

No. 5951

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 114) concerning fishermen's articles of agreement. Adopted by the General Conference of the International Labour Organisation at its forty-third session, Geneva, 19 June 1959

Official texts: English and French.

Registered by the International Labour Organisation on 15 November 1961.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (n° 114) concernant le contrat d'engagement des pêcheurs. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa quarante-troisième session, Genève, 19 juin 1959

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 15 novembre 1961.

No. 5951. CONVENTION (No. 114)¹ CONCERNING FISHERMEN'S ARTICLES OF AGREEMENT. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FORTY-THIRD SESSION, GENEVA, 19 JUNE 1959

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 Forty-third Session on 3 June 1959, and

Having decided upon the adoption of certain proposals with regard to fishermen's articles of agreement, which is included in the fifth item on the agenda of the session, and

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

adopts this nineteenth day of June of the year one thousand nine hundred and fifty-nine the following Convention, which may be cited as the Fishermen's Articles of Agreement Convention, 1959 :

Article 1

1. For the purpose of this Convention, the term "fishing vessel" includes all registered or documented ships and boats of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters.

2. The competent authority may exempt from the application of the provisions of this Convention fishing vessels of a type and size determined after consultation with the fishing-boat owners' and fishermen's organisations concerned, where such exist.

3. The competent authority may, if satisfied that the matters dealt with in this Convention are adequately regulated by collective agreements between fishing-boat

¹ In accordance with article 14, the Convention came into force on 7 November 1961, twelve months after the date on which ratifications of two Members of the International Labour Organisation (Liberia and Guinea) had been registered with the Director-General of the International Labour Office. Thereafter, the Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

The ratifications of the following States were registered with the Director-General of the International Labour Office on the dates indicated :

Liberia	16 May	1960
Guinea	7 November	1960
Guatemala	2 August	1961
Spain	7 August	1961

owners or fishing-boat owners' organisations, and fishermen's organisations, exempt from the provisions of the Convention concerning individual agreements owners and fishermen covered by such collective agreements.

Article 2

For the purpose of this Convention, the term "fisherman" includes every person employed or engaged in any capacity on board any fishing vessel and entered on the ship's articles. It excludes pilots, cadets and duly indentured apprentices, naval ratings, and other persons in the permanent service of a government.

Article 3

1. Articles of agreement shall be signed both by the owner of the fishing vessel or his authorised representative and by the fisherman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the fisherman and, as the case may be, also to his adviser.

2. The fisherman 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 owner of the fishing vessel or his authorised representative and by the fisherman.

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

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

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 owner of the fishing vessel and of the fisherman.

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.