

INTERNATIONAL LABOUR REVIEW

VOL. LXII, No. 5

NOVEMBER 1950

The Joint Maritime Commission and the Maritime Work of the I.L.O.

The International Labour Organisation celebrated its thirtieth anniversary in 1949 ; now, in 1950, its oldest industrial committee—the Joint Maritime Commission—has been in existence for a like period of time. The Commission has the distinction of being the only bipartite body in an otherwise tripartite organisation, doubtless because it was set up on the model of the bipartite negotiating bodies which already existed in the shipping industries of certain countries before the Organisation came into being. In a sense, the maritime work of the Organisation has always formed a special field of activity, in which the Commission has played an important part. It has therefore been considered of interest to review the work and achievements of this body against the background of the maritime activities of the Organisation as a whole.

IN his welcoming address to the Thirteenth Session of the Joint Maritime Commission, held in London in January 1945, the Rt. Hon. Ernest Bevin (then Minister of Labour and National Service of the United Kingdom) said :

Shipping has always been one of the most international of all industries. It has been one of the vital means of surmounting the barriers which keep the nations apart. The more the shipping industry can do to bridge the gap which separates the nations, the more hope there will be for the future of the world. In view of the eminently international character of the industry, it was natural that the International Labour Organisation should set up a Joint Commission in that industry. The success which has always attended its work has drawn attention to the desirability of similar joint bodies being set up in other industries.¹

¹ Such committees, but organised on a tripartite basis, have now been set up for nine other industries : building, civil engineering and public works ; coal mines ; inland transport ; iron and steel ; metal trades ; petroleum ; plantations ; and textiles.

The establishment of the Commission dates back, in fact, to the Third Session of the Governing Body of the International Labour Office, in March 1920, when it decided that—

A joint commission of twelve members should be appointed, consisting of five shipowners and five seamen chosen by the Genoa Conference [the second International Labour Conference, and the first such conference devoted entirely to maritime questions] and two members chosen by the Governing Body. This commission will assist the technical maritime service of the Labour Office and will be consulted on questions of maritime labour. It will meet when convoked by the Chairman of the Governing Body, who will preside at its deliberations.

During its thirty years of existence, the Commission has held a total of fifteen sessions. Despite a provision in its original standing orders that it should "in principle" meet in Geneva, only five sessions have been held there: the First (November 1920), Seventh (January 1927), Eighth (March 1928), Fourteenth (December 1947) and Fifteenth (November 1948). A short meeting also took place at Geneva in November 1935, in conjunction with the meeting of a tripartite technical conference to consider revision of the Minimum Age at Sea Convention (No. 7). The French Ministries of Labour and of the Mercantile Marine were hosts in Paris to the Second (March 1922), Fifth (April 1925), Sixth (May 1926), Ninth (April 1929), Tenth (December 1933) and Eleventh (March 1935) sessions. The Ministry of Labour of the United Kingdom received in London the Third (December 1923), Twelfth (June 1942) and Thirteenth (January 1945) sessions. The Fourth Session (September 1924) was held in the Provincial Council Buildings at San Sebastian, Spain.

HISTORICAL BACKGROUND

In reaching its decision to set up the Commission, the Governing Body was influenced by views which had been expressed in 1919 when the establishment of the I.L.O. was being considered.

As early as February 1919, the International Congress of Seamen's Organisations had adopted a proposal, presented by the French delegation, urging that it was as necessary to effect a speedy improvement in the conditions of work of seamen

as in the conditions of work of shore workers; that in all maritime countries there existed special legislation and separate Government departments to administer the legal provisions relative to maritime workers; and that as it did not appear that maritime labour questions fell within the competence of the International Labour Organisation which was about to be set up, the Congress pressed for the establishment of both a "permanent general conference for the international regulation of maritime labour", and an "international supervisory office for maritime labour" controlled by a governing body, which would function in respect of seamen in the same manner as the I.L.O. was to function for shore workers. The representatives of the employers and the workers would be, respectively, those of shipowners, heads of shipping undertakings or fishing concerns and those of different grades of seamen and of fishermen.

The International Federation of Seamen transmitted this resolution to the Commission on International Labour Legislation appointed by the Peace Conference in 1919. The Commission examined it carefully, but decided, on the suggestion of the French delegate, that the creation of two permanent labour organisations, one dealing exclusively with the conditions of workers on land and the other with the conditions of work of seamen, should be avoided. It therefore adopted a resolution stating that "the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen". When the International Labour Conference itself met in its First Session at Washington in the autumn of 1919 and adopted the Hours of Work (Industry) Convention, it included transport by sea and inland waterways within the scope of the Convention, but added to Article 1 a paragraph stipulating that the detailed provisions for applying the principle of the eight-hour day and forty-eight-hour week to transport by sea and on inland waterways should be determined by "a special conference dealing with employment at sea and on inland waterways". Thus, the international seamen's organisations obtained satisfaction for their demand for an international conference, but the question remained open whether their claims for an autonomous maritime labour office would be

pressed. Albert Thomas, the Director of the International Labour Office, discussed this point with representatives of the seamen's organisations, which decided to renounce their request for a separate maritime labour organisation on condition that a maritime section of the Office and a joint commission of shipowners and seamen were set up. These were the circumstances in which the question was brought before the Governing Body, and in the light of which it decided to establish a Joint Commission to advise the Governing Body on maritime questions.

The final stage in the establishment of the tradition that maritime questions require special consideration and special machinery was the adoption by the International Labour Conference in 1921, at its Third Session, of a resolution in the following terms :

Seeing that misunderstanding may arise as to the position of those employed in the mercantile marine with regard to Conventions and Recommendations to be passed by the International Labour Conference, it is hereby resolved that no such Conventions or Recommendations shall apply to those employed in the mercantile marine unless they have been passed as a special maritime question on the agenda. All questions on maritime affairs put forward for consideration by conferences should be previously considered by the Joint Maritime Commission of the International Labour Office.

During subsequent years, this resolution has been interpreted to mean that, as a general rule, Conventions and Recommendations applying to seafarers will be considered by maritime sessions of the Conference, and that only exceptionally will such questions be referred to general sessions of the Conference, and then only after their previous submission to the Joint Maritime Commission. Maritime sessions proper were held in 1920, 1926, 1929, 1936 and 1946.¹ The General Conference has considered maritime subjects on two occasions only, in 1921 and in 1949 ; whereas in 1921 it adopted two

¹ For an account of the proceedings of these sessions (except that in 1920), see *International Labour Review*, Vol. XIV, No. 4, October 1926, pp. 508-551 : "The Ninth Session of the International Labour Conference" ; Vol. XXI, No. 1, January 1930, pp. 1-44 : "The Thirteenth Session of the International Labour Conference" ; Vol. XXXV, No. 1, January 1937, pp. 3-30, and No. 2, February 1937, pp. 141-176 : "The Twenty-first and Twenty-second (Maritime) Sessions of the International Labour Conference" ; and Vol. LIV, Nos. 1-2, July-August 1946, pp. 1-28 : "The Twenty-eighth (Maritime) Session of the International Labour Conference : Seattle, June 1946".

Conventions on such subjects ¹, its maritime work in 1949 was limited to the adoption of minor revisions to Conventions which had been adopted previously at maritime sessions.

Since its First Session in 1920, the Joint Maritime Commission has been regularly consulted by the Governing Body on all matters of maritime interest. Thus for thirty years representatives of shipowners and seamen have met with members of the Governing Body in the Commission and with Government delegates in the Conference to discuss matters affecting employment at sea, and as a result of their joint labours the Conference has adopted twenty-five Conventions and twelve Recommendations for the regulation of maritime employment.

COMPOSITION AND PROCEDURE

In accordance with the decision taken by the Third Session of the Governing Body in 1920, the Second (Maritime) Session of the International Labour Conference approved the nomination of five shipowners and five seafarers to be members of the Joint Maritime Commission, and the Governing Body at its Fifth Session approved the nomination of two members to represent its employers' and workers' groups respectively. The countries represented by shipowners' members at the First Session of the Commission were Belgium, Canada, Japan, Sweden and the United Kingdom. The seafarers' members came from France, Germany, Italy, Norway and the United Kingdom. It was agreed that the Commission would adopt the standing orders of the Governing Body, in so far as these were applicable, to regulate its debates and procedure. However, owing in part to the continued absence of the Italian workers' member, several procedural problems arose immediately. No provision had been made in the resolutions constituting the Commission for the appointment of substitute members when a personal substitute was not designated by the absent member himself. To preserve the joint nature of the Commission, it was imperative that the voting strength of the two sides should be maintained on an equal basis,

¹ The Minimum Age (Trimmers and Stokers) Convention (No. 15) and the Medical Examination of Young Persons (Sea) Convention (No. 16). The other items on the agenda concerned industry and agriculture.

and at the First Session the shipowners' members therefore offered to reduce their total voting strength by one to compensate for the vote of the absent seafarers' member. It was further decided at this session that decisions would be taken by a simple majority, and that representatives of the Governing Body, except the Chairman, would be entitled to vote. It became evident at an early stage that when difficulties arose regarding questions of procedure, it would not always be possible to resolve them in the spirit of the standing orders of the Governing Body, and in 1924 (Fourth Session), the Commission asked the Office to prepare draft rules of procedure for submission to its next session. A revised text was finally agreed upon in 1926 (Sixth Session) and was subsequently approved by the Governing Body. These standing orders provided, *inter alia*, that the Commission would meet when convened by the Director of the Office with the approval of the Governing Body; it would consist of the Chairman and two other members of the Governing Body, together with five shipowners' and five seafarers' members plus two deputy members for each group, appointed respectively by the shipowners' and seafarers' groups of an International Labour Conference session dealing with maritime questions; the deputy members, whose expenses would be paid by the Office, could take part in meetings of the Commission without the right to vote; if a regular member was absent and had not appointed a personal substitute; or if he had vacated the seat through resignation or death, he would be replaced by a deputy member who would enjoy full rights as a regular member.

A proposal to make the sittings of the Commission public was submitted at the same session, but the discussion showed a divergence of opinion on this question. The shipowners considered that if the sittings were public, the members would be reluctant to speak as frankly and openly as they had done previously; they would tend to address their constituents rather than to seek practical solutions for the problems under discussion. Some of the seafarers, on the other hand, felt that the greatest possible publicity should be given to the work of the Commission, and that public sittings would cause the members to be more prudent when speaking. The Commission finally decided, by a vote of 9 to 3, that its sessions would

continue to be held in private, that the minutes and other documents would be confidential, but that press releases would be issued at the end of each session, giving a full account of the decisions arrived at.

During the Ninth (Maritime) Session of the Conference in 1926, the members and deputy members of the Joint Maritime Commission were elected in conformity with the new standing orders. At the same time, a desire was expressed both by shipowners' and by seafarers' delegates that the size of the Commission should be increased by adding two regular members for each side, thereby giving a broader representation to the chief maritime interests of the world. In order to make it possible for the Governing Body to meet this request without waiting for another maritime session, the Conference appointed two substitutes in each group, in addition to the five regular and two deputy members. The Governing Body approved this change in composition in 1927, and in its resolution recommended that "in order that the Commission should be truly representative of maritime employers and workers in all parts of the world, at least four of the fourteen regular members shall, from the date of the next elections, be nationals of non-European countries". Thus, the Commission elected by the 1926 Maritime Conference and reconstituted by the Governing Body consisted of shipowners' regular members from Belgium, France, Germany, Italy, Japan, Norway and the United Kingdom and deputy members from Canada, Netherlands and Spain, and of seafarers' regular members from Belgium (two), France, Germany, the Netherlands, Sweden and the United Kingdom and deputy members from France and Japan. The expenses of one deputy member of each group were to be paid by the Office.

The next election took place at the Twenty-first (Maritime) Session of the Conference in 1936, where once again a strong desire was expressed that the number of seats should be increased by two for each group, to take account of the entry of new States Members into the Organisation. The groups therefore again nominated a larger number of regular members and double the number of deputy members provided by the standing orders. This change was approved by the Governing Body in 1937. As again reconstituted, Australia, Denmark, Greece, India and the United States were added to the countries

represented by shipowners' members and deputy members and Germany and Spain were dropped; Germany was also dropped from the list of countries represented by seafarers' members and deputy members and Argentina, Australia, China, Denmark, India, Norway and the United States were added.

The Joint Maritime Commission held two sessions in London during the war, one in 1942 and the second in 1945. The organisation of these meetings presented many difficulties, largely because many members of the Commission were not accessible owing to war conditions. It was agreed beforehand by the members who could be reached that vacancies due to inaccessibility or absence should be filled by substitutes appointed by the respective groups, applying by analogy the provision of the Commission's standing orders which left to each group full freedom as to the manner of filling vacancies.

The most recent maritime session of the Conference was that at Seattle, in June 1946, when new elections to the Commission were held. A resolution was also adopted, and later approved by the Governing Body, to increase the size of the Commission to a total of twelve regular and five deputy members for each side. The broadly representative nature of the Commission in its present form appears from the following tabulation of the countries represented:

Shipowners		Seafarers	
Regular members	Deputy members	Regular members	Deputy members
Belgium	Australia	Australia	Argentina
Canada	Finland	Belgium	Chile
Chile	Italy	Canada	China
China	Portugal	France	Denmark
Denmark	Sweden	Greece	Finland
France		Netherlands	
Greece		Norway	
India ¹		Pakistan ¹	
Netherlands		Poland	
Norway		Sweden	
United Kingdom		United Kingdom	
United States		United States	

¹ The election took place before the partition of India. The table shows the present situation.

The same resolution asked the Governing Body to consider the desirability "of amending the standing orders of the Commission so as to permit the respective groups as wholes to appoint the substitutes who shall take the place of regular members unable to attend the proceedings of the Commission". This suggestion, together with other amendments submitted by the Office, was referred by the Governing Body to the Fifteenth Session of the Commission, and the revised standing orders, as approved by this session and adopted by the Governing Body in December 1948, contain the following substantive changes: if the Chairman of the Governing Body is unable to attend a session of the Joint Maritime Commission, he shall nominate a substitute from among the members and deputy members of the Government group of the Governing Body to preside; in the absence of the Chairman during the course of a session, the representatives of the employers' and workers' groups of the Governing Body shall preside at alternate sittings; if a regular member is unable to attend a session, the group to which he belongs shall have full freedom as to the manner of appointing a substitute; representatives of the United Nations and the Intergovernmental Maritime Consultative Organisation (when the latter body is set up) shall be invited to participate in the proceedings of the Commission without the right of vote; representatives of other intergovernmental organisations may be invited by the Governing Body or its officers, after consulting the Commission, to participate in discussions in which they have an interest, without the right to vote.

Provision for Tripartite Subcommittees

Article 13 of the standing orders deals with subcommittees and deserves special mention. It provides in paragraph 2 that "the Commission may also recommend to the Governing Body that *tripartite* subcommittees be convened to discuss any matter appropriate for consideration by such a subcommittee". This provision was adopted as a compromise procedure in an effort to conciliate, for the present at least, the differing points of view held by the two groups concerning the inclusion of Government members in a reconstituted, tripartite body.

From the very fact of its strictly joint basis, the Commission had on several occasions been equally divided on some

of the most important questions submitted to it, and had therefore been unable to supply the Governing Body with majority decisions for its guidance concerning maritime matters. Various remedial methods to correct this situation had been advanced, and at the special Conference of the I.L.O. held at New York in 1941 a resolution was adopted authorising the Acting Director "to consult the Joint Maritime Commission regarding the desirability of the inclusion therein of Government representatives". The question was discussed by the Commission in 1942, when the seafarers' group submitted a resolution stating "that the Joint Maritime Commission is of the opinion that it is desirable to include Government representatives in its composition". The spokesmen for the seafarers pointed out that the Commission was the only bipartite body of its kind in the I.L.O., all the others being tripartite. They expressed dissatisfaction with the rate of progress achieved in the consideration of maritime problems, and attributed this in large part to the composition of the Commission, which, they said, tended to lead to deadlocks. There was no third element either to assist in securing agreement or to ensure that a decision of some kind was reached. While it appeared to them that some matters might be satisfactorily dealt with by bipartite discussions, all important problems required action by Governments, and these should be represented at the initial stages of discussions as well as during the final stages.

At this point it became clear that the shipowners' group was unanimously opposed to the inclusion of Government members in the composition of the Commission. The spokesmen of this group took the view that the fact that the Commission was unique in having a bipartite composition was not a valid argument against the continuance of such a system. The fact that agreement could be reached in a bipartite body had been amply demonstrated by the unanimity that had been developed at many sessions of the Commission. The shipowners, they said, were no less anxious than the seafarers that the problems of the industry should be adequately dealt with, but they were convinced that the surest basis for real progress lay in frank and entirely unhampered discussions between representatives of the two parties directly concerned. After informal discussions, the seafarers' representatives

announced that, having regard more particularly to the importance of ensuring the effective continuance of the work of the Commission until more was known about the post-war work and organisation of the I.L.O. as a whole, they decided to withdraw their resolution for the time being, reserving their right to submit it to a future session of the Commission.

The question came up again at the Thirteenth Session, in 1945, when a spokesman for the seafarers repeated the proposal that the Commission should be made tripartite, although he considered that there were many questions which could be dealt with in bipartite meetings. The shipowners stated that they had no objection to having separate committees on special subjects in which Governments would be represented, but they wished to preserve the fundamental principle that the Commission itself was, and should remain, bipartite.

A resolution submitted by the seafarers' group to the Seattle Conference in 1946 requested the Governing Body to consider the desirability "of reconstituting the Commission on a tripartite basis while continuing to provide for bipartite discussions wherever suitable or desirable". The Conference adopted this proposal by 59 votes to 19, with 8 abstentions, after a discussion in which the spokesman for the shipowners' group stated that "so far as the shipowners are concerned, they value the Joint Maritime Commission and they think it has good work still to do, but if it is decided to make the Commission tripartite, then the shipowners' group has decided quite unanimously not to appoint representatives". To meet the difficulty, the Governing Body decided to invite the Commission to consider whether some questions could best be dealt with by tripartite subcommittees, and this proposal was submitted to the Fourteenth Session in December 1947. The discussion showed clearly that the opinions held by the two groups concerning the inclusion of Government members in the Commission itself had not changed. Agreement was finally reached on a resolution which, without touching on the composition of the Commission, suggested that as a general rule the following matters were suitable for discussion by tripartite subcommittees :

(1) the review of the progress of ratification of Conventions, including the consideration of obstacles to ratification and the possible desirability of revising a Convention ;

(2) technical questions in the practical application of which Governments have a substantial part to play—*inter alia*, social insurance measures, crew accommodation, etc.

These were the considerations which led to the adoption in 1948 of article 13, paragraph 2, of the standing orders, concerning tripartite subcommittees.

TREATMENT OF MARITIME QUESTIONS

All maritime questions which form the subject of international labour Conventions or Recommendations, except those adopted at Genoa in 1920, were first considered by the Joint Maritime Commission. Before the Maritime Session of 1929 the maritime Conventions and Recommendations were introduced and approved at one and the same session. In that year the double-discussion procedure introduced in 1927, that is to say, the discussion of proposed Conventions and Recommendations by two consecutive sessions of the International Labour Conference, was applied and a first discussion took place on four subjects, namely: (1) the regulation of hours of work on board ship; (2) the protection of seamen in the case of sickness, including the treatment of seamen injured on board ship; (3) the promotion of seamen's welfare in ports; and (4) minimum requirements of professional capacity in the case of captains, navigating and engineer officers in charge of watches on board merchant ships.

During the course of the discussion, the shipowners' representatives objected strongly to the presence in some non-governmental delegations of persons who, they considered, lacked the requisite technical maritime qualifications to consider the items on the agenda in a competent manner, and the Conference therefore adopted the following resolution:

In view of the difficulties which have arisen at the special sessions of the Conference devoted to maritime questions, including the composition of non-governmental delegations, the Conference invites the Governing Body to seek all appropriate means of avoiding in the future a repetition of such difficulties.

The Governing Body was thus confronted with the problem of finding a procedure that would not only be consistent with the Constitution of the Organisation, which requires that all

Conventions and Recommendations shall be adopted by sessions of the International Labour Conference, but would at the same time ensure that, before Conventions or Recommendations were adopted on maritime questions, these would be examined by experts of the widest maritime experience and competence, in other words by representatives of Governments, shipowners and seafarers of the important maritime countries.

The Governing Body therefore decided, in April 1930, to convene a meeting in 1931 of a tripartite preparatory committee composed of Government, shipowners' and seafarers' representatives from the twenty-one principal maritime countries to discuss the reports which had been prepared for the second discussion of the four maritime items held over from the 1929 Conference. This meeting could not be held, however, until 1935. In 1931, the Governing Body authorised the Director to convene a maritime session of the Conference in 1933, but this was later postponed to 1936 for reasons of economy. When the Joint Maritime Commission met in 1933, the seafarers' members were highly critical of the delay which had occurred in the consideration of the items held over from the 1929 Conference and of other matters concerning seafarers' conditions. They were opposed to the convening of a tripartite preparatory meeting or of a special maritime session of the Conference if such procedures would involve further delay. However, the shipowners' representatives maintained their position that competent consideration of these questions was a matter for experts, and the Commission finally agreed to the holding of the preparatory meeting in 1935 and the Maritime Conference in 1936, to consider, in addition to the four items previously mentioned, the questions of manning and of holidays with pay for seafarers.

At its session in 1945 the Commission had before it the proposals for an International Seafarers' Charter framed in 1944 by the International Transport Workers' Federation and the International Mercantile Marine Officers' Association. The Commission was unanimous in its view that every effort should be made to secure the widest possible effective agreement among maritime nations to ensure the best practicable conditions of employment for seafarers, and it regarded the proposals in the Charter as a valuable contribution to this

end. It decided, however, not to make a detailed study of the provisions of the Charter, but requested the Governing Body to convene for this purpose a preparatory tripartite technical conference of maritime countries towards the end of 1945 and a maritime session of the International Labour Conference in 1946. The Governing Body agreed to this procedure in January 1945, and decided that the questions which it referred to the preparatory meeting should also be placed on the agenda of the maritime session to be held at Seattle in June 1946, for consideration under the single-discussion procedure. Twenty maritime countries were invited to send representatives to the preparatory meeting, which was held at Copenhagen in November 1945. Any member of the Commission who was not a member of his national delegation was entitled to attend the meeting in an advisory capacity, and the Governing Body appointed three of its members to represent it. All the countries which had been invited sent delegations, including sixteen complete tripartite delegations (one Government representative, one shipowners' representative and one seafarers' representative). A review of the work of these and other meetings is given below, in the description of the technical subjects dealt with by various sessions of the Commission.

When the Commission met in December 1947, its main object was to consider the progress of ratification of the Conventions adopted by the Conference at Seattle. During the general discussion on this point, the seafarers' spokesmen showed dissatisfaction because ratification was not proceeding more rapidly, whereas the shipowners felt that in view of all the circumstances the progress reported by a number of countries towards ratification was satisfactory. Both groups agreed that the Commission must have full information on the reasons which made ratification of any of these Conventions impossible in certain countries, before it could usefully discuss what further action might be necessary to expedite ratification. Reference was made to the possibility that certain minor technical adjustments in some of the Conventions might eventually prove necessary in order to permit general ratification and application. A resolution was therefore adopted requesting the Governing Body, in the first place, to invite Governments to report at an early date on the reasons which prevented them from ratifying any of the Seattle

Conventions, and, secondly, to convene for study of the replies a tripartite subcommittee consisting of the shipowners' and seafarers' members of the Commission and Government representatives from twenty-seven important maritime countries. This tripartite meeting was held in November-December 1948, and found that the possibilities of ratification of three of the Conventions would be greatly increased if minor amendments to their provisions were made. Its suggestions were considered by the Conference at its general session in 1949, and three new Conventions which embodied the desired changes were adopted by means of the single-discussion procedure, revising the Seattle Conventions concerning crew accommodation, holidays with pay, and wages, hours and manning.

ACHIEVEMENTS

The Joint Maritime Commission is an advisory body, that is to say, it makes recommendations and paves the way for progress by the International Labour Organisation in maritime matters. It is for the Governing Body and the Conference to take action, if they think fit, on these recommendations. Consequently, any attempt to assess the achievements of the Commission must necessarily be linked up with a survey of the results ultimately obtained by other bodies. The following review of its activities therefore deals mainly with its preparatory work leading to the adoption of international labour Conventions or to other measures for the improvement of seafarers' conditions. The subdivisions correspond in the main to the subjects that have been dealt with in the different maritime Conventions.

Wages; Hours of Work; Manning

The question of hours of work, either in isolation or linked with the questions of manning and wages, has been discussed at every session of the Commission with the single exception of that in 1942, which was concerned mainly with certain wartime safety measures and welfare. Hours of work and wages are topics on which it is normal for employers and workers to disagree internationally, and it is therefore not

surprising that the Commission has so frequently reached a stalemate on these subjects. Moreover, the question of hours is a particularly complex one in the case of seafarers because of the special nature of their work.

Before the Joint Maritime Commission came into existence, the question of hours of work at sea had been discussed for the first time at the Genoa Session of the Conference, where an attempt was made to draft a Convention to apply to seafarers the principle of the eight-hour day accepted by the First Session of the Conference a year earlier. The proposed draft Convention finally just failed to gain the necessary two-thirds majority for adoption. Thereafter the question came before successive sessions of the Commission. On each occasion the seafarers pressed for early action, while the shipowners objected that the general economic crisis had so severely affected shipping that no reduction of hours could be contemplated.

For several years this deadlock continued. A suggestion that the regulation of hours should be placed on the agenda of the Maritime Session in 1926 was lost because both in the Commission and in the Governing Body the voting was evenly divided. Eventually the question was placed on the agenda of the 1936 Session, coupled with the question of manning. After a preliminary discussion at the preparatory meeting in 1935, a Convention based essentially on the eight-hour day for seamen was adopted in 1936. Owing to conditions immediately before and during the war, this Convention never received a sufficient number of ratifications to bring it into force.

The International Seafarers' Charter of 1944 contained demands for improvements in wages, hours and manning. When hours and manning were dealt with together in the 1936 Convention, the shipowners took the view that it was useless to attempt to regulate hours unless wages were regulated in the same instrument. They still held this view when the question was discussed by the Commission in 1945, and both sides agreed that an effort should be made to deal with wages, hours and manning together. There are many countries which do not normally legislate on wages and hours, preferring to leave these matters to be settled by collective bargaining within each industry. The international labour Conventions, however, usually require ratifying States to introduce legislation to give effect to their provisions. The Commission therefore urged

that some means should be found whereby effect could be given to this particular Convention by collective agreement.

After a preliminary examination at the Copenhagen Preparatory Conference in 1945, the question of wages, hours and manning was the object of a very lengthy and at times heated and confused discussion at Seattle in 1946. A new Convention, replacing the 1936 text, was finally adopted and was modified slightly in 1949. It is noteworthy for two reasons. It is the only international labour Convention which fixes a cash figure for wages, and it was the first (along with two other Seattle Conventions) to make provision for ratification on the basis of collective agreements. These innovations, which may prove of great importance for future Conventions in other fields, have for the time being tended to be obstacles to ratification. The wage figure is fixed in two currencies, one of which has since been devalued; and a procedure is laid down for determining the equivalent in other currencies, but the possibility of violent and unexpected exchange fluctuations makes certain countries hesitate to accept this system. Others have doubts as to the wisdom of binding themselves for five years on the basis of collective agreements on wages and hours, which may be revised within that time and provide for conditions below the Convention standards. For these and other reasons there is little immediate prospect of wide ratification, and it therefore cannot be said that an entirely satisfactory international solution for the problem of seafarers' wages, hours and manning arrangements has yet been found. Consequently, it may well be that this fundamental but thorny question will again appear on the agenda of the Commission.

Articles of Agreement; Repatriation

The Genoa Conference adopted a resolution concerning the establishment of an International Seamen's Code which would, by means of Conventions and Recommendations, lay down standards regulating all aspects of seafarers' conditions of employment. During the past thirty years this task has been very largely accomplished. The first step suggested by the Genoa Conference was to codify internationally the rules concerning seamen's articles of agreement—their contract of employment which governs the conditions under which they

serve. This highly technical question was discussed at several sessions of the Commission, which consulted a number of legal experts on it. A Convention prescribing the standard form and content of seamen's articles and the procedure for signing them was adopted in 1926 and has now been ratified by thirty countries.

The same session of the Conference adopted a Convention on the repatriation of seamen who for any reason are left behind in a foreign port. Draft proposals on the subject were considered by several sessions of the Commission before finally being submitted to the Conference. The resulting Convention has been ratified by nineteen Governments.

Competency Certificates

In 1928 the International Merchant Marine Officers' Association drew the attention of the Office to a dispute arising out of a collision between the French vessel *Lotus* and the Turkish *Bozkourt*. The captain of the latter ship was found to have no certificate, and the Association pointed out that there should be some international rules requiring officers to be properly qualified for their work. The matter was clearly one which affected the safety of crews in the course of their employment. The Commission was therefore unanimous in proposing that action should be taken, with the result that a Convention was adopted in 1936, which has been ratified by twelve Governments. The details of the examinations whereby officers are granted certificates of competency are left to national legislation.

Two similar Conventions were adopted in 1946—one laying down rules for the certification of able seamen and the other for the certification of ships' cooks. In these cases also, the desirability of putting the items on the agenda of the Seattle Conference was previously discussed by the Commission in 1945.

Annual Holidays with Pay

The Joint Maritime Commission first discussed this question in 1927, but it was considered impossible to deal with it at the Maritime Conference in 1929, the agenda of which was already very heavy. The matter was raised again in the Com-

mission in 1933, when the seafarers urged early action—if need be, at a general (non-maritime) session of the Conference—while the shipowners held that the question was not ripe for international action and that in any case it must be dealt with at a maritime session. Eventually the item was placed on the agenda of the preparatory meeting in 1935, and in the following year a Convention was adopted providing for a minimum annual holiday with pay of twelve days for officers and nine days for ratings. The Seafarers' Charter of 1944 called for a revision of this Convention to bring it into line with the progress made in many countries. As a result, the Commission accepted this as one of the items for the Copenhagen and Seattle Conferences, and a revised Convention was adopted, increasing the minimum length of the paid annual holiday to eighteen days for officers and twelve for ratings. A further minor revision took place in 1949. Three countries have so far ratified this Convention.

Social Security

The first maritime session of the Conference, in 1920, adopted a Convention providing for the payment of an indemnity to seamen during any period of unemployment resulting from shipwreck, up to a maximum of two months. This is one of the most striking instances of the influence of I.L.O. Conventions, for it has been ratified by twenty-nine countries, few, if any, of which had any legislation guaranteeing such a right to seafarers when the Convention was adopted. In 1923, the Commission had before it a resolution of the General Conference asking it to consider the establishment of a comprehensive system of social insurance for seamen. The Commission asked the Office to study the question, but postponed definite action until the results were known of discussions pending before the Conference on social insurance for workers in general. After various further discussions by the Commission, the Conference adopted Conventions on the liabilities of shipowners towards sick and injured seamen (1936), sickness insurance for seamen (1936), social security for seafarers (1946) and seafarers' pensions (1946). In the case of the 1946 Conventions, preliminary drafts were prepared, at the suggestion of the Commission, in consultation with a small committee

of experts on social security from seven countries, together with four representatives of each group of the Commission.

Health and Welfare

The International Labour Organisation and its constituent bodies have shown a keen interest in the health and welfare of seamen for many years, beginning with the Genoa Conference resolution in 1920 which urged the Health Section of the League of Nations to take measures internationally for the prevention and free treatment of venereal disease among seafarers. When the Joint Maritime Commission met for the first time at the end of the same year, it agreed unanimously to request the Office to continue to study the questions of health and welfare. And as already mentioned, the Conference in 1921 dealt with certain aspects of health protection when it adopted Conventions concerning the minimum age of trimmers and stokers and the medical examination of young persons seeking employment at sea.

The question of health was again discussed by the Commission at its Second and Third Sessions, and the members were informed of the progress made by the Office in collecting information on conditions in various maritime countries, and of the negotiations which had taken place between the several interested international agencies to give effect to the resolution adopted at Genoa. In 1924, the Public Health Office, in co-operation with the Belgian Government, the Red Cross, the International Union against Venereal Diseases, and the International Labour Office, drew up an agreement, known as the Brussels Agreement, by which the signatories undertook to grant free treatment, drugs and hospitalisation to seafarers, of whatever country, who were infected with venereal disease. This agreement has been ratified and applied by a high proportion of the leading maritime countries.

The Commission continued to study problems of health and welfare, and set up a small subcommittee to examine proposals made by the International Red Cross and by the Norwegian shipowners' member for improved welfare facilities ashore. The subcommittee submitted two reports, which were duly considered by the Commission. The 1929 Session of the Conference reached unanimous conclusions on a list of points

on which Governments could be consulted with a view to the adoption of an international instrument at a later session. At the next maritime session, in 1936, a comprehensive Recommendation on seamen's welfare in ports was adopted. Governments have twice been asked by the Governing Body to make reports on the extent to which they have given effect to the Recommendation, and their replies make it clear that the Recommendation has led to great improvements in the welfare facilities for seafarers in many countries. The replies of the Governments were reviewed by the Commission at its sessions in 1942 and 1947.

In 1945, when the Commission was considering the points in the International Seafarers' Charter on which the I.L.O. might take action, it suggested consideration of three items which have a bearing on welfare : medical examination, crew accommodation, and food and catering on board ship. After discussion at the Copenhagen and Seattle Conferences, Conventions were adopted on all three subjects. The Convention on crew accommodation, which prescribes in considerable detail the requirements to be fulfilled as regards sleeping accommodation, mess and recreation rooms, ventilation, heating, lighting and sanitary facilities, has already been ratified by five countries and has had a considerable influence on the planning of the crew quarters in new ships.

In 1947 and 1948 the Commission turned its attention again to the health aspects of seafarers' welfare and voiced the hope that the Office would co-operate with the World Health Organisation in this matter. Soon afterwards, that Organisation proposed that a joint committee should be set up with the I.L.O. on hygiene of seafarers. This proposal was accepted by the Commission and by the Governing Body, a committee was set up and the four I.L.O. representatives on it are members of the Commission, two from each group. The committee held its first meeting at the end of 1949 and explored the ground, selecting as subjects for early study : examination of seafarers for the detection of tuberculosis ; prevention and treatment of venereal disease ; permanent medical records for seafarers ; medicine chests on board ship ; medical advice by radio to ships with no doctor on board. It would seem that the committee has before it a wide field of work in which it can do much to promote the health of seafarers.

Safety Questions

The general question of safety of life at sea is one which goes beyond the scope of the International Labour Organisation, since it concerns the passengers as well as the crew. But from the point of view of the crew, safety is one of the aspects of their conditions of employment, and as such it falls within the purview of the I.L.O. and has frequently been discussed by the Joint Maritime Commission. During its Fourth to Seventh Sessions, the Commission discussed the desire of various shipowners' and seafarers' organisations to obtain representation at conferences dealing with safety at sea, but it was unable to reach agreement on an acceptable procedure for securing this. Similarly, no agreement was reached in 1928 on representation for these organisations on the national delegations to the Safety of Life at Sea Conference of 1929. However, when the next such conference was held in 1948, the I.L.O. was invited to be represented, and six members of the Commission (three from each group) were appointed to attend the Conference, in which they took an active part. That Conference, in addition to revising the Safety of Life at Sea Convention, adopted a resolution calling on the I.L.O. and the Intergovernmental Maritime Consultative Organisation (when constituted) to co-operate in studying the question of manning in relation to safety.

The Commission has also at various times made a valuable contribution to certain specific aspects of safety. In its early years it appointed a subcommittee to study the question of deck cargoes, particularly wood. Lack of proper precautions in the carrying of such cargoes had been a frequent cause of accidents at sea. The rules eventually recommended by the Commission on this subject were transmitted to Governments and have been widely applied. In the course of its study of the question, the Commission was struck by the lack of uniformity in national statistics of shipwrecks and loss of life at sea. It was able to recommend a standard form for statistical returns in this field, and the form was sent to Governments for their guidance.

Another safety question discussed by the Commission related to the rules concerning load lines. Many of the Commission's suggestions were incorporated in the revised Load

Line Convention drawn up in 1930, which also included new rules on deck cargoes in accordance with the Commission's suggestions. The Commission was also consulted by the Governing Body on the maritime aspects of two questions which were to be discussed by the General Conference: the marking of the weight on packages to be transported by sea; and safety provisions in the loading and unloading of ships.

In 1942 the Commission discussed the special question of the safety of seafarers in wartime. In the light of an Office summary of certain national rules on life-saving appliances and of members' firsthand knowledge of the problem, the Commission drew up a list of technical life-saving measures, which were widely applied during the latter years of the war.

Transfer of Flag

The implications for seafarers of the transfer of the ship on which they work to the flag of another country were first brought to the attention of the Commission in 1933 by the International Transport Workers' Federation and the International Mercantile Marine Officers' Association, which asked for an investigation into "attempts to transfer ships to the flag of a country where conditions of employment are on a lower level than in the country of origin". After a prolonged exchange of views, the Commission agreed that it would be difficult for the Office to make an enquiry which would distinguish satisfactorily between genuine sales and sham sales, that is, those made primarily in order to take advantage of lower wages and working conditions. The question was raised again before the Commission in 1947, again by the International Transport Workers' Federation. The shipowners felt that the evidence available was not sufficient to warrant any definite conclusions by the Commission, and that in particular it was impossible to determine to what extent such transfers were intended, as the seafarers alleged, for the purpose of avoiding the application of social legislation or safety regulations, or to what extent they did in fact prove detrimental to the safety or the conditions of employment of seafarers. Where transfers were deliberately made for the purpose of lowering the standards of safety and social protection, both groups agreed that they were to be condemned.

In 1948, the International Transport Workers' Federation decided to threaten a boycott of certain Panama ships which, they alleged, had been transferred to the flag of that country in order to evade taxation, currency regulations, safety standards and social and labour standards. The Government of Panama rejected this allegation and appealed to the Governing Body of the International Labour Office to appoint a tripartite delegation to carry out an official enquiry into the charges made by the Federation against the Panama merchant marine. The Governing Body agreed to this proposal, and a committee of enquiry began its work in May 1949, with a study of the composition of the Panama merchant fleet and the legislation and practice concerning shipping and the conditions of work of seafarers. The committee completed its work, which included the inspection of thirty vessels flying the Panama flag, in November 1949, and its report, which was approved by the Governing Body, was published in July 1950, together with the observations made on it by the Government of Panama and with some comments by the Governing Body.¹

Fishermen

One of the Recommendations adopted by the Conference in 1920 related to the enactment of legislation to limit the hours of work of all workers in the fishing industry, such legislation to be framed in consultation with the employers' and workers' organisations concerned. Later that year the Joint Maritime Commission, at its first meeting, decided that the Office should obtain from the Governments information on the measures taken or proposed in the various countries to give effect to the Recommendation. The question was touched on at subsequent sessions of the Commission, and the Office was requested to collect as complete data as possible concerning all phases of the conditions of work and welfare of deep-sea fishermen.

In 1926 the Conference adopted two resolutions concerning fishermen. The first requested the Governing Body to place on the agenda of a future maritime session the question of articles of agreement for deep-sea fishermen, and the second

¹ INTERNATIONAL LABOUR OFFICE, *Studies and Reports, New Series, No. 22: Conditions in Ships Flying the Panama Flag* (Geneva, 1950).

asked the Governments of all maritime countries which had not already done so to take the measures required to ensure the repatriation of fishermen left in a foreign port.

In considering these resolutions at its session in January 1927, the Commission again drew attention to the importance of the Office enquiry, and pointed out that the information collected should be such as to make it possible to decide on the advisability of asking the Conference to extend the scope of the Conventions already adopted for the protection of seamen to cover deep-sea fishermen. However, at the following session the shipowners' representatives stated that not all the members of their group were qualified to represent the interests of the fishing industry, and that although the question was one which lay within the general scope of maritime affairs, and should therefore come before the Commission, it would be necessary for them either to consult the persons concerned beforehand or to arrange to be accompanied by experts.

No further action was taken on the question until the Seattle Conference in 1946, when a resolution was adopted which requested "the International Labour Office, in consultation with the interests concerned, to make the necessary studies and preparations with a view to considering the possibility of the adoption of an International Fishermen's Charter setting out, on the lines of the International Seafarers' Charter, minimum standards of wages and working conditions, continuity of employment, social legislation, etc., for the industry".

As the first step towards considering what international action was possible, it was essential to collect the most up-to-date background information, and the Office therefore sent to forty-four Governments a detailed questionnaire concerning the organisation of the fishing industry and the conditions of employment of fishermen. The Office report reproducing the information so obtained on fishermen's conditions throughout the world is expected to be published very shortly.¹ The Commission was informed of this action when it met in December 1947, on which occasion the seafarers' representatives

¹ For an analysis of the preliminary results of the enquiry, see *International Labour Review*, Vol. LIX, No. 3, March 1949, pp. 319-326: "Fishermen's Conditions of Employment".

proposed that the Governing Body should set up a special committee to make recommendations for international regulations concerning fishermen with a view to their consideration later by a session of the Conference. The shipowners again stated that none of their members represented the fishing industry and that they were not competent to express an opinion. The seafarers' resolution was adopted by 12 votes to nil, the shipowners' group abstaining, and in June 1949 the Governing Body authorised the Office to undertake a further short consultation of Governments on the question, without prejudice to the establishment of a committee of experts at some future time. This consultation will be based on the Office report just mentioned.

CONCLUSIONS

It is hoped that the foregoing account of the composition and work of the Joint Maritime Commission may have served to indicate the nature and scope of its activities and the practical results which have followed therefrom for the benefit of seafarers. An attempt has been made to show how this body, although purely advisory in character, has wielded a considerable influence on the maritime work of the Organisation. It is virtually impossible to assess this influence in concrete terms, but the fact that Conventions covering seafarers represent a quarter of the total number of Conventions adopted by the Conference over a period of thirty-one years provides some measure of the maritime activity of the Organisation. If these Conventions have on the average been ratified by exactly the same number of States as the other Conventions, despite the fact that several non-maritime States refrain from ratifying Conventions concerning seafarers, at least some credit must go to the preparatory work of the Commission, which provided the Office with guidance as to what was really practicable and acceptable to a majority of the organised shipowners and seafarers of the world, and therefore likely to be ratified by the maritime countries. Even when the Commission has had to report that the views of the two groups could not be reconciled and that a deadlock had been reached, the full and frank exchange of views between representatives

of the two sides of the industry from the leading maritime countries was sufficient to provide the Office, and subsequently the Conference, with a basis on which progress could be made. It may be that the procedure followed in maritime matters has sometimes been time-consuming, but it is difficult to deny that careful research, preparation and discussion of any question are calculated to further the wider acceptance and application of whatever instrument is finally adopted by the Conference.

This procedure has slight chance of success, however, unless the preliminary discussions are of a high calibre, and are carried on by qualified persons who can speak with authority for the interests they represent. In this respect, the Joint Maritime Commission has been extremely fortunate, for during its thirty years of existence it has counted among its members some of the most prominent personalities from both sides of the shipping industry. It is the clash of these personalities that has always made the Commission one of the most lively and interesting of all the organs of the I.L.O. A high degree of continuity in the membership has been maintained at successive elections of the Commission by the various maritime sessions of the Conference, and several members of the present Commission have served in that capacity for fifteen years and more. Its widely representative character today and the quality of its membership would appear to ensure that this body will continue to function efficiently in giving expert advice to the Governing Body and the Office on maritime questions. The Organisation indeed owes a debt of gratitude to all the members of the Commission for the most valuable help they have given it in their special field since its very earliest days.
