No. 20690. CONVENTION (No. 147) CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS SIXTY-SECOND SESSION, GENEVA, 29 OCTOBER 1976

RATIFICATION

Instrument registered with the Director-General of the International Labour Office on:

15 June 1988

UNITED STATES OF AMERICA

(With effect from 15 June 1989.)

With the following understandings:

“(1) It is the understanding of the United States that its obligations under Article 1 of this Convention do not extend to uninspected ships, including tugboats, of less than 300 tons;

“(2) It is the understanding of the United States that Article 1, paragraph 4(b), of the Convention includes fish processing vessels of not more than 5,000 tons and fish tender vessels of not more than 500 tons as ships engaged in fishing or in whaling or in similar pursuits;

“(3) It is the understanding of the United States that the term ‘substantially equivalent’ as it appears in Article 2(a) requires the ratifying State to take account of the general goal of the instruments in the Appendix, but does not require it to adhere to the precise terms of these instruments. This means that national laws and regulations may be different in detail, if the ratifying State has satisfied itself that the general goals of the instruments in the Appendix are respected;

“(4) The United States Government understands and is satisfied, as required under Article 2(a) of the Convention, that the substantive provisions of United States statutes and regulations are substantially equivalent to the rights and responsibilities established in the instruments enumerated in the Appendix; and

“(5) It is the understanding of the United States that the legal status of the terms of collective bargaining agreements relating to shipboard conditions of employment and living arrangements have no greater effect than that accorded such terms under United States labor statutes.”

With the following communication from the Director-General of the International Labour Office transmitted to the Government of the United States:

“I would wish to bring to your Government’s attention that I have caused the understandings which accompany the United States ratification of Convention No. 147 to be examined in the light of the established principles that international labour Conventions may not be ratified subject to reservations and that their interpretation is a matter exclusively for the International Court of Justice.

"It appears from this examination that the first three understandings accurately reflect the meaning of the Convention, having regard to its terms, to the preparatory work and to the practice of the supervisory bodies in examining the reports of States which have ratified the Convention.

"The fourth understanding is simply a declaration that the United States is satisfied that Article 2(a) of the Convention is implemented by United States statutes and regulations and accordingly does not directly affect the terms of the Convention.

"The fifth concerns the legal status of collective bargaining agreements. There is nothing in the Convention which appears capable of being construed as giving to the terms of such agreements a greater effect than is accorded to them under national legislation. Accordingly this understanding also does not appear to raise any problem relating to the interpretation of the Convention.

"In these circumstances, I have concluded that the understandings to which the United States ratification of the Convention is stated to be subject do not constitute an obstacle to the registration of this ratification. In doing so, however, I consider it necessary to place on record that this is on the basis that these understandings do not in any way qualify the acceptance by the United States of the obligation to make effective the provisions of the Convention, but simply constitute a formal record of the interpretation which the United States attaches to the Convention; and that the application of the Convention by the United States, as in all cases of ratified Conventions, will be subject to the supervision procedures of the International Labour Organisation."