

# 1999 年船舶假扣押國際公約

1999 年 3 月 1 日訂於日內瓦

## International Convention on Arrest of Ships 1999

Signed at Geneva, 1 March 1999

### 1999 Arrest

The States Parties to this Convention,  
Recognising the desirability of facilitating the harmonious and orderly development of world seaborne trade,  
Convinced of the necessity for a legal instrument establishing international uniformity in the field of arrest of ships which takes account of recent developments in related fields,  
Have agreed as follows:

#### Article 1 Definitions

For the purposes of this Convention:

1. 'Maritime Claim' means a claim arising out of one or more of the following:
  - (a) loss or damage caused by the operation of the ship;
  - (b) loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the ship;
  - (c) salvage operations or any salvage agreement, including, if applicable, special compensation relating to salvage operations in respect of a ship which by itself or its cargo threatened damage to the environment;
  - (d) damage or threat of damage caused by the ship to the environment, coastline or related interests; measures taken to prevent, minimize or remove such damage; compensation for such damage; costs of reasonable measures of reinstatement of the environment actually undertaken or to be undertaken; loss incurred or likely to be incurred by third parties in connection with such damage; and damage, costs, or loss of a similar nature to those identified in this subparagraph (d);
  - (e) costs or expenses relating to the raising, removal, recovery, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship, and costs or expenses relating to the preservations of an abandoned ship and maintenance of its crew;
  - (f) any agreement relating to the use or hire of the ship,

本公約各締約國，  
承認全球海運貿易之便利平衡及秩序發展之需求，  
確信需要制訂一份能反映相關領域最新發展並實現國際統一之船舶假扣押法律文書，  
茲協議如下：

#### 第 1 條 定義

為本公約之目的：

1. “海事求償”係指下列一或一以上事由所生之求償：
  - (a) 船舶營運所致之毀損滅失；
  - (b) 與船舶營運直接有關之人身傷亡，不論發生於陸上或水上；
  - (c) 救助作業或任何救助協議(如有適用)，包括於船舶本身或其貨載對環境構成損害威脅時對於船舶實施救助所生之任何特別補償金；
  - (d) 船舶對環境、海岸或利害關係人造成之損害或損害威脅、為預防或盡可能減少或消除此損害而採取之措施、該損害賠償、為恢復環境而實際採取或準備採取之合理之措施之費用、第三方因此損害而蒙受或可能蒙受之損失、以及與本項所指性質類似之損害、費用或損失；
  - (e) 與浮起、清除、回收或摧毀已沉沒、成為殘骸、擱或被棄之船舶或使之無害有關之費用或開支，包括與浮起、清除、回收或摧毀仍在或曾在該船上之任何物件或使之無害有關之費用或開支，及與維護被棄船舶及維持其船員有關之費用或開支；
  - (f) 有關船舶使用或租用之任何協定，不

- whether contained in a charter party or otherwise;
- (g) any agreement relating to the carriage of goods or passengers on board the ship, whether contained in a charter party or otherwise;
  - (h) loss of or damage to or in connection with goods (including luggage) carried on board the ship;
  - (i) general average;
  - (j) towage;
  - (k) pilotage;
  - (l) goods, materials, provisions, bunkers, equipment (including containers) supplied or services rendered to the ship for its operation, management, preservation or maintenance;
  - (m) construction, reconstruction, repair, converting or equipping of the ship;
  - (n) port, canal, dock, harbour and other waterway dues and charges;
  - (o) wages and other sums due to the master, officers and other members of the ship's complement in respect of their employment on the ship, including costs of repatriation and social insurance contributions payable on their behalf;
  - (p) disbursements incurred on behalf of the ship or its owners;
  - (q) insurance premiums (including mutual insurance calls) in respect of the ship, payable by or on behalf of the shipowner or demise charterer;
  - (r) any commissions, brokerages or agency fees payable in respect of the ship by or on behalf of the shipowner or demise charterer;
  - (s) any dispute as to ownership or possession of the ship;
  - (t) any dispute between co-owners of the ship as to the employment or earnings of the ship;
  - (u) a mortgage or a "hypothèque" or a charge of the same nature on the ship;
  - (v) any dispute arising out of a contract for the sale of the ship.
2. "Arrest" means any detention or restriction on removal of a ship by order of a Court to secure a maritime claim, but does not include the seizure of a ship in execution or satisfaction of a judgment or other enforceable instrument.
  3. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.
  4. "Claimant" means any person asserting a maritime claim.
  5. "Court" means any competent judicial authority of a State.

## Article 2 Powers of arrest

1. Ship may be arrested or released from arrest only under the authority of a Court of the State Party in which the arrest is effected.
2. A ship may only be arrested in respect of a maritime claim but in respect of no other claim.
3. A ship may be arrested for the purpose of obtaining security

- 論是否有租船契約或其他協議；
- (g)有關船舶載運貨物或旅客之任何協定，不論是否有租船契約或其他協議；
  - (h)船上所載貨物(包括行李)或與其有關之毀損滅失；
  - (i)共同海損；
  - (j)拖帶；
  - (k)引水；
  - (l)為船舶營運、管理、維護或維修而向其提供之物品、材料、給養、燃料、設備(包括貨櫃)或服務；
  - (m)船舶之建造、改建、修理、改裝或裝備；
  - (n)港口、運河、碼頭、港灣及其它水道規費及費用；
  - (o)因船長、船副和其他編制船員於船上工作而應支付給其之工資及其他款項，包括應為其支付之遣返費及社會保險費；
  - (p)代表船舶或船舶所有人所支付之費用；
  - (q)船舶所有人或光船承租人應支付或他人為其支付的船舶保險費(包括互保會費)；
  - (r)船舶所有人或光船承租人應支付或他人代表其所支付之任何與船舶有關之佣金、經紀費或代理費；
  - (s)有關船舶所有權及占有之任何爭議；
  - (t)船舶共有人間有關船舶使用或收益之任何爭議；
  - (u)對船舶抵押權或“質權”或同樣性質的權利；
  - (v)因船舶買賣契約所生之任何爭議。
2. “假扣押”指經法院命令，為保全海事求償而對船舶作出之任何滯留或對其離開所作出之任何限制，然不包括為執行或履行法院判決或其他可執行文書所為之船舶扣押。
  3. “人”指任何個人或合夥或無論是否有法人資格之任何公共或私人團體，包括國家或其任何組成機構。
  4. “請求權人”指提出海事求償之任何人。
  5. “法院”指國家的任何主管司法之機關。

## 第 2 條 假扣押之權力

1. 只有實施假扣押之締約國法院依其職權始能假扣押船舶或釋放被假扣押之船舶。
2. 船舶只能因海事求償而不能因任何其他求償而被假扣押。
3. 為取得擔保，可假扣押船舶，即使依據

notwithstanding that, by virtue of a jurisdiction clause or arbitration clause in any relevant contract, or otherwise, the maritime claim in respect of which the arrest is effected is to be adjudicated in a State other than the State where the arrest is effected, or is to be arbitrated, or is to be adjudicated subject to the law of another State.

4. Subject to the provisions of this Convention, the procedure relating to the arrest of a ship or its release shall be governed by the law of the State in which the arrest was effected or applied for

### Article 3 Exercise of right of arrest

1. Arrest is permissible of any ship in respect of which a maritime claim is asserted if:

- (a) the person who owned the ship at the time when the maritime claim arose is liable for the claim and is owner of the ship when the arrest is effected; or
- (b) the demise charterer of the ship at the time when the maritime claim arose is liable for the claim and is demise charterer or owner of the ship when the arrest is effected; or
- (c) the claim is based upon a mortgage or a "hypothèque" or a charge of the same nature on the ship; or
- (d) the claim relates to the ownership or possession of the ship; or
- (e) the claim is against the owner, demise charterer, manager or operator of the ship and is secured by a maritime lien which is granted or arises under the law of the State where the arrest is applied for.

2. Arrest is also permissible of any other ship or ships which, when the arrest is effected, is or are owned by the person who is liable for the maritime claim and who was, when the claim arose:

- (a) owner of the ship in respect of which the maritime claim arose; or
- (b) demise charter, time charter or voyage charterer of that ship.

This provision does not apply to claims in respect of ownership or possession of a ship.

3. Notwithstanding the provisions of paragraphs 1 and 2 of this article, the arrest of a ship which is not owned by the person liable for the claim shall be permissible only if, under the laws of the State where the arrest is applied for, a judgment in respect of that claim can be enforced against that ship by judicial or forced sale of that ship.

### Article 4 Release from Arrest

1. A ship which has been arrested shall be released when sufficient security has been provided in a satisfactory form, save in cases in which a ship has been arrested in respect of

有關契約內之管轄權條款或仲裁條款或其他條款，致生船舶假扣押之海事求償應由非船舶假扣押實施地國審理，或應交付仲裁或應適用另一國法律。

4. 於不違反本公約規定情況下，有關船舶之假扣押或釋放之程序，應受船舶假扣押實施地國或船舶假扣押求償地國法律之拘束。

### 第 3 條 假扣押權之行使

1. 於下列情況下，允許對其提出海事求償之任何船舶執行假扣押：

- (a) 在海事求償發生時擁有船舶之人對該求償負有責任，且於實施假扣押時仍為該船所有人；或
- (b) 在海事求償發生時船舶之光船租船人對該求償負有責任，且於實施假扣押時為該船光船租船人或所有人；或

- (c) 求償係依據對船舶之抵押權、“質權”或同樣性質之權利；或
- (d) 求償與船舶之所有權或占有有關；或

- (e) 對船舶所有人、光船租船人、船舶管理人或經理人提出之求償並根據船舶假扣押求償地國法律規定或產生之船舶優先權擔保。

2. 對於在實施假扣押時對海事求償負有責任且在發生求償時為下列之人擁有之任何其他船舶，亦得允許假扣押：

- (a) 對其發生海事求償之船舶的所有人；或
- (b) 船舶之光船租船人、定期傭船人或航次傭船人。

本規定不適用於有關船舶所有權或占有之求償。

3. 無論本條第 1 及 2 項規定為何，對於並非對求償負有責任之人所擁有之船舶亦允許假扣押，惟應受限於根據船舶假扣押求償地國法律，對該求償所作出之判決可透過對該船之司法變賣或強制變賣執行者為限。

### 第 4 條 被假扣押船舶之釋放

1. 被假扣押船舶應於令人滿意方式提供充分擔保後予以釋放，然船舶因第 1 條第 1 項(s)款及(t)款所列任何海事求償而被假

any of the maritime claims enumerated in article 1, paragraphs 1 (s) and (t). In such cases, the Court may permit the person in possession of the ship to continue trading the ship, upon such person providing sufficient security, or may otherwise deal with the operation of the ship during the period of the arrest.

2. In the absence of agreement between the parties as to the sufficiency and form of the security, the Court shall determine its nature and the amount thereof, not exceeding the value of the arrested ship.
3. Any request for the ship to be released upon security being provided shall not be construed as an acknowledgement of liability nor as a waiver of any defence or any right to limit liability.
4. If a ship has been arrested in a non-party State and is not released although security in respect of that ship has been provided in a State Party in respect of the same claim, that security shall be ordered to be released on application to the Court in the State Party.
5. If in a non-party State the ship is released upon satisfactory security in respect of that ship being provided, any security provided in a State Party in respect of the same claim shall be ordered to be released to the extent that the total amount of security provided in the two States exceeds:
  - (a) the claim for which the ship has been arrested, or
  - (b) the value of the ship,whichever is the lower. Such release shall, however, not be ordered unless the security provided in the non-party State will actually be available to the claimant and will be freely transferable.
6. Where, pursuant to paragraph 1 of this article, security has been provided, the person providing such security may at any time apply to the Court to have that security reduced, modified, or cancelled.

## Article 5 Right of Rearrest and Multiple Arrest

1. Where in any State a ship has already been arrested and released or security in respect of that ship has already been provided to secure a maritime claim, that ship shall not thereafter be re-arrested or arrested in respect of the same maritime claim unless:
  - (a) the nature or amount of the security in respect of that ship already provided in respect of the same claim is inadequate, on condition that the aggregate amount of security may not exceed the value of the ship; or
  - (b) the person who has already provided the security is not, or is unlikely to be, able to fulfil some or all of that person's obligations; or
  - (c) the ship arrested or the security previously provided was released either:
    - (a) upon the application or with the consent of the claimant

扣押情況者除外。於此情況下，法院可允許占有船舶的人於提供充分擔保後繼續經營該船，或以其他方式處理該船在假扣押期間之營運。

2. 於各當事人對擔保是否充分及方式未達成一致共識時，法院應決定其性質及數額，然數額不應超過被船舶假扣押之價值。
3. 請求提供擔保釋放船舶，不應被解釋為對責任之承認或對任何辯護權利或責任限制權利之放棄。
4. 如船舶於一非締約國被假扣押，而在某締約國就同一求償為該船舶提供擔保然仍未被釋放，則該締約國法院在收到申請後應下令釋放該擔保。
5. 如於一非締約國中船舶因提供令人滿意之擔保而被釋放，亦應下令釋放在締約國中就同一求償所提供之任何擔保，然應限於在兩國中提供之擔保總額超過以下數額之部分：
  - (a) 船舶因被假扣押之求償額，或
  - (b) 該船價值，此二數額以較低者為準。然除在一非締約國內所提供之擔保能為求償人所實際獲得並可自由轉讓，否則不應下令釋放該擔保。
6. 於依本條第 1 項規定提供擔保後，提供此擔保之人可隨時向法院申請減少、變更或取消該擔保。

## 第 5 條 再假扣押及多次假扣押之權利

1. 如於任何國家，船舶已被假扣押並釋放，或已為該船提供用於保全海事求償之擔保，則之後該船不應再被假扣押或因同一海事求償而被假扣押，然下述情況除外：
  - (a) 就同一海事求償已提供有關該船舶之擔保在性質或數額上並不適當，然應受限於擔保之累計數額不超過船舶價值；或
  - (b) 已提供擔保之人無法或有可能無法履行其某些或全部義務；或
  - (c) 被假扣押之船舶或早先提供之擔保因下述原因之一而被釋放：
    - (a) 請求權人依據合理原因提出申

- acting on reasonable grounds, or
- (b) because the claimant could not by taking reasonable steps prevent the release.
2. Any other ship which would otherwise be subject to arrest in respect of the same maritime claim shall not be arrested unless:
- (a) the nature or amount of the security already provided in respect of the same claim is inadequate; or
- (b) the provisions of paragraph 1 (b) or (c) of this article are applicable.
3. "Release" for the purpose of this article shall not include any unlawful release or escape from arrest.

## Article 6 Protection of Owners and Demise Charterers of Arrested Ships

1. The Court may as a condition of the arrest of a ship, or of permitting an arrest already effected to be maintained, impose upon the claimant who seeks to arrest or who has procured the arrest of the ship the obligation to provide security of a kind and for an amount, and upon such terms, as may be determined by that Court for any loss which may be incurred by the defendant as a result of the arrest, and for which the claimant may be found liable, including but not restricted to such loss or damage as may be incurred by that defendant in consequence of:
- (a) the arrest having been wrongful or unjustified; or
- (b) excessive security having been demanded and provided.
2. The Courts of the State in which an arrest has been effected shall have jurisdiction to determine the extent of the liability, if any, of the claimant for loss or damage caused by the arrest of a ship, including but not restricted to such loss or damage as may be caused in consequence of:
- (a) the arrest having been wrongful or unjustified, or
- (b) excessive security having been demanded and provided.
3. The liability, if any, of the claimant in accordance with paragraph 2 of this article shall be determined by application of the law of the State where the arrest was effected.
4. If a Court in another State or an arbitral tribunal is to determine the merits of the case in accordance with the provisions of article 7, then proceedings relating to the liability of the claimant in accordance with paragraph 2 of this article may be stayed pending that decision.
5. Where pursuant to paragraph 1 of this article security has been provided, the person providing such security may at any time apply to the Court to have that security reduced, modified or cancelled.

## Article 7 Jurisdiction on the Merits of the Case

- 請或予以同意；或
- (b) 請求權人無法採取合理措施阻止釋放。

2. 對同一海事求償於不同情況下將被假扣押之任何其他船舶，不應被假扣押，然下述情況除外：
- (a) 就同一海事求償已提供之擔保在性質或數額上並不適當；或
- (b) 本條第 1 項(b)或(c)款規定可茲適用之情況。
3. 就本條而言，“釋放”不包括任何非法釋放或從假扣押中逃脫。

## 第 6 條 對被假扣押船舶所有人及光船租船人之保護

1. 法院可要求請求假扣押或已獲准假扣押船舶之請求權人依據法院自定條件提供某一類及某一數額之擔保，作為假扣押船舶或允許維持已實施假扣押之條件，以補償假扣押可能對被告造成並可能應由請求權人負責之任何損失，包括但不限於下述情況可能對該被告造成之損失或損害：
- (a) 假扣押是錯誤或不公正；或
- (b) 要求及提供之擔保過多。
2. 船舶假扣押實施地國之法院於請求權人對假扣押船舶造成之損失或損害負責責任時，應具有判定此責任程度之管轄權，包括但不限於下述情況可能造成之損失或損害：
- (a) 假扣押是錯誤或不公正；或
- (b) 要求及提供之擔保過多。
3. 如發生本條第 2 項規定之請求權人責任時，責任決定應適用船舶假扣押實施地國之法律。
4. 如由另一國家法院或由仲裁庭依第 7 條規定以裁決該案之實體問題，則在作出該裁決前可中止有關本條第 2 項規定之請求權人責任之訴訟程序。
5. 如依本條第 1 項提供擔保，則提供此種擔保之人可隨時請求法院減少、變更或取消該擔保。

## 第 7 條 對案件實體問題之管轄權

1. The Courts of the State in which an arrest has been effected or security provided to obtain the release of the ship shall have jurisdiction to determine the case upon its merits, unless the parties validly agree or have validly agreed to submit the dispute to a Court of another State which accepts jurisdiction, or to arbitration.
  2. Notwithstanding the provisions of paragraph 1 of this article, the Courts of the State in which an arrest has been effected, or security provided to obtain the release of the ship, may refuse to exercise that jurisdiction where that refusal is permitted by the law of that State and a Court of another State accepts jurisdiction.
  3. In cases where a Court of the State where an arrest has been effected or security provided to obtain the release of the ship:
    - (a) does not have jurisdiction to determine the case upon its merits; or
    - (b) has refused to exercise jurisdiction in accordance with the provisions of paragraph 2 of this article, such Court may, and upon request shall, order a period of time within which the claimant shall bring proceedings before a competent Court or arbitral tribunal.
  4. If proceedings are not brought within the period of time ordered in accordance with paragraph 3 of this article then the ship arrested or the security provided shall, upon request, be ordered to be released.
  5. If proceedings are brought within the period of time ordered in accordance with paragraph 3 of this article, or if proceedings before a competent Court or arbitral tribunal in another State are brought in the absence of such order, any final decision resulting therefrom shall be recognised and given effect with respect to the arrested ship or to the security provided in order to obtain its release, on condition that:
    - (a) the defendant has been given reasonable notice of such proceedings and a reasonable opportunity to present the case for the defence; and
    - (b) such recognition is not against public policy (ordre public).
  6. Nothing contained in the provisions of paragraph 5 of this article shall restrict any further effect given to a foreign judgment or arbitral award under the law of the State where the arrest of the ship was effected or security provided to obtain its release.
1. 船舶假扣押實施地國法院或用以使船舶獲釋之擔保之提供地國法院，應具有審理案件實體問題之管轄權，然各當事人有效約定或已有效約定將爭議提交接受管轄權之另一國家法院或付諸仲裁者除外。
  2. 不論本條第 1 項規定為何，船舶假扣押實施地國法院或用以使船舶獲釋之擔保提供地國法院，可拒絕行使該管轄權，惟以該國法律允許該拒絕且另一國法院接受管轄權為限。
  3. 如船舶假扣押實施地國法院或用以使船舶獲釋之擔保提供地國法院：
    - (a) 不具對案件實體問題之管轄權；或
    - (b) 依本條第 2 項規定拒絕行使管轄權，則此法院可且在接獲求償後應當規定一期限，於此期限內海事請求權人應向主管法院提起訴訟或提請仲裁庭仲裁。
  4. 如未在依本條第 3 項所規定之期限內提起訴訟或仲裁，則於接獲求償後，應下令釋放被假扣押之船舶或所提供之擔保。
  5. 如於依本條第 3 項所規定之期限內提起訴訟或仲裁，或於無此規定時向另一國適當法院提起訴訟或向仲裁庭提起仲裁，則因此產生之有關被假扣押之船舶或所提供用以使船舶獲得釋放之擔保之任何最終裁決應獲得承認及執行，惟應受限於下列條件：
    - (a) 此訴訟或仲裁已合理通知被告，且被告有合理機會針對案情提出辯護；且
    - (b) 此承認未抵觸公共政策者。
  6. 本條第 5 項所載規定，不限制依船舶假扣押實施地國法律或用以使船舶獲釋之擔保之提供地國法律賦予國外判決或仲裁裁決更大之效力。

## Article 8 Application

1. This Convention shall apply to any ship within the jurisdiction of any State Party, whether or not that ship is flying the flag of a State Party.
2. This Convention shall not apply to any warship, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on government non-commercial service.
3. This Convention does not affect any rights or powers vested in

## 第 8 條 適用

1. 本公約應適用於在任何締約國管轄範圍內之任何船舶，而不論該船是否懸掛任一締約國之國旗。
2. 本公約不適用於任何軍艦、海軍輔助船或國家所有或營運僅暫時用於政府非商業服務之其他船舶。
3. 本公約不影響任何國際公約或國內法律

any Government or its departments, or in any public authority, or in any dock or harbour authority, under any international convention or under any domestic law or regulation, to detain or otherwise prevent from sailing any ship within their jurisdiction.

4. This Convention shall not affect the power of any State or Court to make orders affecting the totality of a debtor's assets.
5. Nothing in this Convention shall affect the application of international conventions providing for limitation of liability, or domestic law giving effect thereto, in the State where an arrest is effected.
6. Nothing in this Convention shall modify or affect the rules of law in force in the States Parties relating to the arrest of any ship physically within the jurisdiction of the State of its flag procured by a person whose habitual residence or principal place of business is in that State, or by any other person who has acquired a claim from such person by subrogation, assignment or otherwise.

## Article 9 Non-creation of Maritime Liens

Nothing in this Convention shall be construed as creating a maritime lien.

## Article 10 Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval, or accession, or at any time thereafter, reserve the right to exclude the application of this Convention to any or all of the following:
  - (a) ships which are not seagoing;
  - (b) ships not flying the flag of a State Party;
  - (c) claims under article 1, paragraph 1 (5).
2. A State may, when it is also a State Party to a specified treaty on navigation on inland waterways, declare when signing, ratifying, accepting, approving or acceding to this Convention, that rules on jurisdiction, recognition and execution of court decisions provided for in such treaties shall prevail over the rules contained in article 7 of this Convention.

## Article 11 Depositary

This Convention shall be deposited with the Secretary General of the United Nations.

## Article 12 Signature, Ratification, Acceptance, Approval and Accession

1. This Convention shall be open for signature by any State at the Headquarters of the United Nations, New York, from 1

or rules赋予任何政府或其部門、或任何公共當局、或任何碼頭或港口當局在其管轄範圍內留置任何船舶或以其他方式不准其航行之任何權利或權力。

4. 本公約不影響任何國家或法院作出能影響債務人總資產之命令權力。
5. 本公約任何規定均不影響於船舶假扣押實施地國適用規定責任限制之國際公約或執行該公約之國內法。
6. 本公約任何規定均不更動或影響締約國之現行有關法規，該法規涉及習慣居所或主要營業所在船旗國之人或透過代位權、轉讓或其他方式自該人取得求償權之任何其他人士，對實際處於該國管轄區域內之任何船舶之假扣押。

## 第 9 條 不創設船舶優先權

本公約任何規定均不應被解釋為創設船舶優先權。

## 第 10 條 保留

1. 任何國家可於簽署、批准、接受、核准或加入本公約時或在其後任何時候聲明保留將下列任一或所有各項排除於本公約適用範圍之外之權利：
  - (a) 不屬海船之船舶；
  - (b) 不懸掛締約國國旗之船舶；
  - (c) 第 1 條第 1 項(s)款之求償。
2. 如某國亦為有關內陸水域航行之特定公約之締約國，則可在簽署、批准、接受、核准或加入本公約時聲明，上述公約就法院判決之管轄、承認及執行規定之規則應優先於本公約第 7 條所載規則。

## 第 11 條 保存

本公約由聯合國秘書長保存。

## 第 12 條 簽署、批准、接受、核准及加入

1. 本公約自 1999 年 9 月 1 日至 2000 年 8 月 31 日於紐約聯合國總部開放供任何國

September 1999 to 31 August 2000 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 depositary.

家簽署，此後繼續開放供加入。

2. 各國可透過下列方式表示其同意接受本公約之拘束：
  - (a) 簽署並對批准、接受或核准無保留；或
  - (b) 簽署而有待批准、接受或核准，隨後予以批准、接受或核准；或
  - (c) 加入。
3. 批准、接受、核准或加入應向保存人交存相應之文件，方為有效。

### **Article 13 States with more than one System of Law**

1. If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
2. Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.
3. In relation to a State Party which has two or more systems of law with regard to arrest of ships applicable in different territorial units, references in this Convention to the Court of a State and the law of a State shall be respectively construed as referring to the Court of the relevant territorial unit within that State and the law of the relevant territorial unit of that State.

### **第 13 條 具一以上法律制度之國家**

1. 如某國具有對本公約所涉事項適用不同法律制度之二或以上區域，該國可在簽署、批准、接受、核准或加入時聲明，本公約對其所有區域適用，或僅對其中一或數區域適用，並可隨時對此聲明提出另一聲明加以修改。
2. 任何此種聲明均應通知保存人，並應明確指明本公約適用之區域。
3. 關於以兩種或多種法律制度適用不同區域假扣押船舶之締約國，本公約所指一國法院及一國法律應分別理解為指該國有關區域內之法院及該國有關區域內之法律。

### **Article 14 Entry into Force**

1. This Convention shall enter into force six months following the date on which 10 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 three months after the date of expression of such consent.

### **第 14 條 生效**

1. 本公約應於 10 個國家表示其同意接受本公約拘束之日起 6 個月後生效。
2. 對於本公約生效條件滿足後才表示同意接受本公約拘束之國家，其同意應在表示同意之日起 3 個月後生效。

### **Article 15 Revision and Amendment**

1. A conference of States Parties for the purpose of revising or amending this Convention shall be convened by the Secretary General of the United Nations at the request of one-third of the State Parties.
2. Any consent to be bound by this Convention, expressed after the date of entry into force of an amendment to this

### **第 15 條 修訂及修正**

1. 修訂或修正本公約之締約國會議應由聯合國秘書長應三分之一締約國之請求而召開。
2. 於本公約之一修正案生效之日後表示接受本公約拘束之同意，應被認為適用於



Convention, shall be deemed to apply to the Convention, as amended.

修正後之公約。

## Article 16 Denunciation

1. This Convention may be denounced by any State Party at any time after the date on which this Convention enters into force for that State.
2. Denunciation shall be effected by deposit of an instrument of denunciation with the depositary.
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 depositary.

## 第 16 條 退出

1. 任何締約國可在本公約對其生效之日以後隨時退出本公約。
2. 退出應向保存人交存退出文書，方為有效。
3. 退出應在保存人收到退出文書一年後或退出文書中所載明之更長期間後生效。

## Article 17 Languages

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

## 第 17 條 語文

本公約使用阿拉伯文、中文、英文、法文、俄文及西班牙文寫成正本各一份，各種文本具有同等效力。

DONE AT Geneva this twelfth day of March, one thousand nine hundred and ninety-nine.

1999 年 3 月 12 日訂於日內瓦。

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

各國政府為此正式授權之下列具名代表，特簽署本公約，以昭信守。