

No. 19743

**UNION OF SOVIET SOCIALIST REPUBLICS
and
LIBYAN ARAB JAMAHIRIYA**

**Agreement concerning maritime navigation. Signed at
Moscow on 9 December 1976**

Authentic texts: Russian and Arabic.

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

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
JAMAHIRIYA ARABE LIBYENNE**

**Accord relatif à la navigation maritime. Signé à Moscou
le 9 décembre 1976**

Textes authentiques: russe et arabe.

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

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE LIBYAN ARAB JAMAHIRIYA CONCERNING MARITIME NAVIGATION

The Government of the Union of Soviet Socialist Republics and the Government of the Libyan Arab Jamahiriya,

Desiring to develop merchant shipping between the two countries and to further the development of international navigation on the basis of the principles of the freedom of navigation, have decided to conclude this 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, auxiliary warships or vessels used for non-commercial purposes.

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 continue their efforts, within the limits of their respective legislation, to support and develop working relations between the authorities responsible for maritime transport in their countries. In particular, the Contracting Parties agree to continue mutual consultations and the exchange of information between the governmental bodies responsible for maritime transport in their countries and to encourage the development of contacts between their respective shipping organizations and enterprises.

Article 3. 1. The Contracting Parties, in accordance with article 2 of this Agreement, agree to:

- a) Promote the participation of vessels of the Union of Soviet Socialist Republics and of the Libyan Arab Jamahiriya in maritime transport between the ports of their countries;
- b) Co-operate in removing obstacles which may impede the development of maritime transport between the ports of their countries;
- c) Refrain from impeding the participation of vessels of one Contracting Party in maritime transport between the ports of the other Contracting Party and ports of third countries, in accordance with the laws and regulations of each Contracting Party.

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

Article 4. In all matters relating to merchant shipping, the Contracting Parties shall accord to each other most-favoured-nation status, in particular

¹ Came into force on 7 December 1978, the day when the Contracting Parties affirmed by means of an exchange of notes that the Agreement had been approved in accordance with their legislation, in accordance with article 15 (1).

through the provision to vessels of the other Contracting Party all possible facilities in respect of access to, berthing in and exit from ports, anchorages, and the use of services provided for navigation, loading and unloading of cargoes and in respect of commercial transactions connected with the vessels and their cargoes and passengers.

Article 5. Each Contracting Party shall, within the limits of its legislation and port regulations, take all necessary measures to facilitate maritime transport, to reduce the time vessels lie in its ports and to simplify and expedite customs and other formalities in force in ports.

Article 6. 1. Each Contracting Party shall recognize papers attesting to the nationality of vessels, tonnage certificates and other ship's papers issued or recognized by the other Party.

2. Vessels of one Contracting Party carrying a lawfully issued tonnage certificate shall be exempt from remeasurement in the ports of the other Party, and the net tonnage of the vessel as entered in the certificate shall be taken as the basis for calculating shipping charges.

Article 7. Each Contracting Party shall recognize the identity documents of crew members issued by the competent authorities of the other Contracting Party. These identity documents shall be:

- For members of the crew of Soviet vessels, the "USSR seaman's passport";
- For members of the crew of Libyan vessels, the "seaman's passport of the Libyan Arab Jamahiriya".

Holders of the above-mentioned documents shall enjoy the rights specified in articles 8 and 9 of this Agreement.

Article 8. Members of the crew of a vessel of one Contracting Party who hold the identity documents specified in article 7 of this Agreement and who are entered in the crew list may go ashore temporarily without a visa while the vessel is lying in a port of the other Contracting Party, provided that the master of the vessel has delivered the crew list 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 control in force in that port.

Article 9. 1. Holders of the seaman's identity documents specified in article 7 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 it in transit when travelling to join their vessel, to transfer to another vessel, for repatriation or for any other purpose approved by the authorities of that other Contracting Party.

2. In all the cases referred to in paragraph 1, such persons 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 any person referred to in article 7 of this Agreement is not a national of either Contracting Party, the visas specified in this article for entering or passing through the territory of the other Contracting Party shall be issued, provided that such a person is guaranteed the right to return to the territory of the Contracting Party which issued the seaman's identity document.

Article 10. Each Contracting Party shall accord the rights specified in articles 8 and 9 of this Agreement to any member of the crew of a vessel of the other Party who is not a national of either of the Contracting Parties if he holds a seaman's identity document which has been issued by the competent authorities of a third country and conforms to international agreements, provided that the said document guarantees to its holder the right to return to the country which issued the document.

Article 11. 1. Except as otherwise provided for in articles 7 to 10 of this Agreement, the regulations governing the admission, stay and departure of aliens shall remain fully in force in the territory of the Contracting Parties.

2. Each Contracting Party reserves the right to refuse admission to its territory to persons referred to in articles 7 and 10 of this Agreement whom it regards as undesirable.

Article 12. 1. The judicial authorities of one Contracting Party shall entertain civil 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 judicial 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, if in the opinion of the said authorities:

- a) The consequences of the offence do not extend to the territory of the State in which the vessel is present;
- b) The offence does not affect the public order in that State, or its security;
- c) The offence does not, under the laws of that State, constitute a serious crime;
- d) The offence was not committed against any person other than a member of the crew of that vessel;
- e) No institution of proceedings is necessary for the suppression of illicit traffic in narcotic drugs.

3. The provisions of paragraph 2 of this article shall not affect the right of inspection and investigation which the authorities of each Contracting Party have under their legislation.

Article 13. 1. If a vessel of one Contracting Party is wrecked, runs aground, is cast ashore or sustains any other damage on or near the coast of the other Party, the vessel and its cargo shall enjoy, in the territory of the latter Party, the same advantages as are accorded to national vessels and cargoes.

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

3. Cargo and articles unloaded or salvaged from a vessel in the circumstances described in paragraph 1 shall be exempt from customs duties unless they are delivered for use or consumption in the territory of the other Contracting Party.

Article 14. 1. For the purpose of monitoring the application of this Agreement, a joint commission shall be established and shall draw up

recommendations for the competent authorities of the two Parties. It shall be convened at the request of either Party.

2. The composition and scope of activities of the commission referred to in paragraph 1 shall be determined by agreement between the competent maritime authorities of the Contracting Parties.

Article 15. This Agreement shall enter into force on the day when the two Contracting Parties affirm by means of an exchange of notes that the Agreement has been approved in accordance with their legislation.

This Agreement shall remain in force for a period of five years and shall be automatically renewed for similar periods until such time as one of the Contracting Parties gives written notice, three months before the expiry of the corresponding period, of its intention to terminate the Agreement.

DONE at Moscow on 9 December 1976, corresponding to 18 Dhu'l-hijjah 1396, in two original copies, each in the Russian and Arabic languages, both texts being equally authentic.

For the Government of the Union
of Soviet Socialist Republics:
[T. GUZHENKO]

For the Government
of the Libyan Arab Jamahiriya:
[JADALLA AZUZ TALKHI]
