Resolutions
Adopted by the
International Labour Conference
at Its 41st Session

(Geneva, 29 April-14 May 1958)
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Resolutions Adopted
by the International Labour Conference
at Its 41st Session

(Geneva, 29 April-14 May 1958)

I

Resolution concerning Refugee Seafarers ¹

The General Conference of the International Labour Organisation,

Considering the plight of the refugee seafarers who are not entitled to admission to stay lawfully in the territory of any State,

Recalling that the problem has been a subject of discussion at various sessions of the Joint Maritime Commission, resulting in recommendations to governmental authorities, as well as to the organisations of shipowners and seafarers, to make all possible contribution to the solution of the problem;

Notes with warm satisfaction that the governments of eight Western European countries have, on the initiative of the Netherlands Government, drawn up and signed an Agreement relating to Refugee Seamen, concluded at The Hague on 23 November 1957, which contributes considerably to the solution of this problem;

Expresses the hope that governments of States which are Members of the International Labour Organisation will give consideration to the possibility of acceding to that Agreement;

Calls upon governmental authorities, as well as organisations of shipowners and seafarers, to inform refugee seafarers of the possibilities of regularising their position offered to them by this Agreement;

Requests the Director-General of the International Labour Office to co-operate with the United Nations High Commissioner for Refugees with a view to the implementation and application of the Agreement and in further efforts for a complete solution of this serious human problem.

¹ Adopted on 12 May 1958 by 116 votes to 0, with 19 abstentions.
II

Resolution concerning Welfare in Port

The General Conference of the International Labour Organisation,

Considering that there is a growing and urgent need to deal with the question of seafarers’ welfare in port on a world scale,

Whereas resolutions have been adopted over the years by the Joint Maritime Commission and the International Labour Conference stressing the role to be played by governments in the sphere of seafarers’ welfare and calling upon them to devote attention to the matter, in consultation with organisations of shipowners and seafarers,

Whereas the Asian Maritime Conference (Nuwara Eliya, 1953) considered the problem from the special point of view of the large numbers of Asian seafarers serving in foreign ships and visiting foreign ports and stressed the need for organised efforts to deal with this aspect of welfare in port;

Warmly welcomes the setting up of a Tripartite Subcommittee of the Joint Maritime Commission with the special task of dealing with seafarers’ welfare; and

Requests the Governing Body of the International Labour Office to convene the Subcommittee as soon as possible in order that it may make proposals for giving effect to the resolutions which have been adopted on the subject of seafarers’ welfare over the years, including the study of welfare facilities for Asian seamen in non-Asian ports.

III

Resolution concerning Health and Hygiene on Board Ship

The General Conference of the International Labour Organisation,

Considering the great importance of measures to protect health and to provide medical facilities on board ship,

Considering the valuable contribution made in this field, especially in its socio-medical aspects, by the I.L.O.-W.H.O. Joint Committee on Hygiene of Seafarers,

Considering the desirability of this work being carried on with the utmost speed and vigour;

Expresses its deep appreciation of the substantial progress achieved in this sphere and requests the Governing Body of the International Labour Office to consider the possibility of arranging an early meeting of the Joint Committee.

1 Adopted on 12 May 1958 by 136 votes to 0, with no abstentions.
2 Adopted on 12 May 1958 by 137 votes to 0, with no abstentions.
IV

Resolution concerning Crew Accommodation

The General Conference of the International Labour Organisation,

Considering that the Convention concerning crew accommodation on board ship which was adopted by the International Labour Conference at its 28th Session (Seattle, 1946) and revised at its 32nd Session (Geneva, 1949) has contributed greatly to the improvement of the standards of accommodation on board ship, and

Considering further that the principles of air conditioning on board ship should be investigated with a view to their application to crews' quarters;

Requests the Governing Body of the International Labour Office to initiate a study of the question of air conditioning in relation to crew accommodation and to refer the question to an early session of the Joint Maritime Commission for further consideration.

V

Resolution concerning the Manning of Ships

The General Conference of the International Labour Organisation,

Noting that the Convention on the High Seas (Geneva, 1958) provides that every State shall take such measures for ships under its flags as are necessary to ensure safety at sea with regard, inter alia, to the manning of ships,

Noting that the International Conference on the Safety of Life at Sea (London, 1948) adopted a Recommendation which suggested that the International Labour Organisation, and also the Intergovernmental Maritime Consultative Organisation, when formed, should give consideration to the question of minimum standards of manning on board ship;

Requests the Governing Body of the International Labour Office to initiate a study of the standards of manning prescribed by law or collective agreements and of those actually obtaining in different countries and to refer the question to the Joint Maritime Commission for further consideration.

VI

Resolution concerning the Convening of the Joint Maritime Commission

The General Conference of the International Labour Organisation,

Having regard to the fact that there are a number of important social

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1 Adopted on 12 May 1958 by 138 votes to 0, with no abstentions.
2 Adopted on 12 May 1958 by 139 votes to 0, with no abstentions.
3 Adopted on 12 May 1958 by 137 votes to 0, with no abstentions.
questions affecting seafarers concerning which resolutions have been adopted by the 41st Session of the International Labour Conference and concerning which the International Labour Office has been requested to carry out studies,

Considering that these questions should be further pursued with as little delay as possible;

Requests the Governing Body of the International Labour Office to consider the convening of a session of the Joint Maritime Commission at an early date in consultation with the parties concerned.

VII

Resolution concerning Atomic Power and Shipping 1

The General Conference of the International Labour Organisation,

Noting present trends towards the utilisation of atomic power for propulsion and other purposes on board ship, and

Recalling the risks of radioactivity which are inherent in developments of this sort, not only to the crews but to others, and

Recognising the needs for appropriate safeguards;

Requests the Governing Body of the International Labour Office, in co-operation with other appropriate international agencies, to study the problems created by the application of atomic power to shipping in so far as the protection of the crew is concerned, and to report thereon to an early session of the Joint Maritime Commission.

VIII

Resolution concerning Fishermen's Questions 2

The General Conference of the International Labour Organisation,

Noting that under existing arrangements fishermen's questions are from time to time dealt with at Maritime Sessions of the International Labour Conference,

Considering that these arrangements are unsatisfactory and that it is not always practicable to deal adequately with fishermen's questions through Maritime Sessions of the Conference,

Considering, further, that it is not always convenient to refer fishermen's questions to Ordinary Sessions of the International Labour Conference, and

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1 Adopted on 13 May 1958 by 137 votes to 0, with no abstentions.
2 Adopted on 13 May 1958 by 105 votes to 0, with 39 abstentions.
Regretting the consequent difficulty and delay in dealing with fishermen's questions through the existing machinery of the I.L.O.;

Suggests that the 42nd Session of the International Labour Conference, at which representatives of the employers and workers of the fishing industry will be present, should consider whether machinery for dealing internationally with the social questions of the fishing industry should be set up under the auspices of the I.L.O.

IX

Resolution concerning Safety of Life at Sea

The General Conference of the International Labour Organisation,

Considering the desirability of bringing up to date the Convention concerning the Safety of Life at Sea, 1948;

Welcomes the prospect of another Diplomatic Conference on Safety of Life at Sea being held in the near future, and requests the Governing Body of the International Labour Office to suggest the participation not only of shipowners' and seafarers' representatives in the delegations of governments attending the Conference but also of representatives from the Joint Maritime Commission in a consultative capacity.

X

Resolution concerning Limitation of Shipowners' Liability

The General Conference of the International Labour Organisation,

Noting the adoption by an Intergovernmental Diplomatic Conference held in Brussels in October 1957 of an International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships,

Considering that that Convention is of interest to the I.L.O. in view of the fact that it both limits the liability of seafarers and protects their claims against the shipowner,

Noting with regard to the first point that the Brussels Convention provides that its provisions shall apply "to the master, members of the crew and other servants of the owner, charterer, manager or operator acting in the course of their employment", and that "such persons may limit their liability even if the occurrence which gives rise to the claims resulted from the actual fault or privity of one or more of such persons",

Noting with regard to the second point that the Brussels Convention raises the limit of liability of the shipowner in respect of personal claims to 3,100 gold francs for each ton of the ship's tonnage,

1 Adopted on 13 May 1958 by 145 votes to 0, with no abstentions.
2 Adopted on 13 May 1958 by 113 votes to 0, with 30 abstentions.
Noting further that the Convention provides that the limitation of liability shall not apply "to claims by the master, by members of the crew, by any servants of the owner on board the ship or by servants of the owner whose duties are connected with the ship, including the claims of their heirs, personal representatives or dependants, if under the law governing the contract of service between the owner and such servants the owner is not entitled to limit his liability in respect of such claims or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 3 of this Convention",

Considering that those aspects of shipowners' liability which affect seafarers and other categories of workers in their capacities of persons in the employment of shipowners are of a character which brings them within the competence of the International Labour Office;

(1) Expresses its satisfaction, first, that the Convention fixes limits for the liability of owners of sea-going ships which improve the protection of injured parties and, secondly, that the Convention admits the principle of the limitation of the liability of master and crew;

(2) Recommends that each Member of the International Labour Organisation should consider the possibility of ratifying or acceding to the International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships, signed at Brussels on 10 October 1957;

(3) Requests the Governing Body of the International Labour Office to consult with the Diplomatic Conference on Maritime Law with a view to associating the International Labour Organisation in future with the consideration of the question of shipowners' liability towards seafarers.

XI

Resolution concerning the Jurisdiction Competent to Suspend or Cancel Officers' Competency Certificates

The General Conference of the International Labour Organisation,

Considering that the Officers' Competency Certificates Convention, 1936, adopted by the International Labour Conference at its 21st Session, provides in Article 3 that "no person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered",

Considering that the Convention provides in paragraph 3 of Article 5 that "where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered",

1 Adopted on 7 May 1958 by 121 votes to 0, with 1 abstention.
Considering that the Governing Body of the International Labour Office at its 45th Session referred to the International Maritime Committee the question of the penal consequences of collisions at sea,

Considering that the International Convention for the Unification of Certain Rules relating to Penal Jurisdiction in Matters of Collision or Other Incidents of Navigation, signed at Brussels on 10 May 1952, provides that "in the event of a collision or any other incident of navigation concerning a sea-going ship and involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, criminal or disciplinary proceedings may be instituted only before the judicial or administrative authorities of the State of which the ship was flying the flag at the time of the collision or other incident of navigation",

Noting that the Brussels Convention nevertheless adds that "nothing contained in this Convention shall prevent any State from permitting its own authorities, in cases of collision or other incidents of navigation, to take any action in respect of certificates of competence or licences issued by that State or to prosecute its own nationals for offences committed while on board a ship flying the flag of another State",

Noting further that the Brussels Convention does not apply to collisions or other incidents of navigation occurring within the limits of a port or in inland waters, and that the High Contracting Parties "shall be at liberty, at the time of signature, ratification or accession to the Convention, to reserve to themselves the right to take proceedings in respect of offences committed within their own territorial waters",

Considering that the Convention on the High Seas, signed at Geneva on 29 April 1958, provides that "in the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national", and that "in disciplinary matters, the State which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them",

Noting that the foregoing provisions are as yet binding only in part, or not at all, on some of the Members of the International Labour Organisation;

1. Affirms the general principle that the authorities of the State which has issued a competency certificate are alone competent to suspend or cancel it, and that a State ought not to exercise the right to interfere with or suspend the validity of a foreign certificate within its own jurisdiction, that is to say in its own inland waters and territorial sea and on board ships flying its own flag, unless the State which has issued the certificate and all other States having the power to suspend or cancel the certificate in pursuance of reciprocal arrangements with that State have failed to inquire into the necessity for taking action in that regard;

2. Recommends that each Member of the International Labour Organisation should accede, as far as possible without reservation, to the Inter-
national Convention for the Unification of Certain Rules relating to Penal Jurisdiction in Matters of Collision or Other Incidents of Navigation, signed at Brussels on 10 May 1952;

3. Expresses the wish that, when a State has jurisdiction over an incident of navigation and in the exercise of that jurisdiction considers that action should be taken in respect of the use of a certificate issued by another State, it will notify the State which issued the certificate so that that State may take any measure which it considers necessary;

4. Recognises that the foregoing principles may be derogated from by special reciprocal arrangements for the acceptance of certificates which may be made between States or groups of States;

5. Requests the Director-General of the International Labour Office to transmit a copy of this resolution to each Member of the International Labour Organisation, to the Secretary-General of the United Nations and to the International Maritime Committee.

XII

Resolution concerning the Application of the Principle of a 40-Hour Working Week on Board Ship

The General Conference of the International Labour Organisation,

Considering that the arduous and specific working and living conditions of seafarers, which are related to the special nature of their work in conditions of prolonged service at sea, call for a greater expenditure of physical and moral effort on the part of seafarers and have a detrimental influence on their health,

Considering that the demand of seafarers for a reduction of their working hours to 40 per week is in keeping with the present stage of technical progress in ships,

Noting that the principle of a 40-hour working week was adopted by the General Conference of the International Labour Organisation at its 19th Session and was stated in Convention No. 47,

Noting further the revised text of Convention No. 93 concerning wages, hours of work on board ship and manning and the Recommendation additional thereto, adopted at the 41st Session of the International Labour Conference in 1958,

Considering that the question of hours of work in industry generally is to be discussed at the 42nd (Ordinary) Session of the International Labour Conference;

Requests the Governing Body of the International Labour Office to include the seafarers in any measures or investigations decided on arising out of the forthcoming discussion concerning a general reduction of working hours.

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1 Adopted on 12 May 1958 by 71 votes to 32, with 35 abstentions.