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LEGAL ADVISORY GROUP ON THE INTERNATIONAL
SANITARY REGULATIONS

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REPORT TO THE DIRECTOR-GENERAL

IQ/67.5

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The Legal Advisory Group met in Geneva from 16 to 19 October 1967 under the chairmanship of Professor Dehaussy. Dr P. M. Kaul, Assistant Director-General, opened the meeting on behalf of the Director-General.

The Group considered the International Sanitary Regulations, Third Annotated Edition, the Report of the Director-General (document WHO/IQ/67.145), the revised International Sanitary Regulations contained in IQ/WP/67.13, and the report of the Expert Consultative Group on the International Sanitary Regulations (document IQ/67.4). The other working papers and other documents listed in Annex 1 were available for reference.

After a general discussion, the Group proceeded to consider the draft Revised International Sanitary Regulations article by article as contained in document IC/WP/67.13.

Article 1

"aerosol dispenser" - Delete the sentence in parenthesis.

"blocks away" -

If this term is not used in the main body of the Regulations, the definition should be deleted. If it is used in one article only it should be transferred to that article. If retained in Article 1, the word "(désinsectisation)" should be inserted in the French text after "cales enlevées".

"crew" - After the words "a train, or a road vehicle", insert the words "or other means of transport". The Group considered that this addition should also be made in the other articles of the Regulations, wherever appropriate.

"disinsection", "disinsecting" - Delete the definition and substitute the following: "These words are used to describe the operation in which measures are taken to kill the insects present in aircraft, ships, trains, road vehicles or other means of transport".

"epidemic" - The Group wondered whether it was necessary to keep this definition. In any case, it stressed that a term other than "quarantinable" would have to be used in all the articles of the Regulations where this word appears.

"in flight" - Delete this paragraph and substitute the following:

<u>"vol (en cours de)"</u> - French text	}	"means the time elapsing between the closing of the doors of the aircraft before take-off and their opening on arrival".
<u>"in flight"</u> - English text		

"local area"

The Group considered that the first part of the definition should read as follows:

"A sub-division, within its territory, which may be a port or an airport, designated by the national health administration, having a defined boundary . . .".
The rest of the sentence is unchanged.

One member of the Group, however, considered that the second part of the definition should read as follows:

". . . and possessing a health organization considered by the health administration concerned as able to apply the appropriate sanitary measures permitted or prescribed by these Regulations;"

"port" - Replace this definition by the following: "means a seaport or an inland port".

Article 3

In paragraph 3 after the word "telegram" insert the words "or telex".

Article 8

The Group had some reservations with regard to the use of the words "aux provenances" in the French text. It suggests that it might be desirable to consider using another term corresponding to the English word "arrivals".

Article 11

With reference to paragraph 3, the majority of the members of the Group considered that this provision was in conformity with the constitutional requirements. One member expressed some doubts on that point. The Group unanimously agrees, for different reasons, that it would be desirable for this paragraph to be worded as follows:

"The Organization shall, when it considers that the outbreak of a quarantinable disease constitutes a serious threat to neighbouring countries, or to international health, be authorized to investigate by suitable means; these may include on-the-spot studies by a team, with the consent of the governments concerned, in order to assist those governments to organize immediately appropriate control measures".

Article 14

In paragraph 2 of the English text insert the word "any" before the word "contamination" in the third line.

Article 18

French text only: replace the word "seront" by the word "sont".

Article ... (page 15)

In paragraph 3 of the English text only: delete the words "information on" and replace by "a list of".

Article 22

In the English text only at the end of the third line, delete the comma.

Article 26

At the end of the first paragraph, delete the words "General Declaration" and replace by "Health Part of the Aircraft General Declaration".

Article 28

This should read as follows:

"Except in case of an emergency constituting a grave danger to public health, a ship or an aircraft which is not infected or suspected of being infected with a [quarantinable] disease shall not on account of any other epidemic disease be refused pratique by the health authority for a port or an airport; in particular, it shall not be prevented from discharging or loading cargo or stores, or taking on fuel or water".

Article 32

In the second line the words "its territorial waters" should be replaced by the words "the waters within its jurisdiction", in order to avoid confusion with the narrow definition of "territorial sea" introduced by Article 1 of the Convention on the Territorial Sea of 1958.

Article 46

Delete the last sentence of paragraph 3.

Article 72

In the French text only the first sentence of the fourth paragraph should read as follows:

"Le vaccin anti-marijuana utilisé sera approuvé par l'Organisation et le centre de vaccination devra avoir été habilité par l'administration sanitaire du territoire dans lequel ce centre est-situé".

Article 63

Paragraph 4 should take the form of a footnote.

Article 96

In paragraph 4, put a full stop after the words "stated areas". Delete (c) and replace it by the following:

"Nevertheless, the Maritime Declaration of Health shall continue to be required when there is positive information to report".

Article 97

In paragraph 3, put a full stop after the words "stated areas".

Delete (c) and (d) and replace by the following:

"Nevertheless, the Health Part of the Aircraft General Declaration shall continue to be required when there is positive information to report or in application of the provisions of Article 30. Accordingly, aircraft operators . . ." (The rest of the Article remains unchanged).

Article 98

Insert a new third paragraph reading as follows:

"3. Vaccination certificates must be signed by a medical practitioner in his own hand; his official stamp is not an accepted substitute for the signature".

The first sentence of the former paragraph 8 to become a footnote to this new paragraph 3 reading:

* "Vaccinations may be carried out by nurses and medical technicians if under the direct supervision of a qualified medical practitioner".

Renumber the present paragraph 3 as paragraph 4, and at the end of this new paragraph 4 delete the words "the information . . . in the mother's certificate", which should be shown as a footnote.

The present paragraph 4 becomes new paragraph 5.

The present paragraph 5 becomes new paragraph 6.

The present paragraph 6 should be shown as a footnote.

Paragraph 7 remains as paragraph 7.

Present paragraph 8 should be deleted.

Present paragraph 9 becomes paragraph 8.

Article 100

Paragraph 2 should be shown as a footnote.

Article 102

In sub-paragraph 3(b) delete the words "from time to time".

Article 103

In paragraph 1 of the French text only: before the word "nomades", insert a comma and the word "les".

Paragraph 3 should read as follows:

"The standards of hygiene on ships and aircraft carrying persons taking part in periodic mass congregations shall not be inferior to those recommended by the Organization".

Article 104

In paragraphs 1, 2 and 3 the word "arrangements" should be replaced by the word "treaties" (in French "conventions").

This Article 104 should appear under the heading "IX - FINAL PROVISIONS", following Article 105.

Article 105

In paragraph 1:

Delete the words "upon their entry-into-force" and in the first line of the English text delete the word "shall".

After (1) insert: "(m) International Sanitary Regulations, 1951, and the Additional Regulations of 1955, 1956, 1960, 1963 and 1965".

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Article 106

Before the present Article 106, insert a new Article reading:

"In the case of conflict between these Regulations and any provisions of a treaty, the provisions of the Regulations shall prevail in relation to those States which are bound by the said Regulations".

The Legal Advisory Group wishes to stress the importance of the problems that may arise through possible conflicts between the Regulations and certain international conventions. In any event, such conflicts will have to be resolved by the application either of the provisions of general international law, when the conventions in question antedate the Regulations, or of the provisions of Article 104 of the Regulations, in the case of conventions concluded subsequently. The Group would prefer, however, the inclusion of the express provision indicated above.

Article 107

In paragraphs 3, 4 and 5 the words "conventions and agreements" should be replaced by the word "instruments".

Article 109

In paragraph 1 modify the date indicated.

In paragraph 2 replace the words "the first day of October 1952" by the words "that date".

Article 110

In paragraph 1 delete the words "any of the conventions or agreements listed" and replace them by the words "any instrument listed".

The same change to be made in paragraph 3.

Article 111

Delete the words "any of the conventions or agreements listed" and replace them by "any instrument listed".

Article 112

In the French text only, paragraph 3, delete the words "Cour de Justice internationale" and replace them by "Cour internationale de Justice".

Article 113

In paragraph 2 replace the words "to the conventions and agreements listed" by the words "to one of the instruments listed".

Articles 114 and 115

Delete these Articles.

Appendices 2 and 4

Insert after the second paragraph of the text appearing at the bottom of the page, the provisions of Article 98, paragraph 3 (new), which reads as follows:

"Vaccination certificates must be signed by a medical practitioner in his own hand; his official stamp is not an accepted substitute for the signature".

Other Business

One member of the Group drew its attention to the desirability of suggesting to Member States that they should take the necessary measures to provide for official publication of the text of the International Sanitary Regulations in their countries.

The other members of the Group endorsed this view.

List of Documents

Working Papers

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|---------------------|---|
| IQ/WP/67.1 | Zoonoses in Reference to the International Sanitary Regulations |
| IQ/WP/67.2 | Environmental Health Aspects of the International Sanitary Regulations |
| IQ/WP/67.3 | Considerations on Future Trends in the International Spread of Communicable Diseases and their Control |
| IQ/WP/67.4 & Corr.1 | The Spread of Bacterial Diseases |
| IQ/WP/67.4 Add.1 | Survival of Cholera Vibrios in Food and on Fomites |
| IQ/WP/67.5 | Procedure for the approval of Yellow Fever Vaccine and notes on other Vaccines |
| IQ/WP/67.6 | The International Sanitary Regulations and Vector-borne Diseases |
| IQ/WP/67.7 | Study of International Quarantine Activities and Review of the International Sanitary Regulations (Legal Aspects) |
| IQ/WP/67.8 | The Potential Role of Epidemiological Surveillance in the Prevention of International Spread of Quarantinable and other Communicable Diseases |
| IQ/WP/67.9 | Malaria and the International Sanitary Regulations |
| IQ/WP/67.10 | Proposed changes in the International Sanitary Regulations concerning Yellow Fever |
| IQ/WP/67.11 | Quarantine/Surveillance activities in deterring the International Dissemination of Smallpox |
| IQ/WP/67.12 | Comments from Members of the Expert Advisory Panel on International Quarantine |
| IQ/WP/67.14 | Comments, suggestions and revisions received from Member States in reply to the Director-General's letter No. C.L.16 of 15 May 1967 |