
LABOR CONVENTION (NO. 116)

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A CONVENTION (NO. 116) CONCERNING THE PARTIAL REVISION OF THE CONVENTIONS ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOR ORGANIZATION AT ITS FIRST THIRTY-TWO SESSIONS FOR THE PURPOSE OF STANDARDIZING THE PROVISIONS REGARDING THE PREPARATION OF REPORTS BY THE GOVERNING BODY OF THE INTERNATIONAL LABOR OFFICE ON THE WORKING OF CONVENTIONS

JUNE 1, 1962.—Convention was read the first time and, together with the message and accompanying papers, was referred to the Committee on Foreign Relations and was ordered to be printed for the use of the Senate

THE WHITE HOUSE, *June 21, 1962.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of a convention (No. 116) concerning the partial revision of the conventions adopted by the General Conference of the International Labor Organization at its first 32 sessions for the purpose of standardizing the provisions regarding the preparation of reports by the Governing Body of the International Labor Office on the working of conventions. Convention No. 116 was adopted at the 45th session of the International Labor Conference, at Geneva, on June 26, 1961.

I transmit also for the information of the Senate the report of the Secretary of State regarding this convention, together with a copy of a

letter addressed by the Secretary of Labor to the Secretary of State with respect to the convention.

JOHN F. KENNEDY.

(Enclosures: (1) Report of the Secretary of State; (2) certified copy of ILO Convention No. 116; (3) copy of letter from the Secretary of Labor.)

DEPARTMENT OF STATE,
Washington.

THE PRESIDENT,
The White House.

I have the honor to submit to you, with a view to its transmission to the Senate, a certified copy of a convention (No. 116) concerning the partial revision of the conventions adopted by the General Conference of the International Labor Organization at its first 32 sessions, for the purpose of standardizing the provisions regarding the preparation of reports by the Governing Body of the International Labor Office on the working of conventions. This convention was adopted unanimously by the 45th session of the International Labor Conference at Geneva on June 26, 1961.

The purpose of the convention is to release the Governing Body of the International Labor Office from the obligation to submit periodical reports on the working of conventions to the Conference at prescribed intervals, as provided for in all the international labor conventions adopted before 1950, and substitute a provision for submission of such reports at the discretion of the Governing Body. A provision of the revised type has been included in all the conventions adopted by the International Labor Conference since that year.

The Secretary of Labor recommends that the convention be ratified. A copy of his letter of March 5, 1962, setting forth the coordinated view of the Department of Justice and the Department of Labor, is enclosed.

Pursuant to advice and consent of the Senate to ratification, the United States has become a party to four conventions adopted by the International Labor Conference prior to 1950 which are subject to the procedural revision contained in Convention No. 116. They are:

Convention (No. 53) concerning the minimum requirement of professional capacity for masters and officers on board merchant ships;

Convention (No. 55) concerning the liability of the shipowner in case of sickness, injury, or death of seamen;

Convention (No. 58) fixing the minimum age for the admission of children to employment at sea (revised 1936); and

Convention (No. 74) concerning the certification of able seamen.

Convention No. 116 is purely formal in character and imposes no new obligations on member states. By its own terms it entered into force on February 5, 1962, upon deposit of the second instrument of ratification. The United States, as a member of the International Labor Organization, is bound under article 19 of the constitution of that organization, to bring the convention before the authority or authorities within whose competence the matter lies.

The objective of the convention is a desirable one, and I join with the Secretary of Labor in recommending that it be submitted to the Senate for advice and consent to ratification.

Respectfully submitted.

DEAN RUSK.

Enclosures: (1) certified copy of ILO Convention No. 116; (2) copy of letter from Secretary of Labor.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 5, 1962.

HON. DEAN RUSK,
*Secretary of State,
Department of State, Washington, D.C.*

DEAR MR. SECRETARY: This letter will express to you the coordinated view of the interested departments and agencies of the executive branch with respect to convention No. 116, concerning the partial revision of the conventions adopted by the General Conference of the International Labor Organization at its first 32 sessions for the purpose of standardizing the provisions regarding the preparation of reports by the Governing Body of the International Labor Office on the working of conventions. The convention was adopted at the 45th session of the International Labor Conference at Geneva, Switzerland, June 26, 1961, by a unanimous vote of 300 for.

The coordinated view with respect to this instrument was reached after due consideration of its provisions by the Department of Justice and the Department of Labor. Representatives of the Department of State were consulted in connection with the formulation of this coordinated view.

The convention would provide a more flexible method of reporting on ILO conventions adopted before 1951. All such conventions adopted before that date contain provisions requiring the Governing Body to submit reports to the Conference at specified intervals (i.e., 5 or 10 years) on the working of the convention with a view to considering the desirability of revision. ILO conventions adopted from 1951 onward contain revised provisions placing discretion in the Governing Body to report on the working of a convention when it appears desirable to give consideration to its revision, rather than requiring periodic reports. Convention No. 116 would revise all conventions adopted before 1951 by substituting the discretionary reporting provisions for the fixed periodical ones. Ratification of these conventions after the ILO Convention No. 116 is ratified and comes into force would be deemed as ratification with the substitute provisions incorporated.

The United States, as a member of the ILO, has assumed the obligations set forth in article 19 of the ILO constitution. It is our view that paragraph 7(a) of that article is applicable to convention No. 116. Under its provisions the Federal Government is obligated, generally within a year after the closing of the session of the Conference, to bring the convention before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action and to report the action taken.

Accordingly, it is recommended that this instrument be transmitted to the Senate with a view to receiving advice and consent as to its

ratification. Inasmuch as the convention does not directly affect U.S. law and practice, no enactment of legislation is required in its ratification.

Yours sincerely,

ARTHUR J. GOLDBERG,
Secretary of Labor.

[Authentic text]

INTERNATIONAL LABOUR CONFERENCE

CONVENTION 116

CONVENTION CONCERNING THE PARTIAL REVISION OF THE CONVENTIONS ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FIRST THIRTY-TWO SESSIONS FOR THE PURPOSE OF STANDARDISING THE PROVISIONS REGARDING THE PREPARATION OF REPORTS BY THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE ON THE WORKING OF CONVENTIONS, ADOPTED BY THE CONFERENCE AT ITS FORTY-FIFTH SESSION, GENEVA, 26 JUNE 1961

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-fifth Session on 7 June 1961, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first thirty-two sessions for the purpose of standardising the provisions regarding the preparation of reports by the Governing Body of the International Labour Office on the working of Conventions, and

Considering that these proposals must take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and sixty-one the following Convention, which may be cited as the Final Articles Revision Convention, 1961:

Article 1

In the texts of the Conventions adopted by the International Labour Conference in the course of its first thirty-two sessions, the Final Article providing for the presentation by the Governing Body of the International Labour Office to the General Conference of a report on the working of the Convention shall be omitted and the following article shall be substituted for it:

“At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.”

Article 2

Any Member of the Organisation which, after the date of the coming into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any Convention adopted by the Conference in the course of its first thirty-two sessions shall be deemed to have ratified that Convention as modified by this Convention.

Article 3

Two copies of this Convention shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. Of these copies one shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of this Convention to each of the Members of the International Labour Organisation.

Article 4

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office.

2. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been received by the Director-General.

3. On the coming into force of this Convention and on the subsequent receipt of further ratifications of the Convention, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

4. Each Member of the Organisation which ratifies this Convention thereby recognises that the obligation of the Governing Body under Conventions adopted by the Conference at its first thirty-two sessions to present to the Conference at the intervals prescribed thereby a report on the working of each Convention and to examine at such intervals the desirability of placing on the agenda of the Conference the question of the revision of the Convention in whole or in part¹ was replaced as from the first coming into force of this Convention by the provisions of the modified article set forth in Article 1 of this Convention.

Article 5

Notwithstanding anything contained in any of the Conventions adopted by the Conference in the course of its first thirty-two sessions the ratification of this Convention by a Member shall not *ipso jure* involve the denunciation of any such Convention, nor shall the entry into force of this Convention close any such Convention to further ratification.

Article 6

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the denunciation of this Convention if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 7

The English and French versions of the Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Forty-fifth Session which was held at Geneva and declared closed the twenty-ninth day of June 1961.

IN FAITH WHEREOF we have appended our signatures this thirtieth day of June 1961.

The President of the Conference,

M. A. RASCHID.

The Director-General of the International Labour Office,

DAVID A. MORSE.

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

for the Director-General of the International Labour Office:

FRANCIS WOLF,
*Chief of the Legal Division
of the International Labour Office.*

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