

**No. 19747**

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
MADAGASCAR**

**Agreement on commercial maritime navigation. Signed at  
Antananarivo on 18 October 1979**

*Authentic texts: Russian and French.*

*Registered by the Union of Soviet Socialist Republics on 16 April 1981.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
MADAGASCAR**

**Accord sur la navigation maritime commerciale. Signé à  
Antananarivo le 18 octobre 1979**

*Textes authentiques : russe et français.*

*Enregistré par l'Union des Républiques socialistes soviétiques le 16 avril  
1981.*

## [TRANSLATION—TRADUCTION]

**AGREEMENT<sup>1</sup> BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF MADAGASCAR ON COMMERCIAL MARITIME NAVIGATION**

The Government of the Union of Soviet Socialist Republics and the Government of the Democratic Republic of Madagascar,

Desiring to develop co-operation between the two countries in maritime navigation based on the principles of full equality, respect for sovereignty, non-interference in internal affairs and mutual advantage, and

Recognizing that the growth of navigation between the USSR and the Democratic Republic of Madagascar 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 or provision of services on the vessel.

3. “Commercial maritime navigation” does not include activities legally reserved by either Party for itself, in particular port services, towage, pilotage, national cabotage and marine fishing.

*Article 2.* The Contracting Parties affirm their commitment to the principle of freedom of commercial maritime navigation and agree to refrain from any discriminatory action which might impair the normal conduct of international shipping.

*Article 3.* 1. The Contracting Parties agree to promote 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.

2. The Contracting Parties also agree to collaborate in training personnel for maritime transport.

*Article 4.* 1. The Contracting Parties undertake to accord priority to vessels of the Union of Soviet Socialist Republics and of the Democratic Republic of Madagascar as regard 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.

<sup>1</sup> Applied provisionally on 18 October 1979, the date of signature, and came into force definitively on 14 January 1980, the date on which the Contracting Parties had notified each other of the completion of their respective constitutional procedures, in accordance with article 16.

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 5.* 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 utilization and the use of all the facilities which it offers in connection with shipping and commercial operations to vessels, their crews, passengers and cargo.

2. The provisions of paragraph 1 shall not apply to navigation, activities and transport legally reserved for itself by either Party.

*Article 6.* 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 7.* 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 8 and 9 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 Malagasy vessels, the "professional seaman's book".

*Article 8.* Persons bearing the identity documents specified in article 7 of this Agreement may, as crew members of a vessel of one Contracting Party, go ashore without 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 the law and port regulations.

When going ashore and returning to the vessel, such persons must go through customs and border controls.

*Article 9.* 1. Persons bearing the identity documents of one of the Contracting Parties specified in article 7 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 the latter 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 7 goes ashore in a port of the other Contracting Party for reasons of illness, employ 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 another port of embarkation.

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 10.* 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 11.* 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 a diplomatic or consular representative of the vessel's flag country.

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

- (a) If a diplomatic or consular representative has requested or consented to intervention;
- (b) If the offence or its consequences are of such nature as to disturb the peace or public order on land, in the port or in territorial waters, 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, the suppression of illicit trade in narcotics and the admission of aliens.

*Article 12.* 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.

*Article 13.* 1. If a vessel of either Contracting Party runs into difficulties in the water 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 14.* 1. Vessels of a Contracting Party shall, while in ports of the other Party, use the services of the national agencies designated by that other Party.

2. The application of paragraph 1 shall be the subject of understanding or agreement among the above-mentioned agencies of a Contracting Party and the shipping companies of the other Party.

*Article 15.* 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, in the Soviet Union and in the Democratic Republic of Madagascar alternately, 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 16.* This Agreement shall enter into force provisionally from the date of its signature and definitively from the date of mutual notification by the Contracting Parties that the requisite constitutional procedures in each country have been completed.

*Article 17.* 1. This Agreement shall have effect for three years commencing upon the date of its signature.

2. 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 at any time with six months' prior notice.

DONE at Antananarivo on 18 October 1979 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]

A. ALEKSEEV

Ambassador Extraordinary and  
Plenipotentiary of the USSR to Madagascar

For the Government of the Democratic  
Republic of Madagascar:

[Signed]

JEAN BEMANANJARA

Minister of Transport, Supplies  
and Tourism