

1948 年政府間海事諮商組織公約

(1982 年更名為『國際海事組織公約』)

1948 年 3 月 6 日 訂於日內瓦，1958 年 3 月 17 日生效

1948 Convention on the Intergovernmental Maritime Consultative Organization (IMCO) (Renamed as “Convention on the International Maritime Organization” (IMO) in 1982)

Signed at Geneva, 6 March, 1948, entered into force 17 March, 1958

IMO 1948

The States parties to the present Convention hereby establish the Intergovernmental Maritime Consultative Organization (hereinafter referred to as "the Organization").

本公約各締約國謹此設立政府間海事諮商組織(以下稱『本組織』)。

PART I PURPOSES OF THE ORGANIZATION

第 I 章 本組織的宗旨

ARTICLE I

第 1 條

The purposes of the Organization are:

本組織的宗旨：

- (a) to provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation;
- (b) to encourage the removal of discriminatory action and unnecessary restrictions by Governments affecting shipping engaged in international trade so as to promote the availability of shipping services to the commerce of the world without discrimination; assistance and encouragement given by a Government for the development of its national shipping and for the purposes of security does not in itself constitute discrimination, provided that such assistance and encouragement is not based on measures designed to restrict the freedom of shipping of all flags to take part in international trade;

- (a) 提供政府間有關會影響國際貿易航運的各種技術問題的政府規則及做法方面進行合作的機制；鼓勵並促進在有關海上安全、航行效率問題上普遍採用可行的最高標準；
- (b) 鼓勵取消各國政府所採取會影響國際貿易運輸的歧視行為及不必要的限制，以促進實現向世界商業提供一視同仁的航運服務；一國政府為發展本國航運及為確保安全而給予的幫助及鼓勵，但只要不基於旨在限制懸掛各國船旗的船舶參加國際貿易的自由措施，就其本身而言，不構成歧視行為；

- (c) to provide for the consideration by the Organization of matters concerning unfair restrictive practices by shipping concerns in accordance with Part II;
- (d) to provide for the consideration by the Organization of any matters concerning shipping that may be referred to it by any organ or Specialized Agency of the United Nations;
- (e) to provide for the exchange of information among Governments on matters under consideration by the Organization.

PART II - FUNCTIONS

ARTICLE 2

The functions of the Organization shall be consultative and advisory.

ARTICLE 3

In order to achieve the purposes set out in Part I, the functions of the Organization shall be: --

- (a) subject to the provisions of Article 4, to consider and make recommendations upon matters arising under Article I (a), (b) and (c) that may be remitted to it by Members, by any organ or Specialized Agency of the United Nations or by any other intergovernmental organization or upon matters referred to it under Article I (d);
- (b) to provide for the drafting of conventions, agreements, or other suitable instruments, and to recommend these to Governments and to intergovernmental organizations, and to convene such conferences as may be necessary;
- (c) to provide machinery for consultation among Members and the exchange of information among Governments.

ARTICLE 4

In those matters which appear to the Organization capable of settlement through the normal processes of international shipping business the Organization shall so recommend. When, in the opinion of the Organization, any matter concerning unfair restrictive practices by shipping concerns is incapable of settlement through the normal processes of international shipping business, or has in fact so proved, and provided it shall first have been the subject of direct negotiations between the Members concerned, the Organization shall, at the request of one of those Members, consider the matter.

PART III - MEMBERSHIP

- (c) 依據第二章，為本組織審議有關航運採取不公正的限制做法的事宜進行規定；
- (d) 針對本組織審議由聯合國的任何機關或專門機構所遞交有關航運的任何事宜為規定；
- (e) 針對政府間交換與本組織審議事宜有關的資料為規定。

第二章 職責

第 2 條

本組織的功能應為諮商及建議。

第 3 條

為實現第一章所列的宗旨，本組織應：

- (a) 依照第 4 條規定，審議由會員、聯合國任何機關或專門機構或任何其他政府間組織所遞交，屬於第 1 條第 a、b、c 各項所述範圍內的事宜或依據第 1 條第 d 項規定提交給其的事宜，並就這些事宜提出建議；
- (b) 針對起草公約、協議或其他適當之文件為規定，將這些規定推薦給各國政府及各政府間組織，並召開必要的會議；
- (c) 提供會員間進行磋商及政府間交換資料之機制；

第 4 條

就本組織看來可透過國際航運界通常做法予以解決的事情，本組織應建議依該通常做法予以處理。對於有關航運採取的不公正的限制性做法的事情，如本組織認為(或事實已經證明)採用國際航運界的通常做法無法解決，且該事情已成為有關會員間直接談判的問題時，只要其中一會員提出要求，本組織應審議該事宜。

第三章 會員資格

ARTICLE 5

Membership in the Organization shall be open to all States, subject to the provisions of Part III.

ARTICLE 6

Members of the United Nations may become Members of the Organization by becoming parties to the Convention in accordance with the provisions of Article 57.

ARTICLE 7

States not Members of the United Nations which have been invited to send representatives to the United Nations Maritime Conference convened in Geneva on the 19th February 1948, may become Members by becoming parties to the Convention in accordance with the provisions of Article 57.

ARTICLE 8

Any State not entitled to become a Member under Article 6 or 7 may apply through the Secretary-General of the Organization to become a Member and shall be admitted as a Member upon its becoming a party to the Convention in accordance with the provisions of Article 57 provided that, upon the recommendation of the Council, its application has been approved by two-thirds of the Members other than Associate Members.

ARTICLE 9

Any territory or group of territories to which the Convention has been made applicable under Article 58, by the Member having responsibility for its international relations or by the United Nations, may become an Associate Member of the Organization by notification in writing given by such Member or by the United Nations, as the case may be, to the Secretary-General of the United Nations.

ARTICLE 10

An Associate Member shall have the rights and obligations of a Member under the Convention except that it shall not have the right to vote in the Assembly or be eligible for membership on the Council or on the Maritime Safety Committee and subject to this the word "Member" in the Convention shall be deemed to include Associate Member unless the context otherwise requires.

第 5 條

於遵守第三章各條規定的情況下，所有國家均可成為本組織的會員。

第 6 條

聯合國會員國依第 57 條規定成為本公約締約國時，即可成為本組織的會員。

第 7 條

應邀派遣代表出席於 1948 年 2 月 19 日在日內瓦召開的聯合國海事會議的非聯合國會員國的國家，於依據第 57 條成為本公約的締約國時，可成為本組織的會員。

第 8 條

無法依據第 6 條及第 7 條成為本組織會員的任何國家可透過本組織秘書長申請成為會員，其申請經理事會推薦並經除聯繫會員之外的會員的三分之二同意後，於依據第 57 條規定成為本公約締約國時，可被接受為會員。

第 9 條

由負責其國際關係的會員或由聯合國依據第 58 條規定使本公約對其適用的任一託管地或數託管地，經該會員或經聯合國(視情況而定)書面通知聯合國秘書長，即可成為本組織的聯繫會員。

第 10 條

聯繫會員享有本公約所規定除投票權及成為理事會成員資格以外之所有權利及義務。於此前提下，除另有明文規定，否則本公約「會員」乙詞應包括聯繫會員在內。

ARTICLE 11

No State or territory may become or remain a Member of the Organization contrary to a resolution of the General Assembly of the United Nations.

PART IV - ORGANS

ARTICLE 12

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, and such subsidiary organs as the Organization may at any time consider necessary; and a Secretariat.

PART V - THE ASSEMBLY

ARTICLE 13

The Assembly shall consist of all the Members.

ARTICLE 14

Regular sessions of the Assembly shall take place once every two years. Extraordinary sessions shall be convened after a notice of sixty days whenever one-third of the Members give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of sixty days.

ARTICLE 15

A majority of the Members other than Associate Members shall constitute a quorum for the meetings of the Assembly.

ARTICLE 16

The functions of the Assembly shall be:

- (a) to elect at each regular session from among its Members, other than Associate Members, its President and two Vice Presidents who shall hold office until the next regular session;
- (b) to determine its own rules of procedure except as otherwise provided in the Convention;
- (c) to establish any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may consider to be

第 11 條

任何違背聯合國大會決議的國家或託管地均不得成為或繼續作為本組織的會員。

第四章 機構

第 12 條

本組織設有大會、理事會、海上安全委員會、及其在任何時候認為必要的附屬機構；其另設秘書處。

第五章 大會

第 13 條

大會由全體會員組成。

第 14 條

每兩年舉行一次大會的常會。在三分之一的會員通知秘書長要求召開大會或當理事會認為有必要召開大會時，應在發出召開大會的通知 60 天後舉行大會的特別會議。

第 15 條

大會開會的法定人數應為除聯繫會員以外的會員的多數。

第 16 條

大會的職責為：

- (a) 於每屆常會從除聯繫會員以外的會員中選出大會主席及兩位副主席；大會主席及副主席任期至下一屆常會為止；
- (b) 決定自己的議事規則，但本公約另有規定者除外；
- (c) 設立其認為必要的任何臨時性附屬機構或依據理事會建議設立其認為

- necessary;
- (d) to elect the Members to be represented on the Council, as provided in Article 17, and on the Maritime Safety Committee as provided in Article 28;
 - (e) to receive and consider the reports of the Council, and to decide upon any question referred to it by the Council;
 - (f) to vote the budget and determine the financial arrangements of the Organization, in accordance with Part IX;
 - (g) to review the expenditures and approve the accounts of the Organization;
 - (h) to perform the functions of the Organization, provided that in matters relating to Article 3 (a) and (b), the Assembly shall refer such matters to the Council for formulation by it of any recommendations or instruments thereon; provided further that any recommendations or instruments submitted to the Assembly by the Council and not accepted by the Assembly shall be referred back to the Council for further consideration with such observations as the Assembly may make;
 - (i) to recommend to Members for adoption regulations concerning maritime safety, or amendments to such regulations, which have been referred to it by the Maritime Safety Committee through the Council;
 - (j) to refer to the Council for consideration or decision any matters within the scope of the Organization, except that the function of making recommendations under paragraph (i) of this Article shall not be delegated.

PART VI - THE COUNCIL

ARTICLE 17

The Council shall consist of sixteen Members and shall be composed as follows:

- (a) six shall be governments of the nations with the largest interest in providing international shipping services;
- (b) six shall be governments of other nations with the largest interest in international seaborne trade;
- (c) two shall be elected by the Assembly from among the governments of nations having a substantial interest in providing international shipping services, and
- (d) two shall be elected by the Assembly from among the governments of nations having a substantial interest in international seaborne trade.

In accordance with the principles set forth in this Article the first Council shall be constituted as provided in Appendix I to the present Convention.

ARTICLE 18

Except as provided in Appendix I to the present Convention, the

- 必要的任何永久性附屬機構；
- (d) 依第17條規定選舉理事會的成員，以及依第28條規定選舉海上安全委員會成員；
 - (e) 收受並審議理事會的報告，並就理事會提交給其的任何問題作出決定；
 - (f) 依照第九章就本組織的預算進行投票並決定本組織的財務安排；
 - (g) 審查經費收支情況，並核定本組織帳目；
 - (h) 履行本組織的職責，但對於有關第3條第a及b項事宜，大會應送交理事會，由理事會起草的相關建議案或文件；且由理事會提交大會但未被大會接受的任何建議案或文件應退給理事會，由理事會對這樣的建議案或文件及大會可能提出的意見進行進一步的審議；
 - (i) 建議會員採行由海上安全委員會經由理事會提交給大會有關海上安全之規則或這些規則之修正案；
 - (j) 除本條第i項所規定提出建議的職責不可授權他人外，將本組織範圍內的一切其他事宜交由理事會審議或決定。

第六章 理事會

第 17 條

理事會應由大會選出的 16 名會員組成。

- (a) 6 個成員應為在提供國際航運服務方面具有最大利害關係的國家；
- (b) 6 個成員應為在國際海上貿易方面具有最大利害關係的其他國家；
- (c) 2 個成員應由大會於提供國際航運服務具重大利害關係的國家政府中選出；且
- (d) 2 個成員應由大會於在國際海上貿易方面具重大利害關係的國家政府中選出。

依照本條所確定之原則，第一屆理事會應由本公約附件 I 所規定之方式所組成。

第 18 條

除本公約附件 I 另有規定外，為第 17