

Co21 - Inspection of Emigrants Convention, 1926 (No. 21)

Preamble

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.

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 such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

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