

1979 年國際海上搜尋及救助公約

1979 年 04 月 27 日 漢堡通過，1985 年 06 月 22 日生效

綜合文本 (1979~2004)

(含 1998 及 2004 年修正)

INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979

Adopted on 27 April, 1979 at Hamburg, entered into force 22 June, 1985

Consolidated Texts (1979~2004)

As amended 1998、2004

SAR 綜合文本(1979~2004)

生效門檻：15 國 + 12 個月

(2019.3)締約國數：112 國

簡介：海上搜索及救助國際公約(簡稱 SAR)制定之目的在發展出一套國際緊急救難系統，包括國際間合作、搜救程序及船舶報告系統等，以援救海上遇險遭難之人員。SAR 公約於 1979 年制訂通過，1988 年生效實施後，迄今僅歷經 1998 及 2004 年二次修正，均是針對公約附件為修正。

整部 SAR 公約區分為二大部分分為公約主文及附件：

- ◆ 公約主文為原則性規範，計 8 條文；
- ◆ 公約附件(Annex)的技術性分則規範，1979 年公約附件原訂六章，1998 年修正時改訂為五章，分別術語及定義(第 I 章)、組織及協調(第 II 章)、國家間的合作(第 III 章)、工作程序(第 IV 章)、以及船舶報告系統(第 V 章)為規範。

SAR 公約歷年修正表列如下：

通過日期/生效日期		
1979.4.27/ 1985.6.22	SAR 1979	1979 年國際海上搜尋及救助公約 International Convention on Maritime Search and Rescue, 1979
1998.5/ 200.1.1	MSC.70(69)	1998 年(附件修正)修正 The 1998 (revised Annex) amendments
2004.5/ 2006.7.1	MSC.155(78)	2004 年(第 II,III 及 IV 章)修正 The 2004 (Chapter II, III and IV) amendments

1979 年國際海上搜尋及救助公約

INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979

The Parties to the Convention,

Noting the great importance attached in several conventions to the rendering of assistance to persons in distress at sea and to the establishment by every coastal State of adequate and effective arrangements for coast watching and for search and rescue services, **Having considered** Recommendation 40 adopted by the International Conference on Safety of Life at Sea, 1960, which recognizes the desirability of coordinating activities regarding safety on and over the sea among a number of intergovernmental organizations,

Desiring to develop and promote these activities by establishing an international maritime search and rescue plan responsible to the needs of maritime traffic for the rescue of persons in distress at sea,

Wishing to promote co-operation among search and rescue organizations around the world and among those participating in search and rescue operations at sea,

Have agreed as follows:

本公約各締約國，

注意到若干國際公約非常重視對海上遇險人員的施救及每一沿海國家為海岸值守及搜救服務作出適當及有效的安排，

業考慮到 1960 年國際海上人命安全會議通過的第 40 號建議，該建議認識到在若干政府間組織對海上及海空安全進行協同活動的需要，

期望通過制定適應海運中救助海上遇險人員需要的國際海上搜尋救助規劃以發展及促進這些活動，

希望增進全世界搜尋救助組織間及參加海上搜尋救助活動者間的合作，

業經協議如下：

Article I. General Obligations under The Convention

The Parties undertake to adopt all legislative or other appropriate measures necessary to give full effect to the Convention and its Annex. which is an integral part of the Convention. Unless expressly provided otherwise, a reference to the Convention constitutes at the same time a reference to its Annex.

第 1 條 公約一般義務

各締約國應確保採取一切必要的立法或其它相應的措施，以全部實施本公約及其附件，該附件是本公約的組成部分。除另有明文規定外，凡引用本公約即同時構成引用其附件。

Article II. Other Treaties and Interpretation

(1) Nothing in the Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

(2) No provision of the Convention shall be construed as prejudicing obligations or rights of vessels provided for in other international instruments.

第 2 條 其它條約及解釋

(1) 本公約任何規定均不得損害依據聯合國大會(XXV)第 2750 號決議召開的聯合國海洋法會議對海洋法的編纂及發展，亦不得損害任何國家目前及今後就海洋法以及沿海國及船旗國的管轄權的性質及範圍所提出的要求及法律上的意見。

(2) 本公約的任何條款不得解釋為與其他國際文件中所規定的船舶義務或權利相抵觸。

Article III. Amendments

(1) The Convention may be amended by either of the procedures

第 3 條 修正

(1) 本公約可依以下第 2 項及第 3 項所

- specified in paragraphs (2) and (3) hereinafter.
- (2) Amendment after consideration within the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as the Organization):
- (a) Any amendment proposed by a Party and transmitted to the Secretary-General of the Organization (hereinafter referred to as the Secretary-General), or any amendment deemed necessary by the Secretary-General as a result of an amendment to a corresponding provision of Annex 12 to the Convention on International Civil Aviation, shall be circulated to all Members of the Organization and all Parties at least six months prior to its consideration by the Maritime Safety Committee of the Organization.
 - (b) Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.
 - (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee on condition that at least one third of the Parties shall be present at the time of adoption of the amendment.
 - (d) Amendments adopted in accordance with sub-paragraph (c) shall be communicated by the Secretary-General to all Parties for acceptance.
 - (e) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall be deemed to have been accepted on the date on which the Secretary-General has received an instrument of acceptance from two thirds of the Parties.
 - (f) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall be deemed to have been accepted at the end of one year from the date on which it is communicated to the Parties for acceptance. However, if within such period of one year more than one third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
 - (g) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall enter into force:
 - (i) With respect to those Parties which have accepted it, six months after the date on which it is deemed to have been accepted;
 - (ii) With respect to those Parties which accept it after the condition mentioned in sub-paragraph (e) has been met and before the amendment enters into force, on the date of entry into force of the amendment;
 - (iii) With respect to those Parties which accept it after the date on which the amendment enters into force, 30 days after the deposit of an instrument of acceptance.
 - (h) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall enter into force with respect to all Parties, except those which have objected to the amendment under sub-paragraph (f) and which have not

規定的任一程序予以修正。

(2) 在政府間海事協商組織(以下簡稱本組織)內審議後的修正：

- (a) 一締約國提議並送交本組織秘書長(以下簡稱秘書長)的任何修正案或秘書長因國際民用航空公約附件 12 的相應條款修正的結果認為必要的任何修正案，應在本組織海上安全委員會審議以前至少 6 個月通知本組織所有會員及所有締約國。
- (b) 締約國，不論其是否為本組織會員，均有權參加海上安全委員會的審議及通過修正案的活動。
- (c) 修正案應由出席海上安全委員會並投票的締約國三分之二多數通過，但於通過時，應至少應有三分之一的締約國出席。
- (d) 依照第 c 款通過的修正案應由秘書長通知所有締約國，以供接受。
- (e) 對本公約某條或附件第 2.1.4、2.1.5、2.1.7、2.1.10、3.1.2 或 3.1.3 款的每項修正案，應在秘書長收到三分之二締約國的接受文件之日起視為已被接受。
- (f) 對附件第 2.1.4、2.1.5、2.1.7、2.1.10、3.1.2 或 3.1.3 款以外的每一項修正案，應在通知締約國以供接受之日起一年後視為已被接受。但在此一年內，如有三分之一以上的締約國通知秘書長反對該項修正案，則此修正案應視為未被接受。
- (g) 本公約某一條或附件第 2.1.4、2.1.5、2.1.7、2.1.10、3.1.2 或 3.1.3 款的每一項修正案：
 - (i) 對接受此修正案的締約國自修正案視為已被接受之日起 6 個月後生效；
 - (ii) 對已符合第 e 款所述條件之後而在修正案生效前接受此項修正案的締約國，自修正案生效之日起生效；
 - (iii) 對在修正案生效之日後接受此項修正案的締約國，自接受文件交存之日起 30 天後生效。
- (h) 對附件第 2.1.4、2.1.5、2.1.7、2.1.10、3.1.2 或 3.1.3 款以外的每一項修正案，自其視為已被接受之日起 6 個月後對所有締約國生

withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee at the time of the adoption of the amendment.

(3) Amendment by a conference:

- (a) Upon the request of a Party concurred in by at least one third of the Parties, the Organization shall convene a conference of Parties to consider amendments to the Convention. Proposed amendments shall be circulated by the Secretary-General to all Parties at least six months prior to their consideration by the conference.
- (b) Amendments shall be adopted by such a conference by a two-thirds majority of the Parties present and voting, on condition that at least one third of the Parties shall be present at the time of adoption of the amendment. Amendments so adopted shall be communicated by the Secretary-General to all Parties for acceptance.
- (c) Unless the conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in sub-paragraphs (2)(e), (2)(f), (2)(g) and (2)(h) respectively, provided that reference in sub-paragraph (2)(h) to the Maritime Safety Committee expanded in accordance with sub-paragraph (2)(b) shall be taken to mean reference to the conference.
- (4) Any declaration of acceptance of, or objection to, an amendment or any notice given under sub-paragraph (2)(h) shall be submitted in writing to the Secretary-General who shall inform all Parties of any such submission and the date of its receipt.
- (5) The Secretary-General shall inform States of any amendments which enter into force, together with the date on which each such amendment enters into force.

Article IV. Signature, Ratification, Acceptance, Approval and Accession

- (1) The Convention shall remain open for signature at the Headquarters of the Organization from 1 November 1979 until 31 October 1980 and shall thereafter remain open for accession. States may become Parties to the 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.

效，然而依據第 f 款曾反對此款修正案而又未撤銷其反對意見的締約國除外。但在確定生效之日前，任何締約國可以通知秘書長，在此項修正案生效之日起不長於 1 年的時間內，或在海上安全委員會通過此項修正案時，經到會並投票的締約國三分之二多數確定的更長時間內，對其免予執行。

(3) 會議修正：

- (a) 應一締約國的請求，並至少有一分之一締約國的同意，本組織應召開締約國會議以審議本公約的修正案。所提出的修正案應由秘書長在會議審議前至少 6 個月通知所有締約國。
 - (b) 修正案應由出席本會議並投票的締約國三分之二多數通過，但在通過時，至少應有三分之一的締約國出席。其所通過的修正案，應由秘書長通知所有締約國，以供接受。
 - (c) 除會議另有決定外，修正案應分別依照第 2 項 e、f、g 及 h 款的規定視為已被接受及生效，但應將第 2 項 h 款中所指的依照第 2 項 b 款擴大的海上安全委員會看作是指本會議。
- (4) 對於修正案的接受或反對的任何聲明，或依據第 2 項 h 款所提出的任何通知，均應書面提交秘書長，秘書長應將任何此類文件及其收到日期通知所有締約國。
 - (5) 秘書長應將任何生效的修正案連同每項修正案的生效日期通知各國。

第 4 條 簽署、批准、接受、核准及加入

- (1) 本公約自 1979 年 11 月 1 日至 1980 年 10 月 31 日在本組織總部開放供簽署，此後繼續開放供加入，各國可依下列方式成為本公約的締約國：
 - (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，隨後再予批准、接受或核准；或
 - (c) 加入。

- (2) Ratification, acceptance approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
- (3) The Secretary-General shall inform States of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article V. Entry into Force

- (1) The Convention shall enter into force 12 months after the date on which 15 States have become Parties to it in accordance with Article IV.
- (2) Entry into force for States which ratify, accept, approve or accede to the Convention in accordance with Article IV after the condition prescribed in paragraph (1) has been met and before the Convention enters into force; shall be on the date of entry into force of the Convention.
- (3) Entry into force for States which ratify, accept, approve or accede to the Convention after the date on which the Convention enters into force shall be 30 days after the date of deposit of an instrument in accordance with Article IV.
- (4) Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to the Convention in accordance with Article III shall apply to the Convention, as amended, and the Convention, as amended, shall enter into force for a State depositing such an instrument 30 days after the date of its deposit.
- (5) The Secretary-General shall inform States of the date of entry into force of the Convention.

Article VI. Denunciation

- (1) The Convention may be denounced by any Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party.
- (2) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General who shall notify States of any instrument of denunciation received and of the date of its receipt as well as the date on which such denunciation takes effect.
- (3) A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General.

Article VII. Deposit and Registration

- (1) The Convention shall be deposited with the Secretary-General who shall transmit certified true copies thereof to States.
- (2) As soon as the Convention enters into force, the Secretary-General shall transmit the text thereof to the

(2)批准、接受、核准或加入，應向秘書長交存一份相應的文件。

(3)秘書長應將任何簽署，或批准、接受、核准或加入的任何文件的交存及其交存日期通知各國。

第 5 條 生效

(1)本公約應在 15 個國家依第四條規定成為締約國之日後滿 12 個月生效。

(2)對已達到第一款所述條件，而在公約生效前依第 4 條規定批准、接受、核准或加入本公約的國家，應自本公約生效之日起生效。

(3)對在本公約生效之日後批准、接受、核准或加入本公約的國家，應自其依第 4 條規定交存文件之日後滿 30 天生效。

(4)在本公約的修正案，依第 3 條規定生效之日後交存的批准、接受、核准或加入的任何文件，應適用於已修正的公約，已修正的公約應自文件交存之日後滿 30 天對交存此文件的國家生效。

(5)秘書長應將本公約的生效日期通知各國。

第 6 條 退出

(1)任何締約國，在本公約對其生效滿 5 年後，可隨時退出本公約。

(2)退出應向秘書長交存一份退出文件。秘書長應將收到的任何退出文件及收到日期以及退出的生效日期通知各國。

(3)退出應在秘書長收到退出文件 1 年後，或該文件中所載的較此為長的期限屆滿後生效。

第 7 條 保存及登記

(1)本公約應交秘書長保存，秘書長應將核證無誤的本公約副本分送各國。

(2)本公約一經生效，秘書長應即依照聯合國憲章第 102 條的規定，將其