

No. 6332

**FEDERAL REPUBLIC OF GERMANY, BELGIUM,
BRAZIL, DENMARK, SPAIN, etc.**

**International Convention for the unification of certain rules
relating to penal jurisdiction in matters of collision or
other incidents of navigation. Signed at Brussels, on
10 May 1952**

Official texts: French and English.

Registered by Belgium on 2 October 1962.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, BELGIQUE,
BRÉSIL, DANEMARK, ESPAGNE, etc.**

**Convention internationale pour l'unification de certaines
règles relatives à la compétence pénale en matière
d'abordage et autres événements de navigation. Signée
à Bruxelles, le 10 mai 1952**

Textes officiels français et anglais.

Enregistrée par la Belgique le 2 octobre 1962.

No. 6332. INTERNATIONAL CONVENTION¹ FOR THE UNIFICATION OF CERTAIN RULES RELATING TO PENAL JURISDICTION IN MATTERS OF COLLISION OR OTHER INCIDENTS OF NAVIGATION. SIGNED AT BRUSSELS, ON 10 MAY 1952

The High Contracting Parties,

Having recognised the advisability of establishing by agreement certain uniform rules relating to penal jurisdiction in matters of collision or other incidents of navigation, have decided to conclude a Convention for this purpose and thereto have agreed as follows :

Article 1

In the event of a collision or any other incident of navigation concerning a sea-going ship and involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, criminal or disciplinary proceedings may be instituted only before the judicial or administrative authorities of the State of which the ship was flying the flag at the time of the collision or other incident of navigation.

¹ In accordance with article 8 (a), the Convention came into force on 20 November 1955, six months after the date of deposit of the second instrument of ratification. Here follows a list of States which have deposited their instruments of ratification or accession (a) with the Ministry of Foreign Affairs of Belgium, indicating the date of deposit and the date of entry into force of the Convention for each State:

<i>State</i>	<i>Date of deposit</i>		<i>Date of entry into force</i>
Burma	8 July	1953 (a)	20 November 1955
Spain (express confirmation of the reservation made at the time of signature; see p. 243 of this volume)	8 December	1953	20 November 1955
Switzerland	28 May	1954 (a)	20 November 1955
Haiti	17 September	1954 (a)	20 November 1955
France*	20 May	1955	20 November 1955
Costa Rica (with reservation**)	13 July	1955 (a)	13 January 1956
Egypt (confirming the reservation made at the time of signature; see p. 243 of this volume)	24 August	1955	24 February 1956
Republic of Viet-Nam (with reservation**)	26 November	1955 (a)	26 May 1956
Yugoslavia (with reservation**)	21 April	1956	21 October 1956
Holy See	10 August	1956	10 February 1957
Cambodia (with reservation**)	12 November	1956 (a)	12 May 1957
Portugal	4 May	1957	4 November 1957
United Kingdom of Great Britain and Northern Ireland (with reservations**)	18 March	1959	18 September 1959
Belgium (with reservation**)	10 April	1961	10 October 1961
Argentina (with reservation**)	19 April	1961 (a)	19 October 1961

* A notification of application to the French Overseas Territories, the Trust Territories of Togoland and Cameroon under French administration was received by the Government of Belgium on 23 April 1958 and took effect on 23 October 1958.

** For the text of these reservations, see p. 246 of this volume.

Article 2

In the case provided for in the preceding Article, no arrest or detention of the vessel shall be ordered, even as a measure of investigation, by any authorities other than those whose flag the ship was flying.

Article 3

Nothing contained in this Convention shall prevent any State from permitting its own authorities, in cases of collision or other incidents of navigation, to take any action in respect of certificates of competence or licences issued by that State or to prosecute its own nationals for offences committed while on board a ship flying the flag of another State.

Article 4

This Convention does not apply to collisions or other incidents of navigation occurring within the limits of a port or in inland waters.

Furthermore the High Contracting Parties shall be at liberty, at the time of signature, ratification or accession to the Convention, to reserve to themselves the right to take proceedings in respect of offences committed within their own territorial waters.

Article 5

The High Contracting Parties undertake to submit to arbitration any disputes between States arising out of the interpretation or application of this Convention, but this shall be without prejudice to the obligations of those High Contracting Parties who have agreed to submit their disputes to the International Court of Justice.

Article 6

This Convention shall be open for signature by the States represented at the Ninth Diplomatic Conference on Maritime Law. The protocol of signature shall be drawn up through the good offices of the Belgian Ministry of Foreign Affairs.

Article 7

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs which shall notify all signatory and acceding States of the deposit of any such instruments.

Article 8

(a) This Convention shall come into force between the two States which first ratify it, six months after the date of the deposit of the second instrument of ratification.

(b) This Convention shall come into force in respect of each signatory State which ratifies it after the deposit of the second instrument of ratification six months after the date of the deposit of the instrument of ratification of that State.

Article 9

Any State not represented at the Ninth Diplomatic Conference on Maritime Law may accede to this Convention.

The accession of any State shall be notified to the Belgian Ministry of Foreign Affairs which shall inform through diplomatic channels all signatory and acceding States of such notification.

The Convention shall come into force in respect of the acceding State six months after the date of the receipt of such notification but not before the Convention has come into force in accordance with the provisions of Article 8 a).

Article 10

Any High Contracting Party may three years after the coming into force of this Convention in respect of such High Contracting Party or at any time thereafter request that a conference be convened in order to consider amendments to the Convention.

Any High Contracting Party proposing to avail itself of this right shall notify the Belgian Government which shall convene the conference within six months thereafter.

Article 11

Any High Contracting Party shall have the right to denounce this Convention at any time after the coming into force thereof in respect of such High Contracting Party. This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government which shall inform through diplomatic channels all the other High Contracting Parties of such notification.

Article 12

(a) Any High Contracting Party may at the time of its ratification of or accession to this Convention or at any time thereafter declare by written notification to the Belgian Ministry of Foreign Affairs that the Convention shall extend to any of the territories for whose international relations it is responsible. The

Convention shall six months after the date of the receipt of such notification by the Belgian Ministry of Foreign Affairs extend to the territories named therein, but not before the date of the coming into force of the Convention in respect of such High Contracting Party.

(b) A High Contracting Party which has made a declaration under paragraph *a*) of this Article extending the Convention to any territory for whose international relations it is responsible may at any time thereafter declare by notification given to the Belgian Ministry of Foreign Affairs that the Convention shall cease to extend to such territory and the Convention shall one year after the receipt of the notification by the Belgian Ministry of Foreign Affairs cease to extend thereto.

(c) The Belgian Ministry of Foreign Affairs shall inform through diplomatic channels all signatory and acceding States of any notification received by it under this Article.

DONE at Brussels, in a single copy, May 10, 1952, in the French and English languages, the two texts being equally authentic.

Pour la République Fédérale
d'Allemagne :

For the Federal Republic of
Germany :

Dr. Anton PFEIFFER
Dr. Guenther JOEL

Pour l'Autriche :

For Austria :

Pour la Belgique :

For Belgium :

LILAR
J. A. DENOËL
H. DE VOS
SOHR
Ant. FRANCK

Pour le Brésil :

For Brazil :

A. C. R. GABAGLIA
(*ad referendum*)

Pour le Canada :

For Canada :

Pour la Colombie :

For Colombia :

Pour Cuba :

For Cuba :

Pour le Danemark :

For Denmark :

N. V. BOEG

Pour l'Égypte¹ :

For Egypt :

Ahmed HAKKI
6 janvier 1955

Pour l'Espagne² :

For Spain :

Ad referendum
Marquis DE MERRY DEL VAL
Pelegrin BENITO
Rafael DE LA GUARDIA
M. GUBERN PUIG

Pour les États-Unis d'Amérique :

For the United States of America :

Pour la Finlande :

For Finland :

Pour la France³ :

For France :

Philippe MONOD

Pour la Grèce :

For Greece :

Dimitri CAPSALIS
G. MARIDAKIS

¹ Au moment de la signature, le Plénipotentiaire égyptien a déclaré formuler la réserve prévue à l'article 4, alinéa 2. [TRANSLATION — TRADUCTION] At the time of signing the Convention, the Egyptian Plenipotentiary entered the reservation provided for in article 4, paragraph 2.

² « La Délégation espagnole désire, d'accord avec l'article 4 de la Convention sur la compétence pénale en matière d'abordage, se réserver le droit au nom de son Gouvernement, de poursuivre les infractions commises dans ses eaux territoriales. » [TRANSLATION — TRADUCTION] The Spanish delegation wishes, in accordance with article 4 of the Convention on Penal Jurisdiction in Matters of Collisions, to reserve the right of its Government to take proceedings in respect of offences committed within its territorial waters.

³ « Au nom du Gouvernement de la République Française, je déclare formuler la réserve prévue à l'article 4, paragraphe 2, de la Convention internationale pour l'unification de certaines règles relatives à la compétence pénale en matière d'abordage. » [TRANSLATION — TRADUCTION] On behalf of the Government of the French Republic, I hereby enter the reservation provided for in article 4, paragraph 2, of the International Convention for the Unification of Certain Rules relating to Penal Jurisdiction in Matters of Collisions.

Pour l'Indonésie :

For Indonesia :

Pour l'Italie :

For Italy :

Torquato C. GIANNINI

Pour le Japon :

For Japan :

Pour le Liban :

For Lebanon :

Sami EL KHOURY

25 mai 1954

Pour Monaco :

For Monaco :

M. LOZÉ

Pour le Nicaragua :

For Nicaragua :

J. RIVAS

Pour la Norvège :

For Norway :

Pour les Pays-Bas :

For the Netherlands :

Pour le Pérou :

For Peru :

Pour le Portugal¹ :

For Portugal :

Eduardo VIEIRA LEITAO

16 octobre 1956

¹ « Au nom du Gouvernement portugais, je déclare formuler la réserve prévue de l'article 4, paragraphe 2, de cette Convention. » [TRANSLATION — TRADUCTION] On behalf of the Portuguese Government, I hereby enter the reservation provided for in article 4, paragraph 2 of the Convention.

Pour le Royaume-Uni¹ : For the United Kingdom :

G. St. Cl. PILCHER
C. P. SCOTT-MALDEN
A. H. KENT

Pour le Saint-Siège : For the Holy See :

P. DEMEUR
4 février 1954

Pour la Suède : For Sweden :

Pour la Suisse : For Switzerland :

Pour la Thaïlande : For Thailand :

Pour la Turquie : For Turkey :

Pour l'Uruguay : For Uruguay :

Pour le Venezuela : For Venezuela :

Pour la Yougoslavie² : For Yugoslavia :

P. NIKOLIC

¹ " 1.—Her Majesty's Government in the United Kingdom reserves the right not to apply the provisions of Article 1 of this Convention in any case where there exists between Her Majesty's Government and the Government of any other State an agreement which is applicable to a particular collision or other incident of navigation and is inconsistent with that Article.

" 2.—Her Majesty's Government in the United Kingdom reserves the right under Article 4 of this Convention to take proceedings in respect of offences committed within the territorial waters of the United Kingdom." [TRANSDUCTION — TRANSLATION] 1) Le Gouvernement de Sa Majesté dans le Royaume-Uni se réserve le droit de ne pas appliquer les dispositions de l'article 1 de la présente Convention dans les cas où il existe entre le Gouvernement de Sa Majesté et le Gouvernement d'un autre État un accord qui s'applique à un abordage ou à un autre événement de navigation et qui est incompatible avec les dispositions dudit article.

2) Le Gouvernement de Sa Majesté dans le Royaume-Uni se réserve le droit, en vertu de l'article 4 de la présente Convention, de poursuivre les infractions commises dans les eaux territoriales du Royaume-Uni.

² * Sous réserve de ratification ultérieure et acceptant la réserve prévue à l'article 4 de cette Convention. » [TRANSLATION — TRANSDUCTION] Subject to subsequent ratification and entering the reservation provided for in article 4 of the Convention.

RESERVATIONS MADE AT THE
TIME OF RATIFICATION OR
ACCESSIONRÉSERVES FAITES AU MOMENT
DE LA RATIFICATION OU DE
L'ADHÉSION

COSTA RICA

[SPANISH TEXT — TEXTE ESPAGNOL]

« El Gobierno de Costa Rica no reconoce obligatoriedad de los artículos 1º y 2º del presente Convenio. »

[TRADUCTION¹]

Le Gouvernement de Costa Rica ne reconnaît pas le caractère obligatoire des articles 1 et 2 de la présente Convention.

[TRANSLATION]

The Government of Costa Rica does not accept articles 1 and 2 of this Convention as binding.

RÉPUBLIQUE DU VIET-NAM

REPUBLIC OF VIET NAM

[TRANSLATION — TRADUCTION]

« Comme il est prévu à l'article 4 de la même Convention, le Gouvernement viet-namien se réserve le droit de poursuivre les infractions commises dans la limite de ses eaux territoriales. »

In accordance with article 4 of the Convention, the Government of Viet-Nam reserves the right to take proceedings in respect of offences committed within its territorial waters.

YUGOSLAVIE

YUGOSLAVIA

[TRANSLATION — TRADUCTION]

« Conformément à l'article 4 de ladite Convention, le Gouvernement yougoslave se réserve le droit de poursuivre les infractions commises dans ses propres eaux territoriales. »

In accordance with article 4 of the Convention, the Yugoslav Government hereby reserves the right to take proceedings in respect of offences committed in its own territorial waters.

CAMBODGE

CAMBODIA

[TRANSLATION — TRADUCTION]

« Le Gouvernement Royal du Cambodge, d'accord avec l'article 4 de ladite Convention, se réservera le

The Royal Government of Cambodia, in accordance with article 4 of the Convention, will reserve the right

¹ Traduction transmise par le Gouvernement belge — Translation provided by the Government of Belgium.

droit de poursuivre les infractions commises dans ses eaux territoriales. »

UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN
IRELAND

“(1) The Government of the United Kingdom of Great Britain and Northern Ireland reserve the right not to observe the provisions of Article 1 of the said Convention in the case of any ship if the state whose flag the ship was flying has as respect that ship or any class of ship to which that ship belongs consented to the institution of criminal or disciplinary proceedings before the judicial or administrative authorities of the United Kingdom.

(2) In accordance with the provisions of Article 4 of the said Convention, the Government of the United Kingdom of Great Britain and Northern Ireland reserve the right to take proceedings in respect of offences committed within the territorial waters of the United Kingdom.

(3) The Government of the United Kingdom of Great Britain and Northern Ireland reserve the right in extending the said Convention to any of the territories for whose international relations they are responsible to make such extension subject to the reservation provided for in Article 4 of the said Convention. . . .”

BELGIQUE

« ... le Gouvernement belge, faisant usage de la faculté inscrite à l'Article 4

to take proceedings in respect of offences committed in its territorial waters.

ROYAUME-UNI DE GRANDE-
BRETAGNE ET D'IRLANDE
DU NORD

[TRADUCTION — TRANSLATION]

1) Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord se réserve le droit de ne pas appliquer les dispositions de l'article 1 de ladite Convention si un État dont un navire bat pavillon a consenti, s'agissant de ce navire ou de la catégorie de navire à laquelle il appartient, à ce que soient intentées des poursuites pénales ou disciplinaires devant les autorités judiciaires ou administratives du Royaume-Uni.

2) Conformément aux dispositions de l'article 4 de ladite Convention, le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord se réserve le droit de poursuivre les infractions commises dans les eaux territoriales du Royaume-Uni.

3) Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord se réserve le droit, s'il applique ladite Convention à des territoires dont il assure les relations internationales, de subordonner cette application à la réserve prévue à l'article 4 de ladite Convention ...

BELGIUM

[TRANSLATION — TRADUCTION]

... the Belgian Government, exercising the option provided for in

de cette Convention, se réserve le droit de poursuivre les infractions commises dans les eaux territoriales belges. »

article 4 of the Convention, hereby reserves the right to take proceedings in respect of offences committed in Belgian territorial waters.

ARGENTINA

[SPANISH TEXT — TEXTE ESPAGNOL]

« ... La República Argentina adhiere a la Convención Internacional para la Unificación de Ciertas Reglas relativas a la Competencia Penal en Materia de Abordajes y otros accidentes de la Navegación, haciendo expresa reserva del derecho que acuerda la segunda parte del artículo 4º, y dejando establecido que en el término « infracciones » a que se refiere, se encuentran comprendidos los abordajes y todo otro accidente de la navegación contemplado en el artículo 1º de la Convención. »

ARGENTINE

[TRANSLATION]

... La République argentine adhère à la Convention internationale pour l'unification de certaines règles relatives à la compétence pénale en matière d'abordage et autres événements de navigation en se réservant expressément le droit reconnu dans la deuxième partie de l'article 4 et en interprétant le terme « infractions » qui y figure comme comprenant les abordages et tous les autres événements de navigation visés à l'article 1 de la Convention.

ARGENTINA

[TRANSLATION]

... the Argentine Republic hereby accedes to the International Convention for the Unification of Certain Rules relating to Penal Jurisdiction in Matters of Collision or Other Incidents of Navigation, expressly reserving the right provided for in the second paragraph of article 4 and understanding the term " offences " in this connexion to include collisions and any other incident of navigation within the meaning of article 1 of the Convention.