

CONVENTION (NO. 23) CONCERNING THE REPATRIATION OF SEAMEN AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION

Note: The first Convention was adopted at Geneva, June 23, 1926. The Convention as amended was concurred in by the Senate, S.R. No. 44, May 19, 1960. The Philippine instrument of ratification was signed by the President, September 16, 1960 and was deposited with the Director-General of the ILO, November 17, 1960. The original Convention entered into force April 16, 1928. The Convention as amended entered into force with respect to the Philippines, November 17, 1961.

Reference: This Convention is also published in 38 UNTS, p. 315. The General Conference of the International Labour Organization, 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 Organization in accordance with the provisions of the Constitution of the International Labour Organization:

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, not 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.

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 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.