

**No. 45790**

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**South Africa  
and  
Malaysia**

**Agreement between the Government of the Republic of South Africa and the Government of Malaysia on merchant shipping and related maritime matters. Kuala Lumpur, 7 March 1997**

**Entry into force:** *7 March 1997 by signature, in accordance with article XII*

**Authentic texts:** *English and Malay*

**Registration with the Secretariat of the United Nations:** *South Africa, 2 February 2009*

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**Afrique du Sud  
et  
Malaisie**

**Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la Malaisie relatif à la marine marchande et autres matières connexes. Kuala Lumpur, 7 mars 1997**

**Entrée en vigueur :** *7 mars 1997 par signature, conformément à l'article XII*

**Textes authentiques :** *anglais et malais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Afrique du Sud, 2 février 2009*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

THE GOVERNMENT OF MALAYSIA  
ON MERCHANT SHIPPING  
AND RELATED MARITIME MATTERS

The Government of the REPUBLIC OF SOUTH AFRICA and the Government of MALAYSIA (hereinafter collectively referred to as the Contracting Parties and singularly referred to as the Contracting Party) for the purposes of developing friendly relations and strengthening their cooperation in the field of merchant shipping and related maritime matters in accordance with the principles of sovereignty, comity, reciprocity, equality and mutual benefit

HEREBY agree as follows:

ARTICLE I

In this Agreement, unless inconsistent with the context –

1. "Competent Authority" means the designated Government agency or agencies of either Contracting Party responsible for the administration of merchant shipping and its related function.
2. "vessel of a Contracting Party" means a merchant vessel registered in the territory of a Contracting Party and also chartered vessels excluding any type of warship.
3. "merchant shipping" does not include the activities legally reserved by each Contracting Party.

4. "chartered vessel" means any vessel, registered in a third state, chartered by a ship-owning company registered in the territory of a Contracting Party.
5. The term "crew members" means those whose names are included in the crew list of vessels, and hold appropriate identity documents issued by either Contracting Party as provided under Article III(3) of this Agreement.
6. "passengers" mean those persons carried in the vessel of either Contracting Party who are not employed or engaged in any working capacity on board that vessel and whose names are included in the passenger list of the said vessel.

#### ARTICLE II

1. Vessels of either Contracting Party may sail freely between the ports of the two countries which are open to foreign trade 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. The customs regulations in force in the territory of either Contracting Party shall be applicable to all supplies and spare parts taken on by vessels of the one Contracting Party in the harbours of the other Contracting Party.

#### ARTICLE III

1. The Competent Authority of each Contracting Party shall accept the certificate of registration issued by the Competent Authority of the other Contracting Party as sufficient proof of the nationality of a vessel.
2. The Competent Authority of each Contracting Party shall recognise the validity of the documents on board a vessel of the other Contracting Party, including those concerning the manning of a vessel, recognised by the Competent Authority of the other Contracting Party.

3. Each Contracting Party shall recognise the validity of identity documents of the crew issued by the Competent Authority of the other Contracting Party.
4. Each Contracting Party shall recognise the validity of certificates of competency issued to crew by the Competent Authority of the other Contracting Party.
5. For the purpose of this Article the International Passport in respect of family members and supernumeraries appearing in the crew list will be recognised both Contracting Parties as identification documents, equivalent to the seamen's identity documents.
6. Vessels equipped with tonnage certificates issued by the Competent Authority of a Contracting Party shall not be required to have their tonnage established again in the harbours of the other Contracting Party, and in cases where the calculation of harbour charges is based on the tonnage of the vessel, the tonnage reflected on such certificate shall be applicable. Provided that should the latter Contracting Party have reasonable grounds to question the correctness of a tonnage certificate so issued to a vessel, it may direct a surveyor to inspect and may have such vessel surveyed in terms of the laws applicable in such harbour.

#### ARTICLE IV

1. Crew members 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.
2. Should a crew member of a vessel of either Contracting Party who holds the documents referred to in Article III(3) disembark in a harbour of the other Contracting Party because of health, service or other reasons recognised as valid by the Competent Authority of the latter Contracting Party, such Authority shall take the necessary measures to allow such crew member to –

- (a) stay in the territory of that Contracting Party in order to receive medical treatment or hospitalisation;
  - (b) return to his country of origin as soon as possible; or
  - (c) proceed to another harbour to board a vessel of the first Contracting Party as the case may be.
3. Crew members of either Contracting Party may enter or travel through the territory of the other Contracting Party for the purpose of joining vessels, for repatriation or for any other reasons acceptable to the Competent Authority of the other Contracting Party, after complying with the applicable laws and regulations of that Contracting Party.
4. A person holding the documents referred to in Article III(3) and III(4) who is not a crew member but who is in possession of a service directive to join a vessel of either Contracting Party in a harbour of the other Contracting Party, may transit through the territory of such other Contracting Party to such vessel provided that such valid document is endorsed by the relevant Authority of such other Contracting Party.
5. The laws and regulations of one Contracting Party governing entry into, sojourn in and departure from its territory, of passengers, crew or cargo, such as formalities regarding entry, exit, emigration and immigration, as well as customs and sanitary measure, shall apply to passengers, crew or cargo carried by the vessels of the other Contracting Party while they are within the said territory. Each Contracting Party reserves the right to prohibit the entry into and stay within its territory of any passenger or crew member it may regard as undesirable.
6. Any change in the composition of the crew members of a vessel of one Contracting Party in the harbour of the other Contracting Party shall be entered in the crew member register of such vessels with due reference to the date of and reason for such change.