

AGREEMENT RELATING TO REFUGEE SEAMEN.

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⁽¹⁾ relating to the Status of Refugees,

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

⁽¹⁾Treaty Series 1969 No. 376