

United Nations Conference on the Law of the Sea

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Memorandum by the World Health Organization on Draft Article 66 Concerning the Law of the Sea Adopted by the International Law Commission at Its Eighth Session

Extract from the *Official Records of the United Nations Conference on the Law of the Sea, Volume I (Preparatory Documents)*

MEMORANDUM BY THE WORLD HEALTH ORGANIZATION ON DRAFT ARTICLE 66
CONCERNING THE LAW OF THE SEA ADOPTED BY THE INTERNATIONAL LAW
COMMISSION AT ITS EIGHTH SESSION

[Original text: English]
[28 February 1958]

1. Under article 66 of the draft concerning the law of the sea adopted by the International Law Commission at its eighth session, a coastal state would be entitled to exercise, within a zone of the high seas contiguous to its territorial sea, certain rights regarding the enforcement of its sanitary regulations.

2. In this connexion, the World Health Organization would wish to draw the attention of the Conference to the International Sanitary Regulations,¹ adopted by the World Health Assembly under article 21 (a) of the Constitution of the World Health Organization. These Regulations, which have as their object to ensure the maximum security against the international spread of disease with the minimum interference with world traffic, replace in whole or in part thirteen earlier conventions, agreements and protocols, including in particular the International Sanitary Convention signed in Paris on 21 June 1926.

3. With regard to the sanitary measures which are permissible under these Regulations as applicable to international traffic, attention is drawn in particular to the following articles;

"Article 23 - The sanitary measures permitted by these Regulations are the maximum measures applicable to international traffic, which a State may require for the protection of its territory against the quarantinable diseases."

"Article 32 - 1. No sanitary measure shall be applied by a State to any ship which passes through its territorial waters without calling at a port or on the coast.

"2. If for any reason such a call is made, the sanitary laws

¹ Official Records of the World Health Organization, 37, pp. 316, 335. The Eighth and Ninth World Health Assemblies in 1955 and 1956, amended the Regulations as regards the yellow fever provisions, the sanitary control of pilgrim traffic and the international certificate of vaccination or revaccination against smallpox.

and regulations in force in the territory may be applied without exceeding, however, the provisions of these Regulations."

"Article 44 - 1. Except as provided in paragraph 2 of this Article, any ship or aircraft, which is unwilling to submit to the measures required by the health authority for the port or airport in accordance with these Regulations, shall be allowed to depart forthwith, but it shall not during its voyage call at any other port or airport in the same territory. Such a ship or an aircraft shall nevertheless be permitted to take on fuel, water, and stores in quarantine. If, on medical examination, such a ship is found to be healthy, it shall not lose the benefit of Article 33.

"2. A ship or an aircraft arriving at a port or an airport situated in a yellow-fever receptive area shall not, in the following circumstances, be allowed to depart and shall be subject to the measures required by the health authority in accordance with these Regulations—

"(a) If the aircraft is infected with yellow fever;

"(b) If the ship is infected with yellow fever, and *Aedes aegypti* have been found on board, and the medical examination shows that any infected person has not been isolated in good time."

4. In the light of the limitation of the sanitary measures which may be applied by States to shipping, the World Health Organization would understand article 66 of the articles concerning the law of the sea as not implying the right of States to extend existing permissible sanitary measures, in particular in respect to transit traffic. Moreover, since medical inspection of ships and any consequent sanitary measures such as disinfecting or deratting can only be carried out effectively in ports equipped for the purpose, the World Health Organization believes that careful consideration should be given to the actual need for the special provisions envisaged in article 66 insofar as sanitary measures are concerned.

5. The States and territories bound by the International Sanitary Regulations are listed in the Annex.

ANNEX

List of States and territories to which article 32 of the International Sanitary Regulations applies

Aden Colony	Gilbert and Ellice Islands Colony	Poland
Aden Protectorate	Greece	Portugal
Afghanistan	Grenada (Windward Islands)	Portuguese Guinea
Albania	Guam	Portuguese India
American Samoa	Guatemala	Portuguese Timor
Angola	Haiti	Puerto Rico
Argentina	Honduras	Quatar
Austria	Hong Kong	Rhodesia and Nyasaland, Federation of
Bahamas	Iceland	Romania
Bahrein	India	Sao Tome and Principe
Barbados	Indonesia	Sarawak
Basutoland	Iran	Saudi Arabia
Bechuanaland	Iraq	Seychelles Islands
Belgian Congo and Ruanda Urundi	Ireland	Sierra Leone
Belgium	Israel	Somalia
Bermuda	Italy	Somaliland Protectorate
Bolivia	Jamaica	South West Africa
Brazil	Japan	Spain
British Guiana	Jordan, Hashemite Kingdom of	Spanish Guinea
British Honduras	Kenya	Spanish West Africa
British Solomon Islands Protectorate	Korea, Republic of	St Helena
British Virgin Islands	Kuwait	St Lucia (Windward Islands)
Brunei	Laos	St Pierre and Miquelon
Bulgaria	Lebanon	St Vincent (Windward Islands)
Cambodia	Leeward Islands	Sudan
Cameroons	Liberia	Surinam
Canada	Libya	Swaziland
Cape Verde Islands	Luxembourg	Sweden
Ceylon	Macao	Switzerland
China	Madagascar and dependencies	Syria
Colombia	Malaya	Tanganyika
Comoro Islands	Maldeve Islands	Thailand
Cook Islands	Mauritius	Togo
Costa Rica	Mexico	Tonga Islands
Cuba	Monaco	Trinidad and Tobago
Cyprus	Morocco	Trucial States
Czechoslovakia	Mozambique	Tunisia
Denmark	Nepal	Turkey
Dominica (Windward Islands)	Netherlands	Uganda
Dominican Republic	Netherlands Antilles	Union of South Africa
Ecuador	New Caledonia and dependencies	Union of Soviet Socialist Republics
Egypt	New Hebrides	United Kingdom of Great Britain and Northern Ireland
El Salvador	New Zealand	United States of America
Ethiopia	Nicaragua	Uruguay
Falkland Islands	Nigeria, Federation of	Vatican City
Fiji and Dependency	North Borneo	Venezuela
Finland	Norway	Viet Nam
France	Pacific Islands (United States Trust Territories)	Virgin Islands
French Equatorial Africa	Pakistan	West New Guinea
French Settlements in Oceania	Panama	Western Samoa
French Somaliland	Panama Canal Zone	Yemen
French West Africa	Paraguay	Yugoslavia
Gambia	Peru	Zanzibar
Germany, Federal Republic of	Philippines	
Ghana	Pitcairn Islands	
Gibraltar		