

No. 7384

**BELGIUM, DENMARK, FRANCE, FEDERAL REPUBLIC
OF GERMANY, NETHERLANDS, etc.**

**Agreement relating to refugee seamen. Done at The Hague,
on 23 November 1957**

Official texts: English and French.

Registered by the Netherlands on 20 August 1964.

**BELGIQUE, DANEMARK, FRANCE, RÉPUBLIQUE
FÉDÉRALE D'ALLEMAGNE, PAYS-BAS, etc.**

**Arrangement relatif aux marins réfugiés. Fait à La Haye,
le 23 novembre 1957**

Textes officiels anglais et français.

Enregistré par les Pays-Bas le 20 août 1964.

No. 7384. AGREEMENT¹ RELATING TO REFUGEE SEAMEN. DONE AT THE HAGUE, ON 23 NOVEMBER 1957

PREAMBLE

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands, the Kingdom of Norway and the Kingdom of Sweden,

Being Governments of States Parties to the Convention of the 28th of July 1951 relating to the Status of Refugees,²

¹ In accordance with articles 16 and 17, paragraph 3, the Agreement came into force on 27 December 1961, the ninetieth day following the deposit of the eighth instrument of ratification, in respect of the following States on behalf of which the instruments of ratification or accession (a) were deposited with the Government of the Netherlands on the dates indicated :

<i>State</i>	<i>Date of deposit</i>	<i>State</i>	<i>Date of deposit</i>
France	20 June 1958	Denmark	2 September 1959
United Kingdom of Great Britain and Northern Ireland	9 August 1958	Monaco	11 April 1960 (a)
Morocco	20 May 1959 (a)	Belgium	16 May 1960
Sweden	28 May 1959	Federal Republic of Germany (also for Land Berlin)	28 September 1961
Norway	28 May 1959		
Netherlands (for the realm in Europe)	27 August 1959		

It came into force subsequently in respect of the following acceding States, on the ninetieth day following the deposit of their instruments of accession as indicated below :

<i>State</i>	<i>Date of deposit</i>	<i>Date of entry into force</i>
Switzerland	12 December 1962	12 March 1963
Yugoslavia	4 December 1963	3 March 1964
Ireland	21 April 1964	20 July 1964

By notifications made by the Government of the United Kingdom of Great Britain and Northern Ireland and received by the Government of the Netherlands on the dates indicated, the Agreement was extended to the following territories :

Notification received on 14 October 1959 and effective on 27 December 1961 :

Jersey, Guernsey and the Isle of Man;

Notification received on 24 July 1961 and effective on 27 December 1961 :

British Honduras, Protectorate of the British Solomon Islands, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Jamaica, Mauritius, St. Helena, St. Vincent, Seychelles;

Notification received on 17 January 1964 and effective on 16 April 1964 :

Antigua, Brunei, British Guiana, Monserrat, St. Kitts and St. Lucia;

Notification received on 8 July 1964 to take effect on 6 October 1964 :

British Virgin Islands.

² United Nations, *Treaty Series*, Vol. 189, p. 137; Vol. 190, p. 385; Vol. 191, p. 409; Vol. 199, p. 357; Vol. 200, p. 336; Vol. 201, p. 387; Vol. 202, p. 368; Vol. 214, p. 376; Vol. 223, p. 377; Vol. 230, p. 440; Vol. 237, p. 335; Vol. 252, p. 354; Vol. 253, p. 365; Vol. 254, p. 412; Vol. 261, p. 404; Vol. 270, p. 398; Vol. 278, p. 282; Vol. 346, p. 338; Vol. 354, p. 402; Vol. 363, p. 404; Vol. 366, p. 414; Vol. 380, p. 428; Vol. 383, p. 314; Vol. 394, p. 269; Vol. 405, p. 322; Vol. 410, p. 293; Vol. 411, p. 301; Vol. 413, p. 370; Vol. 415, p. 430; Vol. 418, p. 364; Vol. 423, p. 308; Vol. 424, p. 349; Vol. 435, p. 332; Vol. 437, p. 352; Vol. 442, p. 320; Vol. 443, p. 342; Vol. 453, Vol. 358; Vol. 454, p. 554; Vol. 456, p. 495; Vol. 463, p. 344; Vol. 466, p. 388; Vol. 471, p. 330; Vol. 494, Vol. 495, p. 260, and Vol. 503.

Desirous of making further progress towards a solution of the problem of refugee seamen in the spirit of Article 11 and of maintaining cooperation with the United Nations High Commissioner for Refugees in the fulfilment of his functions, especially having regard to Article 35 to the above-mentioned Convention,

Have agreed as follows:

CHAPTER I

Article 1

For the purposes of this Agreement :

a) the term " Convention " shall apply to the Convention relating to the Status of Refugees of 28 July 1951 ;

b) the term " refugee seaman " shall apply to any person who, being a refugee according to the definition in Article 1 of the Convention and the declaration or notification made by the Contracting State concerned in accordance with Section B of that Article, is serving as a seafarer in any capacity on a mercantile ship, or habitually earns his living as a seafarer on such a ship.

CHAPTER II

Article 2

A refugee seaman who is not lawfully staying in the territory of any State and who is not entitled to admission for the purpose of so staying to the territory of any State, other than a State where he has well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, shall become entitled to be regarded, for the purpose of Article 28 of the Convention, as lawfully staying in the territory —

a) of the Contracting Party under whose flag he, while a refugee, has served as a seafarer for a total of 600 days within the three years preceding the application of this Agreement to his case on ships calling at least twice a year at ports in that territory, provided that for the purposes of this paragraph no account shall be taken of any service performed while or before he had a residence established in the territory of another State;

or, if there is no such Contracting Party,

b) of the Contracting Party where he, while a refugee, has had his last lawful residence in the three years preceding the application of this Agreement to his case, provided that he has not, in the meantime, had a residence established in the territory of another State.

Article 3

A refugee seaman who on the date when this Agreement enters into force —

(i) is not lawfully staying in the territory of any State and is not entitled to admission for the purpose of so staying to the territory of any State, other than a State where he has wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and

(ii) is not in accordance with Article 2 of this Agreement regarded as lawfully staying in the territory of a Contracting Party shall become entitled to be regarded, for the purpose of Article 28 of the Convention, as lawfully staying in the territory —

a) of the Contracting Party which after 31 December 1945 and before the entry into force of this Agreement last issued to, or extended or renewed for him, while a refugee, a travel document valid for return to that territory whether or not that document is still in force;

or, if there is no such Contracting Party,

b) of the Contracting Party where he, while a refugee, after 31 December 1945 and before the entry into force of this Agreement was last lawfully staying;

or, if there is no such Contracting Party,

c) of the Contracting Party under whose flag he, while a refugee, after 31 December 1945 and before the entry into force of this Agreement last has served as a seafarer for a total of 600 days within any period of three years on ships calling at least twice a year at ports in that territory.

Article 4

Unless otherwise decided by the Contracting Party concerned, a refugee seaman will cease to be regarded as lawfully staying in the territory of a Contracting Party when he, after the date upon which he, in accordance with Article 2 or 3 of this Agreement, last became entitled to be so regarded —

a) has established his residence in the territory of another State, or

b) within any period of six years following that date, has been serving a total of 1,350 days on ships flying the flag of one other State, or

c) within any period of three years following that date, neither has served at least a total of 30 days as a seafarer on ships flying the flag of that Contracting Party and calling at least twice a year at ports in its territory nor has stayed for at least a total of 10 days in the territory of that Party.

Article 5

For the purpose of improving the position of the greatest possible number of refugee seamen, a Contracting Party shall give sympathetic consideration to extending the benefits of this Agreement to refugee seamen who, according to its provisions, do not qualify for those benefits.

CHAPTER III

Article 6

A Contracting Party shall grant to a refugee seaman in possession of a travel document issued by another Contracting Party and valid for return to the territory of that Contracting Party the same treatment as regards admission to its territory in pursuance of a previous arrangement to serve on a ship, or for shore-leave, as is granted to seafarers who are nationals of the last mentioned Party, or at least treatment not less favourable than is granted to alien seafarers generally.

Article 7

A Contracting Party shall give sympathetic consideration to a request for temporary admission to its territory by a refugee seaman who holds a travel document valid for return to the territory of another Contracting Party with a view to facilitating his establishment in another State or for other good reason.

Article 8

A Contracting Party shall endeavour to ensure that any refugee seaman who serves under its flag and cannot obtain a valid travel document is provided with identity papers.

Article 9

No refugee seaman shall be forced, as far as it is in the power of the Contracting Parties, to stay on board a ship if his physical or mental health would thereby be seriously endangered.

Article 10

No refugee seaman shall be forced, as far as it is in the power of the Contracting Parties, to stay on board a ship which is bound for a port, or is due to sail through waters, where he has wellfounded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Article 11

The Contracting Party in the territory of which a refugee seaman is lawfully staying or, in accordance with this Agreement, is for the purpose of Article 28 of the Convention regarded as lawfully staying, shall admit him to its territory if so requested by the Contracting Party in whose territory that seaman finds himself.

Article 12

Nothing in this Agreement shall be deemed to impair any rights or benefits granted by a Contracting Party to refugee seamen apart from this Agreement.

Article 13

1) A Contracting Party may, for compelling reasons of national security or public order, consider itself released from the obligations incumbent on it under this Agreement with regard to a refugee seaman. The refugee seaman in question shall be allowed such period as may be reasonable in the circumstances to submit to the competent authority evidence to clear himself, except where there are reasonable grounds for regarding the refugee seaman in question as a danger to the security of the country where he is.

2) A decision made in accordance with paragraph 1 of this Article does not, however, release the Contracting Party in question from its obligations under Article 11 of this Agreement with respect to a refugee seaman to whom it has issued a travel document, unless the request for admission to its territory is presented to that Party by another Contracting Party more than 120 days after the expiration of that travel document.

CHAPTER IV

Article 14

Any dispute between the Contracting Parties relating to the interpretation or application of this Agreement, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 15

This Agreement shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the Kingdom of the Netherlands.

Article 16

This Agreement shall come into force on the 90th day following the day of deposit of the eighth instrument of ratification.

Article 17

1) Any Government which undertakes obligations with respect to refugee seamen under Article 28 of the Convention or obligations corresponding thereto may accede to this Agreement.

2) Instruments of accession shall be deposited with the Government of the Kingdom of the Netherlands.

3) This Agreement shall come into force with respect to each acceding Government on the 90th day following the day upon which its instrument of accession was deposited, but not before the date of entry into force as defined in Article 16.

Article 18

1) Any Government may, at the time of ratification or accession or at any time thereafter, declare that this Agreement shall extend to any territories for the international relations of which it is responsible, provided that it has undertaken in relation thereto such obligations as are mentioned in paragraph (1) of Article 17.

2) Such extension shall be made by a notification addressed to the Government of the Kingdom of the Netherlands.

3) The extension shall take effect on the 90th day following the day upon which the notification was received by the Government of the Kingdom of the Netherlands, but not before the date of entry into force as defined in Article 16.

Article 19

1) A Contracting Party may denounce this Agreement at any time by a notification addressed to the Government of the Kingdom of the Netherlands.

2) The denunciation shall take effect one year from the date upon which the notification was received by the Government of the Kingdom of the Netherlands, provided that where the Agreement has been denounced by a Contracting Party, any other Contracting Party after consulting the remaining Parties, may denounce the Agreement with effect from the same date, so however that not less than six months notice is given.

Article 20

1) A Contracting Party which has made a notification under Article 18 may, at any time thereafter, by a notification addressed to the Government of the Kingdom of the Netherlands, declare that the Agreement shall cease to apply to the territory or territories specified in the notification.

2) The Agreement shall cease to apply to the territory concerned one year from the date upon which the notification was received by the Government of the Kingdom of the Netherlands.

Article 21

The Government of the Kingdom of the Netherlands shall inform the Governments mentioned in the Preamble and all acceding Governments of deposits and notifications made in accordance with Articles 15, 17, 18, 19 and 20.

IN WITNESS WHEREOF, the undersigned, duly authorised to that effect, have signed this Agreement.

DONE at The Hague, this twenty-third day of November 1957, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Government of the Kingdom of the Netherlands, which shall transmit certified true copies thereof to the Governments mentioned in the Preamble and all acceding Governments.

For the Government of the Kingdom of Belgium :
Pour le Gouvernement du Royaume de Belgique :

J. HERMENT *ad referendum*
VAN DER STRATEN¹

For the Government of the Kingdom of Denmark :
Pour le Gouvernement du Royaume de Danemark :

Knud LARSEN

For the Government of the French Republic :
Pour le Gouvernement de la République Française :

E. de BEAUVERGER

For the Government of the Federal Republic of Germany :
Pour le Gouvernement de la République Fédérale d'Allemagne :

H. MÜHLENFELD²

For the Government of the United Kingdom of Great Britain and Northern
Ireland :

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du
Nord :

W. LYON

For the Government of the Kingdom of the Netherlands :
Pour le Gouvernement du Royaume des Pays-Bas :

E. O. v. BOETZELAER

For the Government of the Kingdom of Norway :
Pour le Gouvernement du Royaume de Norvège :

Andreas IRGENS

For the Government of the Kingdom of Sweden :
Pour le Gouvernement du Royaume de Suède :

Sven DAHLMAN³

¹ Signed on 27 November 1957, thus confirming the signature *ad referendum* affixed on 23 November 1957.

² Signed on 25 November 1957.

³ Signed on 10 February 1958.

¹ Signé le 27 novembre 1957, ainsi confirmant la signature *ad referendum* apposée le 23 novembre 1957.

² Signé le 25 novembre 1957.

³ Signé le 10 février 1958.