

**No. 29406**

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**SINGAPORE  
and  
VIET NAM**

**Agreement on maritime transport. Signed at Singapore on  
16 April 1992**

*Authentic texts: English and Vietnamese.*

*Registered by Singapore on 7 January 1993.*

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**SINGAPOUR  
et  
VIET NAM**

**Accord relatif au transport maritime. Signé à Singapour le  
16 avril 1992**

*Textes authentiques : anglais et vietnamien.*

*Enregistré par Singapour le 7 janvier 1993.*

## AGREEMENT<sup>1</sup> ON MARITIME TRANSPORT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM

The Government of the Republic of Singapore and the Government of the Socialist Republic of Vietnam (hereinafter referred to as the “Contracting Parties”), being desirous of strengthening the friendly relations between the two countries and promoting co-operation and improving efficiency of maritime transport in accordance with the principles of equality and mutual benefit,

Have agreed as follows:

### *Article 1*

For the purpose of this Agreement, unless the context otherwise requires:

(1) The term “vessel of either Contracting Party” means merchant vessels flying the national flag of and registered in Singapore or Vietnam.

(2) The term “crew members” means those who are working on board a vessel of either Contracting Party and perform duties or services connected with the operation of maintenance of the vessel and hold identity documents issued or recognised by the competent authority of that Party as provided in Article 8 of this Agreement and whose names are included in the vessel’s article and crew list.

(3) The term “competent authority” means the designated government agency or agencies of either Contracting Party responsible for administration of maritime transport and its related functions.

(4) The term “passengers” means those persons carried in the vessel of either Contracting Party who are not employed or engaged in any capacity on board that vessel and whose names are included in the passenger list of the vessel.

### *Article 2*

(1) Vessels of either Contracting Party shall be allowed to sail between the ports of either Contracting Party which are open to foreign vessels and engage in passenger and cargo services (hereinafter called the “agreed services”) between the two countries or between either country and a third country.

(2) Further, enterprises of either Contracting Party may invest in shipping related services such as trucking, warehousing, container freight stations in respect of vessels and cargoes in each other’s country in accordance with the laws and regulations of that Contracting Party. For the purpose of this Agreement, the expression “agreed services” shall include participation in shipping related services.

### *Article 3*

Chartered vessels flying the flag of third countries acceptable to both Contracting Parties but operated by shipping enterprises of either Contracting Party shall also be allowed to participate in the agreed services.

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<sup>1</sup> Came into force on 16 April 1992 by signature, in accordance with article 18 (1).

#### *Article 4*

Each Contracting Party, shall abstain from any discriminatory measures against the vessels of the other Contracting Party in respect of the agreed services between the two countries and shall accord to the vessels of the other Contracting Party treatment no less favourable than that accorded to the vessels of third countries in respect of the agreed services between the two countries and between either country and a third country.

#### *Article 5*

(1) Each Contracting Party shall grant to vessels of the other Contracting Party most-favoured-nation treatment at its ports open to foreign vessels. This shall also apply to vessels flying the flag of third countries as specified in Article 3 of this Agreement.

(2) The most-favoured-nation treatment provided in this Article applies to customs formalities, the levying of charges and port dues, freedom of access to and the use of ports as well as facilities afforded to shipping services such as trucking, warehousing, container freight stations, allocation of berths at piers, loading and unloading facilities and other related services in respect of vessels and cargoes. In particular, this refers to the allocation of berths at piers, loading and unloading facilities and port services.

#### *Article 6*

The provisions of this Agreement shall not apply to cabotage. The sailing of the vessels of a Contracting Party from one port to another of the other Contracting Party for discharging inward cargo and/or disembarking passengers from abroad or loading outward cargo and/or embarking passengers for foreign countries, shall not be regarded as cabotage.

#### *Article 7*

(1) The Contracting Parties shall mutually recognize the nationality of vessels on the basis of the certificate of registry duly issued by the competent authorities of either Contracting Party whose flag the vessels flies.

(2) The Contracting Parties shall mutually recognize the tonnage certificate and other ship documents duly issued or authorised to be issued by the competent authorities of either Contracting Party.

#### *Article 8*

Each Contracting Party shall recognize the identity documents of crew members duly issued by or acceptable to the competent authorities of the other Contracting Party such as the Seaman Identity Book, Seaman Passport, Seaman Discharge Book or International Passport.

#### *Article 9*

(1) Crew members of either Contracting Party shall during their presence in the ports or waters of the other Contracting Party observe the applicable laws and regulations of that Contracting Party.

(2) Crew members of vessels of either Contracting Party shall be permitted to contact their consular officials or their diplomatic representatives for settling any necessary formalities.

(3) Crew members of vessels of either Contracting Party shall be permitted to go ashore during the period of stay of their vessels in the ports of the other Contracting Party, in accordance with its applicable laws and regulations.

(4) Crew members of vessels of either Contracting Party requiring medical treatment shall be allowed to remain in the territory of the other Contracting Party for the period of time necessary for such treatment, in accordance with the national laws and regulations of that Contracting Party.

(5) Crew members of vessels of either Contracting Party may enter the territory or travel through the territory of the other Contracting Party for the purposes of joining vessels, repatriation or any other reason acceptable to the competent authorities of the other Contracting Party, after completing the necessary formalities in accordance with the laws and regulations of that Contracting Party.

(6) Either Contracting Party has the right to refuse any crew members entry to its territory in accordance with its laws and regulations, even though they hold the identity documents specified in Article 8 of this Agreement.

#### *Article 10*

(1) Should vessels of either Contracting Party be involved in shipping casualties in the territorial waters or ports of the other Contracting Party, the latter shall give all possible assistance to the vessels, crew members, cargoes and passengers, and notify the appropriate authorities of the Contracting Party concerned as soon as possible.

(2) Where the cargo and other properties discharged or rescued from the vessel involved in such shipping casualties need to be temporarily stored in the territory of the other Contracting Party, the latter shall endeavour to provide, wherever possible the necessary facilities and such cargo and properties shall be exempt from all taxes, insofar as it is not released for consumption or used in the territory of the other Contracting Party.

#### *Article 11*

All proceeds accruing from agreed services or other related services shall be effected in freely convertible currencies. Such proceeds may be used for making payments in the territory of the Contracting Party or be freely remitted from that country.

#### *Article 12*

The Contracting Parties shall adopt, within the limits of their laws and regulations, all appropriate measures to facilitate the turn-round of vessels, to prevent unnecessary delays, and to expedite and simplify customs and other formalities required at ports.

#### *Article 13*

(1) The provisions of this Agreement shall not limit the right of either Contracting Party to take measures for the protection of its security and public health or the prevention of disease and pests in animals and plants.

(2) Each Contracting Party shall, with a view to promoting the understanding of its laws that pertain to or affect maritime transport, make such laws public and readily accessible.

#### *Article 14*

In principle, bilateral seaborne cargo between both Contracting Parties, shall be carried by vessels of both Parties. Vessels of both Contracting Parties have equal rights and opportunities to carry bilateral seaborne cargo and seaborne cargo of either Contracting Parties' third country trade.

#### *Article 15*

In order to promote the development of maritime transport between the two countries and to deal with matters arising from the implementation of the present Agreement, representatives of both Contracting Parties shall meet to discuss representations made by either Contracting Party at the dates and places to be mutually agreed upon.

#### *Article 16*

The Contracting Parties shall actively promote the development of the economic and trade relationship between both Contracting Parties through maritime transport co-operation.

#### *Article 17*

(1) The Contracting Parties shall endeavour to settle by consultations and negotiations amicably through their competent authorities any dispute arising out of or in connection with this Agreement.

(2) Any dispute which cannot be settled between the shipping companies or the shipping related enterprises of the Contracting Parties shall be referred to international arbitration and finally resolved by international arbitration acceptable to both parties such as arbitration in Singapore in accordance with the Arbitration Rules of the Singapore International Arbitration Centre ("SIAC Rules") for the time being in force which rules are deemed to be incorporated by reference into this Article. The language of the arbitration shall be English.

#### *Article 18*

(1) This Agreement shall enter into force on the date of its signature.

(2) This Agreement shall remain in force initially for a period of five years and shall continue in force thereafter for subsequent periods of five years unless either Contracting Party notifies the other in writing its intention to terminate it six months before the expiration of a particular five year period.

(3) This Agreement may be amended by the agreement of both Contracting Parties. If either Contracting Party considers it desirable to modify the terms of this Agreement, such modifications may be proposed by an exchange of notes through the diplomatic channels.

(4) The provisions of the present Agreement shall not affect the right and obligations of the Contracting Parties arising out of international conventions which have been accepted by the two Contracting Parties.

IN WITNESS WHEREOF, the undersigned, duly authorised thereto by their respective Governments have signed this Agreement.

DONE at Singapore on 16 April in the year 1992 in duplicate in the English and Vietnamese languages, both texts being equally authentic. In case of any divergence of interpretation the English text shall prevail.

For the Government  
of the Republic of Singapore:

LIM BOON HENG

For the Government  
of the Socialist Republic of Vietnam:

LE KHA

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