

United Nations

Nations Unies

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

UNRESTRICTED

E/H/15/Rev.1
15 July 1946

ENGLISH ONLY

INTERNATIONAL HEALTH CONFERENCE

COMMITTEE III (LEGAL QUESTIONS)

Text Approved by Committee III (Legal Questions)

Article IV. Membership and Associate Membership

1. Membership in the World Health Organization shall be open to all states.
2. The Members of the United Nations may become Members of the World Health Organization by signing or otherwise accepting this constitution in accordance with the provisions of Article XIX of this constitution and in accordance with their constitutional processes.
3. The states whose Governments have been invited to send observers to the International Health Conference in New York, 1946, may become Members by signing or otherwise accepting the constitution in accordance with the provisions of Article XIX of the constitution, provided that such signature or acceptance shall be completed before the convening of the First Session of the World Health Assembly.
4. Subject to the conditions of the agreement between the United Nations and this Organization, approved pursuant to Article XVII of this constitution, states which do not become members in accordance with paragraphs 2 and 3 of this Article may apply to become Members of the Organization and shall be admitted as members when their application has been approved by a two-thirds vote of the World Health Assembly.
5. In cases where a Member fails to meet its financial obligations to the Organization or in other exceptional circumstances the Assembly may, on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled. The Assembly shall have the authority to restore voting privileges and services so suspended.

6. Territories or groups of territories which are not responsible for the conduct of their international relations may be admitted as Associate Members by the World Health Assembly upon application made on behalf of such territory or group of territories by the Member or other authority having responsibility for their international relations.

The nature and extent of the rights and obligations of Associate Members shall be determined by the Assembly.

Article XVI. Legal Status, Privileges and Immunities

1. The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its objectives.

2. (a) The Organization shall enjoy in the territory of each of its Members such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its objectives.

(b) Representatives of Members, officials and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. Such legal status, privileges and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members of the Organization.

Article XVIII. Amendments

"Amendments to this Convention may be proposed by resolution of the Assembly adopted by two-thirds of its Members present and voting. Amendments shall come into force for all members when they have been ratified by two-thirds of the Members in accordance with their respective constitutional processes. The draft texts of proposed amendments shall be communicated by the Director-General to the Members at least six months in advance of their consideration by the Assembly."

Article XIX. Entry Into Force

1. Subject to the provisions of Article IV, this Constitution shall remain open to all States for signature or acceptance.

2. States may become parties to this Constitution by

- (a) signature without reservation as to acceptance; or
- (b) signature subject to acceptance followed by acceptance; or
- (c) acceptance.

Acceptance shall become effective by the deposit of a formal instrument with the Secretary-General of the United Nations.

*3. This Constitution shall come into force when twenty one States Members of the United Nations have become parties to this Constitution in accordance with the provisions of paragraph 2 of this Article.

4. In fulfilment of the obligation of Article 102 of the Charter of the United Nations the Secretary-General of the United Nations will register this Constitution when it has been signed without reservation as to subsequent acceptance on behalf of one State or upon deposit of the first instrument of acceptance.

5. The Secretary-General of the United Nations will inform States parties to this Constitution of the date when it has come into force. He will also inform each of them of the date when other States have become parties to his Constitution.

* At the third meeting of the Legal Committee the original proposal of the Technical Preparatory Committee (fifteen States) a proposal submitted by the United States (twenty-one States) and a proposal submitted by Yugoslavia (twenty-six States Members of United Nations) were put to a vote. The first obtained three votes; the second ten and the third thirteen votes. As a result of the vote the Chairman of Committee III asked the Sub-Committee to prepare drafts embodying the second and third proposals. This was approved. At the eighth meeting of the Legal Committee the first proposal of Yugoslavia (twenty-six States Members of the United Nations) a proposal of the United Kingdom (twenty-one States Members of the United Nations) and a proposal of the United States (twenty-six States) were voted upon. At the request of the Delegate of the U.S.S.R. the different sections of each motion were voted upon separately. Therefore, the first question which was voted upon was that relating to the category of States (Members of the United Nations or States unspecified) whose acceptance of the Constitution permits of its entry into force. The vote (fourteen to nine) resulted in the category of States being "Members of the United Nations." The question as to the number required was then submitted to a vote as a result of which eight delegations were in favour of the figure "twenty-six" and fifteen were opposed. Seventeen favoured acceptance by twenty-one States and four voted against this number.

6. The original texts of this Constitution shall be deposited in the archives of the Secretariat of the United Nations.

Article XX. Interpretation

1. The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

2. Any question or dispute between the Organization and a Member or between two or more Members of the Organization concerning the interpretation or application of this Constitution which is not settled by negotiation or by the Health Assembly shall be referred by the parties to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

3. Any legal question arising within the scope of its activities may, upon authorization by the General Assembly of the United Nations, be referred by the Organization to the International Court of Justice with a request for an advisory opinion thereon.

4. The Director-General may appear before the Court on behalf of the Organization in connection with any proceedings arising out of any such request for an advisory opinion, and he shall make arrangements for the presentation of the case before the Court including arrangements for the arguments of different views on the question.

VI. WORLD HEALTH CONFERENCE

.....
3. Functions
.....

(c) Members undertake in relation to conventions, Regulations, and Recommendations adopted by the Assembly the obligations set forth in Annex I to this Constitution.

ANNEX I

Article 1

1. Each member of the Organization which is responsible for the conduct of international relations of non-metropolitan territories, including any trust territories for which it is the administering authority, shall take all practicable steps to secure the effective application in such territories of Conventions and Regulations which have become binding on the member and of Recommendations which have been made by the Organization to the member.
2. In particular within the period of one year from the approval of the Convention, Regulation or Recommendation by the Conference or, if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the date of such approval, each member will bring the Convention, Regulation or Recommendation before the authority or authorities competent to make them effective in each such territory.
3. Each Member shall communicate to the Director-General at the earliest possible date particulars of the action taken in each such territory to make effective the provisions of Conventions or Regulations which have become binding on the Member or Recommendations which have been made by the Organization to the Member and shall further report annually to the Director-General with respect to the action taken in each such territory to carry out these provisions.

Article 2

Except in cases falling within the provisions of Article 3 and Article 4 below, each Member shall as soon as possible after any such Convention or Regulation becomes binding on the Member communicate to the Director-General of the Organization a declaration stating:

- (a) the territories in respect of which it undertakes that the

provisions of the Convention or Regulation shall be applied;

(b) the territories in respect of which the Convention or Regulation is inapplicable and in such cases the grounds on which it is inapplicable; and

(c) the territories in respect of which it reserves its decision.

Article 3

Where the subject matter of the Convention or Regulation is within the self-governing powers of the territory, the Member responsible for the conduct of international relations of the territory may upon request made by the territory communicate a declaration to the Director-General of the Organization accepting the obligations of such Conventions or Regulations on behalf of such territory.

Article 4

A declaration accepting the obligations of any Convention or Regulation may be communicated to the Director-General of the Organization:

(a) by two or more Members of the Organization in respect of any territory which is under their joint authority, or

(b) by any international authority responsible for the administration of any territory in virtue of the Charter of the United Nations or otherwise in respect of any such territory.

Article 5

Acceptance of the obligations of a Convention or Regulation in virtue of Articles 2, 3, or 4 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention or Regulation and the obligations under the constitution of the Organization which apply to Conventions or to Regulations.

INTERIM COMMISSION (UNEPRA)

(f) Take all necessary steps for assumption by the Interim Commission of the duties and functions entrusted to UNEPRA by the International Sanitary Convention, 1944, modifying the International Sanitary Convention of 21 June 1926, the Protocol to Prolong the International Sanitary Convention,

1944, the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of 12 April 1933; the Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944.

Protocol Concerning the Office International
d'Hygiene Publique

Article I

The Governments signatories to this protocol agree that, as between themselves, the duties and functions of the Office International d'Hygiene Publique as defined in the Agreement signed at Rome on 9 December 1907, shall be performed by the World Health Organization or its Interim Commission and that, subject to existing international obligations, they shall take the necessary steps to accomplish this purpose.

Article II

The parties to this protocol further agree that, as between themselves, the duties and functions conferred upon the Office by the International agreements listed in Annex 1, shall be performed by the Organization or its Interim Commission.

Article III

The Agreement of 1907 shall be terminated and the Office dissolved when all parties to the Agreement have agreed to its termination. It shall be understood that any Government party to the Agreement of 1907, has, by becoming a Party to this protocol, agreed to the termination of the Agreement of 1907.

Article IV

The parties to this protocol further agree that in the event all the parties to the Agreement of 1907 have not agreed to its termination by 15 November 1949, they will then, in accordance with Article 8 thereof, denounce the Agreement of 1907.

Article V

Any Government party to the Agreement of 1907 which is not a signatory to this protocol may at any time accede to this protocol by sending a written notice of accession to the Secretary-General of the United Nations, who will inform all signatory and acceding Governments of such accession.

Article VI

This protocol shall come into force upon its acceptance by twenty Governments parties to the Agreement of 1907. Acceptance of this protocol shall be effected by:

- (a) signature without reservation as to subsequent acceptance, or
- (b) deposit of an instrument of acceptance with the Secretary-General of the United Nations by Governments on behalf of which this protocol is signed with a reservation in regard to subsequent acceptance, or
- (c) notice of accession in accordance with Article V.

IN WITNESS WHEREOF the duly authorized representatives of their respective Governments have met this day and have signed the present protocol, which is drawn up in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary-General of the United Nations. Authentic copies shall be furnished by the Secretary-General of the United Nations to each of the signatory and acceding Governments and to any other Government which, at the time this protocol is signed, is a party to the Agreement of 1907. The Secretary-General will as soon as possible notify each of the Governments which had accepted this protocol when it comes into force.

DONE at this day of 1946

FOR THE GOVERNMENT OF

FOR THE GOVERNMENT OF

ANNEX I

1. International Sanitary Convention of 21 June 1926.
2. Convention Modifying the International Sanitary Convention of 21 June 1926 signed 31 October 1938.
3. International Sanitary Convention, 1944, Modifying the International Sanitary Convention of 21 June 1926.
4. Protocol to Prolong the International Sanitary Convention, 1944 (opened for signature 23 April 1946; in force, 30 April 1946).
5. International Sanitary Convention for Aerial Navigation of 12 April 1933.
6. International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of 12 April 1933.
7. Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944 (opened for signature, 23 April 1946; in force, 30 April 1946).
8. International Agreement relating to facilities to be accorded to merchant seamen in the treatment of venereal diseases, Brussels, 1 December 1924.
9. Convention on Traffic in opium and drugs, Geneva, 19 February 1925.
10. Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, Geneva, 13 July 1931.
11. Convention relating to the antidyphtheric serum, Paris 1 August 1930.
12. International Convention for Mutual Protection against Dengue Fever, Athens, 25 July 1934.
13. International Agreement for Dispensing with Bills of Health, Paris, 22 December 1934.
14. International Agreement for Dispensing with Consular Visas on Bills of Health, Paris, 22 December 1934.
15. International Agreement Concerning the Transport of Corpses, Berlin, 10 February 1937.