

No. 604

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**INTERNATIONAL LABOUR ORGANISATION**

**Convention concerning the simplification of the inspection of emigrants on board ship, adopted by the General Conference of the International Labour Organisation at its eighth session, Geneva, 5 June 1926, as modified by the Final Articles Revision Convention, 1946**

*English and French official texts communicated by the Director-General of the International Labour Office. The registration took place on 15 September 1949.*

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**ORGANISATION INTERNATIONALE DU TRAVAIL**

**Convention concernant la simplification de l'inspection des émigrants à bord des navires, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa huitième session, Genève, 5 juin 1926, telle qu'elle a été modifiée par la Convention portant revision des articles finals, 1946**

*Textes officiels anglais et français communiqués par le Directeur général de l'Organisation internationale du Travail. L'enregistrement a eu lieu le 15 septembre 1949.*

No. 604. CONVENTION<sup>1</sup> CONCERNING THE SIMPLIFICATION OF THE INSPECTION OF EMIGRANTS ON BOARD SHIP, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946<sup>2</sup>

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The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighth Session on 26 May 1926, and

Having decided upon the adoption of certain proposals with regard to the simplification of the inspection of emigrants on board ship, the question on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this fifth day of June of the year one thousand nine hundred and twenty-six the following Convention, which may be cited as the Inspection of Emigrants Convention, 1926, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

*Article 1*

For the purposes of application of this Convention the terms "emigrant vessel" and "emigrant" shall be defined for each country by the competent authority in that country.

*Article 2*

1. Each Member which ratifies this Convention undertakes to accept the principle that, save as hereinafter provided, the official inspection carried out on board an emigrant vessel for the protection of emigrants shall be undertaken by not more than one Government.

2. Nothing in this Article shall prevent another Government from occasionally and at their own expense placing a representative on board to accompany their nationals carried as emigrants in the capacity of observer, and on condition that he shall not encroach upon the duties of the official inspector.

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<sup>1</sup> For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 290.

<sup>2</sup> See page 3.

*Article 3*

If an official inspector of emigrants is placed on board an emigrant vessel he shall be appointed as a general rule by the Government of the country whose flag the vessel flies. Such inspector may, however, be appointed by another Government in virtue of an agreement between the Government of the country whose flag the vessel flies and one or more other Governments whose nationals are carried as emigrants on board the vessel.

*Article 4*

1. The practical experience and the necessary professional and moral qualifications required of an official inspector shall be determined by the Government responsible for his appointment.

2. An official inspector may not be in any way either directly or indirectly connected with or dependent upon the shipowner or shipping company.

3. Nothing in this Article shall prevent a Government from appointing the ship's doctor as official inspector by way of exception and in case of absolute necessity.

*Article 5*

1. The official inspector shall ensure the observance of the rights which emigrants possess under the laws of the country whose flag the vessel flies, or such other law as is applicable, or under international agreements, or the terms of their contracts of transportation.

2. The Government of the country whose flag the vessel flies shall communicate to the official inspector, irrespective of his nationality, the text of any laws or regulations affecting the condition of emigrants which may be in force, and of any international agreements or any contracts relating to the matter which have been communicated to such Government.

*Article 6*

The authority of the master on board the vessel is not limited by this Convention. The official inspector shall in no way encroach upon the master's authority on board, and shall concern himself solely with ensuring the enforcement of the laws, regulations, agreements, or contracts directly concerning the protection and welfare of the emigrants on board.

*Article 7*

1. Within eight days after the arrival of the vessel at its port of destination the official inspector shall make a report to the Government of the

country whose flag the vessel flies, which Government shall transmit a copy of the report to the other Governments concerned, where such Governments have previously requested that this shall be done.

2. A copy of this report shall be transmitted to the master of the vessel by the official inspector.

#### *Article 8*

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 9*

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

#### *Article 10*

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

#### *Article 11*

Subject to the provisions of Article 9, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, and 7 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

#### *Article 12*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

*Article 13*

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

*Article 14*

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

*Article 15*

The French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Inspection of Emigrants Convention, 1926, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 15 June 1926 by the signatures of Dr. Nolens, President of the Conference, and Albert Thomas, Director of the International Labour Office.

The Convention first came into force on 29 December 1927.

IN FAITH WHEREOF I have, in pursuance of the provisions of Article 6 of the Final Articles Revision Convention, 1946, authenticated with my signature this thirtieth day of April 1948 two original copies of the text of the Convention as modified.

Edward PHELAN  
Director-General  
of the International Labour Office

## CERTIFIED STATEMENT

This is to certify that the Inspection of Emigrants Convention, 1926, adopted by the International Labour Conference on 5 June 1926 at its Eighth Session, and which entered into force on 29 December 1927, has to date been ratified by the following countries<sup>1</sup> and that these ratifications were duly registered on the dates indicated<sup>2</sup>:

<i>Country</i>	<i>Date of registration of ratification</i>	<i>Country</i>	<i>Date of registration of ratification</i>
Albania .....	17. 3.1932	* Ireland .....	5. 7.1980
* Australia .....	18. 4.1931	Japan .....	8.10.1928
* Austria .....	29.12.1927	* Luxembourg .....	16. 4.1928
* Belgium .....	15. 2.1928	* Mexico .....	9. 8.1938
Bulgaria .....	29.11.1929	* Netherlands .....	18. 9.1927
* Colombia .....	20. 6.1933	* New Zealand .....	29. 3.1938
Czechoslovakia .....	25. 5.1928	Nicaragua .....	12. 4.1934
* Finland .....	5. 4.1929	* Sweden <sup>4</sup> .....	15.10.1929
* France <sup>3</sup> .....	18. 1.1932	* United Kingdom <sup>5</sup> ..	16. 9.1927
Hungary .....	3. 2.1931	Uruguay .....	6. 6.1933
* India .....	14. 1.1928	* Venezuela .....	20.11.1944

The Convention is also in force for Pakistan, which became a Member of the International Labour Organisation on 31 October 1947, on which date the Director-General of the International Labour Office received a letter from the Government of Pakistan accepting the obligations of the Constitution of the Organisation; this declaration states that the Government of Pakistan recognises that the obligations resulting from the ratification by India of International Labour Conventions before 15 August 1947 continue to be binding upon Pakistan in accordance with the terms of these Conventions.

The Convention is also in force for Burma. In 1937 the United Kingdom Government delegate declared at the Twenty-third Session of the Conference that Burma had ceased to form a part of India on 1 April 1937 but would continue to observe the International Labour Conventions ratified up to that date by India and would participate in future in the work of the International Labour Organisation through the medium of the Government of the United Kingdom

<sup>1</sup> It would not be appropriate for the International Labour Office to express an opinion with regard to the complex questions of a constitutional and juridical nature which may arise in regard to the effect of political or military events on the position of certain countries which have ratified the Convention.

<sup>2</sup> The names of Members Parties to the Final Articles Revision Convention, 1946, are marked by an asterisk.

<sup>3</sup> Ratification is not to be effective for France until the unconditional ratifications of Poland, Spain and Italy have been registered.

<sup>4</sup> Ratification is not to be effective for Sweden until the unconditional ratifications of Denmark, Finland and Norway have been registered.

<sup>5</sup> Ratification is not to be effective for the United Kingdom until the unconditional ratifications of France, Germany, the Netherlands, Italy, Norway and Spain have been registered.

which was empowered to accept on behalf of and with the consent of the Government of Burma the obligations arising from future international Conventions. Burma became a Member of the International Labour Organisation on 18 May 1948, on which date the Director-General of the International Labour Office received the instrument of acceptance by the Government of the Union of Burma of the obligations of the Constitution of the Organisation; this instrument states that the Government of Burma recognises that the obligations resulting from the ratification by India as regards Burma of International Labour Conventions before 1 April 1937 continue to be binding on the Union of Burma in accordance with the terms of these Conventions.

Geneva, 10 August 1949.

For the Director-General

C. W. JENKS  
*Legal Adviser*