

No. 13928

MULTILATERAL

Protocol relating to refugee seamen. Concluded at The Hague on 12 June 1973

Authentic texts: English and French.

Registered by the Netherlands on 29 April 1975.

MULTILATÉRAL

Protocole relatif aux marins réfugiés. Conclu à La Haye le 12 juin 1973

Textes authentiques : anglais et français.

Enregistré par les Pays-Bas le 29 avril 1975.

PROTOCOL¹ RELATING TO REFUGEE SEAMEN

The Contracting Parties to the present Protocol,

Considering that the application of the Agreement relating to refugee seamen done at The Hague, on 23 November 1957² (hereinafter referred to as the Agreement) is closely connected with the application of the Convention relating to the Status of Refugees done at Geneva on 28 July, 1951³ (hereinafter referred to as the Convention), which applies only to those persons who have become refugees as a result of events occurring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that it is desirable that equal status should be enjoyed by all refugees covered by the definition of the Convention irrespective of the dateline of 1 January 1951, and that to this end a Protocol relating to the Status of Refugees was opened for accession at New York on 31 January 1967,⁴

Desiring to establish a similar regime with regard to refugee seamen,
Have agreed as follows:

Article I. (1) The Contracting Parties to the present Protocol undertake to apply articles 2 and 4 to 13 inclusive of the Agreement to refugee seamen as hereinafter defined.

¹ Came into force for the following States on 30 March 1975, i.e. the ninetieth day that followed the date of deposit of the eighth instrument of acceptance or approval with the Government of the Netherlands, in accordance with article IV (1) :

<i>State</i>	<i>Date of deposit of the instrument of acceptance (A) or approval (AA)</i>	
Australia..... (For Australia, Papua and New Guinea.)	10 December	1973 AA
Denmark	24 January	1974 A
Morocco*	18 September	1974 A
Netherlands..... (For the Kingdom in Europe.)	9 October	1973 AA
Norway	12 February	1974 A
Sweden.....	25 September	1973 AA
Switzerland	30 December	1974 AA
United Kingdom of Great Britain and Northern Ireland	12 November	1974 A

(With a declaration to the effect that the Protocol shall apply to the Channel Islands, the Isle of Man, the Falkland Islands (Malvinas), St. Helena, St. Vincent, Seychelles, Montserrat, St. Lucia and the British Virgin Islands. In two subsequent declarations received by the Government of the Netherlands on 16 January and 4 February 1975 respectively, the Government of the United Kingdom notified that, in accordance with article V (3), the Protocol would apply to Brunei and Dominica, with effect on 15 April 1975, and to Belize and the Protectorate of the British Solomon Islands, with effect on 5 May 1975.)

Subsequently, the following State deposited its instrument of acceptance with the Government of the Netherlands on the date indicated, in accordance with article IV(2):

<i>State</i>	<i>Date of deposit of the instrument of acceptance (A) or approval (AA)</i>	
Canada	9 January	1975 A

(With effect from 30 March 1975.)

* See p. 452 of this volume for the text of the reservation made upon acceptance.

² United Nations, *Treaty Series*, vol. 506, p. 125.

³ *Ibid.*, vol. 189, p. 137.

⁴ *Ibid.*, vol. 606, p. 267.

(2) For the purpose of the present Protocol, the term “refugee seaman” shall apply to any person who, being a refugee according to the definition in paragraph 2 of article I of the Protocol relating to the Status of Refugees of 31 January 1967, is serving as a seafarer in any capacity on a mercantile ship, or habitually earns his living as a seafarer on such a ship.

(3) The present Protocol shall be applied without any geographic limitation, save that existing declarations made by the States already Parties to the Convention in accordance with article 1 B (1) (a) of the Convention, shall, unless extended under article 1 B (2) thereof, apply also under the present Protocol.

Article II. Any dispute between the Contracting Parties to the present Protocol relating to the interpretation or application of any of its provisions 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 III. (1) The present Protocol shall be open for acceptance or approval on behalf of all the Governments which have signed the Agreement or have acceded thereto and of any other Government which undertakes obligations with respect to refugee seamen under article 28 of the Convention or obligations corresponding thereto.

(2) Instruments of acceptance or approval shall be deposited with the Government of the Kingdom of the Netherlands.

Article IV. (1) The present Protocol shall come into force on the 90th day following the date of deposit of the eighth instrument of acceptance or approval.

(2) For each Government accepting or approving the present Protocol after the deposit of the eighth instrument of acceptance or approval, the present Protocol shall come into force on the date of deposit by such Government of its instrument of acceptance or approval.

Article V. (1) Any Government may, at the time of the deposit of its instrument of acceptance or approval, or at any time thereafter, declare that the present Protocol shall extend to any territory or 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 III.

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

(3) The extension shall take effect on the 90th day following the date upon which the notification was received by the Government of the Kingdom of the Netherlands, but not before the date of the entry into force of the present Protocol for the notifying Government as specified in article IV.

Article VI. (1) A Contracting Party may denounce the present Protocol 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. Where the present Protocol has been denounced by a Contracting Party, any other Contracting Party after consulting the remaining Parties, may denounce the Protocol with effect from the same date, provided not less than six months' notice is given.

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

(2) The present Protocol shall cease to apply to any territory or territories concerned one year from the date upon which the notification was received by the Government of the Kingdom of the Netherlands.

Article VIII. The Government of the Kingdom of the Netherlands shall inform all the Governments which have signed the Agreement or have acceded thereto and all other Governments which have accepted or approved the present Protocol of any deposits and notifications made in accordance with articles III, V, VI and VII.

Article IX. A copy of the present Protocol, of which the English and French texts are equally authentic, signed by the Minister for Foreign Affairs of the Kingdom of the Netherlands, shall be deposited in the archives of the Government of the Kingdom of the Netherlands, which shall transmit certified true copies thereof to the Governments referred to in article VIII.

In accordance with article IX of the Protocol, I have appended my signature this twelfth day of June one thousand nine hundred and seventy-three.

M. VAN DER STOEL
Minister for Foreign Affairs
of the Kingdom of the Netherlands

RESERVATION MADE
UPON ACCEPTANCE
MOROCCO
[TRANSLATION — TRADUCTION]

RÉSERVE FAITE
LORS DE L'ACCEPTATION
MAROC

Reservation in respect of article II:

In every case, the consent of all the parties concerned shall be necessary to refer a dispute to the International Court of Justice.

Réserve à l'égard de l'article II :

«En cas de litige, tout recours devant la Cour internationale de Justice doit se faire sur la base d'un consentement de toutes les parties intéressées.»