

No. 606

INTERNATIONAL LABOUR ORGANISATION

Convention concerning the repatriation of seamen, adopted by the General Conference of the International Labour Organisation at its ninth session, Geneva, 23 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.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention concernant le rapatriement des marins, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa neuvième session, Genève, 23 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. 606. CONVENTION¹ CONCERNING THE REPATRIATION OF SEAMEN, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946²

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 the repatriation of seamen, 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-third day of June of the year one thousand nine hundred and twenty-six the following Convention, which may be cited as the Repatriation of Seamen 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 meters, 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.

¹ For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 324.

² 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. Any seaman who is landed during the term of his engagement or on its expiration shall be entitled to be taken back to his own country, or to the port at which he was engaged, or to the port at which the voyage commenced, as shall be determined by national law, which shall contain the provisions necessary for dealing with the matter, including provisions to determine who shall bear the charge of repatriation.

2. A seaman shall be deemed to have been duly repatriated if he has been provided with suitable employment on board a vessel proceeding to one of the destinations prescribed in accordance with the foregoing paragraph.

3. A seaman shall be deemed to have been repatriated if he is landed in the country to which he belongs, or at the port at which he was engaged, or at a neighbouring port, or at the port at which the voyage commenced.

4. The conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated shall be as provided by national law or, in the absence of such legal provisions, in the articles of agreement. The provisions of the preceding paragraphs shall, however, apply to a seaman engaged in a port of his own country.

Article 4

The expenses of repatriation shall not be a charge on the seaman if he has been left behind by reason of—

- (a) injury sustained in the service of the vessel, or

- (b) shipwreck, or
- (c) illness not due to his own wilful act or default, or
- (d) discharge for any cause for which he cannot be held responsible.

Article 5

1. The expenses of repatriation shall include the transportation charges, the accommodation and the food of the seaman during the journey. They shall also include the maintenance of the seaman up to the time fixed for his departure.

2. When a seaman is repatriated as member of a crew, he shall be entitled to remuneration for work done during the voyage.

Article 6

The public authority of the country in which the vessel is registered shall be responsible for supervising the repatriation of any member of the crew in cases where this Convention applies, whatever may be his nationality, and where necessary for giving him his expenses in advance.

Article 7

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 8

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 9

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 10

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

Article 11

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 12

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 13

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 14

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

The foregoing is the authentic text of the Repatriation of Seamen 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 16 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 Repatriation of Seamen Convention, 1926, adopted by the International Labour Conference on 23 June 1926 at its Ninth Session, and which entered into force on 16 April 1928, has to date been ratified by the following countries ¹ and that these ratifications were duly registered on the dates indicated ²:

<i>Country</i>	<i>Date of registration of ratification</i>	<i>Country</i>	<i>Date of registration of ratification</i>
* Belgium	8.10.1927	* Italy	10.10.1929
Bulgaria	29.11.1929	* Luxembourg	16. 4.1928
* China	2.12.1936	* Mexico	12. 5.1934
* Colombia	20. 6.1938	* Netherlands	5. 5.1948
Cuba	7. 7.1928	Nicaragua	12. 4.1934
Estonia	9. 7.1928	* Poland	8. 8.1931
* France	4. 8.1929	Spain	28. 2.1931
Germany	14. 3.1930	Uruguay	6. 6.1933
* Ireland	5. 7.1930	Yugoslavia	30. 9.1929

Geneva, 10 August 1949.

For the Director-General

C. W. JENKS
Legal Adviser

¹ 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.

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