

**INTER-AMERICAN CONFERENCE
ON SOCIAL SECURITY**

**BYLAWS
AND
REGULATIONS**

I N D E X

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Amendments to the Bylaws of the Inter-American Conference on Social Security (CISS)

Exposition of Motives

The Conference has reached 61 years of existence and during all this time it has been characterized as an organization ready to search, with the participation of all of its members, for solutions to the complex problems faced by Social Security. Its effectiveness and strength are the result, to a great extent, of this constant participation on the part of the Institutions.

Social and economic problems have been of great variety and magnitude. Even nowadays, it is difficult to predict the path that Social Security will follow, but something is certain: the CISS has fully performed its mission. Among many achievements, it has offered to all of its members a space, a site and a time to look up to the horizon and catch a glimpse of whatever is forthcoming.

Its membership has increased constantly, and has grown from 20 members at the time of its foundation, to the 66 members it has at present.

However now, at the start of a new millennium, the CISS is facing important challenges derived, among other sources, from demographic, epidemiological,

social and economic changes occurring in the whole world and, especially, in Latin America, which – to a greater or a lesser extent, have had a repercussion on Social Security. Within this context, several countries of the region have introduced structural changes in their Social Security systems, which have given rise to the surging of new modalities of participation of the private sector in their administration.

Conscious of this situation, some members institutions of the Conference, have posed the need to update the legal frame of the CISS with the purpose of adapting its Bylaws and Regulations to the new conditions in which their activities will have to be developed.

In order to respond to this requirement, at the XLIII Meeting of the Permanent Inter-American Committee on Social Security (CPISS), held on November 26 1999 in Mexico City, it was agreed to create a Commission for the Review of the Bylaws and Regulations of the CISS, which was integrated by a representative of each one of the Sub-Regions, in order to guarantee the representation of the entire organization. Within this context, Sub-Region IV was authorized two representatives with the purpose of securing the representation both of the English speaking Caribbean and of North America.

The CPISS decided that the Revising Commission should analyze, as a priority undertaking, the following points that correspond to the more frequent requirements of the member institutions:

- The possible registration of new associates to the Conference, attending to the reality now faced by social Security in the American Continent.
- The responsibilities of the Secretariat General and of the Directorate of the CIESS.
- A clear, transparent and sufficiently legitimized election procedure for the positions of the Secretary General and of the Director of the CIESS.
- Examine the financial burden of the organization to make it more equitable.

In addition to the priority points outlined by the CPISS, the Revising Commission agreed to include as a point for analysis the point relative to the bodies of the CISS, with the purpose of clearly defining their integration and respective functions.

A working method was established to analyze the current Bylaws, article after article, with the purpose of determining those that required amendment. The following elements were taking into consideration for this analysis:

- The proposals for amendments sent by the member institutions.
- The document prepared by doctors Orlando Peñate, from Cuba, and Humberto Gómez, from Costa Rica, named: *“Proposal for Amendments to the Bylaws of the CISS”*, which gathers in the form of articles, the points of agreement reached during the First Meeting of

the Revising Commission, held on March 13 and 14, 2000 in Mexico City.

- Draft of the Bylaws prepared by Dr. Edward Tamagno, from Canada, sent to the Secretariat General of the CISS on January 15, 2001.

The Revising Commission carried out seven work meetings on the dates listed below:

1. On March 13th and 14th, 2000, in Mexico City. In this meeting, Dr. Orlando Peñate Rivero from Cuba, was appointed President to the Commission.
2. On October 20th, 2000, in San Jose, Costa Rica.
3. From October 8th through the 10th, 2001, in Mexico City.
4. On April 9th and 10th, 2002, in Mexico City.
5. On July 9th and 10th, 2002, in Mexico City.
6. On February 24th and 25th, 2003, in Mexico City
7. From July 8th through the 10th, in Mexico City.

At each one of these meetings, the proposals presented by the member institutions, as well as the documents mentioned above, were analyzed and discussed, permitting the preparation of successive drafts and approaches that were finally shaped in the Project for Amendments to the Bylaws, and that are today submitted to the consideration of all the organizations members of the CISS.

However, it was considered necessary to make a brief comment in this exposition, on the priority aspects outlined by the CPISS, which due to their transcendence, were subject to deep analysis.

1. Registration of new members:

In Article 4th of the Project for Amendments, two new categories of members are created: adherent and connected members.

Adherent Members will be the institutions created or recognized by the legal ordinances of the respective Government. Their rights and obligations are similar to those of associated members, although their incorporation does not affect, in any manner whatsoever, the rights of the latter nor their representation in the bodies of the CISS.

Related Members will only be permitted to accede to the CISS if they have the approval of the regular member from the country in which they operate. This requirement was established with the purpose that the institutions incorporated to the CISS have a renown prestige at least in the country in which they operate.

2. Responsibilities of the Secretariat General and of the Directorate of the CISS.

The concept of autonomy of the bodies implied in the current Bylaws is expressly accepted. In particular, this concept was taken into consideration for the CISS

and its field of action with respect to that corresponding to the Secretariat General. The articles proposed are aimed at a delimitation of functions that will guarantee the harmonic operation of each one of the bodies.

Some institutions, among them the *Social Security Administration* of the United States and the *Department of Human Resources*, of Canada, recommended the express exclusion from the functions of the Secretariat General, those relative to the administrative activities carried out by the CIESS. The Commission considered that this exclusion was not necessary or convenient, because the principle of autonomy established in Article 8th and the details contained in Articles 22th, sections h), i), k); 24th, section k) and 28th section c) will avoid the conflicts of competence that have been manifest in the past, between the Secretariat General and the CIESS, and constitute an adequate frame for the development of a useful coordination relationship between both bodies on an equality basis and not on the basis of subordination of one to the other.

3. Clear, transparent and sufficiently legitimized procedure for election to the positions of Secretary General and Director of the CIESS.

According to Article 11th, section c) of the current Bylaws, the General Assembly has the responsibility to elect the President and the three Vice-Presidents of the CISS, as well as the Secretary General of the CISS.

Likewise, it is the responsibility of the Permanent Inter-American Committee on Social Security (Article 16th, section II) to elect the members of the Board of Directors of the CIESS, with the exception of the President, and to designate its Director.

On the other hand, in section d) of Article 39th of the current Bylaws, the right of the full members to be elected for the positions of the CISS is recognized, and section m) of the same article sets forth the right of the members to propose candidates for the positions chosen by vote.

As may be appreciated, the current Bylaws regulate the right of the members of the CISS to propose candidates, and the power of the General Assembly, integrated by all the members, to elect the authorities of the Conference, the power of the Permanent Inter-American Committee on Social Security (CPISS) also integrated by all the members of the Conference, to designate the Director of the CIESS, as well as the fact that each country member of the Conference has the right to one vote, regardless of its size, population, scope of its Social Security scheme, or any other aspect, a situation that has guaranteed ample democracy in the operation of the CISS, which is expressed, among other elements, in the composition of its directive bodies, characterized by the representation of multiple institutions from all the Sub-Regions.

In spite of the foregoing, and in response to the mandate of the CPISS, the Revising Commission analyzed the possibility of introducing changes in the current procedures for the election of authorities and reached the following points of agreement:

- The Secretariat General will be the organ in charge of receiving candidacies and submitting to the General Assembly a report on each one of the candidacies for President, Vice-Presidents, Secretary General and Comptroller (Article 22nd, section o). The Board of Director of the CIESS will have the same function with respect to the candidacy for Director of the CIESS (Article 31st, section f).
- The President of the CISS, the three Vice-Presidents and the Secretary General and the Director of the CIESS will be elected by the General Assembly every three years, by raising hands vote.
- The President and the Vice-Presidents of the CISS, the members of the Boards of Directors of the CASS and the members of the Executive Boards of the Sub-Regions, will be elected as representatives of their institutions and therefore can be replaced when the institutions consider it convenient (Article 18th, 30th, 41th and 47th).
- With respect to the Secretary General of the CISS, the proposed amendments provide that in the event of temporal or definite absence, the Permanent Committee, at the proposal of the President of the CISS, will designate an interim Secretary General for the period of absence or the rest of the period (Article 21st).
- Likewise, it will be the responsibility of the Permanent Committee to designate the replacement in the event of a temporal or definite absence of the Director of the CIESS, but in this case, the proposal for candidate shall be the responsibility of the Board of Directors of the CIESS (Article 31st).
- The right of the President of the CISS to propose to the General Assembly a candidate for the position of Secretary General is maintained. This proposal will be accompanied by a report of the Permanent Committee and will not limit, in any manner whatsoever, the right of the CISS members to present candidates for that position.

After having established the principles for the election and substitution of the authorities of the CISS and of its bodies, the Revising Commission considered it advisable, seeking to implement Bylaws that will be as simple as possible, that the procedures for the obtainment of candidates and other provisions relative to elections, will be governed on the detailed level, by the Regulations of the respective bodies, which will be approved by the General Assembly.

Finally, with respect to the examination of the financial burden of the organization to make it more equitable, the Commission considered that the financial regulations will establish the procedure for the determination of the amount of the quotas payable by institutions, and therefore, if the financial situation of the CISS should impose the need for a revision of the quotas in effect, the Presidency and the Secretariat General will present to the General Assembly a specific proposal in this respect, without the need to amend the Bylaws.

The Bylaw Project was approved by the II Extraordinary General Assembly held in October 2002 in Mexico City. At this same Assembly, the Revising Commission was entrusted with the task of incorporating in the Bylaw a section relating to the Treasurer; with drafting an article establishing the procedure for fixing the fee for the full member from the Conference's venue State and with drafting the

Regulation for CISS Bodies, the Financial Regulation and the Regulation for the Election of Authorities.

When preparing the chapter concerning the Treasurer, the Revising Commission considered that the functions conferred upon the Treasurer are functions typical of a Comptroller, so they are suggesting that the Assembly approve Section IX of the Bylaw as Comptrollership.

The fee for the full member representing the State acting as the seat of the Conference is established in the second paragraph of article 49 of the Bylaw.

The need to be more specific in certain articles of the Bylaw approved in October 2002 arose while preparing the Regulations; these specifications refer to formal issues that do not modify the essence of what was approved, but require to be ratified by this Assembly. The articles modified are articles number 7; 10; 12; 13; 16; 18;19; 20;21; 22; 25;27; 29; 31; 34; 38; 48;51;53 y 56.

We are submitting for the consideration of this General Assembly the proposal to ratify the Bylaw approved by the II Extraordinary General Assembly held in Mexico City in October 2002, including the modifications incorporated by the Revising Commission, as instructed by the General Assembly itself.

Likewise, we are submitting the texts of the Regulation for CISS Bodies, the Financial Regulation and the Regulation for the election of CISS Authorities for consideration and approval where appropriate.