

1989 年海難救助國際公約

1989 年 4 月 28 日 訂於倫敦，1996 年 7 月 14 日生效

The International Convention on Salvage, 1989

London 28 April 1989; Entered into Force July, 14, 1996

Salvage 1989

THE STATES PARTIES TO THE PRESENT CONVENTION
RECOGNIZING the desirability of determining by agreement
uniform international rules regarding salvage operations,
NOTING that substantial developments, in particular the
increased concern for the protection of the environment, have
demonstrated the need to review the international rules
presently contained in the Convention for the Unification of
Certain Rules of Law relating to Assistance and Salvage at Sea,
done at Brussels, 23 September 1910,
CONSCIOUS of the major contribution which efficient and
timely salvage operations can make to the safety of vessels and
other property in danger and to the protection of the
environment,
CONVINCED of the need to ensure that adequate incentives are
available to persons who undertake salvage operations in
respect of vessels and other property in danger,
HAVE AGREED as follows:

本公約各締約國，
體認以協議方式訂定一項有關統一海難救助
及國際化作業規則之必須性，
注意到許多實質上的發展，尤其是促進環境
保護方面，顯示 1910 年 9 月 23 日於布魯塞
爾所簽訂之「統一海上救助及撈救某些規則
國際公約」之國際規範已有加以檢討之必要，

瞭解有效率且及時之海難救助作業，對陷入
海難危險之船舶及其他財物之安全及對環境
之保護之重要貢獻，

深信有必要對陷入海上危難之船舶或其他財
物之海難救助從事人員，給予適當之鼓勵，

爰經協議如次：

Chapter I - General provisions

第一章 總 則

Article 1 - Definitions

第 1 條 定義

For the purpose of this Convention:

就本公約之目的而言：

- (a) Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever.
- (b) Vessel means any ship or craft, or any structure capable of navigation.
- (c) Property means any property not permanently and intentionally attached to the shoreline and includes freight at risk.
- (d) Damage to the environment means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents.
- (e) Payment means any reward, remuneration or compensation due under this Convention.
- (f) Organization means the International Maritime Organization.

- (a) 海難救助作業係指為協助於可航行水域或其他任何水域中陷入危難之船舶或其他任何財物，所從事之任何行為或活動。
- (b) 船舶係指任何船或艇或可供航行之任何構造物。
- (c) 財物係指任何非永久性且故意附著於海岸之財物，包括風險運費。
- (d) 對環境造成損害係指因污染、污損、火災、爆炸或類似重大事故，肇致沿海或內水或其鄰近地區人體健康、海洋生物或資源重大實質損害。
- (e) 給付係指依本公約應支付之任何報酬、酬金或補償。
- (f) 本組織係指國際海事組織。

- (g) Secretary-General means the Secretary-General of the Organization. (g) 秘書長係指國際海事組織秘書長。

Article 2 - Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

第 2 條 公約之適用

本公約適用於本公約締約國因涉及公約有關事項之訴訟或仲裁程序。

Article 3 - Platforms and drilling units

This Convention shall not apply to fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

第 3 條 平台及鑽探設施

本公約不適用於從事海床礦物資源之探勘、開採或生產之固定或漂浮之平台或機動之近海鑽探設施。

Article 4 - State - owned vessels

- (1) Without prejudice to article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that State decides otherwise.
- (2) Where a State Party decides to apply the Convention to its warships or other vessels described in paragraph 1, it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

第 4 條 國有船舶

- (1) 於不損及第 5 條規定之情況下，本公約不適用於軍艦或由國家所擁有或營運，及在海難救助作業時，依據一般公認之國際法原則，享有主權之其他非商用船舶。然經該國另有其他決定者，不在此限。
- (2) 本公約締約國，若決定本公約可適用前項所述之軍艦或其他船舶時，應將其適用條件及情況，通知秘書長。

Article 5 - Salvage operations controlled by public authorities

- (1) This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.
- (2) Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.
- (3) The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

第 5 條 由公務機關控管之海難救助作業

- (1) 本公約不應影響任何國內法或國際公約中有關由公務機關所控管之海難救助作業之規定。
- (2) 然從事此等海難救助作業之救助人，仍應享有本公約所規定之有關救助作業之權益。
- (3) 公務機關基於其權責，施行海難救助作業所可享有本公約所規定之權益範圍，應由該公務機關所在國之法律定之。

Article 6 - Salvage contracts

- (1) This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.
- (2) The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the

第 6 條 海難救助契約

- (1) 本公約適用於任何海難救助作業。然契約另有明文或默示約定者，不在此限。
- (2) 船長有權代表該船舶之所有人訂立海難救助契約。船長或船舶所有人有權代表該船舶所載財物之所有人訂立此契約。

property on board the vessel.

- (3) Nothing in this article shall affect the application of article 7 nor duties to prevent or minimize damage to the environment.
- (3) 本條規定不影響本公約第7條之適用，亦不影響任何為防止或減少環境損害之義務。

Article 7 - Annulment and modification of contracts

第7條 海難救助契約之無效及修正

A contract or any terms thereof may be annulled or modified if:

海難救助契約或其中之任何條件，有下列情況者，得予以無效或修正：

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
(b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.
- (a) 契約之訂立，受有不當之影響或受危難之影響，且其約定有失公平者；或
(b) 契約之給付，較實際所提供之服務過多或過少者。

Chapter II - Performance of salvage operations

第二章 海難救助作業之施行

Article 8 - Duties of the salvor and of the owner and master

第8條 救助入、船舶所有人及船員之義務

- (1) The salvor shall owe a duty to the owner of the vessel or other property in danger:
- (a) to carry out the salvage operations with due care;
(b) in performing the duty specified in subparagraph (a), to exercise due care to prevent or minimize damage to the environment;
(c) whenever circumstances reasonably require, to seek assistance from other salvors; and
(d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.
- (2) The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor:
- (a) to co-operate fully with him during the course of the salvage operations;
(b) in so doing, to exercise due care to prevent or minimize damage to the environment; and
(c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so.
- (1) 救助入對陷於危難之船舶或其他財物之所有人，負有下列義務：
(a) 謹慎進行海難救助作業；
(b) 進行(a)款海難救助作業時，應注意防止或減少對環境之損害；
(c) 於狀況合理所需時，尋求其他救助入之協助；及
(d) 一經陷於危難之船舶或其他財物所有人或船長之合理請求，應容許其他救助入之介入。如經發現該請求為不合理時，其應得之報酬金額，不應受影響。
- (2) 陷於危難之船舶所有人及船長或其他財物之所有人，對救助入負有下列義務：
(a) 於海難救助作業進行過程中，提供充分之合作；
(b) 於提供前款合作時，應注意防止或減少對環境之損害；及
(c) 當船舶或其財物已移置於安全處所時，應接受救助入交船之合理請求。

Article 9 - Rights of coastal States

第9條 沿海國之權利

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognized principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

本公約規定不應影響相關沿海國依據公認之國際法原則採取措施，以保護其海岸或其他相關利益，免於遭受因海難事故或與該事故有關並可合理預期將導致重大有害影響之行為所可能產生之污染或污染威脅之權利，包括沿海國對海難救助作業加以指導監督之權利。

Article 10 - Duty to render assistance

- (1) Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.
- (2) The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.
- (3) The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

Article 11 - Co - operation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

Chapter III - Rights of salvors

Article 12 - Conditions for reward

- (1) Salvage operations which have had a useful result give right to a reward.
- (2) Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.
- (3) This chapter shall apply, notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same owner.

Article 13 - Criteria for fixing the reward

- (1) The reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are presented below:
 - (a) the salvaged value of the vessel and other property;
 - (b) the skill and efforts of the salvors in preventing or minimizing damage to the environment;
 - (c) the measure of success obtained by the salvor;
 - (d) the nature and degree of the danger;
 - (e) the skill and efforts of the salvors in salvaging the vessel, other property and life;
 - (f) the time used and expenses and losses incurred by the salvors;
 - (g) the risk of liability and other risks run by the salvors or their equipment;
 - (h) the promptness of the services rendered;
 - (i) the availability and use of vessels or other equipment intended for salvage operations;

第 10 條 提供救助之義務

- (1) 船長在不甚危害其船舶與船上人員範圍內，應對在海上行將淹沒之任何人盡力提供救助。
- (2) 締約國應採必要措施，以實施第 1 項之義務。
- (3) 船舶所有人對船長違反第 1 項規定者，不應負責。

第 11 條 合作

締約國於規定或決定有關海難救助作業事項，例如允許遇險船舶入港或對救助人提供各項設施時，應考量救助人與其他相關當事人及公務機關間合作之必要性，以確保海難救助作業得以有效達成拯救遇險之生命或財物，及防止對環境造成損害之目的。

第三章 救助人之權利

第 12 條 報酬條件

- (1) 海難救助作業具有效果者有權獲得報酬。
- (2) 除另有明文規定外，海難救助作業如無效果，不得依本公約為給付。
- (3) 從事海難救助之施救船舶與被救助之船舶，縱屬同一所有人，本章規定仍應適用之。

第 13 條 裁定報酬之標準

- (1) 報酬應著重於鼓勵海難救助作業為，並斟酌下列各項情況定之，不計其先後順序：
 - (a) 獲救船舶或其他財物之價值；
 - (b) 救助人對防止或減少環境損害之技術及努力；
 - (c) 救助人所獲成效之程度；
 - (d) 危險之性質及程度；
 - (e) 救助人救助船舶、其他財物及人命之技術及努力；
 - (f) 救助人所耗費之時間、費用及其所蒙受之損失；
 - (g) 救助人或其設備所負之責任危險及其他危險；
 - (h) 提供服務之迅捷性；
 - (i) 供海難救助作業之船舶或其他設備之取得及運用情況；

- (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.
 - (2) Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salvaged values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this article shall prevent any right of defence.
 - (3) The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salvaged value of the vessel and other property.
- (j) 救助人所提供設備之備便程度、效率及其價值。
 - (2) 根據第 1 項所裁定報酬之給付，應由所有船舶及其他財物之利益人，依其獲救價值比例分擔之。然締約國得於其國內法中規定，報酬之給付必須由相關利益人中之一人單獨給付之，而該利益人得向其他利益人請求償還其應分擔之部分。本條不應妨礙任何抗辯權之行使。
 - (3) 報酬不應超過獲救船舶或其他財物之價值。然因所孳生之任何利息及可追償之法律費用，不在此限。

Article 14 - Special compensation

- (1) If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 13 at least equivalent to the special compensation assessable in accordance with this article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.
- (2) If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30% of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in article 13, paragraph 1, may increase such special compensation further, but in no event shall the total increase be more than 100% of the expenses incurred by the salvor.
- (3) Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 13, paragraph 1 (h), (i) and (j).
- (4) The total special compensation under this article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under article 13.
- (5) If the salvor has been negligent and has thereby failed to prevent or minimize damage to the environment, he may be deprived of the whole or part of any special compensation due under this article.
- (6) Nothing in this article shall affect any right of recourse on the part of the owner of the vessel.

Article 15 - Apportionment between salvors

- (1) The apportionment of a reward under article 13 between salvors shall be made on the basis of the criteria contained in that article.
- (2) The apportionment between the owner, master and other persons in the service of each salvaging vessel shall be

第 14 條 特別補償金

- (1) 救助人針對有損害環境之虞之船舶或其上貨載施行海難救助作業，無法依第 13 條獲得至少與本條估算所得之特別補償金同等之報酬時，應享有向該船舶所有人請求依本條所定義，等同於其所支出費用之特別補償金之權利。
- (2) 於前項所述情形下，若救助人之海難救助作業，已達防止或減少環境之損害，則船舶所有人依前項規定應給付救助人之特別補償金，得增加至最多不超過救助人所支出費用之百分之 30。然法庭得依公平及合理原則，並參酌第 13 條第 1 項所述之標準，增加該特別補償金。然增加之數額，以不超過救助人所支出費用百分之 100 為限。
- (3) 就第 1 及 2 項目的而言，救助人之費用係指救助人在執行海難救助作業時所合理支出之實支費用，包括參酌第 13 條第 1 項 (h)、(i) 及 (j) 款所述標準用於救助作業之設備及人事上合理費率。
- (4) 依本條應給付之特別補償金總額，其範圍受限該補償金超過依第 13 條規定救助人所收取之任何報酬之部分。
- (5) 救助人如因其自身疏失，致未能防止或減少環境之損害者，得剝奪其依本條之任何全部或部分特別補償金。
- (6) 本條規定，不影響船舶所有人任何追償權利之行使。

第 15 條 救助人間報酬之分配

- (1) 救助人間依第 13 條報酬之分配，應依該條所述之標準為準。
- (2) 施救船舶之所有人、船長及其他服務於該船之人員間報酬之分配，應依該船之船旗

determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

國法律定之。如海難救助並非由船舶為之，其分配應依有關救助人員與其受僱人所訂契約之法律定之。

Article 16 - Salvage of persons

第 16 條 人命救助

- (1) No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.
- (2) A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salving the vessel or other property or preventing or minimizing damage to the environment.

- (1) 人命救助無須給付報酬。然本條不應影響國內法之有關規定。
- (2) 海難事故發生時，參與海難救助作業而救人之救助人員，有權對判決給救助船舶、其他財物或防止、減少環境損害之救助人員之報酬主張合理分配權。

Article 17 - Services rendered under existing contracts

第 17 條 依據既有契約所提供之服務

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

於危難事故發生前已訂有契約，除非其所提供之服務，已可合理認定超過該契約範圍，不得依本公約請求給付。

Article 18 - The effect of salvor's misconduct

第 18 條 救助人不當行為之後果

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

救助人員因其自身之過失、疏忽、詐欺或其他不實行為，致使必須為海難救助作業或使該作業更為困難者，得剝奪其依本公約之全部或部分給付。

Article 19 - Prohibition of salvage operations

第 19 條 海難救助作業之禁止

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention

經陷於危難之船舶所有人、船長或不在船上之其他財物所有人明示並作合理禁止，而仍提供服務者，不得依本公約之規定請求給付。

Chapter IV - Claims and actions

第四章 求償及訴訟

Article 20 - Maritime lien

第 20 條 海事優先權

- (1) Nothing in this Convention shall affect the salvor's maritime lien under any international convention or national law.
- (2) The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

- (1) 本公約對於救助人員依任何國際公約或國內法所可享有之海事優先權，不生影響。
- (2) 救助人員就其報酬之求償，包括利息及費用，如已獲得提供適當擔保者，得不行使其海事優先權。

Article 21 - Duty to provide security

第 21 條 提供擔保之義務

- (1) Upon the request of the salvor a person liable for a payment

- (1) 給付義務人對於救助人員依本公約所得之求

due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.

- (2) Without prejudice to paragraph 1, the owner of the salvaged vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.
- (3) The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

Article 22 - Interim payment

- (1) The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.
- (2) In the event of an interim payment under this article the security provided under article 21 shall be reduced accordingly.

Article 23 - Limitation of actions

- (1) Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have not been instituted within a period of two years. The limitation period commences on the day on which the salvage operations are terminated.
- (2) The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.
- (3) An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

Article 24 - Interest

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

Article 25 - State - owned cargoes

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings in rem against, non-commercial cargoes owned by a State and

償，包括救助人之利息及其費用，應提供適當之擔保。

- (2) 於不損及第 1 項規定之情形下，獲救船舶所有人應盡其所能，確使貨物所有人於提貨前，對救助人之求償，包括利息及費用，提供相當之擔保。
- (3) 獲救船舶及其他財物，未經救助入同意，並對救助入對有關船舶或財物之求償提供相當擔保前，不得自海難救助作業完成後最先抵達之港口或處所，移至他處。

第 22 條 臨時給付

- (1) 對於救助人所為之求償，具管轄權之法庭，得依個案臨時裁決，命令對救助入應予公平合理之給付，其條件包括是否提供相當之擔保，及依個案狀況考量其公平與合理性。
- (2) 依據本條規定而為臨時給付者，其依第 21 條規定應提供之擔保，應相對減少之。

第 23 條 訴訟時效

- (1) 依本公約有關給付之任何訴訟，在二年期間內未提起司法或仲裁程序者，即告消滅。該訴訟期間，自海難救助作業完成之日起算。
- (2) 被求償人得於該訴訟期間內，隨時向求償人聲明延長該期限，該期限並得以相同之方式，再予以延長。
- (3) 既使於前二項規定之訴訟期間屆滿後，仍得向應負責賠償之人提起訴訟，然以訴訟程序所在地之國內法所允許之期間內提出者為限。

第 24 條 利息

救助入依本公約對任何給付應計收利息之權，應依該訴訟審理法庭所在地之國內法決定之。

第 25 條 國有貨物

除經國有貨物所有人同意，不得以本公約之任何規定，作為訴訟程序中之扣押、假扣押或扣留之依據，亦不得於救助作業過程中，依普遍所接受之主權豁免國際法原則，針對

entitled, at the time of the salvage operations, to sovereign immunity under generally recognized principles of international law.

國家所有之非商業貨物進行任何對物訴訟程序。

Article 26 - Humanitarian cargoes

第 26 條 慈善貨物

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

若捐贈慈善貨物之國家已同意支付該慈善貨物所發生之海難救助服務報酬，則本公約之任何條款，不得作為扣押、假扣押或扣留該等慈善貨物之依據。

Article 27 - Publication of arbitral awards

第 27 條 仲裁判斷之公布

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

締約國應鼓勵當事人同意，儘可能地將海難救助事件之仲裁判斷，予以公布。

Chapter V - Final clauses

第五章 最後條款

Article 28 - Signature, ratification, acceptance approval and accession

第 28 條 簽署、認可、接受、批准及加入

- (1) This Convention shall be open for signature at the Headquarters of the Organization from 1 July 1989 to 30 June 1990 and shall thereafter remain open for accession.
- (2) States may express their consent to be bound by this Convention by:
 - (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.
- (3) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

- (1) 本公約自 1989 年 7 月 1 日起至 1990 年 6 月 30 日止，於國際海事組織總部公開聽任各國簽署，其後並聽任加入。
- (2) 各國得以下列方式，表示其同意受本公約之約束：
 - (a) 簽署而對認可、接受或批准不附保留；或
 - (b) 或簽署但保留認可、接受或批准，隨後認可、接受或批准；或
 - (c) 或加入。
- (3) 認可、接受、批准或加入應以認可、接受、批准或加入之文件存放於秘書長處始為有效。

Article 29 - Entry into force

第 29 條 生效

- (1) This Convention shall enter into force one year after the date on which 15 States have expressed their consent to be bound by it.
- (2) For a State which expresses its consent to be bound by this Convention after the conditions for entry into force thereof have been met, such consent shall take effect one year after the date of expression of such consent.

- (1) 本公約應於第 15 個國家表示同意受公約約束之日起一年後生效。
- (2) 於本公約生效條件達成後始表示同意受本公約約束之國家，其同意應自該國表示同意之日起一年後生效。

Article 30 - Reservations

第 30 條 保留

- (1) Any State may, at the time of signature, ratification, acceptance, approval or accession, reserve the right not to apply the provisions of this Convention:
 - (a) when the salvage operation takes place in inland waters and all vessels involved are of inland navigation;

- (1) 任何國家於簽署、認可、接受、批准或加入本公約時，得保留不適用本公約下列各項之權：
 - (a) 於海難救助作業發生於內水，且所涉之所有船舶皆屬內水航行時；

- (b) when the salvage operations take place in inland waters and no vessel is involved;
 - (c) when all interested parties are nationals of that State;
 - (d) when the property involved is maritime cultural property of prehistoric, archaeological or historic interest and is situated on the sea-bed.
- (2) Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.
- (3) Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect on the date the notification is received. If the notification states that the withdrawal of a reservation is to take effect on a date specified therein, and such date is later than the date the notification is received by the Secretary-General, the withdrawal shall take effect on such later date.

- (b) 於海難救助作業發生於內水，且未涉及任何船舶時；
 - (c) 於所有利害關係人皆屬該國國民時；
 - (d) 於所涉及之財物，係位於海床並具有史前、考古或歷史重要之海洋文化資產時。
- (2) 簽署時所作之保留，應於認可、接受或批准時予以確定。
- (3) 對本公約作出保留之國家，得隨時通知秘書長撤回該項保留。此項撤回應自秘書長接獲通知之日起生效。但該撤回保留之通知另訂有特定生效日期，且該日期較秘書長接獲該通知之日為遲時，該撤回之生效日期以此較遲之日期為準。

Article 31 - Denunciation

第 31 條 退出

- (1) This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention enters into force for that State.
- (2) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.
- (3) A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

- (1) 任何締約國得於本公約對該國開始生效屆滿一年後，隨時退出本公約。
- (2) 前項退出應以退出文件存放於秘書長始為有效。
- (3) 退出應於秘書長接獲退出文件之日起一年後，或依該退出文件上所敘明之較長期間屆滿時生效。

Article 32 - Revision and amendment

第 32 條 修訂及修正

- (1) A conference for the purpose of revising or amending this Convention may be convened by the Organization.
- (2) The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of eight States Parties, or one fourth of the States Parties, whichever is the higher figure.
- (3) Any consent to be bound by this Convention expressed after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

- (1) 本組織得召開會議，以修訂或修正本公約。
- (2) 秘書長應八個締約國或四分之一締約國，二者以較多者為準之請求，應邀集本公約締約國舉行會議以修訂或修正本公約。
- (3) 於本公約修訂修正案生效以後，始表示同意受本公約之約束者，應視為適用本公約之修訂修正。

Article 33 - Depositary

第 33 條 存放

- (1) This convention shall be deposited with the Secretary-General.
- (2) The Secretary-General shall:
- (a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;
 - (ii) the date of the entry into force of this Convention;
 - (iii) the deposit of any instrument of denunciation of this

- (1) 本公約應存放於秘書長處。
- (2) 秘書長應：
- (a) 將下列事項通知業已簽署或加入本公約之所有國家及本組織所有會員國：
 - (i) 任一新簽署或存放認可、接受、批准或加入之文件及其日期；
 - (ii) 本公約之生效日期；
 - (iii) 任何退出本公約之文件之存放，及

Convention together with the date on which it is received and the date on which the denunciation takes effect;

- (iv) any amendment adopted in conformity with article 32;
- (v) the receipt of any reservation, declaration or notification made under this Convention;

(b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.

(3) As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

其接獲日期及退出之生效日期；

- (iv) 依本公約第 32 條所採納之修訂修正；

(v) 所接獲依據本公約所為之任何保留、聲明或通知文件。

(b) 將本公約經認證之複本分送已簽署或加入本公約之國家。

(3) 本公約一經生效，存放單位應依聯合國憲章第 102 條規定，將本公約經認證之複本送聯合國秘書長以供登記及公布。

Article 34 - Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

DONE AT LONDON this twenty-eighth day of April one thousand nine hundred and eighty-nine.

第 34 條 語文

本公約以阿拉伯文、中文、英文、法文、俄文及西班牙文各一本作成，每種文字同一作準。

為此，各國政府授權之代表爰簽署本公約，以昭信守。

1989 年 4 月 28 日簽訂於倫敦。

ATTACHMENT 1

COMMON UNDERSTANDING CONCERNING ARTICLE 13 AND 14 OF THE INTERNATIONAL CONVENTION ON SALVAGE, 1989

It is the common understanding of the Conference that, in fixing a reward under article 13 and assessing special compensation under article 14 of the International Convention on Salvage, 1989 the tribunal is under no duty to fix a reward under article 13 up to the maximum salvaged value of the vessel and the other property before assessing the special compensation to be paid under article 14.

附件一

對 1989 年海難救助國際公約第 13 條及第 14 條之共識

本會議一致達成共識，於依據 1989 年海難救助國際公約第 13 條裁定報酬，及依同公約第 14 條估算特別補償金時，法庭在尚未依第 14 條對特別補償金予以估算前，並無義務依第 13 條所裁定之報酬達到船舶及其他財物之最高獲救價值。

ATTACHMENT 2

RESOLUTION REQUESTING THE AMENDMENT OF THE YORK-ANTWERP RULES, 1974

THE INTERNATIONAL CONFERENCE ON SALVAGE, 1989,
HAVING ADOPTED the International Convention on Salvage, 1989,
CONSIDERING that payments made pursuant to article 14 are not intended to be allowed in general average,

附件二

請求修正 1974 年約克安特衛普規則之決議案

1989 年海難救助國際會議，

已採納 1989 年海難救助國際公約，

鑒於上述公約第 14 條之給付規定，無意適用於共同海損，

REQUEST the Secretary-General of the International Maritime Organization to take the appropriate steps in order to ensure speedy amendment of the York-Antwerp Rules, 1974, to ensure that special compensation paid under article 14 is not subject to general average.

請求國際海事組織秘書長採取適當措施，儘速修正 1974 年約克安特衛普規則，確使本公約第 14 條特別補償金給付之規定，不適用於共同海損。

ATTACHMENT 3

附件三

RESOLUTION ON INTERNATIONAL CO-OPERATION FOR THE IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON SALVAGE, 1989

國際合作以實施 1989 年海難救助國際公約之決議案

THE INTERNATIONAL CONFERENCE ON SALVAGE, 1989,

1989 年海難救助國際會議，

IN ADOPTING the International Convention on Salvage, 1989 (hereinafter referred to as “The Convention”),

採納 1989 年海難救助國際公約（以下簡稱本公約）時，

CONSIDERING IT DESIRABLE that as many States as possible should become Parties to the Convention,

考量儘可能有諸多國家能成為本公約之締約國。

RECOGNIZING that the entry into force of the Convention will represent an important additional factor for the protection of the marine environment,

鑒於本公約生效後，對海洋環境保護，將為一新增之重要因素，

CONSIDERING that the international publicizing and wide implementation of the Convention is of the utmost importance for the attainment of its objectives,

認為本公約之國際宣導及廣泛實施，對達成本公約之終極目的至關重大，

I. RECOMMEND:

(1) 建議：

- (a) that the Organization promote public awareness of the Convention through the holding of seminars, courses or symposia;
- (b) that training institutes created under the auspices of the Organization include the study of the Convention in their corresponding course of study.

- (a) 本組織透過各研討會、講習或發表會之舉辦，促進一般大眾對本公約之瞭解。
- (b) 本組織所贊助設立之訓練機構，將本公約之研究納入各相關課程之內。

II. REQUEST

(2) 請求：

- (a) Member States to transmit to the Organization that text of the laws, orders, decrees, regulations and other instruments that they promulgate concerning the various matters falling within the scope of application of the Convention,
- (b) Member States, in consultation with the Organization, to promote the giving of help to those States requesting technical assistance for the drafting of laws, order, decrees, regulations and other instruments necessary for the implementation of the Convention; and
- (c) The Organization to notify Member States of any communication it may receive under paragraph II (a)

- (a) 各會員國將該國就本公約範圍有關事項所頒佈之法律、命令、法令、規則之全文及其他文書遞送本組織，
- (b) 各會員國經與本組織諮商後，對為實施本公約於草擬必要之法律、命令、法令、規則及其他文書時需要技術性協助之國家，提供此項協助；及
- (c) 本組織應將依據本決議案第 2 項(a)款所收到之任何有關文件，通知各會員國。