

No. 22425

**UNION OF SOVIET SOCIALIST REPUBLICS
and
PAKISTAN**

**Agreement on merchant shipping. Signed at Moscow on
18 October 1979**

Authentic texts: Russian and English.

Registered by the Union of Soviet Socialist Republics on 31 October 1983.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
PAKISTAN**

**Accord relatif à la marine marchande. Signé à Moscou le
18 octobre 1979**

Textes authentiques: russe et anglais.

Enregistré par l'Union des Républiques socialistes soviétiques le 31 octobre 1983.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN ON MERCHANT SHIPPING

The Government of the Union of Soviet Socialist Republics and the Government of the Islamic Republic of Pakistan, desiring to develop merchant shipping between the two countries on the basis of equality and mutual benefit and to contribute to the development of international shipping on the basis of the principles of freedom of navigation, have agreed as follows:

Article 1. In the present Agreement:

1. The term “vessel of the Contracting Party” shall mean any vessel registered in the shipping register of that country and flying its flag. The term shall not, however, include ships of war and naval auxiliaries.

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 make every effort to promote freedom of navigation and shall refrain from any actions which might cause harm to the normal development of merchant shipping of both countries.

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 Departments responsible for maritime affairs in their countries and to encourage the development of contacts between their respective shipping organizations and enterprises.

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

- (a) To promote preferential participation of the vessels of the Union of Soviet Socialist Republics and the Islamic Republic of Pakistan in the trade between the ports of their countries on the basis of equal rights and mutual benefit;
- (b) To co-operate in 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 other Contracting Party and the ports of third countries.

Article 5. 1. Each Contracting Party shall afford to vessels of the other Contracting Party the same treatment as it affords to its own vessels engaged

¹ Came into force on 8 August 1980, i.e., 30 days after the date of the last of the notifications (effected on 16 June and 9 July 1980) by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 17.

in international voyages in respect of free access to ports, use of ports for loading and unloading of cargoes and for embarking and disembarking passengers, payment of tonnage and other dues and taxes, use of services intended for navigation, and exercising normal commercial operations.

2. The provisions of paragraph 1 of this article:

- (a) Shall not apply to ports not open to the entry of foreign vessels;
- (b) Shall not apply to the activities reserved by each of the Contracting Parties for their organizations or industries including, in particular, national cabotage and ocean fishing;
- (c) Shall not oblige a Contracting Party to extend to vessels of the other Contracting Party exemptions from compulsory pilotage requirements granted to its own vessels;
- (d) Shall not apply to the regulations concerning entry and stay of foreigners.

Article 6. 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 the matters concerning merchant navigation.

Article 7. 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 ports.

Article 8. 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 9. Each of the Contracting Parties shall grant to the holders of the seamen's identity documents issued by the competent authority of the other Contracting Party, rights provided in Articles 10 and 11 of the present Agreement. These identity documents are:

- For seamen of the Soviet vessels, a USSR Seaman's Passport;
- For seamen of the Pakistani vessels, a Pakistani Continuous Discharge Certificate.

Article 10. Holders of the seamen's identity documents specified in Article 9 of the present Agreement are permitted in the case of being members of the crew of the vessel of the Contracting Party, which issued the seaman's identity document 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.

While landing and returning to the vessel the persons mentioned will be subject to frontier and customs control in force in the port.

Article 11. 1. Holders of the seamen's identity documents specified in Article 9 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 or on the way to the motherland.

2. In all the cases specified in paragraph 1 the seamen must have corresponding visas of the other Contracting Party if these are required under its legislation. Such visas shall be granted by the competent authorities with the shortest possible delay.

3. In case of the holder of the seaman's identity document specified in Article 9 of the present Agreement 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 for the holder of such document.

Article 12. 1. Subject to the provisions of Articles 9 to 11 of the present Agreement, the regulations in respect of the entrance, stay and leave 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 13. 1. The judicial authorities of either of the Contracting Parties shall not entertain proceedings arising out of a contract of service as a member of the crew of a vessel of the other Contracting Party, without the consent of the competent diplomatic or consular official of that 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 being within the port limits 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 by the opinion of the mentioned authorities:

- (a) The consequences of the offence do not extend to the territory of the State within which the ship is present;
- (b) The offence does not disturb the public order in that State or its security;
- (c) The offence under the law of that State does not constitute a grave crime;
- (d) The offence is not committed against any person other than a member of the crew of that vessel.

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 14. Shipping enterprises or companies which have their central management and control in the territory of one of the Contracting Parties shall be exempted in the territory of the other Contracting Party from income tax on income accruing in either country which may be leviable under the laws of that other Party.

The above provision shall not affect usual customs duties and other taxes leviable in respect of goods imported.

Article 15. 1. If a vessel of one of the Contracting Parties suffers shipwreck, runs aground, is cast ashore or suffers any other accident off the coast of the other Contracting Party the vessel and the cargo shall enjoy, in the territory of the latter Party, the same benefits which are accorded to a national vessel or cargo.

2. The crew and passengers as well as the vessel itself and its cargo shall be granted, at any time, help and assistance to the same extent as in the case of a national vessel.

3. The cargo and articles unloaded or saved 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 16. For the purpose of efficient implementation of this Agreement and for consideration of any other shipping matters of mutual interest a Joint Commission shall be set up. The Commission may be convened at the request of either Party.

Article 17. Each of the Contracting Parties shall notify the other Party on completion of the procedures necessary in accordance with its laws for the present Agreement to enter into force which shall enter into force in thirty days from the date of the last notification.

This Agreement will remain in force for an indefinite period. Either Contracting Party may at any time notify the other Contracting Party of its intention to terminate this Agreement. In that case the Agreement shall terminate after six months from the day on which the notice of termination is received by the other Contracting Party.

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

DONE in duplicate at Moscow this 18 day of October, 1979 in Russian and English languages, both texts being equally authoritative.

For the Government
of the Union of Soviet
Socialist Republics:

[Signed— Signé]¹

For the Government
of the Islamic Republic
of Pakistan:

[Signed— Signé]²

¹ Signed by T. Guzhenko — Signé par T. Goujenko.

² Signed by Jakub Khan — Signé par Jakub Khan.