

No. 605

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**INTERNATIONAL LABOUR ORGANISATION**

**Convention<sup>27</sup> concerning Seamen's articles of agreement, adopted by the General Conference of the International Labour Organisation at its ninth session, Geneva, 24 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 le contrat d'engagement des marins, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa neuvième session, Genève, 24 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. 605. CONVENTION<sup>1</sup> CONCERNING SEAMEN'S ARTICLES OF AGREEMENT, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946<sup>2</sup>

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 Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to seamen's articles of agreement, which is included in the first item of the agenda of the Session, and

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

adopts this twenty-fourth day of June of the year one thousand nine hundred and twenty-six the following Convention, which may be cited as the Seamen's Articles of Agreement 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*

1. This Convention shall apply to all sea-going vessels registered in the country of any Member ratifying this Convention and to the owners, masters and seamen of such vessels.

2. It shall not apply to—

- (a) ships of war,
- (b) Government vessels not engaged in trade,
- (c) vessels engaged in the coasting trade,
- (d) pleasure yachts,
- (e) Indian country craft,
- (f) fishing vessels,
- (g) vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

<sup>1</sup> For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 310.

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

*Article 2*

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz. :

- (a) the term "vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation;
- (b) the term "seaman" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government;
- (c) the term "master" includes every person having command and charge of a vessel except pilots;
- (d) the term "home trade vessel" means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

*Article 3*

1. Articles of agreement shall be signed both by the shipowner or his representative and by the seaman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the seaman and also to his adviser.

2. The seaman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.

3. The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the shipowner or his representative and by the seaman.

4. National law shall make adequate provision to ensure that the seaman has understood the agreement.

5. The agreement shall not contain anything which is contrary to the provisions of national law or of this Convention.

6. National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the shipowner and of the seaman.

*Article 4*

1. Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

2. This Article shall not be interpreted as excluding a reference to arbitration.

*Article 5*

1. Every seaman shall be given a document containing a record of his employment on board the vessel. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law.

2. The document shall not contain any statement as to the quality of the seaman's work or as to his wages.

*Article 6*

1. The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

2. The agreement shall state clearly the respective rights and obligations of each of the parties.

3. It shall in all cases contain the following particulars :

- (1) the surname and other names of the seaman, the date of his birth or his age, and his birthplace;
- (2) the place at which and date on which the agreement was completed;
- (3) the name of the vessel or vessels on board which the seaman undertakes to serve;
- (4) the number of the crew of the vessel, if required by national law;
- (5) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (6) the capacity in which the seaman is to be employed;
- (7) if possible, the place and date at which the seaman is required to report on board for service;
- (8) the scale of provisions to be supplied to the seaman, unless some alternative system is provided for by national law;
- (9) the amount of his wages;

- (10) the termination of the agreement and the conditions thereof, that is to say :
- (a) if the agreement has been made for a definite period, the date fixed for its expiry;
  - (b) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seaman shall be discharged;
  - (c) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period shall not be less for the shipowner than for the seaman;
- (11) the annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law;
- (12) any other particulars which national law may require.

#### *Article 7*

If national law provides that a list of crew shall be carried on board it shall specify that the agreement shall either be recorded in or annexed to the list of crew.

#### *Article 8*

In order that the seaman may satisfy himself as to the nature and extent of his rights and obligations, national law shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment, either by posting the conditions of the agreement in a place easily accessible from the crew's quarters, or by some other appropriate means.

#### *Article 9*

1. An agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than twenty-four hours.

2. Notice shall be given in writing; national law shall provide such manner of giving notice as is best calculated to preclude any subsequent dispute between the parties on this point.

3. National law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement.

*Article 10*

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by—

- (a) mutual consent of the parties;
- (b) death of the seaman;
- (c) loss or total unseaworthiness of the vessel;
- (d) any other cause that may be provided in national law or in this Convention.

*Article 11*

National law shall determine the circumstances in which the owner or master may immediately discharge a seaman.

*Article 12*

National law shall also determine the circumstances in which the seaman may demand his immediate discharge.

*Article 13*

1. If a seaman shows to the satisfaction of the shipowner or his agent that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or his agent he furnishes a competent and reliable man in his place.

2. In such case, the seaman shall be entitled to his wages up to the time of his leaving his employment.

*Article 14*

1. Whatever the reason for the termination or rescission of the agreement, an entry shall be made in the document issued to the seaman in accordance with Article 5 and in the list of crew showing that he has been discharged, and such entry shall, at the request of either party, be endorsed by the competent public authority.

2. The seaman shall at all times have the right, in addition to the record mentioned in Article 5, to obtain from the master a separate certificate as to the quality of his work or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement.

*Article 15*

National law shall provide the measures to ensure compliance with the terms of the present Convention.

*Article 16*

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 17*

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 18*

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 19*

Subject to the provisions of Article 17, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

*Article 20*

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 21*

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 22*

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 23*

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

The foregoing is the authentic text of the Seamen's Articles of Agreement Convention, 1926, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 26 July 1926 by the signatures of Viscount Burnham, President of the Conference, and Albert Thomas, Director of the International Labour Office.

The Convention first came into force on 4 April 1928.

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 Seamen's Articles of Agreement Convention, 1926, adopted by the International Labour Conference on 24 June 1926 at its Ninth Session, and which entered into force on 4 April 1928, 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>
* Australia .....	1. 4.1935	* Italy .....	10.10.1929
* Belgium .....	8.10.1927	* Luxembourg .....	16. 4.1928
Bulgaria .....	29.11.1929	* Mexico .....	12. 5.1934
* Canada .....	30. 6.1938	* Netherlands .....	15.12.1937
Chile .....	18.10.1935	* New Zealand .....	29. 3.1938
* China .....	2.12.1936	Nicaragua .....	12. 4.1934
* Colombia .....	20. 6.1933	* Norway .....	29. 3.1940
Cuba .....	7. 7.1928	* Poland .....	8. 8.1931
Estonia .....	10. 5.1929	Spain .....	23. 2.1931
* Finland .....	8. 4.1947	* United Kingdom ...	14. 6.1929
* France .....	4. 4.1928	Uruguay .....	6. 6.1933
Germany .....	20. 9.1930	* Venezuela .....	20.11.1944
* India .....	31.10.1932	Yugoslavia .....	30. 9.1929
* Ireland .....	5. 7.1930		

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 the future in the work of the International Labour Organisation through the medium of the Government of the United Kingdom which was empowered to accept on behalf of and with the consent of the Government of Burma the obligations arising from future international Conventions.

<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.

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*