

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 :

State	Date of deposit	State	Date of deposit
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 :

State	Date of deposit	Date of entry into force
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.