

**No. 6330**

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

**International Convention relating to the arrest of seagoing  
ships. Signed at Brussels, on 10 May 1952**

*Official texts: French and English.*

*Registered by Belgium on 2 October 1962.*

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

**Convention internationale pour l'unification de certaines  
règles sur la saisie conservatoire des navires de mer.  
Signée à Bruxelles, le 10 mai 1952**

*Textes officiels français et anglais.*

*Enregistrée par la Belgique le 2 octobre 1962.*

No. 6330. INTERNATIONAL CONVENTION<sup>1</sup> RELATING TO THE ARREST OF SEAGOING SHIPS. SIGNED AT BRUSSELS, ON 10 MAY 1952

The High Contracting Parties,

Having recognised the desirability of determining by agreement certain uniform rules of law relating to the arrest of seagoing ships, have decided to conclude a convention, for this purpose and thereto have agreed as follows :

*Article 1*

In this Convention the following words shall have the meanings hereby assigned to them :

(1) "Maritime Claim" means a claim arising out of one or more of the following :

- (a) damage caused by any ship either in collision or otherwise;
- (b) loss of life or personal injury caused by any ship or occurring in connexion with the operation of any ship;
- (c) salvage;
- (d) agreement relating to the use or hire of any ship whether by charter-party or otherwise;
- (e) agreement relating to the carriage of goods in any ship whether by charter-party or otherwise;

<sup>1</sup> In accordance with article 14 (a), the Convention came into force on 24 February 1956, 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>	
Spain . . . . .	8 December	1953	24 February	1956
Switzerland . . . . .	28 May	1954 (a)	24 February	1956
Haiti . . . . .	4 November	1954 (a)	24 February	1956
Costa Rica (with reservations)* . . . . .	13 July	1955 (a)	24 February	1956
Egypt (Confirming the reservation made at the time of signature; see p. 210 of this volume) . . . . .	24 August	1955	24 February	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
France** . . . . .	25 May	1957	25 November	1957
United Kingdom of Great Britain and Northern Ireland (with reservations)* . . . . .	18 March	1959	18 September	1959
Belgium . . . . .	10 April	1961	10 October	1961

\* For the text of these reservations, see p. 214 of this volume.

\*\* 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.

- (f) loss of or damage to goods including baggage carried in any ship;
- (g) general average;
- (h) bottomry;
- (i) towage;
- (j) pilotage;
- (k) goods or materials wherever supplied to a ship for her operation or maintenance;
- (l) construction, repair or equipment of any ship or dock charges and dues;
- (m) wages of Masters, Officers, or crew;
- (n) Master's disbursements, including disbursements made by shippers, charterers or agents on behalf of a ship or her owner;
- (o) disputes as to the title to or ownership of any ship;
- (p) disputes between co-owners of any ship as to the ownership, possession employment or earnings of that ship;
- (q) the mortgage or hypothecation of any ship.

(2) " Arrest " means the detention of a ship by judicial process to secure a maritime claim, but does not include the seizure of a ship in execution or satisfaction of a judgment.

(3) " Person " includes individuals, partnerships and bodies corporate, Governments, their Departments, and Public Authorities.

(4) " Claimant " means a person who alleges that a maritime claim exists in his favour.

### Article 2

A ship flying the flag of one of the Contracting States may be arrested in the jurisdiction of any of the Contracting States in respect of any maritime claim, but in respect of no other claim; but nothing in this Convention shall be deemed to extend or restrict any right or powers vested in any Governments or their Departments, Public Authorities, or Dock or Harbour Authorities under their existing domestic laws or regulations to arrest, detain or otherwise prevent the sailing of vessels within their jurisdiction.

### Article 3

(1) Subject to the provisions of para 4) of this Article and of Article 10, a claimant may arrest either the particular ship in respect of which the maritime claim arose, or any other ship which is owned by the person who was, at the time when the maritime claim arose, the owner of the particular ship, even though the ship arrested be ready to sail; but no ship, other than the particular ship in respect of which the claim arose, may be arrested in respect of any of the maritime claims enumerated in Article 1, 1) o), p) or q).

(2) Ships shall be deemed to be in the same ownership when all the shares therein are owned by the same person or persons.

(3) A ship shall not be arrested, nor shall bail or other security be given more than once in any one or more of the jurisdictions of any of the Contracting States in respect of the same maritime claim by the same claimant : and, if a ship has been arrested in any one of such jurisdictions, or bail or other security has been given in such jurisdiction either to release the ship or to avoid a threatened arrest, any subsequent arrest of the ship or of any ship in the same ownership by the same claimant for the same maritime claim shall be set aside, and the ship released by the Court or other appropriate judicial authority of that State, unless the claimant can satisfy the Court or other appropriate judicial authority that the bail or other security had been finally released before the subsequent arrest or that there is other good cause for maintaining that arrest.

(4) When in the case of a charter by demise of a ship the charterer and not the registered owner is liable in respect of a maritime claim relating to that ship, the claimant may arrest such ship or any other ship in the ownership of the charterer by demise, subject to the provisions of this Convention, but no other ship in the ownership of the registered owner shall be liable to arrest in respect of such maritime claims.

The provisions of this paragraph shall apply to any case in which a person other than the registered owner of a ship is liable in respect of a maritime claim relating to that ship.

#### *Article 4*

A ship may only be arrested under the authority of a Court or of the appropriate judicial authority of the Contracting State in which the arrest is made.

#### *Article 5*

The Court or other appropriate judicial authority within whose jurisdiction the ship has been arrested shall permit the release of the ship upon sufficient bail or other security being furnished, save in cases in which a ship has been arrested in respect of any of the maritime claims enumerated in Article 1 1), o) and p). In such cases the Court or other appropriate judicial authority may permit the person in possession of the ship to continue trading the ship, upon such person furnishing sufficient bail or other security, or may otherwise deal with the operation of the ship during the period of the arrest.

In default of agreement between the parties as to the sufficiency of the bail or other security, the Court or other appropriate judicial authority shall determine the nature and amount thereof.

The request to release the ship against such security shall not be construed as an acknowledgment of liability or as a waiver of the benefit of the legal limitation of liability of the owner of the ship.

#### Article 6

All questions whether in any case the claimant is liable in damages for the arrest of a ship or for the costs of the bail or other security furnished to release or prevent the arrest of a ship, shall be determined by the law of the Contracting State in whose jurisdiction the arrest was made or applied for.

The rules of procedure relating to the arrest of a ship, to the application for obtaining the authority referred to in Article 4, and to all matters of procedure which the arrest may entail, shall be governed by the law of the Contracting State in which the arrest was made or applied for.

#### Article 7

(1) The Courts of the country in which the arrest was made shall have jurisdiction to determine the case upon its merits if the domestic law of the country in which the arrest is made gives jurisdiction to such Courts, or in any of the following cases namely :

- (a) if the claimant has his habitual residence or principal place of business in the country in which the arrest was made;
- (b) if the claim arose in the country in which the arrest was made;
- (c) if the claim concerns the voyage of the ship during which the arrest was made;
- (d) if the claim arose out of a collision or in circumstances covered by Article 13 of the International Convention for the unification of certain rules of law with respect to collisions between vessels, signed at Brussels on 23rd September 1910;<sup>1</sup>
- (e) if the claim is for salvage;
- (f) if the claim is upon a mortgage or hypothecation of the ship arrested.

(2) If the Court within whose jurisdiction the ship was arrested has not jurisdiction to decide upon the merits, the bail or other security given in accordance with Article 5 to procure the release of the ship shall specifically provide that it is given as security for the satisfaction of any judgment which may eventually be pronounced by a Court having jurisdiction so to decide; and the Court

<sup>1</sup> *British and Foreign State Papers*, Vol. CIII, p. 434, and League of Nations, *Treaty Series*, Vol. CCV, p. 220.

or other appropriate judicial authority of the country in which the arrest is made shall fix the time within which the claimant shall bring an action before a Court having such jurisdiction.

(3) If the parties have agreed to submit the dispute to the jurisdiction of a particular Court other than that within whose jurisdiction the arrest was made or to arbitration, the Court or other appropriate judicial authority within whose jurisdiction the arrest was made may fix the time within which the claimant shall bring proceedings.

(4) If, in any of the cases mentioned in the two preceding paragraphs, the action or proceedings are not brought within the time so fixed, the defendant may apply for the release of the ship or of the bail or other security.

(5) This article shall not apply in cases covered by the provisions of the revised Rhine Navigation Convention of 17. October 1868.<sup>1</sup>

#### *Article 8*

(1) The provisions of this Convention shall apply to any vessel flying the flag of a Contracting State in the jurisdiction of any Contracting State.

(2) A ship flying the flag of a non-Contracting State may be arrested in the jurisdiction of any Contracting State in respect of any of the maritime claims enumerated in Article 1 or of any other claim for which the law of the Contracting State permits arrest.

(3) Nevertheless any Contracting State shall be entitled wholly or partly to exclude from the benefits of this Convention any Government of a non-Contracting State or any person who has not, at the time of the arrest, his habitual residence or principal place of business in one of the Contracting States.

(4) Nothing in this Convention shall modify or affect the rules of law in force in the respective Contracting States relating to the arrest of any ship within the jurisdiction of the State of her flag by a person who has his habitual residence or principal place of business in that State.

(5) When a maritime claim is asserted by a third party other than the original claimant, whether by subrogation, assignment or otherwise, such third party shall, for the purpose of this Convention, be deemed to have the same habitual residence or principal place of business as the original claimant.

#### *Article 9*

Nothing in this Convention shall be construed as creating a right of action, which, apart from the provisions of this Convention, would not arise under the law applied by the Court which had seisin of the case, nor as creating any maritime liens which do not exist under such law or under the Convention on Maritime Mortgages and Liens, if the latter is applicable.

<sup>1</sup> De Martens, *Nouveau Recueil général de Traités*, tome XX, p. 355.

*Article 10*

The High Contracting Parties may at the time of signature, deposit or ratification or accession, reserve

- (a) the right not to apply this Convention to the arrest of a ship for any of the claims enumerated in paragraphs *o*) and *p*) of Article 1, but to apply their domestic laws to such claims;
- (b) the right not to apply the first paragraph of Article 3 to the arrest of a ship, within their jurisdiction, for claims set out in Article 1, paragraph *q*).

*Article 11*

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 12*

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 13*

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 14*

(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 15*

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 14 *a*).

*Article 16*

Any High Contracting Party may three years after 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 17*

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 18*

(*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 in Brussels, on 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 :

*Ad referendum:*

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 :

Pour l'Égypte<sup>1</sup> :

For Egypt :

Ahmed HAKKI

6 janvier 1955

<sup>1</sup> Au moment de la signature le Plénipotentiaire égyptien a déclaré formuler les réserves prévues à l'article 10. [TRANSLATION — TRADUCTION] At the time of signing the Convention, the Egyptian Plenipotentiary entered the reservations provided for in article 10.

Pour l'Espagne :

For Spain :

*Ad referendum*

Marquis DE MERRY DEL VAL

Pelegrin BENITO

M. GUBERN PUIG

Pour les États-Unis d'Amérique :

For the United States of America :

Pour la Finlande :

For Finland :

Pour la France :

For France :

Philippe MONOD

Pour la Grèce :

For Greece :

D. CAPSALIS

G. MARIDAKIS

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 Portugal :

For Portugal :

Eduardo VIEIRA LEITÃO

16 octobre 1956

Pour le Royaume-Uni :

For the United Kingdom :

G. St. Cl. PILCHER

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 Yougoslavie :

For Yugoslavia :

Sous réserve de ratification ultérieure<sup>1</sup>

P. NIKOLIC

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<sup>1</sup> Subject to subsequent ratification.

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]

« Primera : Que el párrafo 1º del artículo 3º no puede dar base para embargar un buque que no sea objeto del crédito y que ya no pertenezca a la persona dueña del buque objeto del crédito, según el Registro de Naves del país bajo cuya bandera navega, y aunque antes le haya pertenecido. »

« Segunda : Que no reconoce obligatoriedad a los incisos *a*), *b*), *c*), *d*), *e*) y *f*) del párrafo 1º del artículo 7º, ya que según las leyes de la República, los únicos tribunales competentes para conocer de acciones en cuanto al fondo de un crédito marítimo son los del domicilio del demandante, salvo si se trata de los casos contemplados por las letras *o*), *p*) y *q*), del inciso 1) del artículo 1º o los del Estado bajo cuya bandera navega el barco. »

« El Gobierno de Costa Rica, al ratificar este Convenio, se reserva el derecho de aplicar la Legislación Comercial y de Trabajo sobre el embargo de buques extranjeros que arriben a sus puertos. »

[TRADUCTION]

1. Premièrement, le paragraphe 1 de l'article 3 ne peut pas être invoqué pour saisir un navire auquel la créance ne se rapporterait pas et qui n'appartiendrait plus à la personne qui est propriétaire du navire auquel se rapporte la créance, d'après le registre d'immatriculation du pays dont le navire bat pavillon, même s'il a précédemment appartenu à ladite personne.

Deuxièmement, il ne reconnaît pas le caractère obligatoire des alinéas *a*, *b*, *c*, *d*, *e*, et *f* du paragraphe 1 de l'article 7 puisque d'après la loi de la République, les seuls tribunaux compétents pour statuer sur le fond d'un procès en créance maritime sont ceux du domicile du défendeur, sauf pour les cas prévus aux alinéas *o*, *p* et *q* du paragraphe 1

[TRANSLATION]

1. A ship shall not be arrested in application of paragraph 1 of article 3 if it is not the particular vessel in respect of which the claim arose or if it does not belong to the person who, according to the shipping register of the country whose flag it flies, owns the ship in respect of which the claim arose, even if it formerly did belong to that person.

2. Costa Rica does not recognize article 7, paragraph 1 (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) as binding, since under the law of the Republic the only courts competent to hear cases relating to the substance of a maritime claim are those of the country of domicile of the claimant, except for cases to which article 1, paragraph 1 (*o*), (*p*) and (*q*)

de l'article 1, ou ceux de l'État dont le navire bat pavillon.

Le Gouvernement du Costa Rica, en ratifiant la présente Convention, se réserve le droit d'appliquer les dispositions de la législation du commerce et du travail relatives à la saisie de navires étrangers qui entrent dans ses ports.

### CAMBODGE

Le Gouvernement Royal du Cambodge en adhérant à cette convention, formule les réserves à l'article 10.

### 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 apply the provisions of the said Convention to warships or to vessels owned by or in the service of a State.

“(2) 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 reservations provided for in Article 10 of the said Convention.”

refer, and those of the State whose flag the vessel flies.

In ratifying this Convention, the Government of Costa Rica hereby reserves the right to apply its commercial and labour legislation with regard to the arrest of foreign ships which put in at its ports.

### CAMBODIA

[TRANSLATION — TRADUCTION]

The Royal Government of Cambodia, upon acceding to this Convention, hereby enters the reservations provided for in article 10.

### 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 ladite Convention aux navires de guerre ou aux navires qui appartiennent à un État ou sont à son service.

2. 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 aux réserves prévues à l'article 10 de ladite Convention.