

Signed at Tokyo April 15 and October 4, 1950
Entered into force October 4, 1950
Agreed to the Continued Application of the Agreement
by Exchange of Notes in 1952, 1953 and 1954

Interim Shipping Agreement between the Republic of Korea and Occupied Japan

Preamble

The Republic of Korea and the Supreme Commander for the Allied Powers, acting in respect of Occupied Japan, having discussed the interim measures which might usefully be adopted with regard to commercial shipping between the Republic of Korea and Japan prior to the conclusion of a Peace Treaty, have agreed to the following:

Article 1

The vessels of either Party, including vessels engaged in regular service, shall have liberty, equal to that of the vessels of any third country, to enter and clear all ports, places and waters of the other Party, which are, or may hereafter be, open to foreign commerce and navigation. The Supreme Commander for the Allied Powers will use same procedure and policy in clearing Japanese vessels for the Republic of Korea as is done for other countries of the world.

Article 2

Japanese vessels under the flag designated by the Supreme Commander for the Allied Powers and vessels flying the flag of the Republic of Korea, carrying papers required by their respective laws and regulations, shall be recognized to be the vessels of that Party, within the ports, places and waters of the other Party, or upon the high seas. For the purpose of this Agreement, a vessel of either Party is understood to be a vessel engaged in commercial shipping activities, irrespective of whether privately or publicly owned and operated.

Article 3

Procedures for entry and clearance of vessels between the respective countries shall be equal to those applied, or to be applied, to any third country, irrespective of the port of departure or the port destination.

Article 4

Customs clearance procedure shall be equal to that applied, or to be applied, to the vessels of any third country, and customs dues, duties, fees, or excise taxes, shall be in accordance with the respective applicable laws and regulations.

Article 5

In docking or anchoring, loading or discharging, husbanding, or any other operations concerned with the normal activities of vessels and their cargoes in port, equal treatment shall be accorded to the vessels of either Party as is, or may hereafter be, accorded to the vessels of their own respective nationality. However, either Party has the right to grant priority to vessels carrying economic or military aid cargoes, and cargoes in support of Occupation Forces, or Military Missions.

Article 6

No taxes on tonnage, harbor fees, quarantine fees, or other dues or charges similar or corresponding thereto, of whatever kind, levied in the name of either public or private interests, shall be imposed in the ports, places and waters of either Party, upon the vessels of the other Party, which shall not equally and under the same conditions, be imposed upon their own national vessels.

Article 7

Within the ports, places and waters of either Party, which are now, or may hereafter be, open to foreign commerce and navigation, and which are compulsory pilotage areas, licensed pilots shall be kept ready for rendering services to vessels of the other Party to pilot them into or out of such ports, places and waters.

Article 8

The purchase of reasonable quantities of bunkers, provisions, supplies, or other materials, as may be available and which shall be necessary for the maintenance and operation of the vessels of the other Party, shall not be subject to export duties, but shall be subject to the same procedures and restrictions as those governing the loading of ships' stores on board vessels of any third country.

Article 9

Any vessel of either Party in distress shall be permitted to take refuge in, and receive assistance in reaching any of the ports, places and waters of the other Party (including ports not open to foreign commerce and navigation), and shall receive the same assistance and protection as are, in like cases, enjoyed by the vessels of the other Party or any third country, and such available supplies and materials for repairs as may be necessary. Such vessel shall not be subject to any duties or charges other than such as would be payable, in like cases, by the vessels of the other Party or any third country. Customs duties shall not be imposed upon the cargo, or other materials, salvaged from a vessel in distress, unless such cargo or materials shall be disposed of in said country.

Article 10

The vessels of either Party may be used in the importation or exportation of all merchandise which may be legally imported from, or exported to, the other Party, and also in the carriage of passengers from or to, the territory of such other Party; and such vessels, cargoes, and passengers shall enjoy the same favors, advantages, and privileges as, and shall not be subject to any other or higher duties, charges, or restrictions, than, the vessels and their cargoes and passengers of such other Party, or the vessels and their cargoes and passengers of any third country.

Article 11

In no case shall the vessels of either Party be accorded the rights of coastwise trade between the ports, places and waters of the other Party. It is also mutually understood that this Agreement exempts vessels engaged in the coastwise trade of their own country, and that the requirements of this Agreement for equal treatment apply only to foreign trade vessels of both Parties.

Article 12

A vessel of either Party shall be permitted to discharge the whole, or part, of her cargo in any ports, places and waters of the other Party, which are, or may hereafter be, open to foreign commerce and navigation and, further, to enter, with the rest of her cargo, other such ports, places and waters without paying any tonnage dues or port charges different from, or higher than, those to be paid by vessels latter Party, in similar instances; and also shall, in the course of the outgoing voyage, be permitted to load cargo, under the same conditions as above, at any such ports, places and waters which are, or may hereafter be, open to foreign commerce and navigation.

Article 13

For vessels of either Party carrying mail, the same privileges or advantages, which are, or may hereafter be, accorded to the mail-carrying vessels of any third country, shall be accorded equally to the vessels of both Parties in accordance with the established Universal Postal Union procedures.

Article 14

The same shore leave in the ports, places and waters of either Party shall be accorded to the personnel of vessels of either Party as is, or may hereafter be, accorded to the personnel of vessels of any third country in accordance with the existing laws and regulations of the respective countries, as well as regulations of the Supreme Commander for the Allied Powers.

Article 15

Each Party recognizes the necessity for establishing reliable ship-to-shore radio

communications and will use its best efforts to develop the most expeditious interchange of this service.

Article 16

Prior to sailing vessels to ports of the other Party, vessel owners or operators will provide for adequate agency representation in the ports to be entered.

Article 17

The laws and regulations of either Party relative to the entry into its own territory, or departure therefrom, of vessels employed in international trade, and to the operation of such vessels within its own territory, shall be applied to, and adhered to, by vessels of the other Party.

Article 18

This Agreement may be modified upon mutual consent, or may be terminated on thirty days' written notice, and shall terminate on the coming into force of a Peace Treaty between the Allied Powers, or any of them, and Japan.

Article 19

This Interim Shipping Agreement will become effective immediately upon signature by both Parties.

FOR THE REPUBLIC OF KOREA

Dated 4 October 1950

By Kim Yong Joo

FOR THE SUPREME COMMANDER FOR THE ALLIED POWERS ACTING IN RESPECT OF
OCCUPIED JAPAN

Dated 15 April 1950

By A. J. Rehe

Major A.G.D.

Ass't Adj. Gen.