

plaires de chaque journal où la vente a été annoncée. Il y mentionnera le nom de l'acheteur éventuel, la nationalité de celui-ci, sa résidence et son adresse.

3. L'Administration des transports prendra l'avis de l'Union des chambres de commerce et des compagnies égyptiennes de navigation, toutes les fois qu'un gouvernement étranger se portera acquéreur, ou bien une personne physique ou morale étrangère.

4. Les pièces et documents justifiant de l'exécution des formalités prescrites par les articles 1, 2 et 3 seront soumis au Ministre des communications, en vue de l'octroi ou du refus du permis de vente du navire.

(c) LOI N° 61 DU 18 JUILLET 1940 RELATIVE AUX CAPITAINES, OFFICIERS DE PONT ET INGÉNIEURS MARITIMES DE LA MARINE MARCHANDE ¹.

Article 4. Les capitaines, officiers de pont et ingénieurs maritimes doivent être titulaires de brevets égyptiens les rendant aptes à remplir ces fonctions, ou être munis de certificats étrangers considérés comme équivalents par le Ministre des communications. . .

19. Ethiopia

MARITIME PROCLAMATION No. 137 OF 25 SEPTEMBER 1953. ²

B. MERCANTILE MARINE PROVISIONS

I. Definitions

6. For the purposes of this Proclamation and the regulations and instructions to be issued in conformity therewith:

(a) Ships and vessels, with their accessories as defined in regulations to be issued by Our Ministry of National Defence, are movable property.

(b) A merchant ship is a ship of a net capacity of not less than ten tons which is or may be engaged in the transportation of persons or goods by sea or in fishing, towing, or any other maritime operation. A merchant vessel is a navigating craft of a net capacity of less than ten tons which is or may be engaged in the transportation of persons or goods or in fishing, towing, or any other maritime operation, by sea or in rivers or lakes.

(c) An Ethiopian merchant ship or vessel is a merchant ship or vessel duly registered as Ethiopian, in conformity with regulations issued under this law, upon proof that it—

(1) Is owned by Ethiopians exclusively or to the extent of thirty-five per cent of its value, provided that, in the latter case, recognition as an Ethiopian merchant ship or vessel is requested by the owners to the extent of more than fifty per cent of its value; or,

(2) Is owned by a person or persons, including juridical persons, who have established their principal office in Ethiopia; or

(3) Has been placed under the Ethiopian flag by agreement of the owner or owners, pursuant to regulations issued under this law, with an authorized representative of Our Government; or,

¹ *Répertoire permanent de Législation égyptienne, Marine marchande*, 1940, p. 19.

² English text from *Negarit Gazeta*, 13th year, No. 1, 25 September 1953.

- (4) Was built in Ethiopia; or,
 - (5) Has been sold or repaired in Our Empire after being wrecked on Our coast; or,
 - (6) Has been abandoned at sea and salvaged by Ethiopians; or
 - (7) Has been condemned for violation of Our laws.
- (d) The registration of a merchant ship or vessel as Ethiopian shall be cancelled, in conformity with regulations issued under this Proclamation, upon proof that the conditions of registration prescribed in sub-paragraphs (1) and (2) hereof have ceased to exist; or that the agreement required in sub-paragraph (3) hereof has been violated by the owner or owners; or, at any time after six months following the registration of any ship or vessel under sub-paragraph (4), (5), (6) or (7) hereof, that the ship or vessel is not entitled to registration under sub-paragraph (1), (2) or (3) hereof. All cancellations of registration shall be given due publicity in the ports of Our Empire.

(e) An industry or enterprise is a marine industry or enterprise to the extent that it is determined by Our Minister of National Defence in consultation with Our Ministers of Commerce and Industry and of Finance, to be engaged in the operation of ships or vessels for transportation of passengers or goods, for towing, or salvage, in the operation of shipyards or the construction, repair or cleaning of ships or their accessories; in port services, including lighterage, loading or unloading of ships, the transport of warehouse stores within a port area and the supply or furnishing of foodstuffs or other commodities to ships; in the representation of shipping companies; or in the processing of sea-water. All marine industries and enterprises established within Our Empire shall be registered in conformity with regulations issued by Our Ministry of Defence.

II. Registration

7. (a) The regulations issued by Our Ministry of National Defence with respect to the registration of merchant ships and vessels and of marine industries and enterprises established within Our Empire shall require *inter alia*, full disclosure, under oath, of all titles and claims including adverse titles, claims and incumbrances upon the said ships and vessels or upon the properties of the said industries and enterprises. They shall also establish the minimum proportion of Ethiopian seamen that shall be employed on any Ethiopian ship or vessel.

(b) Merchant ships and vessels duly registered in conformity with the said regulations shall be provided with such certificates and other documents as may be needed for their operations.

III. Transfers

8. (a) The right of owners of Ethiopian ships and vessels to sell the same in whole or in part or to mortgage them either to Ethiopians or to foreigners is hereby safeguarded; provided that no sale of any such ship or vessel, or of any interest therein, shall be recognized if the owners are in default in payments due by them to the Imperial Ethiopian Government or if it is proved that the owners have violated the provisions of article 32 (a) of this Proclamation.

(b) In case of declared war all sales to foreigners either as a whole or in part of Ethiopian ships or vessels which may be under requisition by

the Imperial Ethiopian Government and all mortgages of Ethiopian ships or vessels under such requisition shall be null and void unless the said sales and mortgages shall have been authorized by Our Ministry of National Defence upon satisfactory guarantee that the said ships or vessels shall not be transferred to an enemy flag or to the flag of a country which is favourable to the enemy and subject to the provision that such sales or mortgages shall not entail the discontinuance of the requisition.

(c) From the above prohibition shall be exempted such mortgages on Ethiopian ships and vessels as were contracted to guarantee loans made for obtaining these ships or vessels in whole or in part from foreigners.

IV. *Protective measures*

9. The right to transport persons or goods, for profit, from one point to another on Our coasts and the right to engage in fishing, towing or salvage within the territorial waters of Our Empire are reserved to Ethiopian merchant ships and vessels and, with the exemption of pearl fishing, to such foreign ships and vessels as may be accorded these rights for limited periods within three years from the date of this Proclamation, by Our Ministry of National Defence, upon the application of marine industries and enterprises duly registered under the regulations of the said Ministry.

10. The right to engage in any of the maritime operations mentioned in article 6 (e) hereof is reserved to marine industries and enterprises duly registered under the regulations of Our Ministry of National Defence and to such foreign persons, including juridical persons, as may be accorded this right by the said Ministry.

11. Whenever it is ascertained by Our Ministry of National Defence that any foreign country is according to its own merchant ships or vessels special privileges in derogation of the principle of freedom of the seas and to the detriment of Ethiopian merchant ships or vessels, Our Ministry of National Defence, with the approval of Our Ministries of Foreign Affairs, Finance, and Commerce and Industry, may adopt such counter-measures as may be deemed appropriate.

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D. PROPERTY RIGHTS

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IV. *Succession*

53. Upon the death of a foreign national who is owner or part owner of an Ethiopian ship or vessel or who is a shareholder in such ship or vessel, his executor or administrator shall apply to the nearest division of Our Federal High Court sitting in Admiralty for a decree determining the successor or successors to the decedent's title to or interest in such ship or vessel. To that end, Our Federal High Court sitting in Admiralty shall apply the national law of the decedent except in cases in which the decedent was domiciled in Our Empire, in which cases the applicable law shall be that of the place of his domicile. The law applicable shall also apply to the determination of the validity, the interpretation and the application of any last will or testament, and shall include any duly authenticated decree, judgment, decision, or order concerning the estate of the decedent by any probate courts of the country whose law is applicable by virtue of the

provisions of the present article, having proper jurisdiction of the estate of the decedent.

F. FINAL PROVISIONS

101. All maritime laws, rules and regulations heretofore in force in Our Empire or in any part thereof, including the rules and regulations referred to in Article 4 of Our Proclamation No. 129 of 1952, are hereby revoked. This article is not to be construed as being inconsistent with the continuance of existing obligations under international law or under any international treaty or convention to which We are a party.

102. The present law shall not be construed to exclude the application within the territorial waters or maritime domain of Our Empire or upon Ethiopian ships on the high seas, of any other federal laws including federal laws made in execution of international treaties or obligations or concerning foreign and interstate commerce or external and interstate communications.

20. Finland

(a) SHIPPING ACT NO. 167 OF 9 JUNE 1939.¹

CHAPTER 1. GENERAL PROVISIONS

Article 1. A vessel shall be Finnish if the owner or, where more than one person has a share therein, all the owners are Finnish citizens, or if it is owned by a general or limited partnership in which all the partners or all the partners with personal liability are Finnish citizens, or by a Finnish joint-stock company or co-operative or other association.

Article 2. A Finnish vessel which is used for commercial navigation shall be registered in the shipping register in accordance with the procedure specifically provided.

The expression "commercial navigation" includes the transport of goods and persons and also towing, ice-breaking, fishing, salvaging and any similar activity which for gain or payment is carried on by means of vessels.

Article 3. A merchant vessel shall when at sea carry a nationality certificate, if one has been issued, and such other certificates and ship's papers as are expressly prescribed for the particular class of vessel and voyage.

Article 4. The home port of a registered vessel shall be the port in Finland so designated in the shipping register in accordance with information furnished by the owner.

The home port of an unregistered vessel shall be the place of residence of the owner or, if he is not resident in Finland, the town of Helsinki.

CHAPTER 3. THE MASTER

Article 41. Except in cases to which article 47 applies, only a Finnish citizen may be engaged as master of a Finnish merchant vessel.

The other qualifications of a master or first mate shall be those prescribed by regulation.

¹ Text of Act provided by the Permanent Observer of Finland. Translation by the Secretariat of the United Nations.