

No. 11766

**FRANCE
and
ALGERIA**

Agreement on maritime transport (with protocol and exchange of letters). Signed at Paris on 24 July 1967

Agreement amending the above-mentioned Agreement (with exchanges of letters). Signed at Algiers on 23 February 1972

Authentic texts: French.

Registered by France on 19 April 1972.

**FRANCE
et
ALGÉRIE**

Accord relatif aux transports maritimes (avec protocole et échange de lettres). Signé à Paris le 24 juillet 1967

Accord portant modification de l'Accord susmentionné (avec échanges de lettres). Signé à Alger le 23 février 1972

Textes authentiques : français.

Enregistrés par la France le 19 avril 1972.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
FRENCH REPUBLIC AND THE GOVERNMENT OF THE
DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA
ON MARITIME TRANSPORT

The Government of the French Republic,

The Government of the Democratic and Popular Republic of Algeria,

Wishing to develop maritime transport between the French Republic and the Democratic and Popular Republic of Algeria through effective co-operation in the use of their resources, in accordance with the provisions of article 6 of the Declaration of Principles concerning Economic and Financial Co-operation of 19 March 1962,²

Have agreed as follows:

TITLE I

MARITIME LINKS BETWEEN FRANCE AND ALGERIA

Article 1

Maritime transport between French ports—excepting those of overseas departments and territories—and Algerian ports may be carried out only by vessels flying the flag of one or the other of the two Contracting Parties, subject to the penalties provided for by their internal legislation on reserved shipping.

For the purposes of the provisions of this Title, the vessels chartered by one or the other of the Contracting Parties shall be considered as flying its flag.

¹ Came into force on 25 September 1967, the date of the last of the notifications by which each of the Contracting Parties informed the other of the completion of the procedures required under its Constitution, in accordance with article 14.

² United Nations, *Treaty Series*, vol. 507, p. 57.

Article 2

The two Governments recognize that the merchant fleets of the two flags are each entitled to an equal share of the traffic determined on the basis of the total value of the freight. The share of the total freight value they shall receive shall be proportional—in accordance with the practice of shipping conferences—to the means of transport actually used by each of the two fleets under the conference agreements.

The two Governments repudiate any form of discrimination between the vessels used for such traffic.

Article 3

The modalities for the application of the provisions of article 2 above shall be established at shipping conferences of the French and Algerian merchant marines providing maritime links between the two countries.

Article 4

The conferences shall be responsible for taking the necessary measures to ensure the organization of maritime traffic in such a way as to permit the optimum operation of the lines.

Article 5

The two Governments shall, as required, take the necessary measures to ensure the organization of maritime traffic between the two countries.

Article 6

Disputes arising at the conferences shall be subject to the arbitration procedure agreed upon by the members of the said conferences. At the request of one of the Contracting Parties, this procedure may be waived and a dispute referred to the two Governments for decision.

TITLE II

CO-OPERATION IN MATTERS CONCERNING
THE MERCHANT MARINE*Article 7*

Algerian seamen shall be allowed on board French vessels and French

seamen on board Algerian vessels, in which case the provisions relating to the nationality of crew members may not be invoked.

The functions of master, officer of the watch or watch-keeper on board the merchant vessels of one of the Contracting Parties may be exercised by seamen of the other Party holding the requisite certificate.

Equivalence between French and Algerian certificates shall be established by agreement between the two Governments.

Article 8

The nationals of each of the two Contracting Parties shall be given every facility to establish and maintain on the territory of the other Party shipping agencies and consignment, handling, maritime transit, towage and inshore-pilotage enterprises, within the framework of the legislation in force in each of the two States.

Article 9

For the purposes of informing each other and harmonizing their respective positions, the French and Algerian merchant marine departments shall consult together before any international maritime conference of joint interest to the two States.

Article 10

The French Government undertakes to admit to its merchant marine schools young Algerians capable of receiving the necessary training to enable them to exercise supervisory functions on board Algerian merchant vessels.

It undertakes to facilitate, as far as its resources allow, the training of Algerian seamen and cadres, in particular by admitting them to the French merchant marine and through trainee programmes.

Article 11

At the request of the Algerian Government, the French Government shall provide assistance in studying the economic and technical problems involved in the operation and development of the merchant fleet.

Article 12

The French and Algerian merchant marine departments shall consult together, as required, in order to harmonize their technical regulations in matters concerning the merchant marine.

TITLE III

GENERAL PROVISIONS

Article 13

The provisions of this Agreement shall not apply to the maritime transport of hydrocarbons which shall continue to be governed by the provisions of the Agreement of 29 July 1965.¹

Article 14

Each of the Contracting Parties shall notify the other of the completion of the procedures required under its Constitution for the entry into force of this Agreement, which shall take effect on the date of the last notification. It may be reviewed at the end of a period of five years after its entry into force. It may not be denounced until the end of that period, subject to prior notice of one year.

Article 15

Any provisions contrary to this Agreement are and shall remain abrogated.

DONE in Paris on 24 July 1967 in duplicate, in the French language.

For the Government
of the French Republic:

[Signed]

HERVÉ ALPHAND

[SEAL]

For the Government
of the Democratic and Popular
Republic of Algeria:

[Signed]

R. MALEK

[SEAL]

¹ United Nations, *Treaty Series*, vol. 739, p. 143.

PROTOCOL ANNEXED TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA ON MARITIME TRANSPORT

The Government of the French Republic and the Government of the Popular and Democratic Republic of Algeria shall do everything possible to permit the entry into force—on 1st October 1967 at the latest—of the Agreement on Maritime Transport signed on today's date.

The merchant marine departments of the two Contracting Parties shall invite their respective merchant marines, once the said Agreement has been signed, to begin organizing traffic between France and Algeria.

DONE in Paris, on 24 July 1967 in duplicate, in the French language.

For the Government
of the French Republic:

[Signed]
HERVÉ ALPHAND

For the Government
of the Democratic and Popular
Republic of Algeria:

[Signed]
R. MALEK

EXCHANGE OF LETTERS

I

EMBASSY OF THE DEMOCRATIC AND POPULAR
REPUBLIC OF ALGERIA

The Ambassador

Sir,

In response to a request made by the French delegation during the negotiations which led to the conclusion of the Agreement on Maritime Transport, signed on today's date, I have the honour to confirm that my Government intends to invite the Algerian merchant marine, at the Franco-Algerian

conferences, to have recourse to French vessels, as a matter of preference, under normal conditions of competition.

Accept, Sir, etc.

Paris, 24 July 1967

Ambassador Extraordinary and Plenipotentiary
of the Democratic and Popular Republic of Algeria:

[Signed]
RÉDHA MALEK

Mr. Hervé Alphand
Ambassador of France
Secretary-General
of the Ministry of Foreign Affairs
Paris

II

MINISTRY OF FOREIGN AFFAIRS

Ambassador of France
Secretary-General

Paris, 24 July 1967

Sir,

I have the honour to acknowledge receipt of your letter dated 24 July 1967, which reads as follows:

[See letter I]

I thank you for this communication and ask you to accept, Sir, etc.

H. ALPHAND

His Excellency Mr. Rédha Malek
Ambassador of Algeria
Paris

AGREEMENT¹ AMENDING THE FRANCO-ALGERIAN
AGREEMENT OF 24 JULY 1967² ON MARITIME TRANS-
PORT

Article 1

The Franco-Algerian Agreement of 24 July 1967² on Maritime Transport is amended as follows:

1. In article 2 the word “appropriate” should be inserted before the words “means of transport”.

2. Article 13 is abrogated and replaced by the following provisions:

Article 13 (new)

The provisions of this Agreement shall not apply to the maritime transport of hydrocarbons.

3. Article 14 is abrogated and replaced by the following provisions:

Article 14 (new)

This Agreement may be denounced from 1 October 1976 onwards. However, such denunciation shall not take effect until after a period of one year.

Article 2

This Agreement shall enter into force on the day of its signature.

DONE at Algiers on 23 February 1972 in duplicate.

For the Government
of the Democratic and Popular
Republic of Algeria:

[Signed]
A. SALAH-BEY

For the Government
of the French Republic:

[Signed]
J. VELITCHKOVITCH

¹ Came into force on 23 February 1972 by signature, in accordance with article 2.

² See p. 395 of this volume.

EXCHANGES OF LETTERS

I a

THE SECRETARY-GENERAL OF THE MERCHANT MARINE

Algiers, 23 February 1972

Sir,

In the course of the negotiations which culminated in the conclusion of a new Agreement on Maritime Transport which we signed today, it appeared necessary to specify the conditions of application of article 6 of the Agreement of 24 July 1967 and, in particular, of the first sentence of that article which concerns the arbitration procedure followed at the conferences convened for the purpose of organizing the maritime trade between the two countries.

Under the terms of that text and of the conference agreements, when a dispute arises, the French merchant marine and the Algerian merchant marine each are to appoint an arbitrator who, with his colleague, is to nominate a third arbitrator, where necessary.

To facilitate the smooth operation of this procedure, which is to become the normal mode of settlement of disputes arising at the conferences, the French Government expresses the wish that, a third arbitrator is needed, the arbitrators chosen by the two merchant marines should request the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) to appoint the third arbitrator.

Naturally, these provisions in no way affect the rights which the Contracting Parties derive from the second sentence of article 6 of the Agreement of 24 July 1967.

I would be grateful if you would inform me whether the above proposals meet with the approval of your Government. If so, this letter and your reply, which will form part of the Agreement on Maritime Transport concluded this day, will constitute the agreement of our two Governments on this point.

Accept, Sir, etc.

[Signed]

J. VELITCHKOVITCH

Mr. A. Salah-Bey
President of the Algerian delegation

II a

DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA
MINISTRY OF STATE FOR TRANSPORTGeneral Secretariat
The Secretary-General

Algiers, 23 February 1972

Sir,

In your letter of 23 February 1972, you informed me of the following:

[See letter I a]

I have the honour to inform you that my Government agrees to the foregoing.

Accept, Sir, etc.

Mr. J. Velitchkovitch
President of the French delegation[Signed]
A. SALAH-BEY

I b

DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA
MINISTRY OF STATE FOR TRANSPORTGeneral Secretariat
The Secretary-General

Algiers, 23 February 1972

Sir,

In the course of the negotiations which culminated in the conclusion of a new Agreement on Maritime Transport, which we signed today, it appeared necessary to the Algerian delegation, to meet its legitimate concern, that the two delegations should undertake to open special negotiations on the social welfare system applicable to seamen, within 15 days, with a view to achieving the final settlement of all the problems resulting in particular from the termination of the activities of the National Institution for Disabled Seamen (Etablissement national des invalides de la marine — ENIM) in Algeria and from the fact that the Institution for the Social Welfare of Seamen (Etablissement de protection sociale des gens de mer — EPSGM) has

assumed responsibility for the seamen residing in Algeria previously affiliated to ENIM, as well as the rapid settlement of problems relating to Algerian seamen employed on board French vessels and French seamen employed on board Algerian vessels.

I would be grateful if you would inform me whether the above proposals meet with the approval of your Government.

[Signed]
A. SALAH-BEY

Mr. J. Velitchkovitch
President of the French delegation

II b

THE SECRETARY-GENERAL OF THE MERCHANT MARINE

Algiers, 23 February 1972

Sir,

In your letter dated 23 February 1972, you informed me of the following:

[See letter I b]

I have the honour to inform you that my Government agrees to the opening of the negotiations referred to above under the conditions specified in the foregoing text.

Accept, Sir, etc.

[Signed]
J. VELITCHKOVITCH

Mr. A. Salah-Bey
President of the Algerian delegation