Organization make take.

New

COMMENT

Article 54

The previous Constitution of the Organization (Buenos Aires, 1947) is hereby revoked.

Based on Article 26B of present Constitution.

IN FAITH WHEREOF the undersigned representatives, having been duly authorized for that purpose, sign this Constitution in the city of _____ this _____ day of _____ in a single copy in the Spanish and English languages, each text being equally authentic.

New

CONSTITUTION OF THE PAN AMERICAN SANITARY ORGANIZATION*

PREAMBLE

Progress in the sciences of public health and medicine together with new and wider concepts of the responsibilities of governments in matters of health make it essential to broaden the scope of international health work in the Western Hemisphere and to develop and strengthen the Pan American Sanitary Bureau in order that it may be able to carry out fully the obligations imposed by this progress.

Acting in accordance with the Final Act of the XII Pan American Sanitary Conference, the Directing Council hereby adopts the following Constitution for the Pan American Sanitary Organization.

CHAPTER I

THE ORGANIZATION

Article 1: Purposes: The fundamental purposes of the Pan American Sanitary Organization shall be to promote and coordinate efforts of the Countries of the Western Hemisphere to combat disease, lengthen life and promote the physical and mental health of the people.

Article 2: Membership:

A. The Pan American Sanitary Organization is at present composed of the twenty-one American Republics. All self-governing nations of the

* Official translation of the Spanish text approved by the Directing Council, in plenary session (October 1, 1947), at its Meeting held in Buenos Aires from September 24 to October 2, 1947.

Western Hemisphere are entitled to membership in the Pan American Sanitary Organization.

B. Territories or groups of territories within the Western Hemisphere which are not responsible for the conduct of their international relations shall have the right to be represented and to participate in the Organization. The nature and extent of the rights and obligations of these territories or groups of territories in the Organization shall be determined in each case by the Directing Council after consultation with the Government or other authorities having responsibility for their international relations. It is understood that Member Governments having under their jurisdiction subordinate territories and peoples within the Western Hemisphere will apply the provisions of the Pan American Sanitary Code and of this Constitution to such territories and peoples.

Article 3: Organs: The Pan American Sanitary Organization shall comprise:

1. The Pan American Sanitary Conference (hereinafter called the Conference);
2. The Directing Council (hereinafter called the Council);
3. The Executive Committee of the Directing Council (hereinafter called the Executive Committee); and
4. The Pan American Sanitary Bureau.

CHAPTER II

THE CONFERENCE

Article 4: Functions:

A. The Conference shall be the supreme governing authority of the Organization.

B. The Conference shall determine the general policies of the Organization, including financial policy, and shall instruct, as deemed proper, the Directing Council, the Executive Committee and the Director of the Bureau with respect to any matter within the scope of the Organization.

C. The Conference, when it deems necessary, may delegate any of its functions to the Directing Council which will execute them on behalf of the Conference during intervals between meetings of the Conference.

D. The Conference shall serve as a forum for the interchange of information and ideas relating to the prevention of disease, the promotion, preservation and restoration of mental and physical health, and the advancement of socio-medical measures and facilities for the prevention and treatment of physical and mental diseases in the Western Hemisphere.

E. The Conference shall elect the Director of the Pan American Sanitary Bureau by a two-thirds vote of the countries represented and with the right to vote. In case of resignation, incapacity or death of the Director, between meetings of the Conference, the Directing Council shall elect a Director who shall act ad interim.

Article 5: Composition:

A. The Conference shall be composed of delegates of Member Governments of the Organization and of any other territories or groups of territories to which the right of representation has been extended in accordance with Article 2, Paragraph B, of the Constitution.

B. Each Government shall be represented by not more than three delegates, one of whom shall be designated by the respective Member Government as Chief Delegate. Delegates may have alternates and advisers. Delegates selected by the respective Member Governments should include specialists in public health, preferably official of national public health services.

Article 6: Voting:

A. Each Member Government officially represented at the Conference shall have the right to one vote. The participating territories or groups of territories officially represented at the Conference shall enjoy the prerogatives established under Article 2, Paragraph B.

B. Motions shall be considered adopted when they have obtained the affirmative vote of a majority of the participating Governments entitled to vote which are represented and voting at the meeting where the vote is taken, except when the Conference may decide otherwise. Any representative may make reservations or abstain from voting.

Article 7: Meetings:

A. The Conference shall normally meet once in four years in the country determined by its immediately preceding meeting, on a date fixed

by the host Government after consultation with the Director. No two successive meetings of the Conference shall be held in the same country.

B. At least one year in advance of the date of the quadrennial meeting of the Conference, the Government of the country in which the Conference is to meet shall appoint a committee to cooperate with the Pan American Sanitary Bureau in organizing the meeting.

C. At least three months prior to the convening of the Conference, the Director shall submit to the participating Governments a comprehensive Report on the progress of the Organization since the last meeting of the Conference.

D. The agenda for the meeting of the Conference shall be prepared by the Director and approved in advance by the Executive Committee. The Conference may adopt additions to or modifications of the agenda in accordance with its own rules of procedure.

E. Each participating Government shall pay the expenses of its representatives to each meeting of the Conference. The Pan American Sanitary Bureau shall pay the expenses of its personnel attending the meetings.

F. The Conference shall elect its own officers and shall adopt its own rules of procedure.

G. When the Executive Committee has approved the agenda for any meeting of the Conference, a copy of the agenda shall be sent to the Director General of the World Health Organization. Representatives of the World Health Organization are entitled to participate, without vote, in the meetings of the Conference.

CHAPTER III

THE COUNCIL

Article 8: Functions:

A. The Council shall perform those functions delegated to it by the Conference, shall act on its behalf between meetings of the Conference, and shall carry out the decisions and policies of the Conference.

B. Whenever the post of Director of the Pan American Sanitary Bureau becomes vacant, the Council shall elect an ad interim Director in accordance with Article 4, Paragraph E.

C. The Council shall review the annual reports of the Chairman of the Executive Committee and of the Director of the Pan American Sanitary Bureau.

D. The Council shall review and approve the annual budget of the Organization.

E. The Council shall submit an annual report to the participating Governments.

F. The Council may provide for the establishment of such branch offices as it or the Conference may deem necessary to carry out the purposes of the Organization.

Article 9: Composition:

A. The Council shall be composed of one representative from each Member Government of the Organization, and one representative from each territory or group of territories to which the right of representation in the Organization has been extended under Article 2, Paragraph B, of this Constitution. The representatives selected by each of the participating Governments shall be chosen from among specialists in public health, preferably officials of the national health services. Each representative may be accompanied by alternates or advisers.

B. Each Member Government officially represented on the Council shall have one vote. Other participating Governments officially represented on the Council shall enjoy the privileges established under Article 2, Paragraph B.

C. Motions shall be considered adopted when they have received the affirmative vote of the majority of the participating Governments entitled to vote, which are represented and present at the moment when the vote is taken, except when the Council decides otherwise.

D. The Director of the Pan American Sanitary Bureau shall be an ex officio member of the Council without the right to vote.

Article 10: Meetings:

A. The Council shall meet normally at least once each year. Each Government shall pay the expenses of its representative.

B. The agenda for the meeting of the Council shall be prepared in advance by the Director of the Pan American Sanitary Bureau and approved by the Executive Committee. Additions or modifications of the agenda may be adopted by the Council in accordance with its own rules of procedure.

C. The Director of the Pan American Sanitary Bureau shall inform the World Health Organization or its Interim Commission of the agenda to be discussed at the meetings of the Council. Representatives of the World Health Organization are entitled to participate, without vote, in the meetings of the Council.

Article 11: Officers and Rules of Procedure:

The Council shall elect its own officers and shall adopt its own rules of procedure.

CHAPTER IV

THE EXECUTIVE COMMITTEE

Article 12: Functions:

The functions of the Executive Committee shall be:

A. To authorize the Director of the Pan American Sanitary Bureau to convoke meetings of the Council.

B. To approve the agenda of meetings of the Conference and of the Council.

C. To prepare with the cooperation of the Director of the Pan American Sanitary Bureau a proposed budget for consideration by the Council.

D. To advise the Council regarding matters referred to the Executive Committee by that body, or on its own initiative, regarding other matters relating to the activities of the Council or of the Pan American Sanitary Bureau.

E. To carry out such other duties as may be authorized by the Council.

Article 13: Composition:

A. The Executive Committee shall be composed of seven Member Governments elected by the Council for overlapping terms of three years. Each of the elected governments shall be entitled to designate one representative to the Executive Committee and in addition as many alternates and advisers as it deems necessary. A Member Government shall not be eligible for re-election to the Executive Committee until one year has elapsed.

B. Member Governments not represented on the Executive Committee may, at their own expense, send observers who may, in accordance with the rules of procedure of the Executive Committee, participate without vote in the proceedings of the Executive Committee.

Article 14: Meetings:

A. 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. One of these meetings may be held at the time and place of the annual meeting of the Council.

B. The expenses of the representatives to the Executive Committee attending meetings concurrent with, immediately preceding or immediately following those of the Directing Council, shall be borne by Member Governments. Expenses of representatives to other meetings of the Executive Committee, or, in the event that any representative is unable to attend, of an alternate, shall be paid by the Pan American Sanitary Bureau.

Article 15: Officers:

At each meeting the Executive Committee shall elect its own officers from among representatives present.

Article 16: Rules of Procedure:

The Executive Committee shall adopt its own rules of procedure.

CHAPTER V

THE PAN AMERICAN SANITARY BUREAU

Article 17: Functions:

The duties and functions of the Pan American Sanitary Bureau shall be those specified in the Pan American Sanitary Code, and those which are assigned in the future by the Conference or the Council in fulfillment of the purposes expressed in Article 1 of this Constitution.

Article 18: Administration:

A. The Pan American Sanitary Bureau shall have a Director designated in accordance with the provisions of Article 4, paragraph E. In the event of the resignation, incapacity or death of the Director, the Assistant Director shall assume his duties until the next meeting of the Council.

B. The Pan American Sanitary Bureau shall have an Assistant Director and a Secretary General appointed by the Director with the approval of the Executive Committee. The Director shall also appoint all other personnel of the Pan American Sanitary Bureau. All appointments shall be in accordance with the Rules and Regulations adopted by the Council. These Rules and Regulations shall specify the conditions governing the selection of personnel competent to carry out the duties entrusted to the Pan American Sanitary Bureau. Whenever possible, the widest geographic distribution shall be followed in regard to the recruiting of the personnel.

C. The Director of the Pan American Sanitary Bureau shall create in the central office and its branches, such sections as are deemed necessary in order to carry out the program of health activities authorized by the Organization.

Article 19: International Character of the Personnel:

A. No member of the staff of the Pan American Sanitary Bureau may act as a representative of any Government.

B. In the performance of their duties, the Director and all personnel of the Pan American Sanitary Bureau shall not seek nor receive instructions from any government or from any authority external to the Pan American Sanitary Organization. They shall refrain from any action which is incompatible with their position as International Officers. Each Member Government on its part, shall undertake to respect the exclusively international

character of the Director and the personnel and shall not seek to influence them.

Article 20: Technical Commissions:

The Director of the Pan American Sanitary Bureau may appoint such permanent technical commissions as are authorized by the Conference or the Council, as well as such non-permanent technical commissions as are authorized by the Conference, by the Council or by the Executive Committee.

CHAPTER VI

BUDGET

Article 21: Financial obligations of the Governments:

A. The Pan American Sanitary Organization shall be financed by contributions from Member Governments.

B. Each Member Government, after approval of the quota determined by the Council, shall make its regular annual contribution.

C. Member Governments may make contributions for general expenses and extraordinary contributions for specific purposes, in addition to their regular annual quota contributions.

D. The non-self-governing territories that participate in the Organization may contribute on the same terms established for the Member Governments.

Article 22: Donations:

The Council, the Executive Committee or the Director may accept and administer donations and bequests made to the Organization provided that any conditions attached to such donations or bequests are consistent with the purposes and policies of the Organization.

CHAPTER VII

RELATIONS

Article 23: The Council may make suitable arrangements for consultation and cooperation with other organizations having interest in or

relation to public health, and to this end may conclude special agreements with such organizations.

CHAPTER VIII

MODIFICATIONS

Article 24: Revisions of the Pan American Sanitary Code:

A. The Director of the Bureau shall prepare periodic revisions of the Pan American Sanitary Code in accordance with general needs and policies determined by the Conference or the Council.

B. Such revisions shall be reviewed by the Executive Committee and submitted to the Conference or Council for approval.

C. Such revisions shall be submitted to participating Governments for appropriate action as recommendations of the Conference, or the Council.

Article 25: Amendments to the Constitution:

The Conference or the Directing Council may approve and put into force, in accordance with policies which they may determine, amendments to this Constitution.

CHAPTER IX

VALIDITY

Article 26: Entry into Force:

A. This Constitution shall enter into force when approved by the Council.

B. The previous Constitution is hereby revoked.