

No. 18988

**UNION OF SOVIET SOCIALIST REPUBLICS
and
GUINEA-BISSAU**

**Agreement on merchant shipping. Signed at Bissau on
25 November 1975**

Authentic texts: Russian and Portuguese.

Registered by the Union of Soviet Socialist Republics on 18 July 1980.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
GUINÉE-BISSAU**

**Accord relatif à la navigation marchande. Signé à Bissau le
25 novembre 1975**

Textes authentiques : russe et portugais.

*Enregistré par l'Union des Républiques socialistes soviétiques le 18 juillet
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[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE REPUBLIC OF GUINEA-BISSAU ON MERCHANT SHIPPING

The Government of the Union of Soviet Socialist Republics and the Government of the Republic of Guinea-Bissau, desiring to develop merchant shipping between the two countries and to contribute to the development of international navigation on the basis of the principles of the freedom of merchant shipping, have decided to conclude the following Agreement.

Article 1. For the purposes of this Agreement:

1. The term “vessel of a Contracting Party” shall mean any vessel entered in the shipping register of that Party and sailing under its flag. The term shall not, however, include warships.

2. 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.

Article 2. The Contracting Parties shall facilitate the freedom of merchant shipping in every possible way and shall refrain from any actions which might harm the normal development of international navigation.

Article 3. The Contracting Parties shall make every effort, within the limits of their respective legislation, to support and develop effective business relations between the authorities responsible for maritime transport in their countries. In particular, the Contracting Parties agree to hold mutual consultations and exchange information between the governmental organs responsible for maritime affairs in their countries and to encourage the development of contacts between their respective shipping enterprises.

Article 4. 1. The Contracting Parties agree to:

- (a) Promote the participation of vessels of the Union of Soviet Socialist Republics and the Republic of Guinea-Bissau in trade between the ports of the two countries;
- (b) Co-operate in the removal of obstacles which might hamper the development of trade between the ports of the two countries;
- (c) Refrain from impeding the participation of vessels of one Contracting Party in trade between the ports of the other Contracting Party and the ports of third countries.

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

¹ Came into force on 29 June 1979, i.e., 30 days after the date of the last of the notifications by which the Contracting Parties informed each other of the completion of the required legislative procedures, in accordance with article 16.

Article 5. 1. In respect of free access to ports, the use of ports for loading and unloading, the taking on and discharging of passengers, the payment of shipping and other charges and taxes, the use of navigation services and the execution of normal commercial operations, each Contracting Party shall accord to the vessels of the other Contracting Party engaged in international transport the same treatment that it accords to the vessels of any third country.

2. The provisions of paragraph 1 of this article shall not:

- (a) Extend to ports which are not open to foreign vessels;
- (b) Apply to activities reserved by each Contracting Party for its own respective organizations or enterprises, including, specifically, the domestic coasting trade and fishing;
- (c) Oblige one Contracting Party to extend to the vessels of the other Contracting Party exemptions from the regulations concerning obligatory pilotage granted to its own vessels;
- (d) Affect the application of the regulations concerning the admission and stay of aliens.

Article 6. The Contracting Parties shall, within the limits of their legislation and port regulations, take all necessary measures to facilitate and expedite maritime transport, to prevent unnecessary delays of vessels and, where possible, to expedite and simplify the completion of customs and other port formalities.

Article 7. 1. Documents certifying the nationality of vessels, tonnage certificates and other ship's documents issued or recognized by one Contracting Party shall also be recognized by the other Contracting Party.

2. Vessels of each Contracting Party carrying a lawfully issued tonnage certificate shall be exempt from remeasurement in the ports of the other Party.

Article 8. Each Contracting Party shall grant to holders of seamen's identity documents issued by the competent authorities of the other Contracting Party the rights laid down in articles 9 and 10 of this Agreement, provided that the relevant conditions are met. These identity documents shall be:

- For seamen of Soviet vessels, a USSR seaman's passport;
- For seamen of Guinea-Bissau vessels, a seaman's identity document and a Guinea-Bissau passport.

Article 9. Holders of the seamen's identity documents specified in article 8 of this Agreement who are members of the crew of a vessel of one Contracting Party shall be permitted to take shore leave without visas while that vessel is lying in a port of the other Contracting Party, provided that the relevant crew list has been submitted to the competent authorities in accordance with the regulations in force in that port.

When going ashore and returning to the vessel, those persons shall submit to the frontier and customs controls in force in that port.

Article 10. 1. Holders of the seamen's identity documents specified in article 8 of this Agreement shall be permitted to enter the territory of the other Contracting Party as passengers by any means of transport or to pass through that territory in transit when travelling to join their ship, to transfer to another ship, for repatriation or for any other purpose approved by the authorities of the other Contracting Party.

2. In all the cases referred to in paragraph 1, seamen must be in possession of the appropriate visas of the other Contracting Party, which shall be issued by the competent authorities as quickly as possible.

3. Where the holder of the seamen's identity document referred to in article 8 of this Agreement is not a national of either Contracting Party, the visa specified in this article for entry onto or transit through the territory of the other Contracting Party shall be granted, provided that the holder is guaranteed the right to return to the territory of the Contracting Party which issued the seamen's identity document.

Article 11. 1. Except as otherwise provided in articles 8 to 10 of this Agreement, the regulations governing the admission, stay and departure of aliens shall remain in force in the territory of the Contracting Parties.

2. Each Contracting Party reserves the right to refuse admission to its territory to seamen whom it regards as undesirable.

Article 12. 1. The judicial authorities of one Contracting Party shall entertain proceedings arising from a contract of service as a member of the crew on board a vessel of the other Contracting Party only with the consent of a competent diplomatic or consular official of the other Party.

2. Where a member of the crew of a vessel of one Contracting Party commits an offence on board that vessel while it is in the internal waters of the other Contracting Party, the authorities of the latter Party shall not institute legal proceedings against him without the consent of a competent diplomatic or consular official of the vessel's flag State.

3. The provisions of paragraph 2 of this article shall not apply in respect of any offence committed on board a vessel of one Contracting Party if:

- (a) The consequences of the offence extend to the territory of the other Party; or
- (b) The offence affects public order in the territory of the latter Party or that Party's security; or
- (c) The offence constitutes a grave crime under the laws of that Party; or
- (d) The offence was committed against a person other than a member of the crew of that vessel; or
- (e) The institution of proceedings is necessary for the suppression of illicit traffic in narcotic drugs.

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

Article 13. 1. If a vessel of one Contracting Party suffers shipwreck, runs aground, is cast ashore or sustains any other damage on or near the coast of the other Contracting Party, the vessel and the cargo shall enjoy, in the territory of the latter Party, the same benefits and privileges, and shall incur the same liability, as a vessel of the latter Party and its cargo.

2. Aid and assistance shall be afforded at all times, and in the same measure as in the case of vessels of the latter Party, to the crew members and passengers and to the vessel and its cargo.

3. The damaged vessel, its cargo, equipment and rigging, and supplies and other objects from the vessel shall be exempt from customs duties and any other im-

port charges unless they are delivered for use or consumption in the territory of the other Contracting Party.

4. Nothing in the provisions of paragraph 3 of this article shall be construed in such a manner as to impede the application of the laws and regulations of the Contracting Parties concerning the temporary storage of goods.

5. The provisions of this article shall not affect the right to institute proceedings for salvage, aid or assistance in respect of the vessel and its passengers, crew and cargo.

Article 14. 1. Each Contracting Party shall grant compensation for claims on the basis of a decision handed down by a court of the other Contracting Party in a civil case relating to:

(a) The use of a vessel owned, operated or fully chartered by the first Contracting Party; or

(b) The transport of passengers or cargoes on board such a vessel.

2. In the territory of one Contracting Party, a vessel owned by the other Contracting Party shall not be subject to seizure in connection with any civil case referred to in paragraph 1, provided that the owner of the vessel indicates his representative in the territory of the first Contracting Party.

Article 15. 1. In order to ensure the implementation of this Agreement, a Joint Commission shall be established which shall present appropriate recommendations to the competent authorities of the two Parties. It shall meet at the request of either Party at least once a year.

2. The membership and mandate of the Commission referred to in paragraph 1 shall be determined by the competent maritime authorities of the Contracting Parties.

Article 16. Each Contracting Party shall notify the other Party of the completion of the procedures required under its domestic law for the entry into force of this Agreement, which shall enter into force 30 days after the date of the last notification.

This Agreement shall remain in force until the expiry of 12 months after either Contracting Party informs the other Party of its wish to denounce it.

DONE at Bissau on 25 November 1975 in duplicate in the Russian and Portuguese languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics:

[V. SEMENOV]

For the Government
of the Republic of Guinea-Bissau:

[O. SHAKHT]