

**No. 18991**

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
ZAIRE**

**Agreement on maritime navigation. Signed at Moscow on  
10 December 1976**

*Authentic texts: Russian and French.*

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

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
ZAÏRE**

**Accord sur la navigation maritime. Signé à Moscou le  
10 décembre 1976**

*Textes authentiques : russe et français.*

*Enregistré par l'Union des Républiques socialistes soviétiques le 18 juillet  
1980.*

[TRANSLATION—TRADUCTION]

**AGREEMENT<sup>1</sup> BETWEEN THE UNION OF SOVIET SOCIALIST  
REPUBLICS AND THE EXECUTIVE COUNCIL OF THE  
REPUBLIC OF ZAIRE ON MARITIME NAVIGATION**

The Government of the Union of Soviet Socialist Republics and the Executive Council of the Republic of Zaire,

Desiring to develop co-operation between the two countries in maritime navigation, and

Recognizing that the growth of navigation between the USSR and the Republic of Zaire will help to consolidate the friendly relations which have grown up between them,

Have agreed as follows:

*Article 1.* For the purposes of this Agreement:

1. The term “vessel of a Contracting Party” means any merchant vessel flying that Party’s flag in accordance with its laws and registered in one of its ports. The term does not include warships.

2. The term “crew member” means any person included in the crew list and actually employed on board during a voyage in duties related to the operation of or provision of services on the vessel.

*Article 2.* The provisions of this Agreement shall not apply to activities and transport legally reserved by either Party for itself, in particular port services, towage, pilotage, national cabotage, marine fishing and internal navigation.

*Article 3.* The Contracting Parties affirm their commitment to the principle of freedom of maritime navigation and agree to refrain from any discriminatory action which might impair the normal conduct of international shipping.

*Article 4.* The Contracting Parties agree to encourage the development of efficient and practical co-operation between the authorities responsible for maritime transport in their countries with a view to the facilitation and development of maritime transport between the ports of the Contracting Parties.

*Article 5.* 1. The Contracting Parties agree to encourage participation by vessels of the Union of Soviet Socialist Republics and of the Republic of Zaire in the transport of cargo and passengers between the ports of the two countries and not to hinder vessels flying the flag of the other Contracting Party in the conduct of maritime transport between ports in their country and ports in third countries.

2. The provisions of this article are without prejudice to the right of vessels flying the flags of third countries to engage in maritime transport between ports of the Contracting Parties.

*Article 6.* 1. Each Contracting Party shall in its own ports afford to vessels of the other Party the same treatment as to its own vessels in respect of the collection of port dues and charges, freedom of access to ports, their use and the use of all the facilities which it offers in connection with shipping and commercial

<sup>1</sup> Came into force on 19 May 1979, i.e., 30 days after the date of the last of the notifications confirming the completion of the required legislative procedures, in accordance with article 18 (l).

operations to vessels, their crews, passengers and cargo, and in the provision of wharfage and loading and unloading facilities.

2. The provisions of paragraph 1 of this article shall not extend to ports closed to foreign vessels.

*Article 7.* The Contracting Parties shall, subject to their legislation and port regulations, take the necessary steps to minimize the time vessels spend lying in harbour, and to simplify and facilitate the administrative, customs and health formalities in force.

*Article 8.* The document establishing a vessel's nationality, tonnage certificates, and other ship's papers issued or recognized by one of the Contracting Parties shall also be recognized by the other Party.

*Article 9.* Each Contracting Party shall accord to bearers of seamen's identity documents issued by the competent authorities of the other Contracting Party the rights enumerated in articles 10 and 11 of this Agreement. Such identity documents shall be:

- In the case of seamen of Soviet vessels, the "USSR seaman's passport", and
- In the case of seamen of Zairian vessels, the "seaman's book".

*Article 10.* Persons bearing the identity documents specified in article 9 of this Agreement may, as crew members of a vessel of one Contracting Party, go ashore without obtaining a visa while the vessel is lying in a port of the other Contracting Party, provided that such persons are entered on a list of the vessel's crew submitted to the port authorities in conformity with port regulations.

When going ashore and returning to the vessel, such persons shall be subject to customs and border controls.

*Article 11.* 1. Persons bearing the identity documents of one of the Contracting Parties specified in article 9 of this Agreement but not included on the crew list of any vessel shall be entitled to pass through the territory of the other Contracting Party in order to join their vessel in a port of that Party, provided that their identity documents bear a visa issued by that Party and that they hold an embarkation order. Such visas shall be issued by the competent authorities of each Contracting Party as quickly as possible.

2. If a crew member bearing an identity document specified in article 9 goes ashore in a port of the other Contracting Party for reasons of illness, on official business or in other circumstances deemed acceptable by the competent local authorities, that Party shall give the necessary permission to the person concerned to pass through its territory and to return to his home country or proceed to join a vessel in another port.

3. Transit by the above-mentioned persons through the territory of either Contracting Party to their destination shall be governed by the regulations applicable in that territory to the movement of aliens.

*Article 12.* Each Contracting Party reserves the right to refuse admission into its territory to persons bearing recognized seamen's identity documents whom it regards as undesirable.

*Article 13.* 1. The legal authorities of one Contracting Party shall entertain civil proceedings arising out of disputes between the captain and any crew

member of a vessel of the other Contracting Party regarding payment or contractual status only at the request or with the consent of the consular officer of the vessel's flag country.

2. The administrative and legal authorities of one Contracting Party shall intervene in the event of legal offences committed aboard a vessel of the other Contracting Party within a port of the first-mentioned Party only in the following circumstances:

- (a) If the consul has requested or consented to intervention;
- (b) If the offence or its consequences are of such a nature as to disturb the peace or public order on land or in the port, or to affect public security;
- (c) If persons other than the crew of the vessel are involved.

3. The provisions of this article are without prejudice to the rights of local authorities to enforce customs and health legislation and regulations or other regulatory provisions relating to the security of vessels and ports, the preservation of human life, the protection of cargoes and the admission of aliens.

*Article 14.* Enterprises of one Contracting Party shall not be subject to taxation by the other Party on profits and income which they derive from the operation in international transport of vessels belonging to or chartered by them.

The provisions of this article shall not affect the existing legislation of either Contracting Party relating to subsidiaries of foreign companies operating in the territory of either Party.

*Article 15.* 1. If a vessel of either Contracting Party runs into difficulties in the waters of the other Contracting Party, the competent authorities of the latter Party shall afford the vessel, its crew, passengers and cargo the same aid and assistance as a vessel flying the national flag.

2. Cargo and items removed or recovered from the vessel referred to in paragraph 1 shall not be subject to customs duty, provided that they are not made available for consumption or use in the territory of the other Contracting Party.

*Article 16.* Each Contracting Party pledges that its competent authorities will render assistance to organizations and individuals of the other Party representing within its territory the interests of that other Party's shipping enterprises.

The activities of such organizations and individuals shall be subject to the laws and regulations in force in the territory of the receiving country.

*Article 17.* 1. In order to secure the fullest observance of this Agreement there shall be established a Joint Commission to formulate recommendations for the competent authorities of both Parties. This Joint Commission shall meet at the request of either Party.

2. The composition and sphere of activity of the Commission referred to in paragraph 1 shall be determined in consultations between the competent maritime authorities of the Contracting Parties.

*Article 18.* 1. Each Contracting Party shall notify the other Party of completion of the procedures required under its legislation for the entry into force of this Agreement, which shall take effect 30 days after the date of the later notification.

2. This Agreement is concluded for a period of five years, commencing from the date of its entry into force.

3. Upon expiry of this first period, this Agreement shall automatically be renewed, for the same period each time, unless it is denounced by one of the Contracting Parties with six months' prior notice.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement and affixed thereto their seals.

DONE at Moscow on 10 December 1976 in two original copies, each in the Russian and French languages, both texts being equally authentic.

For the Government of the Union  
of Soviet Socialist Republics:

[Signed]

T. B. GUJENKO

For the Executive Council  
of the Republic of Zaire:

[Signed]

DUGA KUGBE-TORO