

No. 21861

**UNION OF SOVIET SOCIALIST REPUBLICS
and
SEYCHELLES**

**Agreement on merchant navigation. Signed at Victoria on
15 February 1980**

Authentic texts: Russian and English.

Registered by the Union of Soviet Socialist Republics on 18 April 1983.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
SEYCHELLES**

**Accord sur la navigation marchande. Signé à Victoria
le 15 février 1980**

Textes authentiques : russe et anglais.

Enregistré par l'Union des Républiques socialistes soviétiques le 18 avril 1983.

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

The Government of the Union of Soviet Socialist Republics and the Government of the Republic of Seychelles, hereinafter described as the Contracting Parties, 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 decided to conclude the present Agreement.

Article 1. In the present Agreement:

1. 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.

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 grant all possible assistance to 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, within the limits of their respective legislation, 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 and the exchange of information between the Government bodies responsible for maritime affairs in their countries and to encourage the development of contacts between their respective shipping organisations and shipping industries.

Article 4. 1. In accordance with Article 3 of the present Agreement, the Contracting Parties agree:

- a) To promote participation of the vessels of the Union of Soviet Socialist Republics and the Republic of Seychelles in sea trade between the ports of their countries;
- b) To co-operate in the elimination of the obstacles which might hamper the development of sea trade between the ports of their countries;
- c) Not to hinder the participation of the vessels of one Contracting Party in sea trade between the ports of the other Contracting Party and the ports of third countries, subject to the legislations and international obligations of each Contracting Party.

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 18 June 1980, i.e., the thirtieth day from the date of the last of the notifications by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 17 (1).

Article 5. If otherwise not provided by this Agreement, each Contracting Party shall grant to the other Contracting Party the treatment of the “most favoured nation” in all matters concerning merchant navigation.

Article 6. The Contracting Parties shall adopt, within the limits of their law and port regulations, 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 their ports.

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

2. The vessels of each of the Contracting Parties holding legally issued certificates of tonnage shall not be subject to re-measurement in the ports of the other Party and the net tonnage of the vessel, noted in the certificate, shall be taken as the basis for calculation of the tonnage dues.

Article 8. Each of the Contracting Parties shall grant to the holders of a seaman’s identity document, issued by the competent authority of the other Contracting Party, rights provided in Articles 9 and 10 of the present Agreement. These identity documents are:

A USSR Seaman’s Passport — for seamen of Soviet vessels;

A Seychelles Passport — for seamen of Seychelles vessels.

Article 9. Holders of a seaman’s identity document, specified in Article 8 of the present Agreement, being members of the crew of a vessel of the Contracting Party which issued the seaman’s identity document, are permitted to stay for temporary shore leave without visas during the stay of the vessel in a port of the other Contracting Party, provided that the master has submitted the crew list to the competent authorities in accordance with the regulations in force in that port.

When landing or returning to the vessel, the seamen mentioned above are subject to Immigration, Health and Customs control in force in that port.

Article 10. 1. Holders of a seaman’s identity document, specified in Article 8 of the present Agreement, are permitted as passengers of any means of transport to enter the territory of the other Contracting Party or to pass through its territory in transit whenever they are on the way to their vessel or moving to another vessel, on the way to the motherland or going for any other reason which is approved by the authorities of the other Contracting Party.

2. In all the cases specified in paragraph 1, the seamen must have corresponding visas of the other Contracting Party which shall be granted by the competent authorities within the shortest possible time.

3. In case of the holder of a seaman’s identity document, specified in Article 8, not being a citizen of either Contracting Party, the visas, specified in the present Article for entry into or transit passage via the territory of the other Contracting Party, shall be granted provided that return to the territory of the Contracting Party, which had issued the seaman’s identity document, is guaranteed to the holder of such document.

Article 11. 1. Subject to the provisions of Articles 8-10 of the present Agreement, the regulations in respect of the entry, stay and departure of foreigners, are kept fully in force in the territories of the Contracting Parties.

2. Each of the Contracting Parties reserves the right to deny entry to its territory to seamen whom it considers undesirable.

Article 12. 1. The judicial authorities of one of the Contracting Parties shall entertain proceedings arising out of a contract of service as a member of the crew of a vessel of the other Contracting Party, subject only to the consent of the competent diplomatic or consular official of this other Party.

2. In case a member of the crew of a vessel of one of the Contracting Parties shall commit an offence on board the vessel while the vessel is within any harbour of the other Contracting Party, the authorities of this other Party shall not prosecute him without consent of the competent diplomatic or consular official of the flag country of the vessel, if in the opinion of the authorities of this other Party:

- a) The consequences of the offence do not extend to the territory of the host country; or
- b) The offence does not disturb the public order or security of that State; or
- c) The offence under the law of that State does not constitute a grave crime; or
- d) The offence is not committed against any person other than a member of the crew of that vessel; or
- e) The prosecution is not connected with prohibited narcotics.

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

Article 13. 1. If a vessel of one of the Contracting Parties suffers any casualty in the waters of the other Contracting Party, the vessel, its cargo, passengers and crew shall enjoy the same help and assistance which are accorded to a vessel of the other Contracting Party.

2. Nothing in paragraph 1 of this Article affects the right to claim recovery of any expenses incurred in connection with any help or assistance provided to the vessel or its cargo, passengers and crew.

3. The cargo and the articles unloaded or salvaged 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 14. 1. Each of the Contracting Parties shall undertake to ensure the settlement of claims in accordance with the judgements given by the Courts of the other Contracting Party in civil proceedings connected with:

- a) Use of the vessels owned or operated by the Contracting Parties; or
- b) Transportation of passengers or cargo by such vessels.

2. While in the territory of one of the Contracting Parties the vessel owned by the other Contracting Party shall not be subject to detention or arrest in connection with any civil proceedings specified in paragraph 1 of this Article.

Article 15. 1. For the purpose of efficient implementation of this Agreement and for consideration of any other shipping matters of mutual interest, a Joint Com-

mission shall be set up. The Commission may be convened at the request of either Party.

2. The membership and sphere of activity of the Commission, specified in paragraph 1, shall be subject to the agreement of the competent maritime authorities of the Contracting Parties.

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. Each of the Contracting Parties shall notify the other Party on completion of the procedures necessary in accordance with its constitutional requirements for the present Agreement to enter into force, which shall enter into force on the thirtieth day from the date of the last notification.

2. The present Agreement shall remain in force until twelve months from the date on which either Contracting Party shall have notified to the other Party in writing of its intention to terminate the Agreement.

IN WITNESS WHEREOF, the undersigned, duly empowered by their respective Governments, have signed the present Agreement.

DONE in duplicate at Victoria this 15th day of February 1980 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 the Republic of Seychelles:

[Signed — Signé]²

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

² Signed by M. Servina — Signé par M. Servina.