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REFUGEES



Treaty Series No. 38 (1975)

# Protocol

## relating to Refugee Seamen

The Hague, 12 June 1973

[The United Kingdom instrument of acceptance was deposited on 12 November 1974  
and the Protocol entered into force on 30 March 1975]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
May 1975*

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## **PROTOCOL 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 1957<sup>(1)</sup> (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 1951<sup>(2)</sup> (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,<sup>(3)</sup>

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.

(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.

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<sup>(1)</sup> Treaty Series No. 3 (1962), Cmnd. 1578.

<sup>(2)</sup> Treaty Series No. 39 (1954), Cmd. 9171.

<sup>(3)</sup> Treaty Series No. 15 (1969), Cmnd. 3906.

(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,<sup>(\*)</sup> 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*

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<sup>(\*)</sup> After the Protocol has been registered with the United Nations, the French language text will be published in the United Nations Treaty Series, available through Agency Section, Her Majesty's Stationery Office, P.O. Box 569, London 9NY—Tel. 01-928 6977, ext. 410.

## ACCEPTANCES AND APPROVALS

<i>State</i>	<i>Date</i>
Australia (including Papua and New Guinea) ... ..	10 Dec. 1973
Canada ... ..	9 Jan. 1975
Denmark ... ..	24 Jan. 1974
Morocco (with reservation)* ... ..	18 Sept. 1974
Netherlands ... ..	9 Oct. 1973
Norway ... ..	12 Feb. 1974
Sweden ... ..	25 Sept. 1973
Switzerland ... ..	30 Dec. 1974
United Kingdom ... ..	12 Nov. 1974

\*The Kingdom of Morocco's acceptance was made subject to the following reservation:  
 "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".  
 (*Translation*)

In the event of litigation, any appeal to the International Court of Justice must be made on the basis of consent of all interested parties.

## EXTENSIONS

	<i>Date</i>
Belize ... ..	} 4 Feb. 1975
British Solomon Islands Protectorate) ... ..	
British Virgin Islands ... ..	12 Nov. 1974
Brunei ... ..	16 Jan. 1975
Channel Islands ... ..	12 Nov. 1974
Dominica ... ..	16 Jan. 1975
Falkland Islands ... ..	} 12 Nov. 1974
Isle of Man ... ..	
Montserrat ... ..	
St. Helena ... ..	
St. Lucia ... ..	
St. Vincent ... ..	
Seychelles ... ..	

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