

Co83 - Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)

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 Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning the application of international labour standards in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Standards (Non-Metropolitan Territories) Convention, 1947:

Article 1

- 1. Each Member of the International Labour Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office with its ratification a declaration stating, in respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, the extent to which it undertakes that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in respect of the said territories.
- 2. The aforesaid declaration shall state in respect of each of the Conventions set forth in the Schedule to this Convention--
 - (a) the territories in respect of which the Member undertakes that the provisions of the Convention shall be applied without modification;
 - (b) the territories in respect of which the Member undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications.

- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which the Member reserves its decision.
- 3. The undertakings referred to in subparagraphs (a) and (b) of paragraph 2 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.
- 4. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 2 of this Article.
- 5. Any Member may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 2

- 1. A declaration accepting the obligations of this Convention in respect of any non-metropolitan territory where the subject matter of the Conventions set forth in the Schedule to this Convention is within the self-governing powers of the territory may be communicated to the Director-General of the International Labour Office by the Member responsible for the international relations of the territory in agreement with the Government of the territory.
- 2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office-
 - (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
 - (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.
- 3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraph of this Article shall include an undertaking that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in the territory concerned either without modification or subject to modifications; when the

declaration indicates that the provisions of one or more of the said Conventions will be applied subject to modifications it shall give in respect of each such Convention details of the said modifications.

- 4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
- 5. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of any one or more of the Conventions set forth in the Schedule.

Article 3

The competent authority may, by regulations published beforehand, exclude from the application of any provisions giving effect to any of the Conventions set forth in the Schedule undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

Article 4

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of one or more of the Conventions set forth in the Schedule, the annual reports on the application of this Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 5

- 1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Schedule to this Convention including the provisions of further Conventions in the Schedule or substituting for the provisions of any Convention set forth in the Schedule the provisions of any Convention revising that Convention which may have been adopted by the Conference.
- 2. Each Member for which this Convention is in force and each territory for which a declaration accepting the obligations of this Convention in pursuance of Article 2 is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such amendment to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

- 3. Any such amendment shall become effective for each Member for which this Convention is in force on acceptance by the said Member and for each territory in respect of which a declaration accepting the obligations of the Convention in pursuance of Article 2 is in force on acceptance in respect of the said territory.
- 4. When any such amendment becomes effective for any Member or for any territory in respect of which the obligations of this Convention have been accepted in pursuance of Article 2, the Member, Members or international authority concerned shall communicate to the Director-General of the International Labour Office a declaration giving, in respect of the Convention or Conventions the provisions of which have been included in the Schedule by the amendment, the particulars required by paragraph 2 of Article 1 or paragraph 3 of Article 2 as the case may be.
- 5. Any Member which ratifies this Convention after the date of the adoption of any such amendment by the Conference shall be deemed to have ratified the Convention as amended and any territory in respect of which the obligations of the Convention are accepted after that date in pursuance of Article 2 shall be deemed to have accepted the obligations of the Convention as amended.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

- 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
- 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
- 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8

- 1. 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.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.
- 2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 10

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 11

At the expiration of each period of ten years after the coming into force of this Convention, 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 in whole or in part.

Article 12

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 8 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 13

The English and French versions of the text of this Convention are equally authoritative.