

The Constitution of the Pan American Health 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 Health Organization.

Chapter I

The Organization

Article 1. *Purposes:*

The fundamental purposes of the Pan American Health 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.

Article 2. *Membership:*

A. All American States are entitled to membership in the Organization. (American States which are Members of the Organization are hereinafter called Member Governments.)

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 (hereinafter called Participating Governments).

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 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 (hereafter called the Executive Committee); and
4. The Pan American Sanitary Bureau (hereinafter called the 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, when it deems it necessary, shall instruct the Council, the Executive Committee, and the Director of the Bureau with respect to any matter within the scope of the Organization.
- C. The Conference shall serve as a forum for the interchange of information and ideas relating to the prevention of disease; the preservation, promotion, and restoration of mental and physical health; and the advancement of sociomedical measures and facilities for the prevention and treatment of physical and mental diseases in the Western Hemisphere.
- D. The Conference shall elect the Member Governments to serve on the Executive Committee, in accordance with Article 15, paragraph A of the Constitution.
- E. The Conference shall elect the Director of the Bureau in accordance with Article 21, paragraph A, of the Constitution.
- F. The Conference shall review the annual reports of the Chairman of the Executive Committee and of the Director of the Bureau for the immediately preceding year, as well as the quadrennial report of the Director of the Bureau.
- G. The Conference shall review and approve the biennial program and budget of the Organization.

H. The Conference may delegate any of its functions to the Council, which shall execute them on behalf of the Conference during the interval between meetings of the Conference.

Article 5. *Composition:*

A. The Conference shall be composed of delegates of Member Governments of the Organization and the Participating Governments (hereinafter called "Governments" when both are referred to).

B. Each Government shall be represented by not more than three delegates, one of whom shall be designated by the respective Government as chief delegate. Delegates may be accompanied by one or more alternates and advisers. Delegates selected by the respective Governments should include specialists in public health, preferably officials of national public health services.

C. The Director of the Bureau shall participate *ex officio* without the right to vote.

Article 6. *Voting:*

A. Each Government officially represented at the Conference shall have the right to one vote. The Participating Governments shall exercise this right within the limitations established in accordance with Article 2, paragraph B.

B. If a Government fails to meet its financial obligations to the Organization by the date of the opening of the Pan American Sanitary Conference or a meeting of the Directing Council, by being in arrears in an amount exceeding the sum of its annual payments of contributions for two full years, the voting privileges of that Government shall be suspended. Nevertheless, if the Conference or the Directing Council is satisfied that the failure of the Government to pay is due to conditions beyond its control, it may permit the Government to vote.

C. Motions shall be considered adopted when they have received the affirmative vote of a majority of the Governments present and voting, except where the Constitution or the Rules of Procedure otherwise provide.

Article 7. *Meetings:*

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

B. Notwithstanding the provision of the immediately foregoing paragraph, the Conference may meet in any Member Country of the Organization provided that the Government concerned invites it and that the Conference itself or the Directing Council, at its meeting held one year before that appointed for the Conference, accepts the invitation.

C. Whenever the provisions of the immediately foregoing paragraph apply, the Government of the country in which the Conference is to be held shall appoint a Committee to cooperate with the Bureau in organizing the Conference.

D. At least three months prior to the beginning of the Conference, the Director of the Bureau shall submit to the Governments a comprehensive report on the progress of the Organization since the last meeting of the Conference.

E. Each Government shall pay the expenses of its delegation to the Conference, and the Bureau shall pay the expenses of its personnel.

F. The provisional agenda of the Conference shall be prepared by the Director of the Bureau and submitted to the Executive Committee for approval. The Conference shall adopt its own agenda and, in so doing, may make such additions or modifications to the provisional agenda as it may wish, in accordance with its Rules of Procedure.

G. When the provisional agenda has been approved by the Executive Committee, a copy shall be sent to the Director-General of the World Health Organization.

H. The Director-General of the World Health Organization, or his representatives, shall have the right to participate, without vote, in the Conference.

Article 8. *Officers and Rules of Procedure:*

The Conference shall elect its own officers and shall adopt its own Rules of Procedure.

Chapter III

The Council

Article 9. *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. The Council shall elect the Member Governments to serve on the Executive Committee in accordance with Article 15, paragraph A of the Constitution.

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

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

E. The Council shall elect an *ad interim* Director of the Bureau when necessary, in accordance with Article 21, paragraph A.

F. The Council shall approve the establishment of branch offices of the Organization.

Article 10. *Composition:*

A. The Council shall be composed of one representative from each Government. The representatives shall be designated from among specialists in public health, preferably officials of national public health services. Each representative may be accompanied by one or more alternates and advisers.

B. The Director of the Bureau shall participate *ex officio* without the right to vote.

Article 11. *Voting:*

A. Each Government officially represented on the Council shall have the right to one vote. The Participating Governments shall exercise this right within the limitations established in accordance with Article 2, paragraph B.

B. Motions shall be considered adopted when they have received the affirmative vote of a majority of the Governments present and voting except where the Constitution or the Rules of Procedure otherwise provide.

Article 12. *Meetings:*

A. The Council shall normally meet once each year in those years in which the Conference does not meet.

B. Each Government shall pay the expenses of its representation, and the Bureau shall pay the expenses of its personnel.

C. The provisional agenda of the Council shall be prepared by the Director of the Bureau and submitted to the Executive Committee for approval. The Council shall adopt its own agenda and, in so doing, may make such additions or modifications to the provisional agenda as it may wish, in accordance with its Rules of Procedure.

D. When the provisional agenda has been approved by the Executive Committee, a copy shall be sent to the Director-General of the World Health Organization.

E. The Director-General of the World Health Organization, or his representatives, shall have the right to participate, without vote, in the Council.

Article 13. *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 14. *Functions:*

The functions of the Executive Committee shall be:

- A. To authorize the Director of the Bureau to convoke meetings of the Council.
- B. To approve the provisional agenda of meetings of the Conference and of the Council.
- C. To consider and submit to the Conference or to the Council the proposed program and budget prepared by the Director of the Bureau with such recommendations as it deems advisable.
- D. To advise the Conference or the Council regarding matters referred to the Executive Committee by those bodies or on its own initiative, regarding other matters relating to the activities of the Conference, the Council, or the Bureau.
- E. To discharge any other function assigned to it by the Conference or the Council.

Article 15. *Composition:*

- A. The Executive Committee shall be composed of nine Member Governments of the Organization elected by the Conference or the Council for overlapping periods of three years. Each of the elected Member Governments shall be entitled to designate one representative to the Executive Committee. Each representative may be accompanied by one or more alternates and advisers. A Member Government shall not be eligible for reelection to the Executive Committee until one year has elapsed since the expiration of its term of office.
- B. 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.
- C. The Director of the Bureau shall participate *ex officio* without the right to vote.

Article 16. *Voting:*

- A. Each Member Government elected to and represented on the Executive Committee shall have the right to one vote.

B. Motions shall be considered adopted when they have received the affirmative vote of a majority of the Member Governments present and voting, except where the Constitution or the Rules of Procedure otherwise provide.

Article 17. *Meetings:*

A. Two regular meetings of the Executive Committee shall be held every year. One of these meetings shall be held at the place of the meeting of the Council or of the Conference and immediately following it . Special meetings shall be held when convoked by the Director of the Bureau, either on his own initiative or upon request of at least three Member Governments.

B. The expenses of the Representatives to the Executive Committee attending meetings concurrent with, immediately preceding, or immediately following those of the Council, or of the Conference, 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 Bureau.

Article 18. *Officers:*

The Executive Committee shall elect from among its members a Chairman and a Vice-Chairman, who shall hold office until their successors are elected. The elections shall take place each year at the first meeting of the Executive Committee following the election of its new Member Governments.

Article 19. *Rules of Procedure:*

The Executive Committee shall adopt its own Rules of Procedure.

Chapter V

The Bureau

Article 20. *Functions:*

The duties and functions of the 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 21. *Administration:*

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. In the event of his successor not being elected prior to the expiration of his term of office the Director shall continue to serve until his successor takes office. In the event of the resignation, incapacity, or death of the Director, the

Deputy Director shall assume his duties 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. The Bureau shall have a Deputy Director and an Assistant Director appointed by the Director with the approval of the Executive Committee. The Director shall also appoint all other personnel of the 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 Bureau. Whenever possible, the widest geographic distribution shall be followed in regard to the recruiting of the personnel.

C. The Director of the 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 22. *International Character of the Personnel:*

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

B. In the performance of their duties, the Director and all personnel of the Bureau shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which is incompatible with their status as international officers. Each 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 23. *Technical Commissions:*

The Director of the Bureau may appoint such permanent technical commissions as are authorized by the Conference or the Council, as well as such nonpermanent technical commissions as are authorized by the Conference, by the Council, or by the Executive Committee.

Chapter VI

Budget

Article 24. *Financial Obligations of the Governments:*

A. The Organization shall be financed by annual contributions from Governments. The contributions from Member Governments shall be determined in conformity with Article 60 of the Pan American Sanitary Code. The Participating Governments shall make annual contributions computed on a basis similar to that established for the Member Governments.

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

Article 25. *Donations:*

The Conference, the Council, the Executive Committee, or the Director of the Bureau 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 26. *Relations with Other Organizations:*

The Conference or the Council may make suitable arrangements for consultation and cooperation with other organizations interested in or concerned with public health and, to this end, may conclude special agreements with such organizations.

Chapter VIII

Modification

Article 27. *Revision 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 the Council for approval.

C. Such revisions shall be submitted to the Governments which are parties to the Pan American Sanitary Code, for appropriate action as recommendations of the Conference or the Council.

Article 28. *Amendments to the Constitution:*

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.

Chapter IX

Validity

Article 29. *Entry into Force:*

- A. This Constitution shall enter into force when approved by the Council.
- B. The previous Constitution is hereby revoked.

The present Constitution was signed in the city of Buenos Aires on the second day of the month of October of the year nineteen hundred and forty-seven.

*

Revisions approved by the Directing Council at its XIII Meeting, Resolution XXXVII (1961); at its XVI Meeting, Resolution XXIV (1965); at its XVIII Meeting, Resolution II (1968); and at the XX Pan American Sanitary Conference, Resolution I (1978).