

SANITARY MARITIME NAVIGATION

*Convention (modifying convention of June 21, 1926) opened for signature at Washington December 15, 1944, and signed for the United States January 5, 1945*¹

Senate advice and consent to ratification May 21, 1945

Ratified by the President of the United States May 29, 1945

Ratification of the United States deposited at Washington May 29, 1945

Entered into force January 15, 1945; for the United States May 29, 1945

Proclaimed by the President of the United States May 29, 1945

*Prolonged by protocol of April 23, 1946*²

*Replaced by World Health Organization Regulations No. 2 of May 25, 1951,³ as between states bound by the regulations*⁴

59 Stat. 955; Treaty Series 991

INTERNATIONAL SANITARY CONVENTION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION OF JUNE 21, 1926

The Governments signatory hereto,

Considering that the International Office of Public Health created by the Agreement signed at Rome on December 9, 1907,⁵ is unable for the time being to carry out effectively all of the duties and functions assigned to it in the Annex to that Agreement; in the International Sanitary Convention, 1926;⁶ in the International Sanitary Convention for Aerial Navigation, 1933;⁷ and in other Conventions or Agreements relating to the public health;

Having entrusted the task of solving this temporary problem by the preparation of emergency agreements and arrangements for the notification of epidemic diseases and for uniformity in quarantine regulations to the United Nations Relief and Rehabilitation Administration (hereinafter referred to as

¹ For forms attached to the convention, see 59 Stat. 973 or p. 22 of TS 991.

² TIAS 1551, *post*, vol. 4.

³ 7 UST 2255; TIAS 3625.

⁴ The regulations entered into force for all parties to the convention except Australia, which rejected them; accordingly, the convention remained in force in relations between Australia and all parties to the convention, including the United States.

⁵ TS 511, *ante*, vol. 1, p. 742.

⁶ TS 762, *ante*, vol. 2, p. 545.

⁷ TS 901, *ante*, p. 89.

UNRRA), in accordance with Resolution No. 8 (2) adopted by the Council of UNRRA at its First Session, without prejudice however to the status of the International Office of Public Health which it is hoped will be able at the expiry of the present Convention to resume the above-mentioned duties and functions; and having received the recommendations of UNRRA in this connection;

Having agreed that, in regard to the American Republics, the Pan American Sanitary Bureau shall continue to act as the general coordinating sanitary agency, including the general collection and distribution of sanitary information to and from the said Republics, as specified in the Pan American Sanitary Code and recognized heretofore by the International Office of Public Health;

Desiring also to modify as between themselves the provisions of the International Sanitary Convention signed in Paris on June 21, 1926, as modified by the Sanitary Convention signed in Paris in 1938,⁸ insofar as the provisions of the Convention of 1938 may be in force between the respective Governments (hereinafter referred to as *the 1926 Convention*), in the light of the present-day conditions which call for special measures to prevent the spread by land and sea across frontiers of epidemic or other communicable diseases;

Have decided to conclude a Convention for these purposes, have agreed that, whereas the authentic text of the 1926 Convention is in the French language, the present Convention shall be in English and in French, both texts being equally authentic, and have accordingly appointed the undersigned plenipotentiaries who, having communicated their full powers, found in good and due form, have agreed that the 1926 Convention shall be amended as follows:

ARTICLE I

All references in the 1926 Convention to the International Office of Public Health shall be read as references to UNRRA.

ARTICLE II

The second paragraph of Preliminary Provisions (2) shall be deleted and the following substituted:

The word *surveillance* means that persons are not isolated, that they may move about freely, but that the sanitary authorities of the place or places to which they are proceeding are notified of their coming. They may be subjected in the places of arrival to a medical examination and such inquiries as are necessary with a view to ascertaining their state of health; and, in any territory where the competent Contracting Party thinks fit, surveillance may include requirement to report on arrival and afterwards at such intervals dur-

⁸ 198 LNTS 205.

ing continuance of surveillance as may be specified, to the Health Officer of the city, town, district, or place to which they proceed.

ARTICLE III

The following definitions shall be added to the *Preliminary Provisions*:

(5) The term *typhus*, *typhus fever*, or *exanthematous typhus* in the 1926 Convention and in the present Convention shall be deemed to relate only to epidemic louse-borne typhus.

(6) The term *Stegomyia*, *Stegomyia (Aedes aegypti)*, or *Stegomyia calopus (Aedes aegypti)* shall be deemed to include *Aedes aegypti* and any potential mosquito vectors of yellow fever.

ARTICLE IV

To Article 1 the following shall be added:

Every Contracting Party shall, in addition to the diseases specifically mentioned in this Article, to wit, plague, cholera, yellow fever, typhus, and smallpox, notify to UNRRA outbreaks of such other communicable diseases as, in the opinion of that Party or in the opinion of UNRRA, constitute a menace to other countries by their spread or potential spread across frontiers, and shall keep UNRRA regularly informed of the course of the disease and the measures taken to prevent its spread. The provisions of the 1926 Convention as amended or supplemented by the present Convention shall, unless clearly inapplicable, apply to the above-mentioned other communicable diseases.

ARTICLE V

In Article 3 the word "Paris" in the second paragraph shall be deleted and the words "London or Washington" shall be substituted.

To Article 3 the following shall be added:

In order to facilitate the prompt and scrupulous fulfilment of the foregoing provisions, the Contracting Parties shall ensure priority for all communications which may enable UNRRA rapidly to appraise the situation concerning the outbreak of a disease and to inform governments in order that they may take appropriate measures against the spread of the disease across their frontiers.

ARTICLE VI

After Article 5 the following shall be inserted:

Article 5A. In addition to carrying out the system of notification and intelligence prescribed in Part I, Chapter I of the 1926 Convention, which remains in full force, the Parties to the present Convention shall transmit promptly to UNRRA the notifications and other information prescribed in Part I of the 1926 Convention.

Article 5B(1). In addition to the formal notification required above, the Contracting Parties shall, so far as possible, send to the Health Organization of UNRRA at regular intervals notifications of communicable diseases notified in their countries.

(2). The Contracting Parties shall make the necessary arrangements with UNRRA for giving prompt information to all the governments concerned of the outbreak in their respective countries of a disease which, in the opinion of UNRRA, constitutes a menace to other countries and of the measures which are being taken to prevent the spread of the disease across frontiers.

ARTICLE VII

To Article 13 the following shall be added:

In a country where there exists a communicable disease, the subject of a formal notification under any international sanitary or quarantine convention for the time being in force, the Sanitary Authority in that country may prohibit the embarkation on board a ship on international voyage of persons suffering from the disease, and of persons in such relations to the sick as to render them liable to transmit the disease, unless the Medical Officer of the port of embarkation is satisfied that measures can be taken on board the ship to prevent the spread of the disease to the other persons on board. The Medical Officer of the port of embarkation, or other authorized officer of the sanitary authority, if he has reason to suspect any clothing, bedding, or other article of personal use which belongs to or is intended for use by persons embarking to be infected, may examine and require the disinfection of any such clothing, bedding, or other article of personal use before it is taken on board.

The measures enumerated in this Article shall be taken as far in advance of the sailing date of the ship as possible in order not unduly to delay the ship's departure.

Nothing in this Article shall affect the power of the Master of the ship to refuse to embark sick persons.

ARTICLE VIII

In Article 15 the following shall be inserted between the third and fourth paragraphs:

If on the call or arrival of any ship at a port there is on board a case of infectious disease duly verified by the port medical officer, not being a case of plague, cholera, yellow fever, typhus, or smallpox, the usual measures in force in the country in which the port is situated shall be applied subject always to the provisions of Article 54 of the 1926 Convention.

In carrying out measures for control of the spread of communicable disease across frontiers, particularly in regard to the movement of displaced populations conveyed by international maritime transport, the Contracting

Parties will not delay any ship at any point of her voyage longer than is necessary for the medical examination of crew and passengers, for the disembarkation (if such is considered necessary) of persons suffering from communicable disease, and of their bedding and personal effects, and for the disinfection of the accommodation they occupied. The ship shall not be employed as a means of isolation of the sick, or of their contacts, unless such isolation can be effected without delaying or unduly interfering with her movements.

ARTICLE IX

The footnote to Article 25 shall be deleted and the following substituted:

In all cases where this Convention provides for surveillance, surveillance may not be replaced by observation except

- (a) in circumstances in which it would not be practicable to carry out surveillance with sufficient thoroughness; or
- (b) if the risk of the introduction of infection into the country is considered to be exceptionally serious; or
- (c) if the person who would be subject to surveillance cannot furnish adequate sanitary guarantees.

Persons under observation or surveillance shall submit themselves to any examination which the competent sanitary authority may consider necessary.

ARTICLE X

In Articles 35(a), 36(4), and 47 the words "200 meters" shall be deleted and the words "400 meters" shall be substituted.

ARTICLE XI

To Article 40 the following shall be added:

With a view to the elimination of *Stegomyia (Aedes aegypti)* as an important step in the control of the spread of yellow fever, the Contracting Parties shall, in the light of their knowledge and experience of the control of the yellow fever vector, render and maintain free from *Stegomyia (Aedes aegypti)* (a) ports and their surroundings in endemic areas, and (b) ports not situated in endemic areas but exposed to the risk of the introduction of the disease. They shall also use their best endeavors to secure that personnel employed in the handling of ships in ports in endemic areas and in ports specially exposed to risk shall be inoculated against yellow fever.

The Contracting Parties agree that all persons inoculated in compliance with the provisions of the preceding paragraph of this Article shall be furnished with and carry an inoculation certificate signed by the officer carrying out the inoculation. This certificate shall conform to the International Form of Certificate of Inoculation against yellow fever annexed hereto.*

* For forms attached to the convention, see 59 Stat. 973 or p. 22 of TS 991.

Persons in possession of a valid anti-yellow fever inoculation certificate shall not for the purpose of the control of yellow fever be subjected to quarantine restrictions.

In place of a valid anti-yellow fever inoculation certificate, a certificate that the bearer has recovered from an attack of yellow fever and that his blood contains immune bodies against yellow fever, as proved by a test carried out by an institute regularly carrying out biological tests for yellow fever and approved for this purpose by the government of the country concerned, will be accepted.

ARTICLE XII

In Article 41 (4) and (5), before the word "disinfected" the words "disinfected and" shall be inserted.

To Article 41 the following shall be added:

The Contracting Parties will use their best endeavors to secure that ships trading with areas infected with typhus shall carry a sufficient quantity of an effective insecticide for the personal protection of the crew and passengers, and will give favorable consideration to the inoculation against typhus of all persons on board exposed to risk.

ARTICLE XIII

Article 42 (3) shall be deleted and the following substituted:

(3) Other persons reasonably suspected to have been exposed to infection on board, and who, in the opinion of the sanitary authority, are not sufficiently protected by recent vaccination, or by a previous attack of small-pox, may be subjected to vaccination or to observation or to surveillance, or to vaccination followed by observation or surveillance, the period of observation or surveillance being specified according to the circumstances, but in any event not exceeding 14 days, reckoned from the date of arrival of the ship.

In Article 42 the following shall be inserted as the penultimate paragraph:

For the purpose of this Article "recent vaccination" shall be taken as meaning evidence of successful vaccination not more than 3 years or less than 14 days previously, or evidence of an immune reaction.

To Article 42 shall be added "Vaccination of such persons may be performed"

ARTICLE XIV

In Article 43 after the word "crew" in the first paragraph shall be added the words "and passengers".

ARTICLE XV

Article 49 shall be deleted and the following substituted:

The Contracting Parties agree that bills of health and consular visas shall be abolished as soon as the conditions of hostilities permit the establishment of

effective epidemiological communications. The Master of every foreign-going vessel approaching the first port in a territory shall ascertain the state of health of all persons on board and shall prepare and sign a Declaration of Health which shall be countersigned by the ship's surgeon, if one is carried, to be handed to the appropriate authority.

ARTICLE XVI

To Article 57 the following shall be added:

The Contracting Parties will, so far as possible, adopt the International Form of Declaration of Health and the International Forms of Certificates of Inoculation or Vaccination against cholera, typhus, and smallpox, respectively,¹⁰ annexed hereto.

For the purposes of the present Convention the period of incubation is reckoned as 6 days in the case of plague, 5 days in the case of cholera, 6 days in the case of yellow fever, 12 days in the case of typhus, and 14 days in the case of smallpox.

ARTICLE XVII

Article 58 shall be deleted and the following substituted:

Observation may, if considered necessary, be enforced at land frontiers. Persons may be directed to the places which have been designated for frontier traffic, and sanitary stations, equipped in accordance with the terms of Article 22 of the 1926 Convention, shall be set up at such places. These places and the measures taken shall be notified immediately to the countries concerned and to UNRRA. Individuals who have been in contact with a person suffering from a disease referred to in Article 1 of the 1926 Convention, and their bedding and effects, may be subjected to the appropriate sanitary measures. In the case of persons suffering from a communicable disease not referred to in Article 1, the measures in force in the country of arrival shall be applied.

ARTICLE XVIII

Article 63 shall be deleted and the following substituted:

Railway carriages for mails or luggage and goods trains may not be detained at the frontier longer than is necessary to apply the necessary sanitary measures for the prevention of the entry of communicable diseases into the country concerned.

ARTICLE XIX

To Article 65 the following shall be added:

In framing regulations under this Article, the Contracting Parties will consult UNRRA and will inform UNRRA of the regulations and of the date of their entry into force.

¹⁰ With regard to yellow fever see Article XI. [Footnote in original.]

ARTICLE XX

To Article 66 the following shall be added:

In the application of Articles 58 to 66 inclusive of the 1926 Convention, as amended by the present Convention, to any persons coming within the category of "displaced persons", the Contracting Parties shall be entitled to make such modifications as may be required by any special international arrangements under schemes to be organized by governments and by UNRRA for dealing with such persons.

And the Contracting Parties have further agreed as follows:

ARTICLE XXI

The present Convention shall come into force as soon as it has been signed or acceded to on behalf of ten or more governments.

ARTICLE XXII

The present Convention shall supplement and be read as one with the 1926 Convention, which as hereby amended remains in full force between the Contracting Parties, and whenever any provision of the 1926 Convention contains a reference to another provision, the reference shall be deemed to be a reference to that provision as modified by any amendments effected thereto by the present Convention.

ARTICLE XXIII

After January 15, 1945 the present Convention shall be open to accession by any government not a signatory. Accessions shall be notified in writing to the Government of the United States of America.

Accessions notified after the entry into force of the present Convention shall become effective with respect to each government upon the notification of its accession.

ARTICLE XXIV

Any Contracting Party may on signature or accession declare that the present Convention does not apply to all or any of its colonies, overseas territories, territories under its protection, suzerainty, or authority, or territories in respect of which it exercises a mandate. The present Convention may at any time thereafter be applied to any such territory by notification in writing to the Government of the United States of America, and the Convention shall apply to the territory concerned from the date of the receipt of the notification by the Government of the United States of America.

ARTICLE XXV

The Government of the United States of America shall give notice in writing to governments parties to the 1926 Convention and to governments par-

ties to the present Convention, of all signatures and accessions to the present Convention and of all notifications regarding the territories to which the present Convention is to be applied.

ARTICLE XXVI

The present Convention shall remain in force as to each Contracting Party until either

(1) such Party shall become bound by a further convention amending or superseding the 1926 Convention, or

(2) the expiration of eighteen months from the date on which the present Convention enters into force,

whichever shall be the earlier.

ARTICLE XXVII

The original of the present Convention shall be deposited in the archives of the Government of the United States of America and shall be opened for signature at Washington on December 15, 1944, where it shall remain open for signature until January 15, 1945. Certified copies hereof shall be furnished by the Government of the United States of America to each of the governments on behalf of which this Convention is signed or acceded to and to each of the governments parties to the 1926 Convention.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having deposited their full powers, found to be in due and proper form, sign the present Convention in the English and French languages, both texts being equally authentic, on behalf of their respective governments, on the dates appearing opposite their signatures.

For the French Republic:

ANDRÉ MAYER

January 5, 1945

For Poland:

JAN CIEGHANOWSKI

January 5, 1945

For the United Kingdom of Great Britain and Northern Ireland:

At the time of signing the present Convention I declare that my signature does not cover any of the territories referred to in Article Twenty-Four of the International Sanitary Convention, 1944.¹¹

HALIFAX

January 5, 1945

For the United States of America:

Subject to ratification.

E. R. STETTINIUS, Jr.

January 5, 1945

For China:

J. HENG LIU

January 11, 1945

For the Union of South Africa:

S. F. N. GIE

January 13, 1945

¹¹ The convention was subsequently made applicable to British territories, dependencies, and protectorates, as specified in notifications given by the British Government.

For Egypt:

With the following reservations:

1. That this signature does not affect in any way the relations of the Egyptian Government with the International Office of Public Health, Paris, or its obligations toward the Regional Office at Alexandria;

2. That this convention is subject to ratification by the Egyptian Parliament.

M. HASSAN

January 15, 1945

For Czechoslovakia:

Subject to ratification.

V. S. HURBAN

January 15, 1945

For Canada:

Subject to ratification.

L. B. PEARSON

January 15, 1945

For Cuba:

This Convention, subject to approval by the Senate of the Republic, will be ratified by the Executive [translation].

GMO. BELT

January 15, 1945

For the Dominican Republic:

With the reservation that the Dominican Republic will not be able to ratify this Convention without adhering, at the same time, to the Paris and Hague Conventions, and that by virtue of Constitutional principles of the Republic, these processes shall be subject to the prior approval of the National Congress [translation].

EMILIO G. GODOY

January 15, 1945

For Nicaragua:

GUILLERMO SEVILLA SACASA

January 15, 1945

For Peru:

With the following reservations:

1. That this Convention is signed *ad referendum*;

2. That if the execution of the said Convention would not conform with the regulations contained in the Pan American Sanitary Code of Havana, Perú will give preference to the latter.

P. G. BELTRÁN

January 15, 1945

For Luxembourg:

HUGUES LE GALLAIS

January 15, 1945

For Ecuador:

S. E. DURAN BALLEN

January 15, 1945

For Greece:

C. P. DIAMANTOPOULOS

January 15, 1945

For Honduras:

JULIÁN R. CÁCERES

January 15, 1945

For Haiti:

J. THÉBAUD

January 15, 1945

[For forms attached to the convention, see 59 Stat. 973 or p. 23 of TS 991.]