

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⁽¹⁾ (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⁽²⁾ (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,⁽³⁾

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.

(1) Treaty Series 1969 No. 35

(2) Treaty Series 1969 No. 6

(3) Treaty Series 1969 No. 29