

Decree No. 72-194 of 5 October 1972 for the
Peacetime Regulation of the Passage of Foreign Warships
through the Territorial Waters and of their Calls

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**TITLE I
GENERAL PROVISIONS**

Article 1

Entry and innocent passage of foreign warships in territorial waters, their entry in internal waters and calls at an Algerian port shall be subject to prior authorization by the competent Algerian authorities in accordance with the procedures established by this decree.

Article 2

In the territorial waters, internal waters and ports of Algeria, foreign warships shall abstain from acts contrary to national sovereignty and from charting, submerging or sounding.

They shall be prohibited from undertaking any military exercise except with special authorization from the competent Algerian authority.

Article 3

In the territorial waters, internal waters and ports of Algeria, foreign warships shall respect national regulations, particularly on fiscal, health and customs matters.

Article 4

Port regulations, particularly in regard to pilotage, shall apply to foreign warships on their entry in Algerian ports.

**TITLE II
DEFINITIONS**

Article 5

The provisions of articles 1 to 4 above shall apply exclusively and in peacetime to warships.

Article 6

The expression "warship" means warships, auxiliary ships, training ships, laboratory ships, submarines and other vessels for military use.

The expression "innocent passage" means navigation in territorial waters for the purpose of traversing them without entering internal waters, or for the purpose of entering internal waters, or while proceeding to sea from internal waters.

The expression "call" means the temporary stay of a foreign warship which has stopped or anchored in the territorial or internal waters, or at an Algerian port.

TITLE III

INNOCENT PASSAGE AND CALLS

CHAPTER I

INNOCENT PASSAGE

Article 7

____ Passage is innocent so long as it is not prejudicial to the peace, security or public order of the Algerian State.

Article 8

Passage includes the possibility of stopping and anchoring but only in so far as the stop or anchorage is incidental to ordinary navigation or is rendered necessary in the case of warships by force majeure or distress.

In such a case, the commander of the warship shall inform the Algerian naval authorities without delay.

The diplomatic or consular representatives of the country whose flag is shown by the warship shall be informed.

Article 9

Once the circumstances which necessitated the stop or anchorage have disappeared, the foreign warship shall immediately put to sea again after the Algerian naval authorities have been so informed.

In any event, unless special authorization is granted, the duration of the stop or anchorage shall not exceed 24 hours.

Article 10

In conformity with the provisions of article 1 et seq. of this decree, the passage of a warship shall be subject to prior authorization by the Algerian authorities. Such authorization shall be requested by the foreign naval authorities from the Ministry of Foreign Affairs at least 15 days before the date of entry into Algerian territorial waters.

CHAPTER II CALLS

Article 11

The call of a foreign warship in Algerian territorial waters or an Algerian port may be:

- An official call,
- A unofficial call,
- A routine call,
- A forced call.

Article 12

During a call, visits may be exchanged. They shall be either official or courtesy.

SECTION 1 OFFICIAL CALLS

Article 13

A call shall be official:

- When it is in response to an official invitation of the competent Algerian authority, or
- When the Government of the country whose flag the visiting warship shows has expressed the wish that it should have such character. In such a case, the call shall be subject to the rules stipulated in article 14 below.

Article 14

The official call of a foreign warship shall require authorization by the Algerian authorities. For that purpose, the foreign authorities shall address a request through the diplomatic channel to the Ministry of Foreign Affairs at least 45 days before the planned arrival date of the warship in Algerian territorial waters or an Algerian port.

Article 15

The naval or military attaché of the country whose warship has been authorized to make an official call and the Algerian naval authority shall, by mutual agreement, draw up the official programme for the call in conformity with international customs and practices.

Article 16

A foreign warship on an official visit shall, upon arrival in Algerian territorial waters or an Algerian port, comply with international customs and national regulations on the issue of gun salutes.

Article 17

Except when, otherwise expressly provided, gun salutes shall not exceed 21 rounds.

Article 18

One or more liaison officers from the national navy shall be placed at the disposal of the commander of the foreign warship.

SECTION 2
UNOFFICIAL CALLS

Article 19

A call shall be termed unofficial when the two parties agree not to attach any special ceremony to it.

Article 20

Except when otherwise provided by the competent Algerian authorities, calls of the following shall be considered unofficial:

- Foreign training ships;
- Warships accompanying the ships specified above during their journey.

Article 21

The unofficial call of a foreign warship shall require authorization by the Algerian naval authorities.

The foreign naval authorities shall address a request to the Ministry of Foreign Affairs at least 30 days before the planned date of arrival of the visiting foreign warship.

Article 22

The unofficial call of a foreign warship may be the occasion for gun salutes. For such a purpose, the commanders of visiting warships shall, through their accredited representatives to the Algerian Government, request the consent of the Algerian naval authorities at the port of call.

Article 23

During unofficial calls, a courtesy visit may be paid to the naval or military authority of the host port by the commander of the warship.

Article 24

Unless authorized by the naval authority of the host port, no courtesy visit shall be paid to the civil authorities of the town during an unofficial call.

Article 25

The naval or military attaché representing the country whose warship has been authorized to make an

unofficial call and the Algerian authorities shall draw up the programme for the call of the visiting warship by mutual agreement.

Article 26

One or more liaison officers of the national navy shall be placed at the disposal of the commander of the warship.

SECTION 3 ROUTINE CALLS

Article 27

A call shall be termed routine:

1. When its purpose is the transportation of equipment, personnel or fuel;
2. When its purpose is to carry out research, assistance or salvage operations;
3. When its purpose is to allow warships to repair minor damage;
4. When its purpose is to provision or revictual the warship.

Article 28

Authorization for a foreign warship to make a routine call shall be requested in conformity with the procedure established for unofficial calls. However, the request shall be submitted to the competent Algerian authorities at least 15 days before the scheduled arrival date of the visiting warship.

Nevertheless in cases covered by article 27, subparagraph 2, above, such request may be made without notice being required.

Article 29

A routine call shall not be an occasion for gun salutes.

Article 30

The routine call of a foreign warship shall not be the occasion for any visit. Nevertheless if the commander of the visiting warship expresses a wish to do so, he may make a personal visit to the naval or military authority of the host port.

Article 31

The duration of a routine call by a foreign warship shall be established by the Algerian authorities according to the cases specified in article 27 above and circumstances. In no case shall such duration exceed five days.

Article 32

A liaison officer may, in the case specified in section 3 of this decree, be seconded by the naval authority of the host port to the commander of the visiting warship in order to facilitate revictualing, provisioning or repair operations.

SECTION 4 FORCED CALLS

Article 33

A call shall be termed forced when a foreign warship is compelled to seek refuge in the territorial waters, in the internal waters or in an Algerian port as a consequence of serious damage, heavy weather or other cases of force majeure.

Article 34

In the cases specified in article 33 above, the commander of the warship shall, before entering Algerian territorial waters, promptly inform the naval authority of the host port or, in his absence, the local military authority.

The diplomatic or consular representatives of its country accredited to the Algerian Government shall be informed.

Article 35

Once the circumstances which gave rise to the forced call have disappeared, the foreign warship shall put to sea again after the Algerian naval authority has been informed.

Article 36

The provisions of articles 30 and 32 above shall apply to the foreign warship during a forced call.

TITLE IV **SPECIAL PROVISIONS**

Article 37

When substantial changes are made in the number and types of warship and the places and dates of the call, the foreign naval authorities shall so inform the Algerian naval authority in conformity with the procedure established for the request for call.

When the change occurs during passage or if it is minor, the authority responsible for the change shall inform the highest Algerian naval authority by message.

Article 38

Except in cases of forced call, the competent Algerian authorities shall only consider requests transmitted through the diplomatic channel and submitted within the minimum period established for each type of call.

Article 39

A warship may not arrive in an Algerian port on Saturdays, Sundays or holidays.

The time fixed for the arrival of warships at any port of call shall be 8 a.m. local time.

Except in the case of a forced call, there shall be no derogation from the first and second subparagraphs of this article without the consent of the competent Algerian authorities.

Article 40

In addition to the name of the commander of the naval force and the commanders of the warships, the request for call shall include:

- The number of officers, petty officers and sailors on board, including general staff members;
- The principal characteristics of the vessel;
- The number and type of aircraft on board, if any;
- Specification of the radio frequencies which the foreign naval authority wishes to use in the port of call together with the maximum broadcasting power;
- Details on revictualling or provisioning operations to be carried out in the port of call;
- Details on such material assistance as may be considered necessary.

Article 41

Except where a special exception is made, no more than three foreign warships flying the same flag shall be permitted to make a call at the same time.

Furthermore, submarines may not enter Algerian territorial waters except on the surface. They shall be prohibited from submerging during their entire stay.

Article 42

According to the type of call, the number, importance and character of the receptions and visits shall be fixed by mutual agreement between the Algerian naval authority and the foreign naval authorities or their accredited representatives to the Algerian Government.

Article 43

The commandeer of the foreign warship shall not make a press statement except with the consent of the competent Algerian authorities.

Article 44

Foreign warships flying the same flag shall not, without special authorization, stay beyond the permitted period.

Article 45

The provisions of this decree shall not apply to military aircraft except those carried or towed by warships.

Such aircraft shall not leave the vessel which carries or tows them without the authorization of the competent

Algerian authorities.

Article 46

The provisions of article 41, first paragraph, and article 44 of this decree shall not apply to the following foreign warships:

- (a) Warships carrying on board the sovereigns of a reigning dynasty or foreign Heads of State;
- (b) Warships forced into port by reason of serious damage, heavy weather or other cases of force majeure.

Article 47

The number of persons on shore leave as well as their times of landing and re-embarkation shall be fixed by agreement between the local naval or military authority and the commander of the warship or naval force.

Crew members while on land shall be prohibited from carrying arms. However, officers and petty officers shall be permitted to carry armes blanches which are part of their regulation uniforms.

If it becomes necessary for a funeral service to be performed on land by a party bearing arms, the commander of the foreign warship shall address a prior request for authorization to the local naval or military authorities.

Article 48

In no case shall arms be placed on board a foreign warship's boats if the boats are to be used.

Article 49

A sentence of death shall not be carried out on board a warship admitted to the ports and territorial waters of Algeria.

Article 50

The provisions of this decree shall not apply to warships belonging to belligerent States, when Algeria is neutral.

Article 51

In the event that a warship fails to comply with the provisions of this decree, the competent Algerian authorities shall, without prejudice to the application of article 41, second paragraph, above, draw the attention of the commander of the vessel or of the naval force to the infringement which has taken place and shall invite him to respect or to ensure respect for such provisions.

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