

No. 18204

**UNION OF SOVIET SOCIALIST REPUBLICS
and
JAMAICA**

**Agreement on merchant navigation. Signed at Kingston on
7 April 1978**

Authentic texts: Russian and English.

*Registered by the Union of Soviet Socialist Republics on 28 December
1979.*

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
JAMAÏQUE**

**Accord relatif aux transports maritimes. Signé à Kingston le
7 avril 1978**

Textes authentiques: russe et anglais.

*Enregistré par l'Union des Républiques socialistes soviétiques le
28 décembre 1979.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF JAMAICA ON MERCHANT NAVIGATION

°The Government of the Union of Soviet Socialist Republics and the Government of Jamaica,

Desiring to develop merchant navigation between the two countries and to contribute to the development of international navigation on the basis of the principles of the freedom of navigation,

Have agreed as follows:

Article 1. 1. The term “member of the crew” shall mean the master and any person actually employed for duties on board during a voyage in the working or service of a vessel and included in the crew list.

2. The term “merchant navigation” shall not include national cabotage.

3. The term “vessel of the Contracting Party” shall mean any vessel registered in the shipping register of this Party and flying its flag. The term shall not, however, include ships of war.

Article 2. The Contracting Parties shall cooperate in promoting the freedom of merchant navigation and shall refrain from any actions which might cause harm to the normal development of international navigation.

Article 3. The Contracting Parties shall, in conformity with their respective laws, continue their efforts to maintain and to develop effective working relationships between the authorities responsible for maritime transport in their countries. In particular, the Contracting Parties agree to carry on mutual consultations, to exchange information between the Government Departments responsible for maritime affairs in their countries and to encourage the development of contacts between their respective shipping organizations and shipping industries.

Article 4. 1. The Contracting Parties agree:

- (a) To promote participation of their vessels in sea trade between the two countries;
- (b) To cooperate in the elimination of the obstacles which might hamper the development of sea trade between the ports of the two countries;
- (c) Not to preclude charterers, shippers and receivers to utilize the ships of one Contracting Party in sea trade between the ports of the other Contracting Party and the ports of third countries, subject to any legislation and international obligations of both Contracting Parties.

2. The provisions of this article shall not affect the right of the vessels of third countries to participate in sea trade between the ports of the Contracting Parties.

¹ Came into force on 7 April 1978 by signature, in accordance with article 19.

Article 5. Unless otherwise provided by this Agreement, each Contracting Party shall grant to the other Contracting Party most-favoured-nation treatment in all the matters concerning merchant navigation.

Article 6. The most-favoured-nation treatment provided for in this Agreement shall not apply to:

- (a) Benefits, favours, privileges and exemptions which have been granted or may in the future be granted by either Contracting Party to any country which is a member of a free trade area, or other regional or sub-regional integration movement, of which the Contracting Party granting them is a member, in accordance with the progress of its relations with the members of that movement;
- (b) Benefits, favours, privileges and exemptions which have been granted or may in the future be granted by Jamaica to any other developing country;
- (c) Benefits, favours, privileges and exemptions accorded by Jamaica within the framework of the Commonwealth of Nations.

Article 7. The Contracting Parties shall, in conformity with their laws and port regulations, adopt all appropriate measures to facilitate and expedite maritime traffic, to prevent unnecessary delays to vessels, and to expedite and simplify as much as possible the carrying out of Customs and other formalities applicable in ports.

Article 8. 1. Subject to the provisions of paragraph 2 of this article, the documents certifying the nationality of vessels and other ship's documents issued by one Contracting Party shall be recognised by the other Contracting Party.

2. Notwithstanding the existence of a certificate issued by one Contracting Party in respect of the tonnage of its vessel, the competent authorities of the other Contracting Party may, if they deem fit, by measurement of that ship determine its net tonnage in accordance with the laws of that Contracting Party.

Article 9. Each Contracting Party shall grant to seamen who hold documents of identity issued by the competent authorities of the other Contracting Party the rights provided in articles 10 and 11 of this Agreement. The relevant documents of identity are:

- (a) For seamen of Soviet vessels, a U.S.S.R. Seaman's Passport; and
- (b) For seamen of Jamaican vessels, a Seaman's Certificate of Nationality and Identity.

Article 10. 1. Holders of seamen's documents of identity specified in article 9 of the present Agreement who are members of the crew of a vessel of the Contracting Party which issued such documents shall be permitted temporary shore leave without visas during the stay of that vessel in a port of the other Contracting Party, provided that the master of the vessel has, in accordance with the regulations in force in regard to that port, submitted to the competent authorities the list of the members of the crew of that vessel.

2. Members of the crew of a vessel when landing and returning to a vessel shall be subject to frontier and Customs control in relation to that port.

Article 11. 1. Holders of seamen's documents of identity specified in article 9 of this Agreement and issued by one Contracting Party shall, while using any

means of transport, be permitted to enter the territory of the other Contracting Party or to pass through its territory in transit whenever they are on their way to their vessel or moving to another vessel or on the way to the motherland or are travelling for any other purpose which is approved by the other Contracting Party.

2. In all cases specified in paragraph 1, seamen of one Contracting Party must be in possession of visas issued by the competent authorities of the other Contracting Party. Such visas shall be issued with the minimum possible delay.

3. Where the holder of a seaman's document of identity is not a citizen of either Contracting Party, the visa specified in the present article for entry into or transit passage via the territory of a Contracting Party shall be granted provided that the competent authorities are satisfied that the seaman has a right to return to the territory of the Contracting Party which issued the seaman's document of identity.

Article 12. Each Contracting Party reserves the right to deny seamen whom it considers undesirable entry into its territory.

Article 13. 1. The judicial authorities of one Contracting Party shall not entertain proceedings arising out of a contract of service of a person in his capacity as a member of the crew of a vessel of the other Contracting Party unless the competent diplomatic or consular official of that other Contracting Party consents to such proceedings.

2. The criminal jurisdiction of one Contracting Party shall not be exercised in respect of an offence committed on board a vessel of the other Contracting Party while in the internal waters of the former Contracting Party, without the consent of the competent diplomatic or consular official of the flag state of the vessel, unless in the opinion of the local competent authorities:

- (a) The consequences of the offence extend to the territory of the host country; or
- (b) The offence is of a kind to disturb the peace, public order or security of the host country; or
- (c) The offence constitutes a grave crime; or
- (d) The offence has been committed by a person other than a member of the crew of that vessel.

3. The provisions of paragraph 2 of this article do not affect the right of control and inquiry, which the authorities of each Contracting Party have under their legislation.

Article 14. An enterprise which has its central management and control in the territory of one Contracting Party shall be exempt from income tax in the territory of the other Contracting Party on profits from the operation of ships other than profits from voyages of ships confined solely to places in the territory of that other Contracting Party.

Article 15. 1. If a vessel of one of the Contracting Parties suffers shipwreck, runs aground, is cast ashore or suffers any other accident off the coast of the other Contracting Party, the vessel and the cargo shall enjoy, in the territory of the latter Party, the same benefits which are accorded to a national vessel or cargo.

2. The crew and passengers as well as the vessel itself and its cargo shall be granted, at any time, help and assistance to the same extent as in the case of a national vessel.

3. The cargo and articles unloaded or saved from the vessel specified in paragraph 1, provided they are not delivered for use or consumption in the territory of the other Contracting Party, shall not be liable to any customs duties.

Article 16. The Contracting Parties shall assist in establishing in their respective territories representations of the shipping organisations of the other Contracting Party. The character and activity of such representations shall be subject to the legislation and rules of the host country.

Article 17. 1. For the purpose of implementing the present Agreement, a joint Commission is hereby established.

2. Meetings of the Commission shall be convened at the request of either Contracting Party.

3. Membership and scope of activity of the Commission shall be determined by the Contracting Parties.

Article 18. This Agreement may at any time be amended by consent of both Contracting Parties.

Article 19. This Agreement shall enter into force on the date of its signature and shall be valid for an indefinite period. Either Contracting Party, may, however, terminate it by giving to the other Contracting Party in advance not less than twelve months' written notice of its intention to terminate the Agreement.

DONE in duplicate at Kingston, Jamaica, this 7th day of April 1978 in the Russian and English languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics:

[Signed—Signé]¹

For the Government
of Jamaica:

[Signed—Signé]²

¹ Signed by A. Goldobenko—Signé par A. Goldobenko.

² Signed by G. Clark—Signé par G. Clark.