

No. 9493

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FRANCE**

**Exchange of notes constituting an agreement amending the
Protocol respecting the New Hebrides signed at London
on 6 August 1914 and authorising new joint Labour
Regulations (with annex). London, 14 February 1967**

Authentic texts: English and French.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
8 April 1969.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
FRANCE**

**Échange de notes constituant un accord amendant le Protocole
relatif aux Nouvelles-Hébrides signé à Londres le 6 août
1914 et autorisant une nouvelle réglementation conjointe
du travail (avec annexe). Londres, 14 février 1967**

Textes authentiques: anglais et français.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
8 avril 1969.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC AMENDING THE PROTOCOL RESPECTING THE NEW HEBRIDES SIGNED AT LONDON ON 6 AUGUST 1914² AND AUTHORISING NEW JOINT LABOUR REGULATIONS

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE AMENDANT LE PROTOCOLE RELATIF AUX NOUVELLES-HÉBRIDES SIGNÉ À LONDRES LE 6 AOÛT 1914² ET AUTORISANT UNE NOUVELLE RÉGLEMENTATION CONJOINTE DU TRAVAIL

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The Secretary of State for Foreign Affairs to the French Ambassador

FOREIGN OFFICE

14 February 1967

Your Excellency,

Following recent discussions between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic respecting labour regulations and labour disputes in the New Hebrides, I have the honour to propose that:

(1) The Government of the United Kingdom and the Government of the French Republic approve the draft New Hebrides Joint Labour Regulations, submitted to them by Joint Note of August 1963, of the British and French Resident Commissioners, as amended to date and the text of which is annexed to the present Note.

(2) Paragraph 3 of Article 12 of the Protocol respecting the New Hebrides of the 6th August, 1914,² shall be abrogated and replaced by the following:

“3. Over all matters in respect of Joint Labour Regulations made under Article 31 of the present Convention.”

(3) Articles 31 to 56 (inclusive) of the Protocol respecting the New Hebrides of the 6th August, 1914, as subsequently amended, shall be abrogated and replaced by the following:

¹ Came into force on 14 February 1967 by the exchange of the said notes.

² League of Nations, *Treaty Series*, Vol. X, p. 333.

¹ Entré en vigueur le 14 février 1967 par l'échange desdites notes.

² Société des Nations, *Recueil des Traités*, vol. X, p. 333.

"Article 31

1. Without prejudice to the generality of the powers conferred by Article 7, the High Commissioners may, after receipt of the authorisation of their respective Governments to that effect, issue Joint Labour Regulations, and may, as often as may be necessary, amend and revoke such Regulations after having, in each case, obtained such authorisation.

2. The procedure in relation to the prosecution and trial of offences against Joint Labour Regulations and the hearing of labour and trade disputes shall be prescribed by rules made in that behalf by the Joint Court based on British and French legislation on such matters."

2. If the foregoing proposals are acceptable to the Government of the French Republic, I have the honour to suggest that the present Note and Your Excellency's reply in that sense should be regarded as constituting the approval referred to in sub-paragraph (1) of this Note, and as formally recording the Agreement of the two Governments to amend the said Protocol of the 6th August, 1914, accordingly, with immediate effect.

I have the honour to be, with the highest consideration, Your Excellency's obedient Servant,

(For the Secretary of State)

D. F. MURRAY

ANNEX

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION¹

TO CONTROL CONDITIONS OF EMPLOYMENT

Made by the Resident Commissioners under the provisions of paragraph 2 of Article 2, Article 7 and Article 31 of the Anglo-French Protocol, 1914.

PART I

GENERAL PROVISIONS

Repeal

1. The Native Recruiting and Employment Registration Joint Regulation No. 20 of 1941, the Trade Union and Trade Disputes Regulation No. 8 of 1957 as amended by Joint Regulation No. 8 of 1958 and Joint Regulation No. 3 of 1962 and the Labour Advisory Committee Joint Regulation No. 16 of 1962 are hereby repealed.

¹ The text of the Regulation reproduced here represents the draft as agreed at the time the Notes were exchanged. Certain discrepancies which have since been discovered between the English and French versions will be corrected in the Regulation to be made by the two High Commissioners.

Application

2. (1) This Joint Regulation shall be applied in the New Hebrides Condominium.

Definition of worker

(2) Any person, whatever may be his sex or nationality, who undertakes to put his services in return for remuneration under the direction or authority of another person, or corporate body, whether public or private, shall be considered as a worker for the purposes of this Regulation: Provided that the following shall not be so considered:

Persons appointed to permanent employment by a public administration;

Seamen;

Aircrew;

Teaching staff;

The staff of ecclesiastical bodies;

Employees of local authorities or public services who do not give their full time to the said bodies or services, whose employment with such authorities or services does not represent their principal occupation and who are remunerated at a flat rate.

(3) This Regulation shall not apply to persons who are working as jobbing contractors or in pursuance of a contract for the harvesting of crops and whose conditions of work may be the subject of Joint Rules made by the Resident Commissioners.

Forced labour

3. (1) No person shall exact, procure, or employ forced or compulsory labour.

(2) By forced or compulsory labour is meant all work or service which is exacted from any person under the menace of any penalty, and for which the said person has not offered himself voluntarily, but does not mean:

- (a) any work or service exacted from any person as a consequence of a conviction in a Court of Law: Provided that the said work or service shall be carried out under the supervision and control of a public authority and that the said person shall not be hired to or placed at the disposal of private individuals, companies or associations;
- (b) any work or service exacted in cases of emergency, that is to say, in the event of war, or of a calamity or threatened calamity such as fire, flood, famine, earthquake, violent epidemic or animal disease, invasion by animal or vegetable pests, and in general any circumstances that would endanger the existence or the well-being of the whole or part of the population;
- (c) any minor village work of a kind performed by members of a community in the direct interest of such community and which is therefore a civic obligation normally incumbent upon members of such community: Provided always that before exaction of such minor communal services consultation shall have been had with the inhabitants of the community or their direct representatives in regard to the need for such services.

Recruiting

4. The Resident Commissioner may make rules to govern the recruitment of workers and without derogation from the generality of the foregoing, for all or any of the following purposes:

- (a) the definition of recruiting operations;
- (b) the closing of areas to recruiting;
- (c) the employment of recruiting agents;
- (d) the conduct of recruiting operations;
- (e) the issue of licences to recruiters;
- (f) the medical examination of recruited workers;
- (g) the conditions of transport for recruited workers;
- (h) the repatriation of recruited workers;
- (i) the payment of advances to workers being recruited;
- (j) the recruitment of workers for work in the New Hebrides from a territory outside;
- (k) the recruitment of workers in the New Hebrides for work outside the territory.

PART II

CONTRACTS OF EMPLOYMENT

Form of contract

5. (1) Contracts shall be drawn up freely in whatever form appears suitable to the parties concerned and proof of the existence of an agreement may be afforded in any way desired: Provided that any contract which is valid for a specified period exceeding six months or necessitates the residence of workers away from their normal place of residence as defined in section 45 (3) of this Regulation shall be in writing and shall be submitted to the Inspector of Labour for his approval not later than one month after the date of signature.

(2) Any amendment made to such a contract in accordance with an agreement between the parties concerned shall also be subject to such authorisation.

(3) If the Inspector of Labour disapproves of any contract as failing to be drawn in compliance with any provisions of this Regulation he shall immediately:

- (a) notify the employer and worker of in what respect the contract fails so to comply; and
- (b) request the said employer to amend the said contract so as to comply.

(4) On receipt of such a notification and request the employer shall re-draw the contract so as to comply with the provisions of this Regulation and shall within 30 days re-submit the said contract for the approval of the Inspector of Labour.

(5) If:

- (a) any employer fails to re-submit the said contract within the prescribed period; or
- (b) after re-submission the Inspector of Labour refuses to approve it, the said contract shall be null and void and the employer shall return the worker at the employer's own expense to his normal place of residence by the first available means of transport: Provided that the employer's obligation to repatriate the worker under the provisions of this sub-section shall cease three months after the contract has become null and void.