

國際海事組織公約

1948年3月6日訂於瑞士日內瓦，1958年3月17日生效

(含1964年、1965年、1974年、1975年、1977年、1979年、1991年及1993年所有修正)

Convention on the International Maritime Organization (IMO)

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

(Amendments of 1964, 1965, 1974, 1975, 1977, 1979, 1991 & 1993 included)*

IMO 1948~1993 綜合文本

生效門檻：21 國(7 國 \geq 1,000,000GT)

會員國數：174 國(2019.3)

簡介：

國際海事組織 IMO(前身為政府間海事諮詢組織 IMCO)為目前國際間有關海運及海事事務之聯合國下屬主管機關。1948 年國際海事組織公約即為本組織設立及組織任務架構之基本法規。

國際海事組織主要任務在於提供各國在海事各領域方面之合作及協調機制、進行與海事及船運等有關海事法規之研擬及制訂工作、鼓勵政府間減少船運障礙、提升船運安全等事項。

國際海事組織目前下設海事安全、海事環境保護、技術合作、法律及便利等五委員會；若干委員會下進一步分設許多次委員會，針對各項議題為研究討論。

無論從海洋立國、國內立法與國際同步、或是我國亟欲參與國際組織之企圖等點觀之，本公約為瞭解現有國際海事主管機關運作及組織架構之重要法規。

通過日 生效日		
1948.03.06 1958.03.17	國際海事組織公約 (前稱『政府間海事諮商組織公約』) The International Maritime Organization Convention	
1964.09.15 1967.10.06	1964 年修正 The 1964 amendments	修正公約第 17 條及第 18 條，擴大理事會成員至 18 席 (IMCO A.69(ES.II))

* Amendments to articles 17 and 18 of the Convention; Resolution A.69 (ES.II) of 15 Sept 1964

Amendment to article 28 of the Convention; Resolution A.70 (IV) of 28 Sept 1965

Amendments to articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention; Resolution A.315 (ES.V) of 17 Oct 1974

Amendments to the title and substantive provisions of the Convention; Resolution A.358 (IX) of 14 Nov 1975 and A.371 (X) of 9 Nov 1977 (rectification of resolution A.358 (IX))

Amendments to the Convention relating to the institutionalization of the Committee on Technical Co-operation in the Convention; Resolution A.400 (X) of 17 Nov 1977

Amendments to articles 17, 18, 20 and 51 of the Convention; Resolution A.450 (XI) of 15 Nov 1979

Amendments to the Convention (institutionalization of the Facilitation Committee); Resolution A.724 (17) of 7 Nov 1991

Amendments to the Convention; Resolution A.735 (18) of 4 Nov 1993

1965.09.28 1968.11.03	1965 年修正 The 1965 amendments	修正公約第 28 條，海上安全委員會委員國增加至 16 席 (IMCO A.70(IV))
1974.10.17 1978.04.01	1974 年修正 The 1974 amendments	修正公約第 10 條、第 16 條、第 17 條、第 18 條、第 20 條、第 28 條、第 31 條及第 32 條，擴大理事會成員至 24 席；海上安全委員會成員涵蓋所有 IMO 會員國 (IMCO A.315(ES.V))
1975.11.14 1982.05.22	1975 年修正 The 1975 amendments	組織更名為『國際海事組織』，增加法律委員會及海上環境保護委員會(IMCO A.358(IX))
1977.11.17 1984.11.10	1977 年修正 The 1977 amendments	增加技術合作委員會 (IMCO A.400(X))
1979.11.15 1984.11.10	1979 年修正 The 1979 amendments	修正公約第 17 條、第 18 條、第 20 條及第 51 條，擴大理事會成員至 32 席 (IMCO A.450(XI))
1991.11.07 2008.12.07	1991 年修正 The 1991 amendments	增加便利委員會 (IMO A.724(17))
1993.11.04 2002.11.07	1993 年修正 The 1993 amendments	擴大理事會成員至 40 席 (IMO A.735(18))

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The States Parties to the present Convention hereby establish the International Maritime Organization (hereinafter referred to as "the Organization").

本公約各締約國謹此設立國際海事組織(以下稱『本組織』)。

Part I - Purposes of the Organization

第一章 本組織的宗旨

Article 1

第 1 條

The purposes of the Organization are:

本組織宗旨為：

- 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; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning the maritime safety, efficiency of navigation and prevention and control of marine pollution from ships; and to deal with administrative and legal matters related to the purposes set out in this Article;
- 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 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;
- 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 and the effect of shipping on the marine environment that may be referred to it by any organ or

- 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、防止及控制船舶造成海洋污染的問題上普遍採用可行的最高標準；處理有關本條所列宗旨的行政及法律問題；
- 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. 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及航運對海洋環境影響的任何事宜為規

specialized agency of the United Nations;
e.To provide for the exchange of information among Governments on matters under consideration by the Organization.

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。

Part II - Functions

第二章 職責

Article 2

第 2 條

In order to achieve the purposes set out in part I, the Organization shall:

為實現第一章所列的宗旨，本組織應：

- a.Subject to the provisions of Article 3, consider and make recommendations upon matters arising under Article 1 (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 1 (d);
- b.Provide for the drafting of conventions, agreements, or other suitable instruments, and recommend these to Governments and to intergovernmental organizations, and convene such conferences as may be necessary;
- c.Provide machinery for consultation among Members and the exchange of information among Governments;
- d.Perform functions arising in connexion with paragraphs (a), (b) and (c) of this Article, in particular those assigned to it by or under international instruments relating to maritime matters and the effect of shipping on the marine environment;
- e.Facilitate as necessary, and in accordance with part X, technical co-operation within the scope of the Organization.

- a.依照第 3 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；
- d.履行與本條第 a、b、c 項有關的職責，特別是有關海事及航運對海洋環境影響事宜的國際文件所賦予或規定的相關職責；
- e.必要時依據第十章促進本組織工作範圍內的技術合作。

Article 3

第 3 條

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.

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。

Part III - Membership

第三章 會員資格

Article 4

第 4 條

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

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。

Article 5

Members of the United Nations may become Members of the Organization by becoming parties to the Convention in accordance with the provisions of Article 76.

Article 6

States not Members of the United Nations which have been invited to send representatives to the United Nations Maritime Conference convened in Geneva on 19 February 1948, may become Members by becoming parties to the Convention in accordance with the provisions of Article 76.

Article 7

Any State not entitled to become a Member under Article 5 or 6 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 76 provided that, upon the recommendation of the Council, its application has been approved by two-thirds of the Members other than Associate Members.

Article 8

Any Territory or group of Territories to which the Convention has been made applicable under Article 77, 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 9

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 or be eligible for membership on the Council and subject to this the word "Member" in the Convention shall be deemed to include Associate Member unless the context otherwise requires.

Article 10

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.

第 5 條

聯合國會員國依第 76 條規定成為本公約締約國時，即可成為本組織的會員。

第 6 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 76 條成為本公約的締約國時，可成為本組織的會員。

第 7 條

無法依據第 5 條及第 6 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成員，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 76 條規定成為本公約締約國時，可被接受為會員。

第 8 條

由負責其國際關係的會員或由聯合國依據第 77 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 9 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。

第 10 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。