

# 1986 年聯合國船舶登記條件公約

## 1986 年 2 月 7 日 訂於日內瓦

### United Nations Convention on Conditions for Registration of Ships

Geneva, 7 February 1986

## Registration 1986

#### THE STATES PARTIES TO THIS CONVENTION,

**RECOGNIZING** the need to promote the orderly expansion of world shipping as a whole,

**RECALLING** General Assembly resolution 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade, which called, *inter alia*, in paragraph 128, for an increase in the participation by developing countries in world transport of international trade,

**RECALLING** also that according to the 1958 Geneva Convention on the High Seas and the 1982 United Nations Convention on the Law of the Sea there must exist a genuine link between a ship and a flag State and conscious of the duties of the flag State to exercise effectively its jurisdiction and control over ships flying its flag in accordance with the principle of the genuine link,

**BELIEVING** that to this end a flag State should have a competent and adequate national maritime administration,

**BELIEVING** also that in order to exercise its control function effectively a flag State should ensure that those who are responsible for the management and operation of a ship on its register are readily identifiable and accountable,

**BELIEVING** further that measures to make persons responsible for ships more readily identifiable and accountable could assist in the task of combating maritime fraud,

**REAFFIRMING**, without prejudice to this Convention, that each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory and for the right to fly its flag,

**PROMPTED** by the desire among sovereign States to resolve in a spirit of mutual understanding and co-operation all issues relating to the conditions for the grant of nationality to, and for the registration of, ships,

**CONSIDERING** that nothing in this Convention shall be deemed to prejudice any provisions in the national laws and regulations of the Contracting Parties to this Convention, which exceed the provisions contained herein,

**RECOGNIZING** the competences of the specialized agencies and other institutions of the United Nations system as contained in their respective constitutional instruments, taking into account arrangements which may have been concluded between the United Nations and the agencies, and between individual agencies and institutions in specific fields,

本公約各締約國，

體認有必要促進全球航運整體有序地發展，

回顧聯合國大會 1980 年 12 月 5 日第 35/56 號決議附件所載「聯合國第三個發展十年國際發展策略」，其中第 128 段要求發展中國家能更參與國際貿易之全球運輸，

另回顧「1958 年日內瓦公海公約」及「1982 年聯合國海洋法公約」規定船舶與船旗國間必須存在真實聯繫，並意識到船旗國有義務依據真實聯繫原則對懸掛其國旗之船舶有效地行使管轄及控制，

相信船旗國應為此設立適當海事主管機關，

另相信為有效行使其控制功能，船旗國應確保於該國登記之船舶之管理及經營負責之人之身份能易於識別並使其承擔責任，

另相信為使對船舶負責之人之身份更易於識別並使其承擔責任之措施，能有助於打擊海運欺詐行為，

重申在不妨害本公約情況下，各國應確定給予船舶國籍、船舶在其境內登記及懸掛其國旗之權利之條件，

本著在主權國家間以相互諒解及合作精神，解決與給予船舶國籍及船舶登記條件有關之一切爭議之期待，

考量本公約任何規定均不應被視為妨害本公約締約國法律及規章中超出本公約所載規定適用範圍之任何規定，

承認聯合國系統中各專門機構及其他機構各自規範所規定之許可權，同時考慮到聯合國同各專門機構間及具體專門機構同其他機構間於特定領域所達成之協議，

**HAVE AGREED as follows:**

茲協議如下：

## Article 1 Objectives

For the purpose of ensuring or, as the case may be, strengthening the genuine link between a State and ships flying its flag, and in order to exercise effectively its jurisdiction and control over such ships with regard to identification and accountability of shipowners and operators as well as with regard to administrative, technical, economic and social matters, a flag State shall apply the provisions contained in this Convention.

## 第 1 條 目標

為確保或於可能情況下加強一國與懸掛其國旗之船舶間之真實聯繫，併為使於船舶所有人及營運人身份識別及承擔責任方面，及於行政、技術、經濟及社會事務方面對這些船舶能有效地行使管轄及控制，船旗國須適用本公約所載規定。

## Article 2 Definitions

For the purposes of this Convention:

"Ship" means any self-propelled sea-going vessel used in international seaborne trade for the transport of goods, passengers, or both with the exception of vessels of less than 500 gross registered tons;

"Flag State" means a State whose flag a ship flies and is entitled to fly;

"Owner" or "shipowner" means, unless clearly indicated otherwise, any natural or juridical person recorded in the register of ships of the State of registration as an owner of a ship;

"Operator" means the owner or bareboat charterer, or any other natural or juridical person to whom the responsibilities of the owner or bareboat charterer have been formally assigned;

"State of registration" means the State in whose register of ships a ship has been entered;

"Register of ships" means the official register or registers in which particulars referred to in article 11 of this Convention are recorded;

"National maritime administration" means any State authority or agency which is established by the State of registration in accordance with its legislation and which, pursuant to that legislation, is responsible, *inter alia*, for the implementation of international agreements concerning maritime transport and for the application of rules and standards concerning ships under its jurisdiction and control;

"Bareboat charter" means a contract for the lease of a ship, for a stipulated period of time, by virtue of which the lessee has complete possession and control of the ship, including the right to appoint the master and crew of the ship, for the duration of the lease;

"Labour-supplying country" means a country which provides seafarers for service on a ship flying the flag of another country.

為本公約之目的：

「船舶」係指用於國際航貿，以運輸貨物、旅客或兩者之任何自航海船，然不包括總記噸位於 500 噸以下之船舶；

「船旗國」係指船舶懸掛其國旗並有權懸掛其國旗之國家；

「所有人」或「船舶所有人」係指除另有指明外，指任何在登記國船舶登記冊上登記為船舶所有人之自然人或法人；

「營運人」係指所有人或光船承租人，或經正式轉讓承擔所有人或光船承租人責任之其他任何自然人或法人；

「登記國」係指船舶於其船舶登記簿上登記之國家；

「船舶登記簿」係指載有本公約第 11 條所列事項之官方登記簿冊；

「國家海事主管機關」係指由登記國依據其立法設立之國家當局或機關，依照該立法，負責執行有關海上運輸之國際協議，並負責適用有關在其管轄及控制下之船舶之規則及標準；

「光船承租」係指於約定一段期間內承租船舶之契約；依據該契約，承租人於承租期間完全佔有並控制該船舶，包括有權任命船長及船員；

「勞工提供國」係指提供船員於懸掛另一國國旗之船舶上服務之國家。

## Article 3 Scope of application

This Convention shall apply to all ships as defined in article 2.

## 第 3 條 適用範圍

本公約適用於第 2 條所定義之所有船舶。

## Article 4 General provisions

1. Every State, whether coastal or land-locked, has the right to sail ships flying its flag on the high seas.

2. Ships have the nationality of the State whose flag they are

## 第 4 條 總則

1. 任一國家，不論是沿海國或內陸國，均有權使懸掛其國旗之船舶於公海上航行。

2. 船舶具有其有權懸掛之旗幟所屬國

- entitled to fly.
3. Ships shall sail under the flag of one State only.
  4. No ships shall be entered in the registers of ships of two or more States at a time, subject to the provisions of paragraphs 4 and 5 of article 11 and to article 12.
  5. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

## Article 5 National Maritime Administration

1. The flag State shall have a competent and adequate national maritime administration, which shall be subject to its jurisdiction and control.
2. The flag State shall implement applicable international rules and standards concerning, in particular, the safety of ships and persons on board and the prevention of pollution of the marine environment.
3. The maritime administration of the flag State shall ensure:
  - (a) That ships flying the flag of such State comply with its laws and regulations concerning registration of ships and with applicable international rules and standards concerning, in particular, the safety of ships and persons on board and the prevention of pollution of the marine environment;
  - (b) That ships flying the flag of such State are periodically surveyed by its authorized surveyors in order to ensure compliance with applicable international rules and standards;
  - (c) That ships flying the flag of such State carry on board documents, in particular those evidencing the right to fly its flag and other valid relevant documents, including those required by international conventions to which the State of registration is a Party;
  - (d) That the owners of ships flying the flag of such State comply with the principles of registration of ships in accordance with the laws and regulations of such State and the provisions of this Convention.
4. The State of registration shall require all the appropriate information necessary for full identification and accountability concerning ships flying its flag.

## Article 6 Identification and accountability

1. The State of registration shall enter in its register of ships, *inter alia*, information concerning the ship and its owner or owners. Information concerning the operator, when the operator is not the owner, should be included in the register of ships or in the official record of operators to be maintained in the office of the Registrar or be readily accessible to him, in accordance with the laws and regulations of the State of registration. The State of registration shall issue documentation as evidence of the registration of the ship.
2. The State of registration shall take such measures as are necessary to ensure that the owner or owners, the operator or operators, or any other person or persons who can be held

之國籍。

3. 船舶應僅懸掛一國之旗幟航行。
4. 依據第 11 條第 4 及 5 項及第 12 條規定，任何船舶均不得同時於二或二以上國家之船舶登記簿上登記。
5. 除所有權確實轉移或變更登記之情況外，船舶於航程中或在停靠港內不得更換其旗幟。

## 第 5 條 國家海事主管機關

1. 船旗國應設有受其管轄及控制有法定資格及適當之國家海事主管機關。
2. 船旗國須執行所適用之國際規則及標準，尤其是關於船舶及船上人員安全及防止海洋環境污染之國際規則及標準。
3. 船旗國海事主管機關須確保：
  - (a) 懸掛該國國旗之船舶遵守其有關船舶登記之法律及規章，及所適用之國際規則及標準，尤其是關於船舶及船上人員安全及防止海洋環境污染之國際規則及標準；
  - (b) 由其授權之驗船人定期檢驗懸掛該國國旗之船舶，以確保所適用之國際規則及標準獲得遵守；
  - (c) 懸掛該國國旗之船舶於船上備有各種文件，尤其是證明其有權懸掛該國國旗之文件及其他有關之有效證件，包括登記國為締約國之國際公約所要求之文件；
  - (d) 懸掛船旗國國旗之船舶所有人依照船旗國法律及規章及本公約各項規定，遵守船舶登記之各項原則。
4. 登記國須要求懸掛其國旗之船舶為充分識別身份及確定責任所需之全部必要資料。

## 第 6 條 識別身份及確定責任

1. 登記國應在其船舶登記簿中載入，特別是，有關船舶及其所有人之資料。如營運人不是所有人，則應依照船舶登記國法律及規章將有關營運人之資料列入船舶登記簿或營運人官方記錄，存放在登記官員處，或使之易於供登記官員查閱。登記國須頒發證書，作為船舶登記之證明。
2. 登記國應採取必要措施，確保懸掛其國旗之船舶的所有人、營運人或對該船舶之管理及經營承擔責任之其他

accountable for the management and operation of ships flying its flag can be easily identified by persons having a legitimate interest in obtaining such information.

3. Registers of ships should be available to those with a legitimate interest in obtaining information contained therein, in accordance with the laws and regulations of the flag State.
4. A State should ensure that ships flying its flag carry documentation including information about the identity of the owner or owners, the operator or operators or the person or persons accountable for the operation of such ships, and make available such information to port State authorities.
5. Log-books should be kept on all ships and retained for a reasonable period after the date of the last entry, notwithstanding any change in a ship's name, and should be available for inspection and copying by persons having a legitimate interest in obtaining such information, in accordance with the laws and regulations of the flag State. In the event of a ship being sold and its registration being changed to another State, log-books relating to the period before such sale should be retained and should be available for inspection and copying by persons having a legitimate interest in obtaining such information, in accordance with the laws and regulations of the former flag State.
6. A State shall take necessary measures to ensure that ships it enters in its register of ships have owners or operators who are adequately identifiable for the purpose of ensuring their full accountability.
7. A State should ensure that direct contact between owners of ships flying its flag and its government authorities is not restricted.

任何人之身份容易為具有合法權益獲取此類資料之人所辨識。

3. 船舶登記簿應依照船旗國法律及規章，供具有合法權益獲取其中所載資料之人查閱。
4. 任一國家應確保懸掛其國旗之船舶攜帶包括有關船舶所有人、營運人或對船舶經營承擔責任之人之身份資料之證件，並向港口國當局提供此類資料。
5. 所有船舶，不論其船名是否更改，均應記錄於航海日誌，並在最後記載之日後保留一段適當時間，且應依照船旗國法律及規章供具有合法權益獲取此類資料之人查閱及抄錄。如船舶被出售且更換登記國，於出售前這段時間之航海日誌應予保留，並應依照原船旗國法律及規章供具有合法權益獲取此類資料之人查閱及抄錄。
6. 任一國家應採取必要措施確保在其船舶登記簿上登記之船舶，其所有人或營運人之身份能充分被識別，以便使其承擔全部責任。
7. 任一國家應確保懸掛其國旗之船舶之所有人與其政府當局之直接聯繫不受限制。

## Article 7 Participation by nationals in the ownership and/or manning of ships

With respect to the provisions concerning manning and ownership of ships as contained in paragraphs 1 and 2 of article 8 and paragraphs 1 to 3 of article 9, respectively, and without prejudice to the application of any other provisions of this Convention, a State of registration has to comply either with the provisions of paragraphs 1 and 2 of article 8 or with the provisions of paragraphs 1 to 3 of article 9, but may comply with both.

## 第 7 條 本國國民參與船舶所有權及或船舶之人員配備

有關第 8 條第 1 及 2 項及第 9 條第 1 至第 3 項分別載明之船舶所有權及船舶人員配備之規定，於不妨害本公約任何其他規定適用之情況下，登記國必須遵守第 8 條第 1 及第 2 項之規定，或遵守第 9 條第 1 至 3 項之規定，或同時遵守該二規定。

## Article 8 Ownership of ships

1. Subject to the provisions of article 7, the flag State shall provide in its laws and regulations for the ownership of ships flying its flag.
2. Subject to the provisions of article 7, in such laws and regulations the flag State shall include appropriate provisions for participation by that State or its nationals as owners of ships flying its flag or in the ownership of such ships and for the level of such participation. These laws and regulations should be sufficient to permit the flag State to exercise effectively its jurisdiction and control over ships flying its flag.

## 第 8 條 船舶所有權

1. 於適用第 7 條規定之情況下，船旗國應於其法律及規章中，對於懸掛其國旗之船舶之所有權為相關規定。
2. 於適用第 7 條規定之情況下，船旗國該類法律及規章須就該國或其國民參與作為懸掛其國旗之船舶之所有人，或該船舶之所有權，及其參與程度為適當之規定。該法律及規章應充分使船旗國能夠對懸掛其國旗之船舶有效行使其管轄及控制。

## Article 9 Manning of ships

## 第 9 條 船舶人員配備

1. Subject to the provisions of article 7, a State of registration, when implementing this Convention, shall observe the principle that a satisfactory part of the complement consisting of officers and crew of ships flying its flag be nationals or persons domiciled or lawfully in permanent residence in that State.
  2. Subject to the provisions of article 7 and in pursuance of the goal set out in paragraph 1 of this article, and in taking necessary measures to this end, the State of registration shall have regard to the following:
    - (a) the availability of qualified seafarers within the State of registration;
    - (b) multilateral or bilateral agreements or other types of arrangements valid and enforceable pursuant to the legislation of the State of registration;
    - (c) the sound and economically viable operation of its ships.
  3. The State of registration should implement the provision of paragraph 1 of this article on a ship, company or fleet basis.
  4. The State of registration, in accordance with its laws and regulations, may allow persons of other nationalities to serve on board ships flying its flag in accordance with the relevant provisions of this Convention.
  5. In pursuance of the goal set out in paragraph 1 of this article, the State of registration should, in co-operation with shipowners, promote the education and training of its nationals or persons domiciled or lawfully in permanent residence within its territory.
  6. The State of registration shall ensure:
    - (a) that the manning of ships flying its flag is of such a level and competence as to ensure compliance with applicable international rules and standards, in particular those regarding safety at sea;
    - (b) that the terms and conditions of employment on board ships flying its flag are in conformity with applicable international rules and standards;
    - (c) that adequate legal procedures exist for the settlement of civil disputes between seafarers employed on ships flying its flag and their employers;
    - (d) that nationals and foreign seafarers have equal access to appropriate legal processes to secure their contractual rights in their relations with their employers.
1. 於適用第 7 條規定之情況下，登記國於實施本公約時，應遵守下列原則：懸掛登記國國旗之船舶所配備之高級船員及一般船員中，其本國國民，或在其境內設有住所，或合法永久居住該國之人應佔有令人滿意之比例。
  2. 於適用第 7 條規定之情況下，登記國為實現本條第 1 項規定之目標並因此採取必要措施時，應考慮下列事項：
    - (a) 登記國境內合格海員之供應情況；
    - (b) 依登記國法律，有效並可實施之多邊或雙邊協議或其他形式之協議；
    - (c) 其船舶完善及經濟上之有效經營。
  3. 登記國應在船舶、公司或船隊基礎上實施本條第 1 項之規定。
  4. 登記國可依其法律及規章，允許其他國籍之人員，依本公約有關規定，於懸掛其國旗之船舶上服務。
  5. 為實現本條第 1 項規定之目標，登記國應與船舶所有人合作，促進其國民，或在其境內設有住所，或合法永久居住在該國的人員之教育及培訓。
  6. 登記國應確保：
    - (a) 懸掛其國旗之船舶所配備之人員具有一定之水準及能力，以保證遵循所應適用之國際規則及標準，尤其是有關海上安全之規則及標準；
    - (b) 懸掛其國旗之船舶之船員雇用條款及條件符合所應適用之國際規則及標準；
    - (c) 規定有適當之法律程序，以解決於懸掛其國旗之船舶上所僱傭之海員與其僱主間之民事爭議；
    - (d) 本國國民及外國海員於其與僱主關係中，為確保其契約權利，有訴諸相關法律程序之同等機會。

## Article 10 Role of flag States in respect of the management of shipowning companies and ships

## 第 10 條 船旗國在管理船舶所屬公司及船舶方面的作用

1. The State of registration, before entering a ship in its register of ships, shall ensure that the shipowning company or a subsidiary shipowning company is established and/or has its principal place of business within its territory in accordance with its laws and regulations.
  2. Where the shipowning company or a subsidiary shipowning company or the principal place of business of the shipowning company is not established in the flag State, the latter shall
1. 登記國須確保，於其船舶登記簿上為船舶登記之前，依其法律或規章於其境內設立船舶所屬公司或船舶所屬子公司及/或在其境內設有該公司之主要營業所。
  2. 如船舶所屬公司或船舶所屬子公司或其主要營業所並非設在船旗國內，船旗國須確保，於其船舶登記簿

ensure, before entering a ship in its register of ships, that there is a representative or management person who shall be a national of the flag State, or be domiciled therein. Such a representative or management person may be a natural or juridical person who is duly established or incorporated in the flag State, as the case may be, in accordance with its laws and regulations, and duly empowered to act on the shipowner's behalf and account. In particular, this representative or management person should be available for any legal process and to meet the shipowner's responsibilities in accordance with the laws and regulations of the State of registration.

3. The State of registration should ensure that the person or persons accountable for the management and operation of a ship flying its flag are in a position to meet the financial obligations that may arise from the operation of such a ship to cover risks which are normally insured in international maritime transportation in respect of damage to third parties. To this end the State of registration should ensure that ships flying its flag are in a position to provide at all times documents evidencing that an adequate guarantee, such as appropriate insurance or any other equivalent means, has been arranged. Furthermore, the State of registration should ensure that an appropriate mechanism, such as a maritime lien, mutual fund, wage insurance, social security scheme, or any governmental guarantee provided by an appropriate agency of the State of the accountable person, whether that person is an owner or operator, exists to cover wages and related monies owed to seafarers employed on ships flying its flag in the event of default of payment by their employers. The State of registration may also provide for any other appropriate mechanism to that effect in its laws and regulations.

## Article 11 Register of ships

1. A State of registration shall establish a register of ships flying its flag, which register shall be maintained in a manner determined by that State and in conformity with the relevant provisions of this Convention. Ships entitled by the laws and regulations of a State to fly its flag shall be entered in this register in the name of the owner or owners or, where national laws and regulations so provide, the bareboat charterer.
2. Such register shall, *inter alia*, record the following:
  - (a) the name of the ship and the previous name and registry if any;
  - (b) the place or port of registration or home port and the official number or mark of identification of the ship;
  - (c) the international call sign of the ship, if assigned;
  - (d) the name of the builders, place of build and year of building of the ship;
  - (e) the description of the main technical characteristics of the ship;
  - (f) the name, address and, as appropriate, the nationality of the owner or of each of the owners;
  - (g) and, unless recorded in another public document readily accessible to the Registrar in the flag State:
    - (i) the date of deletion or suspension of the previous

上為船舶登記之前，有一船旗國國民或在其境內有住所的人擔任代表人或管理人。該代表人或管理人可以為船旗國境內依其法律及規章正當居住之自然人或適當成立或註冊之法人，並正式得到授權以船舶所有人名義及為其利益行事。特別是該代表或管理人應能參與任何法律訴訟，並依照登記國法律及規章承擔船舶所有人之責任。

3. 登記國應確保負責管理及經營懸掛其國旗之船舶之人員能履行經營該船舶可能引起之財務責任，以承擔國際海上運輸中通常投保對第三人造成損害之風險。為此理由，登記國應確保懸掛其國旗之船舶能隨時提供文件證明已安排充分擔保，如適當之保險或任何其他類似辦法。除此之外，登記國另應確保已有適當辦法，如海事優先權、互助基金、工資保險、社會保障體制或承擔責任者(不論其為所有人或營運人)所屬國之適當機構提供之任何政府擔保，以償付懸掛其國旗船舶上僱主拖欠所雇船員工資及有關費用。登記國亦可為此於其法律及規章中規定任何其他適當辦法。

## 第 11 條 船舶登記簿

1. 登記國須為懸掛其國旗之船舶設置登記簿，登記簿應依該國所決定及符合本公約有關規定之方法為保管。依一國法律及規章有權懸掛其國旗之船舶應以所有人名義於該登記簿上登記，或依該國法律及規章規定，以光船承租人名義登記。
2. 該登記簿須特別載明下列資料：
  - (a) 船舶名稱，及先前名稱及船籍(如有)；
  - (b) 船舶登記地點或港口、或船籍港及該船官方登記號碼或識別標誌；
  - (c) 所指定之船舶國際呼號；
  - (d) 船舶建造廠名稱、建造地點及建造年份；
  - (e) 船舶主要技術性能數據；
  - (f) 所有人之姓名、地址，並視情況載明船舶所有人或每一所有人之國籍。
  - (g) 另除船旗國登記官隨時可查閱的其他公開文件已有記錄外，否則另須載明：
    - (i) 船舶先前之登記塗銷或中止

- registration of the ship;
  - (ii) the name, address and, as appropriate, the nationality of the bareboat charterer, where national laws and regulations provide for the registration of ships bareboat chartered-in;
  - (iii) the particulars of any mortgages or other similar charges upon the ship as stipulated by national laws and regulations.
3. Furthermore, such register should also record:
    - (a) if there is more than one owner, the proportion of the ship owned by each;
    - (b) the name, address and, as appropriate, the nationality of the operator, when the operator is not the owner or the bareboat charterer.
  4. Before entering a ship in its register of ships a State should assure itself that the previous registration, if any, is deleted.
  5. In the case of a ship bareboat chartered-in a State should assure itself that right to fly the flag of the former flag State is suspended. Such registration shall be effected on production of evidence, indicating suspension of previous registration as regards the nationality of the ship under the former flag State and indicating particulars of any registered encumbrances.

之日期；

(ii) 如國家法律及規章允許光船承租之船舶登記，則載明光船承租人之姓名、地址，並視情況載明其國籍；

(iii) 任何抵押或國家法律及規章規定之船舶其他類似負擔的情況。

3. 此外，該登記簿另應載明：
  - (a) 如有一以上之所有人，每一所有人所擁有之船舶所有權比例；
  - (b) 如營運人非所有人或光船承租人，載明營運人之名稱、地址，並視情況載明其國籍。
4. 一國於其船舶登記簿上為船舶登記前，應確保該船以前已有之登記已經塗銷。
5. 如船舶係光船承租，一國應確保其懸掛前船旗國國旗之權利已中止。進行該登記須憑出示證據，表明船舶前一船旗國國籍之登記已中止，並表明所登記之任何負擔之情況。

## Article 12 Bareboat charter

1. Subject to the provisions of article 11 and in accordance with its laws and regulations a State may grant registration and the right to fly its flag to a ship bareboat chartered-in by a charterer in that State, for the period of that charter.
2. When shipowners or charterers in States Parties to this Convention enter into such bareboat charter activities, the conditions of registration contained in this Convention should be fully complied with.
3. To achieve the goal of compliance and for the purpose of applying the requirements of this Convention in the case of a ship so bareboat chartered-in the charterer will be considered to be the owner. This Convention, however, does not have the effect of providing for any ownership rights in the chartered ship other than those stipulated in the particular bareboat charter contract.
4. A State should ensure that a ship bareboat chartered-in and flying its flag, pursuant to paragraphs 1 to 3 of this article, will be subject to its full jurisdiction and control.
5. The State where the bareboat chartered-in ship is registered shall ensure that the former flag State is notified of the deletion of the registration of the bareboat chartered ship.
6. All terms and conditions, other than those specified in this article, relating to the relationship of the parties to a bareboat charter are left to the contractual disposal of those parties.

## 第 12 條 光船承租

1. 任一國得依據第 11 條規定並依照其法律及規章，准許本國之承租人以光船承租之船舶於租賃期內進行登記並享有懸掛其國旗之權利。
2. 本公約締約國國內之船舶所有人或承租人從事光船承租作業時，應完全遵守本公約所規定之登記條件。
3. 船舶係光船承租時，為確保本公約規定得以獲得遵守，併為適用本公約規定，承租人應視為所有人。然除光船承租契約中所規定之所有權外，本公約不應具有規定租用船舶之任何所有權之效力。
4. 任一國應依照本條第 1 至第 3 項規定確保以光船承租並懸掛其國旗之船舶完全受其管轄及控制。
5. 以光船承租之船舶之登記國須確保前一船旗國已被告知以光船承租之船舶之登記業已塗銷。
6. 除本條規定外，有關光船承租關係之一切條款與條件均由有關當事人以契約方式處理。

## Article 13 Joint ventures

1. Contracting Parties to this Convention, in conformity with their national policies, legislation and the conditions for registration of ships contained in this Convention, should promote joint ventures between shipowners of different countries, and should,

## 第 13 條 合資企業

1. 本公約締約國應依據其本國政策、法律及本公約所規定之船舶登記條件，促進不同國家之船舶所有人間之合資企業，並應為此作出適當安排，

to this end, adopt appropriate arrangements, *inter alia*, by safeguarding the contractual rights of the parties to joint ventures, to further the establishment of such joint ventures in order to develop the national shipping industry.

2. Regional and international financial institutions and aid agencies should be invited to contribute, as appropriate, to the establishment and/or strengthening of joint ventures in the shipping industry of developing countries, particularly in the least developed among them.

特別是包括保障合營企業各當事人之契約權利，促進此類合資企業之設立，以發展本國航運業。

2. 應邀請地區性及國際金融機構及援助機構視情況協助發展中國家，特別是其中最不發達國家建立及/或加強航運業中之合資企業。

#### **Article 14 Measures to protect the interests of labour-supplying countries**

#### **第 14 條 保護勞工提供國利益之措施**

1. For the purpose of safeguarding the interests of labour-supplying countries and of minimizing labour displacement and consequent economic dislocation, if any, within these countries, particularly developing countries, as a result of the adoption of this Convention, urgency should be given to the implementation, *inter alia*, of the measures as contained in Resolution 1 annexed to this Convention.
2. In order to create favourable conditions for any contract or arrangement that may be entered into by shipowners or operators and the trade unions of seamen or other representative seamen bodies, bilateral agreements may be concluded between flag States and labour-supplying countries concerning the employment of seafarers of those labour-supplying countries.

1. 為保護勞工提供國利益及減少該國，特別是發展中國家因本公約實施而出現之勞工轉移及隨之可能引起之經濟混亂，應立即實施本公約所附決議 1 所載明之措施。
2. 為創造有利於船舶所有人或營運人與海員工會或其他代表海員機構訂立任何契約或協議之條件，船旗國及勞工提供國間得就勞工提供國海員之雇傭問題達成雙邊協議。

#### **Article 15 Measures to minimize adverse economic effects**

#### **第 15 條 減少不利經濟影響之措施**

For the purpose of minimizing adverse economic effects that might occur within developing countries, in the process of adapting and implementing conditions to meet the requirements established by this Convention, urgency should be given to the implementation, *inter alia*, of the measures as contained in Resolution 2 annexed to this Convention.

為減少隨著修改及實施各種條件以達到本公約規定要求而對發展中國家可能產生之經濟不利影響，應立即實施本公約所附決議 2 所載明之措施。

#### **Article 16 Depositary**

#### **第 16 條 保存人**

The Secretary-General of the United Nations shall be the depositary of this Convention.

聯合國秘書長為本公約保存人。

#### **Article 17 Implementation**

#### **第 17 條 實施**

1. Contracting Parties shall take any legislative or other measures necessary to implement this Convention.
2. Each Contracting Party shall, at appropriate times, communicate to the depositary the texts of any legislative or other measures which it has taken in order to implement this Convention.
3. The depositary shall transmit upon request to Contracting Parties the texts of the legislative or other measures which have been communicated to him pursuant to paragraph 2 of this article.

1. 各締約國應採取必要立法或其他措施以實施本公約。
2. 任一締約國應於適當時間將為實施本公約所採取之立法或其他措施之文本送交保存人。
3. 保存人應將依據本條第 2 項送交給其之立法或其他措施之文本轉交給提出要求之締約國。

#### **Article 18 Signature, ratification, acceptance, approval**

#### **第 18 條 簽字、批准、接受、核准及**



## and accession

1. All States are entitled to become Contracting Parties to this Convention by:
  - (a) signature not subject to ratification, acceptance or approval; or
  - (b) signature subject to and followed by ratification, acceptance or approval; or
  - (c) accession.
2. This Convention shall be open for signature from 1 May 1986 to and including 30 April 1987, at the Headquarters of the United Nations in New York and shall thereafter remain open for accession.
3. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

## Article 19 Entry into force

1. This Convention shall enter into force 12 months after the date on which not less than 40 States, the combined tonnage of which amounts to at least 25 per cent of world tonnage, have become Contracting Parties to it in accordance with article 18. For the purpose of this article the tonnage shall be deemed to be that contained in annex III to this Convention.
2. For each State which becomes a Contracting Party to this Convention after the conditions for entry into force under paragraph 1 of this article have been met, the Convention shall enter into force for that State 12 months after that State has become a Contracting Party.

## Article 20 Review and amendments

1. After the expiry of a period of eight years from the date of entry into force of this Convention, a Contracting Party may, by written communication addressed to the Secretary-General of the United Nations, propose specific amendments to this Convention and request the convening of a review conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all Contracting Parties. If, within 12 months from the date of the circulation of the communication, not less than two-fifths of the Contracting Parties reply favourably to the request, the Secretary-General shall convene the Review Conference.
2. The Secretary-General of the United Nations shall circulate to all Contracting Parties the texts of any proposals for, or views regarding, amendments, at least six months before the opening date of the Review Conference.

## Article 21 Effect of amendments

1. The decisions of a review conference regarding amendments shall be taken by consensus or, upon request, by a vote of a two-thirds majority of the Contracting Parties present and voting. Amendments adopted by such a conference shall be communicated by the Secretary-General of the United Nations to all the Contracting Parties for ratification, acceptance, or

## 加入

1. 所有國家均有權透過下列方式成為本公約締約國：
  - (a) 簽字而無須批准、接受或核准；或
  - (b) 簽字待批准、接受或核准，隨後再予批准、接受或核准；或
  - (c) 加入。
2. 本公約從 1986 年 5 月 1 日至 1987 年 4 月 30 日(含 1987 年 4 月 30 日)於紐約聯合國總部開放供簽字，其後繼續開放供加入。
3. 批准書、接受書、核准書或加入書應交存保存人。

## 第 19 條 生效

1. 本公約於總計噸位至少達世界總噸位百分之二十五之不少於 40 個國家依據第 18 條成為締約國之日起 12 個月之後生效。於本條文，噸位是指本公約附件 III 中所載之噸位。
2. 對於本條第 1 項所規定生效條件滿足後成為本公約締約國之任一國家，本公約自該國成為締約國 12 個月後對其生效。

## 第 20 條 檢討及修正

1. 本公約生效之日起八年屆滿後，締約國可以通過致函聯合國秘書長，提出針對本公約之具體修正案，並要求召開檢討會議審議所提出之修正案。秘書長須將該函件分送給所有締約國。如於分送函件之日起 12 個月內有不少於五分之二之締約國作出同意此要求之答覆，秘書長須召集檢討會議。
2. 聯合國秘書長須在檢討會議召開日期之前至少六個月將任何有關修正案之提案文本或有關修正案之意見，分送發給所有締約國。

## 第 21 條 修正案之生效

1. 檢討會議有關修正案之決定須以協商一致之方式作出，或應要求由出席並參加表決之締約國三分之二多數作出。該檢討會議通過之修正案由聯合國秘書長送交所有締約國批准、接受或核准，並送交公約所有簽字國參

- approval and to all the States signatories of the Convention for information.
2. Ratification, acceptance or approval of amendments adopted by a review conference shall be effected by the deposit of a formal instrument to that effect with the depositary.
  3. Any amendment adopted by a review conference shall enter into force only for those Contracting Parties which have ratified, accepted or approved it, on the first day of the month following one year after its ratification, acceptance or approval by two-thirds of the Contracting Parties. For any State ratifying, accepting or approving an amendment after it has been ratified, accepted or approved by two-thirds of the Contracting Parties, the amendment shall enter into force one year after its ratification, acceptance or approval by that State.
  4. Any State which becomes a Contracting Party to this Convention after the entry into force of an amendment shall, failing an expression of a different intention by that State:
    - (a) Be considered as a Party to this Convention as amended; and
    - (b) Be considered as a Party to the unamended Convention in relation to any Contracting Party not bound by the amendment.

## Article 22 Denunciation

1. Any Contracting Party may denounce this Convention at any time by means of a notification in writing to this effect addressed to the depositary.
2. Such denunciation shall take effect on the expiration of one year after the notification is received by the depositary, unless a longer period has been specified in the notification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have affixed their signatures hereunder on the dates indicated.

DONE at Geneva on 7 February 1986 in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, all texts being equally authentic.

### Annex I Resolution 1

#### Measures to protect the interests of labour-supplying countries

The United Nations Conference on Conditions for Registration of Ships,  
Having adopted the United Nations Convention on Conditions for Registration of Ships,  
Recommends as follows:-

1. Labour-supplying countries should regulate the activities of the agencies within their jurisdiction that supply seafarers for ships flying the flag of another country in order to ensure that the contractual terms offered by those agencies will prevent abuses and contribute to the welfare of seafarers. For the protection of

考。

2. 對檢討會議所通過修正案之批准、接受或核准，應向保存人交存相應之式文件。
3. 檢討會議所通過之修正案於其獲得三分之二締約國批准、接受或核准之日起滿一年後之第一個月第一天，只對已批准、接受或核准該修正案之締約國生效。對於修正案已獲得三分之二締約國批准、接受或核准之後才批准、接受或核准該修正案之國家，修正案在該國批准、接受或核准之日起滿一年以後生效。
4. 於第一項修正案生效後成為本公約締約國之任何國家，如不表明不同的意向，則：
  - (a) 視為修正後之本公約之締約國，且
  - (b) 與不受該修正案約束之本公約任何締約國之關係上，視為未經修正之本公約之締約國。

## 第 22 條 退出

1. 任何締約國均可於任何時間書面通知保存人退出本公約。
2. 該退出應於保存人收到通知之日後一年屆滿時生效，然通知中載明更長期限者除外。

下列署名者，經正式授權，於下列日期簽署本公約，以昭信守。

1986 年 2 月 7 日訂於日內瓦，正本一份，用阿拉伯文、中文、英文、法文、俄文及西班牙文寫成，各種文本具有同等效力。

### 附件 I 第 1 號決議

#### 保護勞工提供國利益的措施

聯合國船舶登記條件會議，  
通過聯合國船舶登記條件公約，

茲建議如下：

1. 勞工提供國應調整受其管轄、為懸掛另一國國旗之船舶提供海員之機構之活動，以確保該機構所提出之契約條款能防止弊端，及增進海員福利。為保護本國海員，勞工提供國可要求

their seafarers, labour-supplying countries may require, *inter alia*, suitable security of the type mentioned in article 10 from the owners or operators of ships employing such seafarers or from other appropriate bodies;

2. Labour-supplying developing countries may consult each other in order to harmonize as much as possible their policies concerning the conditions upon which they will supply labour in accordance with these principles and may, if necessary, harmonize their legislation in this respect;
3. The United Nations Conference on Trade and Development, the United Nations Development Programme and other appropriate international bodies should upon request provide assistance to labour-supplying developing countries for establishing appropriate legislation for registration of ships and attracting ships to their registers, taking into account this Convention;
4. The International Labour Organisation should upon request provide assistance to labour-supplying countries for the adoption of measures in order to minimize labour displacement and consequent economic dislocation, if any, within labour-supplying countries which might result from the adoption of this Convention;
5. Appropriate international organizations within the United Nations system should upon request provide assistance to labour-supplying countries for the education and training of their seafarers, including the provision of training and equipment facilities.

## Annex II Resolution 2

### Measures to minimize adverse economic effects

The United Nations Conference on Conditions for Registration of Ships,

Having adopted the United Nations Convention on Conditions for Registration of Ships,

Recommends as follows:-

1. The United Nations Conference on Trade and Development, the United Nations Development Programme and the International Maritime Organization and other appropriate international bodies should provide, upon request, technical and financial assistance to those countries which may be affected by this Convention in order to formulate and implement modern and effective legislation for the development of their fleet in accordance with the provisions of this Convention;
2. The International Labour Organisation and other appropriate international organizations should also provide, upon request, assistance to those countries for the preparation and implementation of educational and training programmes for their seafarers as may be necessary;
3. The United Nations Development Programme, the World Bank and other appropriate international organizations should provide to those countries, upon request, technical and financial assistance for the implementation of alternative national development plans, programmes and projects to overcome economic dislocation which might result from the adoption of this Convention.

雇傭本國海員之船舶的所有人或營運人或其他有關機構提供，特別是，第 10 條所定形式之適當擔保；

2. 提供勞工之發展中國家可相互磋商，盡可能依照該原則協調其有關提供勞工條件之政策，並於必要時，協調這方面之立法；
3. 聯合國貿易與發展會議、聯合國開發計劃署及其他有關國際機構應依請求，於考量本公約之情況下，協助提供勞工之發展中國家制定適當之船舶登記法律，吸引船舶於這些國家登記；
4. 國際勞工組織應依請求，協助勞工提供國採取措施，以減少勞工提供國內因通過本公約而可能出現之勞工轉移及隨之引起之經濟混亂；
5. 聯合國體系內之有關國際組織應依請求，協助勞工提供國教育及培訓其海員，包括提供培訓設施及設備。

## 附件 II 第 2 號決議

### 減少不利經濟影響的措施

聯合國船舶登記條件會議，

通過了聯合國船舶登記條件公約，

茲建議如下：

1. 聯合國貿易及發展會議、聯合國開發計劃署、國際海事組織及其他有關國際機構應依要求，向可能受本公約影響之國家提供技術及資金援助，以便依照本公約規定為發展這些國家之船隊制定及實施符合現時及有效之法律；
2. 國際勞工組織及其他有關國際組織亦應依要求協助這些國家編制及實施必要之海員教育及訓練方案；
3. 聯合國開發計劃署、世界銀行及其他有關國際組織應依要求向這些國家為實施國家發展之備選計劃、方案及項目，提供技術及資金援助，以克服因通過本公約可能引起之經濟混亂。

**Annex III**  
**Merchant fleets of the world**  
**Ships of 500 grt and above as at 1 July 1985**

**附件 II I**  
**1985 年 7 月 1 日全球擁有 500 噸以**  
**上商船船隊之國家**

略