

1982 年聯合國海洋法公約

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United Nations Convention on the Law of the Sea 1982

Signed at Montego Bay, December 10, 1982 ; Entered into force:16 November 1994

UNCLOS 1982

PREAMBLE

The States Parties to this Convention,

Prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea and aware of the historic significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world,

Noting that developments since the United Nations Conferences on the Law of the Sea held at Geneva in 1958 and 1960 have accentuated the need for a new and generally acceptable Convention on the law of the sea,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Recognizing the desirability of establishing through this Convention, with due regard for the sovereignty of all States, a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment,

Bearing in mind that the achievement of these goals will contribute to the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or land-locked,

Desiring by this Convention to develop the principles embodied in resolution 2749 (XXV) of 17 December 1970 in which the General Assembly of the United Nations solemnly declared *inter alia* that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States,

Believing that the codification and progressive development of the law of the sea achieved in this Convention will contribute to the

序言

本公約各締約國，

本著以互相諒解及合作精神解決與海洋法有關的一切問題之願望，並且認識到本公約對於維護和平、正義及全世界人民的進步作出重要貢獻的歷史意義，

注意自從 1958 年及 1960 年在日內瓦舉行聯合國海洋法會議以來之種種發展，著重指出了需要有一項新的可獲一般接受的海洋法公約，

意識到各海洋區域的種種問題都是彼此密切相關的，有必要作為一個整體來加以考慮，

認識到有需要通過本公約，在妥為顧及所有國家主權的情形下，為海洋建立一法律秩序，以便利國際交通及促進海洋的和平用途，海洋資源公平且有效利用，海洋生物資源的養護及研究、保護及保全海洋環境，

考慮到達成這些目標將有助於實現公正公平的國際經濟秩序，該秩序將照顧到全人類的利益及需要，特別是發展中國家的特殊利益及需要，不論其為沿海國或內陸國，

希望以本公約發展 1970 年 12 月 17 日第 2749(XXV)號決議所載各項原則，聯合國大會在該決議中慎重宣佈，除其他外，國家管轄範圍以外的海床及洋底區域及其底土以及該區域的資源為人類共同繼承財產，其勘探與開發應為全人類的利益而進行，不論各國的地理位置如何，

相信在本公約中所達成的海洋法的編纂及逐漸發展，將有助於依照「聯合國

strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and will promote the economic and social advancement of all peoples of the world, in accordance with the Purposes and Principles of the United Nations as set forth in the Charter,
Affirming that matters not regulated by this Convention continue to be governed by the rules and principles of general international law,
Have agreed as follows:

PART I INTRODUCTION

Article 1 Use of terms and scope

1. For the purposes of this Convention:
 - (1) "Area" means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction;
 - (2) "Authority" means the International Seabed Authority;
 - (3) "activities in the Area" means all activities of exploration for, and exploitation of, the resources of the Area;
 - (4) "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;
 - (5)
 - (a) "dumping" means:
 - (i) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
 - (ii) any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea;
 - (b) "dumping" does not include:
 - (i) the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

憲章」所載的聯合國的宗旨及原則鞏固各國間符合正義及權利平等原則的和平、安全、合作及友好關係，並將促進全世界人民的經濟及社會方面的進展，

確認本公約未予規定的事項，應繼續以一般國際法的規則及原則為準據，
經協議如下：

第一部分 簡介

第 1 條 用語及範圍

1. 為本公約的目的：
 - (1) “區域”是指國家管轄範圍以外的海床及洋底及其底土；
 - (2) “管理局”是指國際海底管理局；
 - (3) “區域內活動”是指勘探及開發區域的資源的一切活動；
 - (4) “海洋環境的污染”是指人類直接或間接把物質或能量引入海洋環境，其中包括河口灣，以致造成或可能造成損害生物資源及海洋生物、危害人類健康、妨礙包括捕魚及海洋的其他正當用途在內的各種海洋活動、損壞海水使用品質及減損環境優美等有害影響；
 - (5)
 - (a) “傾倒”是指：
 - (i) 從船隻、飛機、平臺或其他人造海上結構故意處置廢物或其他物質的行為；
 - (ii) 故意處置船隻、飛機、平臺或其他人造海上結構的行為。
 - (b) “傾倒”不包括：
 - (i) 船隻、飛機、平臺或其他人造海上結構及其裝備的正常操作所附帶發生或產生的廢物或其他物質的處置，但為處置這種物質而操作的船隻、飛機、平臺或其他人造海上結構所運載或向其輸送的廢物或其他物質，或在這種船隻、飛機、平臺或結構上處理這種廢物或其他物質所產生的廢物或其他物質均除外；

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

2.

- (1) "States Parties" means States which have consented to be bound by this Convention and for which this Convention is in force.
- (2) This Convention applies *mutatis mutandis* to the entities referred to in article 305, paragraph 1(b), (c), (d), (e) and (f), which become Parties to this Convention in accordance with the conditions relevant to each, and to that extent "States Parties" refers to those entities.

(ii) 並非為單純處置物質而放置物質，但以這種放置不違反本公約的目的為限。

2.

- (1) “締約國”是指同意受本公約約束而本公約對其生效的國家。
- (2) 本公約比照適用於第305條第1項(b)、(c)、(d)、(e)及(f)款所指的實體，這些實體依照與各自有關的條件成為本公約的締約國，在這種情況下，“締約國”也指這些實體。

PART II TERRITORIAL SEA AND CONTIGUOUS ZONE

第二部分 領海及鄰接區

SECTION 1. GENERAL PROVISIONS

第1節 一般規定

Article 2 Legal status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil

第2條 領海及其上空、海床及底土的法律地位

1. The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.
2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.
3. The sovereignty over the territorial sea is exercised subject to this convention and to other rules of international law.

1. 沿海國的主權及於其陸地領土及其內水以外鄰接的一帶海域，於群島國情形下則及於群島水域以外鄰接之一帶海域，稱為領海。
2. 此項主權及於領海的上空及其海床及底土。
3. 對於領海的主權的行使受本公約及其他國際法規則的限制。

SECTION 2. LIMITS OF THE TERRITORIAL SEA

第2節 領海的界限

Article 3 Breadth of the territorial sea

第3條 領海寬度

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.

每一國家有權確定其領海的寬度，直至從依照本公約確定的基線量起不超過12浬的界限為止。

Article 4 Outer limit of the territorial sea

第4條 領海外部界限

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

領海的外部界限是一條其每一點同基線最近點的距離等於領海寬度的線。

Article 5 Normal baseline

第5條 正常基線

Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized

除本公約另有規定外，測算領海寬度的正常基線是沿海國官方承認的大比例尺海圖所標明的沿岸低潮線。

by the coastal State.

Article 6 Reefs

In the case of islands situated on atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef, as shown by the appropriate symbol on charts officially recognized by the coastal State.

Article 7 Straight baselines

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.
2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, the straight baselines shall remain effective until changed by the coastal State in accordance with this Convention.
3. The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.
4. Straight baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition.
5. Where the method of straight baselines is applicable under paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.
6. The system of straight baselines may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone.

Article 8 Internal waters

1. Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.
2. Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters.

第 6 條 礁石

在位於環礁上的島嶼或有岸礁環列的島嶼的情形下，測算領海寬度的基線是沿海國官方承認的海圖上以適當標記顯示的礁石的向海低潮線。

第 7 條 直線基線

1. 在海岸線極為曲折的地方，或如緊接海岸有一系列島嶼，測算領海寬度基線的劃定可採用連接各適當點之直線基線法。
2. 在因有三角洲及其他自然條件以致海岸線非常不穩定之處，可沿低潮線向海最遠處選擇各適當點，且儘管以後低潮線發生後退現象，該直線基線在沿海國依照本公約加以改變以前仍然有效。
3. 直線基線的劃定不應在任何明顯的程度上偏離海岸的一般方向，且基線內的海域必須充分接近陸地領土，使其受內水制度的支配。
4. 除在低潮高地上築有永久高於海平面的燈塔或類似設施，或以這種高地作為劃定基線的起訖點已獲得國際一般承認者外，直線基線的劃定不應以低潮高地為起訖點。
5. 於依據第 1 項可採用直線基線法之處，確定特定基線時，對於有關地區所特有的並經長期慣例清楚地證明其為實在而重要的經濟利益，可予以考慮。
6. 一國不得採用直線基線制度，致使另一國的領海同公海或專屬經濟區隔斷。

第 8 條 內水

1. 除第 4 部分另有規定外，領海基線向陸一面的水域構成國家內水的一部分。
2. 如依照第 7 條所規定之方法確定直線基線之效果使原來並未認為是內水之區域被包圍在內成為內水，則在此種水域內應有本公約所規定之無害通過權。

Article 9 Mouths of rivers

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-water line of its banks.

Article 10 Bays

1. This article relates only to bays the coasts of which belong to a single State.
2. For the purposes of this Convention, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.
3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.
4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 nautical miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.
5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 nautical miles, a straight baseline of 24 nautical miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.
6. The foregoing provisions do not apply to so-called "historic" bays, or in any case where the system of straight baselines provided for in article 7 is applied.

Article 11 Ports

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast. Off-shore installations and artificial islands shall not be considered as permanent harbour works.

Article 12 Roadsteads

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the

第 9 條 河口

如河流直接流入海洋，基線應是一條在兩岸低潮線上兩點之間橫越河口之直線。

第 10 條 海灣

1. 本條僅涉及海岸屬於一國之海灣。
2. 為本公約的目的，海灣是明顯水曲，其凹入程度及曲口寬度之比例，使其有被陸地環抱之水域，而不僅為海岸之彎曲。但水曲除其面積等於或大於橫越曲口所劃直線作為直徑之半圓形面積外，不應視為海灣。
3. 為測算的目的，水曲面積是位於水曲陸岸周圍的低潮標及一條連接水曲天然入口兩端低潮標的線間之面積。如因有島嶼而水曲有一個以上曲口，該半圓形應劃在與橫越各曲口之各線總長度相等的一條線上。水曲內的島嶼應視為水曲水域之一部分而包括在內。
4. 如海灣天然入口兩端低潮標間之距離不超過 24 浬，則可在這兩個低潮標之間劃出一條封口線，該線所包圍的水域應視為內水。
5. 如海灣天然入口兩端之低潮標間之距離超過 24 浬，24 浬之直線基線應劃在海灣內，以劃入該長度之線所可能劃入的最大水域。
6. 上述規定不適用於所謂“歷史性”海灣，亦不適用於採用第 7 條所規定之直線基線法之任何情形。

第 11 條 港口

為劃定領海的目的，構成海港體系組成部分的最外部永久海港工程視為海岸的一部分。近岸設施及人工島嶼不應視為永久海港工程。

第 12 條 泊船處

通常用於船舶裝卸及下錨的泊船處，即使全部或一部位於領海的外部界限以外，都包括在領海範圍之內。

territorial sea.

Article 13 Low-tide elevations

1. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.
2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

Article 14 Combination of methods for determining baselines

The coastal State may determine baselines in turn by any of the methods provided for in the foregoing articles to suit different conditions.

Article 15 Delimitation of the territorial sea between States with opposite or adjacent coasts

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

Article 16 Charts and lists of geographical coordinates

1. The baselines for measuring the breadth of the territorial sea determined in accordance with articles 7, 9 and 10, or the limits derived therefrom, and the lines of delimitation drawn in accordance with articles 12 and 15 shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, a list of geographical coordinates of points, specifying the geodetic datum, may be substituted.
2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

SECTION 3. INNOCENT PASSAGE IN THE TERRITORIAL SEA

第 13 條 低潮高地

1. 低潮高地是在低潮時四面環水並高於水面但在高潮時沒入水中之自然形成之陸地。如低潮高地全部或一部與大陸或島嶼之距離不超過領海之寬度，該高地的低潮線可作為測算領海寬度之基線。
2. 如低潮高地全部與大陸或島嶼之距離超過領海之寬度，則該高地無其自己之領海。

第 14 條 確定基線之混合辦法

沿海國為適應不同情況，可交替使用以上各條規定的任何方法以確定基線。

第 15 條 海岸相向或相鄰國家間領海界限的劃定

如兩國海岸彼此相向或相鄰，兩國中任何一國在彼此沒有相反協議之情形下，均無權將其領海伸延至一條其每一點都同測算兩國中每一國領海寬度之基線上最近各點距離相等之中間線以外，然如因歷史性所有權或其他特殊情況而有必要依照與上述規定不同之方法劃定兩國領海的界限，則不適用上述規定。

第 16 條 海圖的地理座標表

1. 依第 7、第 9 及第 10 條確定之測算領海寬度之基線，或依據基線劃定之界限，及依照第 12 及第 15 條劃定之分界線，應在足以確定這些線位置之一種或幾種比例尺的海圖上標出。或可以用列出各點之地理座標並註明大地基準點之表來代替。
2. 沿海國應將該海圖或地理座標表妥為公佈，並應將各該海圖及座標表的一份副本交存於聯合國秘書長。

第 3 節 領海之無害通過

SUBSECTION A. RULES APPLICABLE TO ALL SHIPS

Article 17 Right of innocent passage

Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.

Article 18 Meaning of passage

1. Passage means navigation through the territorial sea for the purpose of
 - (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters ; or
 - (b) proceeding to or from internal waters or a call at such roadstead or port facility.
2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 19 Meaning of innocent passage

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.
2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities:
 - (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations ;
 - (b) any exercise or practice with weapons of any kind ;
 - (c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State ;
 - (d) any act of propaganda aimed at affecting the defence or security of the coastal State ;
 - (e) the launching, landing or taking on board of any aircraft ;
 - (f) the launching, landing or taking on board of any military device ;
 - (g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State ;
 - (h) any act of wilful and serious pollution contrary to this Convention ;
 - (i) any fishing activities ;
 - (j) the carrying out of research or survey activities ;

A 分節 適用於所有船舶的規則

第 17 條 無害通過權

於本公約限制下，所有國家，不論為沿海國或內陸國，其船舶均享有無害通過領海之權利。

第 18 條 通過之意義

1. 通過是指為下列目的，通過領海的航行：
 - (a) 穿過領海但不進入內水或停靠內水以外之泊船處或港口設施；或
 - (b) 駛往或駛出內水或停靠該泊船處或港口設施。
2. 通過應繼續不停及迅速進行。通過包括停船及下錨在內，但以通常航行所附帶發生或由於不可抗力或遇難所必要或為救助遇險或遭難之人員、船舶或飛機的目的為限。

第 19 條 無害通過之意義

1. 通過只要不損害沿海國的和平、良好秩序或安全，即是無害。該通過之進行應符合本公約及其他國際法規則。
2. 如外國船舶於領海內進行下列任何一種活動，其通過即應視為損害沿海國之和平、良好秩序或安全：
 - (a) 對沿海國的主權、領土完整或政治獨立進行任何武力威脅或使用武力，或以任何其他違反「聯合國憲章」所體現的國際法原則的方式進行武力威脅或使用武力；
 - (b) 以任何種類之武器進行任何操練或演習；
 - (c) 其目的在搜集情報使沿海國的防務或安全受損害的行為；
 - (d) 其目的在影響沿海國防務或安全之宣傳行為；
 - (e) 於船上起落或接載任何飛機；
 - (f) 於船上發射、降落或接載任何軍事裝置；
 - (g) 違反沿海國海關、財政、移民或衛生之法律及規章，上下任何商品、貨幣或人員；
 - (h) 違反本公約規定之任何故意及嚴重之污染行為；
 - (i) 任何捕魚活動；
 - (j) 進行研究或測量活動；

- (k) any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State ;
- (l) any other activity not having a direct bearing on passage.

Article 20 Submarines and other underwater vehicles

In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 21 Laws and regulations of the coastal State relating to innocent passage

1. The coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following:
 - (a) the safety of navigation and the regulation of maritime traffic ;
 - (b) the protection of navigational aids and facilities and other facilities or installations ;
 - (c) the protection of cables and pipelines ;
 - (d) the conservation of the living resources of the sea ;
 - (e) the prevention of infringement of the fisheries laws and regulations of the coastal State ;
 - (f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof ;
 - (g) marine scientific research and hydrographic surveys ;
 - (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.
2. Such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to generally accepted international rules or standards.
3. The coastal State shall give due publicity to all such laws and regulations.
4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations and all generally accepted international regulations relating to the prevention of collisions at sea.

Article 22 Sea lanes and traffic separation schemes in the territorial sea

1. The coastal State may, where necessary having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships.
2. In particular, tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or

- (k) 其目的在干擾沿海國任何通訊系統或任何其他設施或設備之行為；
- (l) 與通過無直接關係之任何其他活動。

第 20 條 潛水艇及其他潛水器

於領海內，潛水艇及其他潛水器，須在海面上航行並展示其旗幟。

第 21 條 沿海國關於無害通過的法律及規章

1. 沿海國可依本公約規定及其他國際法規則，對下列各項或任何一項制定關於無害通過領海之法律及規章：
 - (a) 航行安全及海上交通管理；
 - (b) 保護助航設備及設施及其他設施或設備；
 - (c) 保護電纜及管道；
 - (d) 養護海洋生物資源；
 - (e) 防止違犯沿海國之漁業法律及規章；
 - (f) 保全沿海國環境，並防止、減少及控制該環境受污染；
 - (g) 海洋科學研究及水文測量；
 - (h) 防止違犯沿海國的海關、財政、移民或衛生之法律及規章。
2. 該法律規章除使一般接受之國際規則或標準有效外，不應適用於外國船舶的設計、構造、人員配備或裝備。
3. 沿海國應將所有該法律及規章妥為公佈。
4. 行使無害通過領海權利之外國船舶應遵守所有該法律及規章及關於防止海上碰撞的一切一般接受之國際規章。

第 22 條 領海內之海道及分道通航制

1. 沿海國考量航行安全認為必要時，可要求行使無害通過其領海權利之外國船舶使用其為管制船舶通過而指定或規定之海道及分道通航制。
2. 特別是沿海國可要求油輪、核動力船舶及載運核物質或材料或其他本質

materials may be required to confine their passage to such sea lanes.

3. In the designation of sea lanes and the prescription of traffic separation schemes under this article, the coastal State shall take into account:
 - (a) the recommendations of the competent international organization ;
 - (b) any channels customarily used for international navigation ;
 - (c) the special characteristics of particular ships and channels ; and
 - (d) the density of traffic.
4. The coastal State shall clearly indicate such sea lanes and traffic separation schemes on charts to which due publicity shall be given.

Article 23 Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements.

Article 24 Duties of the coastal State

1. The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with this Convention. In particular, in the application of this Convention or of any laws or regulations adopted in conformity with this Convention, the coastal State shall not:
 - (a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage ; or
 - (b) discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.
2. The coastal State shall give appropriate publicity to any danger to navigation, of which it has knowledge, within its territorial sea.

Article 25 Rights of protection of the coastal State

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.
2. In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the coastal State also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.
3. The coastal State may, without discrimination in form or in fact

上危險或有毒物質或材料之船舶只在上述海道通過。

3. 沿海國依據本條指定海道及規定分道通航制時，應考慮到：
 - (a) 主管國際組織的建議；
 - (b) 習慣上用於國際航行的水道；
 - (c) 特定船舶及水道的特殊性質；及
 - (d) 船舶來往的頻繁程度。
4. 沿海國應在海圖上清楚地標出該海道及分道通航制，並應將該海圖妥為公佈。

第 23 條 外國核動力船舶及載運核物質或其他本質上危險或有毒物質的船舶

外國核動力船舶及載運核物質或其他本質上危險或有毒物質的船舶，於行使無害通過領海之權利時，應持有國際協定為這種船舶所規定之證書並遵守國際協定所規定的特別預防措施。

第 24 條 沿海國義務

1. 除依本公約規定外，沿海國不應妨礙外國船舶無害通過領海，尤其於適用本公約或依本公約制定之任何法律或規章時，沿海國不應：
 - (a) 對外國船舶強加要求，其實際效果等於否定或損害無害通過之權利；或
 - (b) 對任何國家之船舶、或對載運貨物來往任何國家之船舶或對於替任何國家載貨之船舶，有形式上或事實上之歧視。
2. 沿海國應將其所知在其領海內對航行有危險之任何情況妥為公佈。

第 25 條 沿海國之保護權

1. 沿海國可在其領海內採取必要措施以防止非無害的通過。
2. 於船舶駛往內水或停靠內水外之港口設備之情形下，沿海國亦有權採取必要措施，以防止對准許該船舶駛往內水或停靠港口之條件之任何破壞。
3. 為保護國家安全包括武器演習在內

among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published.

Article 26 Charges which may be levied upon foreign ships

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.
2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

SUBSECTION B. RULES APPLICABLE TO MERCHANT SHIPS AND GOVERNMENT SHIPS OPERATED FOR COMMERCIAL PURPOSES

Article 27 Criminal jurisdiction on board a foreign ship

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:
 - (a) if the consequences of the crime extend to the coastal State ;
 - (b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea ;
 - (c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State ; or
 - (d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.
2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.
3. In the cases provided for in paragraphs 1 and 2, the coastal State shall, if the master so requests, notify a diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.
4. In considering whether or in what manner an arrest should be made, the local authorities shall have due regard to the interests of navigation.
5. Except as provided in Part XII or with respect to violations of laws and regulations adopted in accordance with Part V, the coastal State may not take any steps on board a foreign ship passing through the

而有必要，沿海國可在對外國船舶之間在形式上或事實上不加歧視之條件下，在其領海的特定區域內暫時停止外國船舶之無害通過。該停止僅應在正式公佈後發生效力。

第 26 條 向外國船舶徵收之費用

1. 對外國船舶不得僅以其通過領海為理由而徵收任何費用。
2. 對通過領海之外國船舶，僅可作為對該船舶提供特殊服務之報酬而徵收費用。徵收上述費用不應有任何歧視。

B 分節 適用於商船及用於商業目的之政府船舶之規則

第 27 條 外國船舶上之刑事管轄權

1. 沿海國不應在通過領海的外國船舶上行使刑事管轄權，以逮捕與在該船舶通過期間船上所犯任何罪行有關的任何人或進行與該罪行有關的任何調查，但下列情形除外：
 - (a) 罪行的後果及於沿海國；
 - (b) 罪行屬於擾亂當地安寧或領海的良好秩序的性質；
 - (c) 經船長或船旗國外交代表或領事官員請求地方當局予以協助；或
 - (d) 這些措施是取締違法販運麻醉藥品或精神調理物質所必要的。
2. 上述規定不影響沿海國為在駛離內水後通過領海的外國船舶上進行逮捕或調查的目的而採取其法律所授權的任何措施之權利。
3. 於第 1 及第 2 兩項規定之情形下，如經船長請求，沿海國於採取任何措施前應通知船旗國外交代表或領事官員，並應便利外交代表或領事官員及船上船員間之接觸。遇有緊急情況，發出此項通知可與採取措施同時進行。
4. 地方當局於考慮是否逮捕或如何逮捕時，應適當顧及航行的利益。
5. 除第 12 部分有所規定外或有違犯依照第 5 部分制定之法律及規章之情形外，如來自外國港口之外國船舶僅通

territorial sea to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 28 Civil jurisdiction in relation to foreign ships

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.
3. Paragraph 2 is without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

SUBSECTION C. RULES APPLICABLE TO WARSHIPS AND OTHER GOVERNMENT SHIPS OPERATED FOR NON-COMMERCIAL PURPOSES

Article 29 Definition of warships

For the purposes of this Convention, "warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.

Article 30 Non-compliance by warships with the laws and regulations of the coastal State

If any warship does not comply with the laws and regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance therewith which is made to it, the coastal State may require it to leave the territorial sea immediately.

Article 31 Responsibility of the flag State for damage caused by a warship or other government ship operated for non-commercial purposes

The flag State shall bear international responsibility for any loss or

過領海而不駛入內水，沿海國不得在通過領海的該船舶上採取任何措施，以逮捕與該船舶駛進領海前所犯任何罪行有關之任何人或進行與該罪行有關之調查。

第 28 條 對外國船舶之民事管轄權

1. 沿海國不應為對通過領海之外國船舶上某人行使民事管轄權目的而停止其航行或改變其航向。
2. 沿海國不得為任何民事訴訟目的而對船舶從事執行或加以逮捕，但涉及該船舶本身於通過沿海國水域之航行中或為該航行的目的所承擔之義務或因而負擔責任者，則不在此限。
3. 第 2 項不妨害沿海國依其法律為任何民事訴訟的目的而對在領海內停泊或駛離內水後通過領海之外國船舶從事執行或加以逮捕之權利。

C 分節 適用於軍艦及其他用於非商業目的之政府船舶之規則

第 29 條 軍艦定義

為本公約的目的，“軍艦”係指屬一國武裝部隊、具備辨別軍艦國籍之外部標誌、由該國政府正式委任並名列相應的現役名冊或類似名冊之軍官指揮及配備有服從正規武裝部隊紀律之船員之船舶。

第 31 條 軍艦不遵守沿海國法律及規章

如任何軍艦不遵守沿海國關於通過領海之法律及規章，且不顧沿海國向其提出遵守法律及規章之任何要求，沿海國可要求該軍艦立即離開領海。

第 31 條 船旗國對軍艦或其他用於非商業目的之政府船舶所造成損害之責任

對於軍艦或其他用於非商業目的之政

damage to the coastal State resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the coastal State concerning passage through the territorial sea or with the provisions of this Convention or other rules of international law.

Article 32 Immunities of warships and other government ships operated for non-commercial purposes

With such exceptions as are contained in subsection A and in articles 30 and 31, nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

SECTION 4. CONTIGUOUS ZONE

Article 33 Contiguous zone

1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:
 - (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;
 - (b) punish infringement of the above laws and regulations committed within its territory or territorial sea.
2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

PART III STRAITS USED FOR INTERNATIONAL NAVIGATION

SECTION 1. GENERAL PROVISIONS

Article 34 Legal status of waters forming straits used for international navigation

1. The regime of passage through straits used for international navigation established in this Part shall not in other respects affect the legal status of the waters forming such straits or the exercise by the States bordering the straits of their sovereignty or jurisdiction over such waters and their air space, bed and subsoil.
2. The sovereignty or jurisdiction of the States bordering the straits is exercised subject to this Part and to other rules of international law.

Article 35 Scope of this Part

Nothing in this Part affects:

- (a) any areas of internal waters within a strait, except where the

府船舶不遵守沿海國有關通過領海之法律及規章或不遵守本公約的規定或其他國際法規則，而使沿海國遭受之任何損失或損害，船旗國應負國際責任。

第 32 條 軍艦及其他用於非商業目的之政府船舶之豁免權

除 A 分節及第 30 及第 31 條所規定的情形外，本公約規定不影響軍艦及其他用於非商業目的之政府船舶之豁免權。

第 4 節 鄰接區

第 33 條 鄰接區

1. 沿海國可在鄰接其領海稱為鄰接區之區域內，行使為下列事項所必要之管制：
 - (a) 防止在其領土或領海內違犯其海關、財政、移民或衛生的法律及規章；
 - (b) 懲治在其領土或領海內違犯上述法律及規章的行為。
2. 鄰接區從測算領海寬度之基線量起，不得超過 24 浬。

第三部分 用於國際航行之海峽

第 1 節 一般規定

第 34 條 構成用於國際航行海峽之水域之法律地位

1. 本部分所規定用於國際航行之海峽之通過制度，不應在其他方面影響構成該海峽之水域的法律地位，或影響海峽沿岸國對該水域及其上空、海床及底土行使其主權或管轄權。
2. 海峽沿岸國之主權或管轄權之行使受本部分及其他國際法規則之限制。

第 35 條 本部分之適用範圍

本部分任何規定不影響：

- (a) 海峽內任何內水區域，但依據第

establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such ;

- (b) the legal status of the waters beyond the territorial seas of States bordering straits as exclusive economic zones or high seas ; or
- (c) the legal regime in straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits.

Article 36 High seas routes or routes through exclusive economic zones through straits used for international navigation

This Part does not apply to a strait used for international navigation if there exists through the strait a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics ; in such routes, the other relevant Parts of this Convention, including the provisions regarding the freedoms of navigation and overflight, apply.

SECTION 2. TRANSIT PASSAGE

Article 37 Scope of this section

This section applies to straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.

Article 38 Right of transit passage

1. In straits referred to in article 37, all ships and aircraft enjoy the right of transit passage, which shall not be impeded ; except that, if the strait is formed by an island of a State bordering the strait and its mainland, transit passage shall not apply if there exists seaward of the island a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics.
2. Transit passage means the exercise in accordance with this Part of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. However, the requirement of continuous and expeditious transit does not preclude passage through the strait for the purpose of entering, leaving or returning from a State bordering the strait, subject to the conditions of entry to that State.
3. Any activity which is not an exercise of the right of transit passage

7 條所規定方法確定直線基線之效果使原來並未認為是內水之區域被包圍在內成為內水的情況除外；

- (b) 海峽沿岸國領海以外的水域作為專屬經濟區或公海的法律地位；或
- (c) 某些海峽之法律制度，該海峽已已全部或部分地規定於某長期存在且現行有效之專門有關該海峽之國際公約中。

第 36 條 穿過用於國際航行海峽之公海航道或穿過專屬經濟區之航道

如穿過某一用於國際航行海峽有在航行及水文特徵方面同樣方便之一條穿過公海或穿過專屬經濟區之航道，本部分不適用於該海峽；於該航道中，適用本公約其他有關部分其中包括關於航行及飛越自由之規定。

第 2 節 過境通行

第 37 條 本節適用範圍

本節適用於在公海或專屬經濟區之一個部分及公海或專屬經濟區之另一部分間，用於國際航行之海峽。

第 38 條 過境通行權

1. 於第 37 條所指海峽中，所有船舶及飛機均享有過境通行之權利，過境通行不應受阻礙；但如海峽是由海峽沿岸國之一島嶼及該國大陸形成，且該島向海一面有在航行及水文特徵方面同樣方便之一條穿過公海，或穿過專屬經濟區之航道，過境通行就不應適用。
2. 過境通行是指依照本部分規定，專為在公海或專屬經濟區之一部分及公海或專屬經濟區之另一部分間之海峽繼續不停及迅速過境之目的而行使航行及飛越自由。然對繼續不停及迅速過境之要求，並不排除於一海峽沿岸國入境條件之限制下，為駛入、駛離該國或自該國返回目的而通過海峽。
3. 任何非行使海峽過境通行權之活

through a strait remains subject to the other applicable provisions of this Convention.

動，仍受本公約其他應適用之規定之限制。

Article 39 Duties of ships and aircraft during transit passage

1. Ships and aircraft, while exercising the right of transit passage, shall:
 - (a) proceed without delay through or over the strait ;
 - (b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations ;
 - (c) refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or by distress ;
 - (d) comply with other relevant provisions of this Part.
2. Ships in transit passage shall:
 - (a) comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea ;
 - (b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.
3. Aircraft in transit passage shall:
 - (a) observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft ; state aircraft will normally comply with such safety measures and will at all times operate with due regard for the safety of navigation ;
 - (b) at all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.

第 39 條 船舶及飛機於過境通行時之義務

1. 船舶及飛機在行使過境通行權時應：
 - (a) 毫不遲延地通過或飛越海峽；
 - (b) 不對海峽沿岸國的主權、領土完整或政治獨立進行任何武力威脅或使用武力，或以任何其他違反「聯合國憲章」所體現之國際法原則的方式進行武力威脅或使用武力；
 - (c) 除因不可抗力或遇難而有必要外，不從事其繼續不停及迅速過境之通常方式所附帶發生之活動以外之任何活動；
 - (d) 遵守本部分之其他有關規定。
2. 過境通行之船舶應：
 - (a) 遵守一般接受之有關海上安全之國際規章、程序及慣例，包括「國際海上避碰規則」；
 - (b) 遵守一般接受之有關防止、減少及控制來自船舶之污染之國際規章、程序及慣例。
3. 過境通行之飛機應：
 - (a) 遵守國際民用航空組織制定之適用於民用飛機之「航空規則」；國有飛機通常應遵守該安全措施，並在操作時隨時適當顧及航行安全；
 - (b) 隨時監聽國際上指定之空中交通管制主管機構所分配之無線電頻率或有關國際呼救無線電頻率。

Article 40 Research and survey activities

During transit passage, foreign ships, including marine scientific research and hydrographic survey ships, may not carry out any research or survey activities without the prior authorization of the States bordering straits.

第 40 條 研究及測量活動

外國船舶，包括海洋科學研究及水文測量之船舶在內，於過境通行時，非經海峽沿岸國事前准許，不得進行任何研究或測量活動。

Article 41 Sea lanes and traffic separation schemes in straits used for international navigation

1. In conformity with this Part, States bordering straits may designate sea lanes and prescribe traffic separation schemes for navigation in straits where necessary to promote the safe passage of ships.
2. Such States may, when circumstances require, and after giving due publicity thereto, substitute other sea lanes or traffic separation

第 41 條 用於國際航行之海峽內之海道及分道通航制

1. 依本部分，海峽沿岸國可於必要時為海峽航行指定海道及規定分道通航制，以促進船舶通過之安全。
2. 該國家可於情況需要時，經妥為公佈後，以其他海道或分道通航制替換任

schemes for any sea lanes or traffic separation schemes previously designated or prescribed by them.

3. Such sea lanes and traffic separation schemes shall conform to generally accepted international regulations.
4. Before designating or substituting sea lanes or prescribing or substituting traffic separation schemes, States bordering straits shall refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the States bordering the straits, after which the States may designate, prescribe or substitute them.
5. In respect of a strait where sea lanes or traffic separation schemes through the waters of two or more States bordering the strait are being proposed, the States concerned shall cooperate in formulating proposals in consultation with the competent international organization.
6. States bordering straits shall clearly indicate all sea lanes and traffic separation schemes designated or prescribed by them on charts to which due publicity shall be given.
7. Ships in transit passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this article.

Article 42 Laws and regulations of States bordering straits relating to transit passage

1. Subject to the provisions of this section, States bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following:
 - (a) the safety of navigation and the regulation of maritime traffic, as provided in article 41 ;
 - (b) the prevention, reduction and control of pollution, by giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the strait ;
 - (c) with respect to fishing vessels, the prevention of fishing, including the stowage of fishing gear ;
 - (d) the loading or unloading of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary laws and regulations of States bordering straits.
2. Such laws and regulations shall not discriminate in form or in fact among foreign ships or in their application have the practical effect of denying, hampering or impairing the right of transit passage as defined in this section.
3. States bordering straits shall give due publicity to all such laws and regulations.
4. Foreign ships exercising the right of transit passage shall comply with such laws and regulations.
5. The flag State of a ship or the State of registry of an aircraft entitled to sovereign immunity which acts in a manner contrary to such laws and regulations or other provisions of this Part shall bear international responsibility for any loss or damage which results to States bordering straits.

何其原先指定或規定之海道或分道通航制。

3. 該海道及分道通航制應符合一般接受之國際規章。
4. 海峽沿岸國於指定或替換海道或於規定或替換分道通航制前，應將提議提交主管國際組織，以期得到採納。該組織僅可採納同海峽沿岸國議定的海道及分道通航制，於此以後，海峽沿岸國可對這些海道及分道通航制予以指定、規定或替換。
5. 於某一海峽，如所提議之海道或分道通航制穿過該海峽兩個或兩個以上沿岸國的水域，有關各國應同主管國際組織協商，合作擬訂提議。
6. 海峽沿岸國應在海圖上清楚地標出其所指定或規定之一切海道及分道通航制，並應將該海圖妥為公佈。
7. 過境通行之船舶應尊重依照本條規定所適用之海道及分道通航制。

第 42 條 海峽沿岸國關於過境通行之法律及規章

1. 於本節規定之限制下，海峽沿岸國可對下列各項或任何一項制定關於通過海峽之過境通行法律及規定：
 - (a) 第 41 條所規定之航行安全及海上交通管理；
 - (b) 使有關在海峽內排放油類、油污廢物及其他有毒物質所適用之有效國際規章，以防止、減少及控制污染；
 - (c) 對於漁船，防止捕魚，包括漁具之裝載；
 - (d) 違反海峽沿岸國海關、財政、移民或衛生之法律及規章，上下任何商品、貨幣或人員。
2. 該法律及規章不應在形式上或事實上於外國船舶間有所歧視，或於其適用上有否定、妨礙或損害本節規定之過境通行權之實際後果。
3. 海峽沿岸國應將所有該法律及規章妥為公佈。
4. 行使過境通行權之外國船舶應遵守該法律及規章。
5. 享有主權豁免之船舶之船旗國或飛機之登記國，於該船舶或飛機不遵守該法律及規章或本部分之其他規定時，應對海峽沿岸國遭受之任何損失及損害負國際責任。

Article 43 Navigational and safety aids and other improvements and the prevention, reduction and control of pollution

User States and States bordering a strait should by agreement cooperate:

- (a) in the establishment and maintenance in a strait of necessary navigational and safety aids or other improvements in aid of international navigation ; and
- (b) for the prevention, reduction and control of pollution from ships.

Article 44 Duties of States bordering straits

States bordering straits shall not hamper transit passage and shall give appropriate publicity to any danger to navigation or overflight within or over the strait of which they have knowledge. There shall be no suspension of transit passage.

SECTION 3. INNOCENT PASSAGE

Article 45 Innocent passage

1. The regime of innocent passage, in accordance with Part II, section 3, shall apply in straits used for international navigation:
 - (a) excluded from the application of the regime of transit passage under article 38, paragraph 1 ; or
 - (b) between a part of the high seas or an exclusive economic zone and the territorial sea of a foreign State.
2. There shall be no suspension of innocent passage through such straits.

PART IV ARCHIPELAGIC STATES

Article 46 Use of terms

For the purposes of this Convention:

- (a) "archipelagic State" means a State constituted wholly by one or more archipelagos and may include other islands ;
- (b) "archipelago" means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

第 43 條 助航及安全設備及其他改進辦法及污染之防止、減少及控制

海峽使用國及海峽沿岸國應對下列各項透過協定進行合作：

- (a) 於海峽內建立並維持必要之助航及安全設備或幫助國際航行之其他改進辦法；及
- (b) 防止、減少及控制來自船舶之污染。

第 44 條 海峽沿岸國之義務

海峽沿岸國不應妨礙過境通行，並應將其所知之海峽內或海峽上空對航行或飛越有任何危險之情況妥為公佈。過境通行不應予以停止。

第 3 節 無害通過

第 45 條 無害通過

1. 依第二部分第 3 節，無害通過制度應適用於下列用於國際航行之海峽：
 - (a) 依照第 38 條第 1 項不適用過境通行制度之海峽；或
 - (b) 於公海或專屬經濟區之一部分及外國領海之間之海峽。
2. 於該海峽中之無害通過不應予以停止。

第四部分 群島國

第 46 條 用語

為本公約目的：

- (a) “群島國”係指全部由一個或多個群島所構成之國家，並可包括其他島嶼；
- (b) “群島”是指一群島嶼，包括若干島嶼之若干部分、相連水域或其他自然地形，彼此密切相關，以致這種島嶼、水域及其他自然地形在本質上構成一個地理、經濟及政治之實體，或在歷史上已被視為這種實體。

Article 47 Archipelagic baselines

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.
2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.
3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.
6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected.
7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.
8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.
9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

Article 48 Measurement of the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf

The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with article 47.

Article 49 Legal status of archipelagic waters, of the air space over archipelagic waters and of their bed

第 47 條 群島基線

1. 群島國可劃定連接群島最外緣各島及各主礁之最外緣各點之直線群島基線，然該基線應包括主要的島嶼及一個區域，在該區域內，水域面積及包括環礁在內的陸地面積的比例應在 1 比 1 至 9 比 1 之間。
2. 該基線長度不應超過 100 哩。但圍繞任何群島的基線總數中至多百分之三可超過該長度，最長以 125 哩為限。
3. 該基線的劃定不應在任何明顯程度上偏離群島之一般輪廓。
4. 除在低潮高地上築有永久高於海平面之燈塔或類似設施，或低潮高地全部或一部與最近的島嶼的距離不超過領海的寬度外，該基線的劃定不應以低潮高地為起訖點。
5. 群島國不應採用一種基線制度，致使另一國領海同公海或專屬經濟區隔斷。
6. 如群島國之群島水域之一部分位於一個直接相鄰國家之兩個部分之間，該鄰國傳統上在該水域內行使的現有權利及一切其他合法利益及兩國間協定所規定之一切權利，均應繼續，並予以尊重。
7. 為計算第 1 項規定之水域與陸地比例之目的，陸地面積可包括位於島嶼及環礁岸礁以內的水域，其中包括位於陡側海台周圍之一系列灰岩島及主礁所包圍或幾乎包圍之海台一側。
8. 依本條劃定之基線，應在足以確定該線位置之一種或幾種比例尺之海圖上標出。或可用列出各點地理座標並註明大地基準點的圖表予以代替。
9. 群島國應將該海圖或地理座標表妥為公佈，並應將各該海圖或座標表的一份副本交存於聯合國秘書長。

第 48 條 領海、鄰接區、專屬經濟區及大陸礁層寬度之測算

領海、鄰接區、專屬經濟區及大陸礁層之寬度，應從依照第 47 條劃定之群島基線量起。

第 49 條 群島水域、群島水域之上空、海床及底土之法

and subsoil

1. The sovereignty of an archipelagic State extends to the waters enclosed by the archipelagic baselines drawn in accordance with article 47, described as archipelagic waters, regardless of their depth or distance from the coast.
2. This sovereignty extends to the air space over the archipelagic waters, as well as to their bed and subsoil, and the resources contained therein.
3. This sovereignty is exercised subject to this Part.
4. The regime of archipelagic sea lanes passage established in this Part shall not in other respects affect the status of the archipelagic waters, including the sea lanes, or the exercise by the archipelagic State of its sovereignty over such waters and their air space, bed and subsoil, and the resources contained therein.

Article 50 Delimitation of internal waters

Within its archipelagic waters, the archipelagic State may draw closing lines for the delimitation of internal waters, in accordance with articles 9, 10 and 11.

Article 51 Existing agreements, traditional fishing rights and existing submarine cables

1. Without prejudice to article 49, an archipelagic State shall respect existing agreements with other States and shall recognize traditional fishing rights and other legitimate activities of the immediately adjacent neighbouring States in certain areas falling within archipelagic waters. The terms and conditions for the exercise of such rights and activities, including the nature, the extent and the areas to which they apply, shall, at the request of any of the States concerned, be regulated by bilateral agreements between them. Such rights shall not be transferred to or shared with third States or their nationals.
2. An archipelagic State shall respect existing submarine cables laid by other States and passing through its waters without making a landfall. An archipelagic State shall permit the maintenance and replacement of such cables upon receiving due notice of their location and the intention to repair or replace them.

Article 52 Right of innocent passage

1. Subject to article 53 and without prejudice to article 50, ships of all States enjoy the right of innocent passage through archipelagic waters, in accordance with Part II, section 3.
2. The archipelagic State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its archipelagic waters the innocent passage of foreign ships if such

律地位

1. 群島國主權及依照第 47 條劃定之群島基線所包圍的水域，稱為群島水域，不論其深度或距離海岸之遠近為何。
2. 該主權及於群島水域之上空、海床及底土，及其中所包含之資源。
3. 該主權之行使受本部分規定之限制。
4. 本部分所規定之群島海道通過制度，不應在其他方面影響包括海道在內之群島水域地位，或影響群島國對該水域及其上空、海床及底土以及其中所含資源行使其主權。

第 51 條 內水界限之劃定

群島國可依第 9、第 10 及第 11 條，於其群島水域內用封閉線劃定內水的界限。

第 51 條 現有協定、傳統捕魚權利及現有海底電纜

1. 於不損及第 49 條之情形下，群島國應尊重與其他國家間之現有協定，並應承認直接相鄰國家在群島水域範圍內某些區域內之傳統捕魚權利及其他合法活動。行使該權利及進行該活動之規定及條件，包括該權利及活動的性質、範圍及適用區域，經任何有關國家要求，應由有關國家間之雙邊協定予以規定。該權利不應轉讓給第三國或其國民，或與第三國或其國民分享。
2. 群島國應尊重其他國家所鋪設之通過其水域而不靠岸之現有海底電纜。群島國於接到關於該電纜位置及修理或更換該電纜之意圖之適當通知後，應准許對其進行維修及更換。

第 52 條 無害通過權

1. 在第 53 條限制下並在不損及第 50 條情形下，依第 2 部分第 3 節規定，所有國家之船舶均享有通過群島水域之無害通過權。
2. 為保護國家安全所必要，群島國可在對外國船舶之間在形式上或事實上不加歧視之條件下，暫時停止外國船

suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

Article 53 Right of archipelagic sea lanes passage

1. An archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.
2. All ships and aircraft enjoy the right of archipelagic sea lanes passage in such sea lanes and air routes.
3. Archipelagic sea lanes passage means the exercise in accordance with this Convention of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.
4. Such sea lanes and air routes shall traverse the archipelagic waters and the adjacent territorial sea and shall include all normal passage routes used as routes for international navigation or overflight through or over archipelagic waters and, within such routes, so far as ships are concerned, all normal navigational channels, provided that duplication of routes of similar convenience between the same entry and exit points shall not be necessary.
5. Such sea lanes and air routes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points. Ships and aircraft in archipelagic sea lanes passage shall not deviate more than 25 nautical miles to either side of such axis lines during passage, provided that such ships and aircraft shall not navigate closer to the coasts than 10 per cent of the distance between the nearest points on islands bordering the sea lane.
6. An archipelagic State which designates sea lanes under this article may also prescribe traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes.
7. An archipelagic State may, when circumstances require, after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by it.
8. Such sea lanes and traffic separation schemes shall conform to generally accepted international regulations.
9. In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, an archipelagic State shall refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe or substitute them.
10. The archipelagic State shall clearly indicate the axis of the sea lanes and the traffic separation schemes designated or prescribed by it on charts to which due publicity shall be given.
11. Ships in archipelagic sea lanes passage shall respect applicable sea

船在其群島水域特定區域內之無害通過。這種停止僅應在正式公佈後發生效力。

第 53 條 群島海道通過權

1. 群島國可指定適當之海道及其上之空中航道，以便外國船舶及飛機繼續不停及迅速通過或飛越其群島水域及鄰接之領海。
2. 所有船舶及飛機均享有在該海道及空中航道內之群島海道通過權。
3. 群島海道通過是指依本公約規定，專為在公海或專屬經濟區之一部分及公海或專屬經濟區之另一部分間繼續不停、迅速及無障礙地過境之目的，行使正常方式之航行及飛越之權利。
4. 該海道及空中航道應穿過群島水域及鄰接的領海，並應包括用作通過群島水域或其上空之國際航行或飛越之航道之所有正常通道，並在該航道內，就船舶而言，包括所有正常航行水道，但無須在相同進出點間另設同樣方便的其他航道。
5. 該海道及空中航道應以通道進出點之間的一系列連續不斷的中心線劃定，通過群島海道及空中航道的船舶及飛機在通過時不應偏離該中心線 25 哩外，但該船舶及飛機於航行時與海岸的距離不應小於海道邊緣各島最近各點之間的距離的百分之十。
6. 群島國依據本條指定海道時，為使船舶安全通過該海道內的狹窄水道，亦可規定分道通航制。
7. 群島國可於情況需要時，經妥為公佈後，以其他海道或分道通航制替換任何其原先指定或規定之海道或分道通航制。
8. 該海道或分道通航制應符合一般接受之國際規章。
9. 群島國於指定或替換海道或於規定或替換分道通航制時，應向主管國際組織提出建議，以期得到採納。該組織僅可採納群島國所議定之海道及分道通航制；在此以後，群島國可對該海道及分道通航制予以指定、規定或替換。
10. 群島國應在海圖上清楚地標示其指定或規定之海道中心線及分道通航制，並應將該海圖妥為公佈。
11. 通過群島海道之船舶應尊重依照本

lanes and traffic separation schemes established in accordance with this article.

12. If an archipelagic State does not designate sea lanes or air routes, the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.

Article 54 Duties of ships and aircraft during their passage, research and survey activities, duties of the archipelagic State and laws and regulations of the archipelagic State relating to archipelagic sea lanes passage

Articles 39, 40, 42 and 44 apply *mutatis mutandis* to archipelagic sea lanes passage.

PART V EXCLUSIVE ECONOMIC ZONE

Article 55 Specific legal regime of the exclusive economic zone

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

Article 56 Rights, jurisdiction and duties of the coastal State in the exclusive economic zone

1. In the exclusive economic zone, the coastal State has:
 - (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds ;
 - (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
 - (i) the establishment and use of artificial islands, installations and structures ;
 - (ii) marine scientific research ;
 - (iii) the protection and preservation of the marine environment ;
 - (c) other rights and duties provided for in this Convention.
2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.
3. The rights set out in this article with respect to the seabed and

條制定適用之海道及分道通航制。

12. 如群島國未指定海道或空中航道，可通過正常用於國際航行的航道，行使群島海道通過權。

第 54 條 船舶及飛機於通過時之義務，研究及測量活動，群島國之義務及群島國關於群島海道通過之法律及規定

第 39、第 40、第 42 及第 44 各條比照適用於群島海道通過。

第五部分 專屬經濟區

第 55 條 專屬經濟區之特定法律制度

專屬經濟區為領海以外並鄰接領海之一個區域，受本部分規定之特定法律制度限制，於該制度下，沿海國權利及管轄權及其他國家之權利及自由均受本公約有關規定之支配。

第 56 條 沿海國於專屬經濟區內之權利、管轄權及義務

1. 沿海國在專屬經濟區內有：
 - (a) 以勘探及開發、養護及管理海床上覆水域及海床及其底土之自然資源(不論為生物或非生物資源)為目的之主權權利，及關於在該區內從事經濟性開發及勘探，如利用海水、海流及風力生產能等其他活動之主權權利；
 - (b) 本公約有關條款規定之對下列事項之管轄權：
 - (i) 人工島嶼、設施及結構之建造及使用；
 - (ii) 海洋科學研究；
 - (iii) 海洋環境的保護及保全；
 - (c) 本公約規定之其他權利及義務。
2. 沿海國於專屬經濟區內依據本公約行使其權利及履行其義務時，應適當顧及其他國家的權利及義務，並應以符合本公約規定之方式行事。
3. 本條所載有關海床及底土之權利，應

subsoil shall be exercised in accordance with Part VI.

依照第 6 部分之規定行使。

Article 57 Breadth of the exclusive economic zone

The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

第 57 條 專屬經濟區之寬度

專屬經濟區從測算領海寬度的基線量起，不應超過 200 哩。

Article 58 Rights and duties of other States in the exclusive economic zone

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.
2. Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part.
3. In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.

第 58 條 其他國家於專屬經濟區內之權利及義務

1. 於專屬經濟區內，所有國家，不論為沿海國或內陸國，在本公約有關規定之限制下，享有第 87 條所規定之航行及飛越自由，鋪設海底電纜及管道之自由，及與這些自由有關之海洋其他國際合法用途，諸如同船舶及飛機之操作及海底電纜及管道使用有關並符合本公約其他規定之用途。
2. 第 88 至第 115 條及其他國際法有關規則，只要與本部分不相抵觸，均適用於專屬經濟區。
3. 各國在專屬經濟區內依據本公約行使其權利及履行其義務時，應適當顧及沿海國權利及義務，並應遵守沿海國依照本公約之規定及其他國際法規則所制定的與本部分不相抵觸的法律及規章。

Article 59 Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the exclusive economic zone

In cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

第 59 條 解決關於專屬經濟區內權利及管轄權的歸屬的衝突的基礎

於本公約未將在專屬經濟區內的權利或管轄權歸屬於沿海國或其他國家而沿海國及任何其他一國或數國間利益發生衝突之情形下，該衝突應在公平基礎上參照一切有關情況，考慮到所涉利益分別對有關各方及整個國際社會的重要性加以解決。

Article 60 Artificial islands, installations and structures in the exclusive economic zone

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:
 - (a) artificial islands ;
 - (b) installations and structures for the purposes provided for in

第 60 條 專屬經濟區內之人工島嶼、設施及結構

1. 沿海國在專屬經濟區內應有專屬權利建造並授權及管理建造、操作及使用：
 - (a) 人工島嶼；
 - (b) 為第 56 條所規定之目的及其他

article 56 and other economic purposes ;

(c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.

2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.
3. Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed.
4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.
5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones.
6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.
7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.
8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 61 Conservation of the living resources

1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.
2. The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living

經濟目的之設施及結構；

(c) 可能干擾沿海國在區內行使權利之設施及結構。

2. 沿海國對這種人工島嶼、設施及結構應有專屬管轄權，包括有關海關、財政、衛生、安全及移民之法律及規章方面之管轄權。
3. 該人工島嶼、設施或構造之建造，必須妥為通知，並對其存在必須維持永久性警告方法。已被放棄或不再使用的任何設施或結構，應予以撤除，以確保航行安全，同時考慮到主管國際組織在此方面制訂之任何為一般所接受的國際標準。該撤除也應適當地考慮到捕魚、海洋環境保護及其他國家之權利及義務。尚未全部撤除之任何設施或構造之深度、位置及大小應妥為公佈。
4. 沿海國可於必要時於該人工島嶼、設施及構造之周圍設置合理安全地帶，並可在該地帶採取適當措施以確保航行以及人工島嶼、設施及構造之安全。
5. 安全地帶寬度應由沿海國參照可適用之國際標準予以確定。該地帶之設置應確保其與人工島嶼、設施或構造之性質及功能有合理關聯；該地帶從人工島嶼、設施或結構之外緣各點量起，不應超過該人工島嶼、設施或構造周圍500公尺距離，然為一般接受之國際標準所許可或主管國際組織所建議者除外。安全地帶的範圍應妥為通知。
6. 所有船舶均須尊重該安全地帶，並應遵守關於在人工島嶼、設施構造及安全地帶附近航行之一般可接受之國際標準。
7. 人工島嶼、設施及構造及其周圍之安全地帶，不得設在對使用國際航行必經之公認海道可能有干擾之地方。
8. 人工島嶼、設施及構造不具有島嶼地位。其沒有自己的領海，其存在也不影響領海、專屬經濟區或大陸礁層界限之劃定。

第 61 條 生物資源養護

1. 沿海國應決定其專屬經濟區內生物資源之可捕量。
2. 沿海國參照其可得到之最可靠科學證據，應通過正當之養護及管理措施，確保專屬經濟區內生物資源之維

resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global, shall cooperate to this end.

3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global.
4. In taking such measures the coastal State shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.
5. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation by all States concerned, including States whose nationals are allowed to fish in the exclusive economic zone.

Article 62 Utilization of the living resources

1. The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.
2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the provisions of articles 69 and 70, especially in relation to the developing States mentioned therein.
3. In giving access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including, *inter alia*, the significance of the living resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of articles 69 and 70, the requirements of developing States in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.
4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other

持不受過度開發之危害。於適當情形下，沿海國及各主管國際組織，不論是分區域、區域或全球性的，應為此目的進行合作。

3. 該措施的目的亦應在包括沿海漁民社區之經濟需要及發展中國家之特殊要求在內之各種有關環境及經濟因素之限制下，使捕撈魚種數量維持在或恢復到能夠生產最高持續產量之水準，並考慮到捕撈方式、種群之相互依存及任何一般建議的國際最低標準，不論是分區域、區域或全球性。
4. 沿海國於採取該措施時，應考慮到與所捕撈魚種有關聯或依賴該魚種而生存之魚種所受之影響，以便使這些有關聯或依賴的魚種之數量維持在或恢復到其繁殖不會受嚴重威脅之水準以上。
5. 於適當情形下，應透過各主管國際組織，不論是分區域、區域或全球性，並在所有相關國家，包括其國民獲准於專屬經濟區捕魚之國家參加下，經常提供及交換可獲得之科學情報、漁獲量及漁撈努力量統計，以及其他有關養護魚之種群之資料。

第 62 條 生物資源利用

1. 沿海國應在不妨害第 61 條之情形下，促進專屬經濟區內生物資源最适度利用之目的。
2. 沿海國應決定其捕撈專屬經濟區內生物資源之能力。沿海國在沒有能力捕撈全部可捕量之情形下，應通過協定或其他安排，並根據第 4 項所指之條款、條件、法律及規章，准許其他國家捕撈可捕量之剩餘部分，特別顧及第 69 及第 70 條規定，尤其是關於其中所提到之發展中國家部分。
3. 沿海國於依據本條文准許其他國家進入其專屬經濟區時，應考慮到所有有關因素，除其他外，包括：該區域之生物資源對有關沿海國的經濟及其他國家利益之重要性，第 69 條及第 70 條規定，該分區域或區域內之發展中國家捕撈一部分剩餘量的要求，以及儘量減輕其國民慣常於專屬經濟區捕魚或曾對研究及測定種群做過大量工作的國家經濟失調現象之需要。
4. 於專屬經濟區內捕魚之其他國家之國民應遵守沿海國法律及規章中所

terms and conditions established in the laws and regulations of the coastal State. These laws and regulations shall be consistent with this Convention and may relate, *inter alia*, to the following:

- (a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry ;
 - (b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period ;
 - (c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used ;
 - (d) fixing the age and size of fish and other species that may be caught ;
 - (e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports ;
 - (f) requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data ;
 - (g) the placing of observers or trainees on board such vessels by the coastal State ;
 - (h) the landing of all or any part of the catch by such vessels in the ports of the coastal State ;
 - (i) terms and conditions relating to joint ventures or other cooperative arrangements ;
 - (j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal State's capability of undertaking fisheries research ;
 - (k) enforcement procedures.
5. Coastal States shall give due notice of conservation and management laws and regulations.

Article 63 Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it

1. Where the same stock or stocks of associated species occur within the exclusive economic zones of two or more coastal States, these States shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to coordinate and ensure the conservation and development of such stocks without prejudice to the other provisions of this Part.
2. Where the same stock or stocks of associated species occur both

制訂之養護措施及其他條款及條件。該法律及規章應符合本公約，除其他外，並可涉及下列各項：

- (a) 發給漁民、漁船及捕撈裝備之執照，包括交納規費及其他形式之報酬，而就發展中之沿海國而言，該報酬可包括有關漁業之資金、裝備及技術方面之適當補償；
 - (b) 決定可捕魚種及確定漁獲量之限額，不論是關於特定種群或多種種群或一定期間之單船漁獲量，或關於特定期間內任何國家國民的漁獲量；
 - (c) 規定漁汛及漁區，可使用漁具之種類、大小及數量以及漁船之種類、大小及數目；
 - (d) 確定可捕魚類及其他魚種之年齡及大小；
 - (e) 規定漁船應提交之情報，包括漁獲量及漁撈努力量統計及船隻位置之報告；
 - (f) 要求於沿海國授權及控制下進行特定漁業研究計畫，並管理該研究之進行，其中包括漁獲物抽樣、樣品處理及相關科學資料之報告；
 - (g) 由沿海國在該類船隻上配置觀察員或受訓人員；
 - (h) 該類船隻在沿海國港口卸下漁獲量之全部或任何部分；
 - (i) 有關聯合企業或其他合作安排之條款及條件；
 - (j) 對人員訓練及漁業技術轉讓之要求，包括提高沿海國從事漁業研究之能力；
 - (k) 執行程序。
5. 沿海國應將養護及管理的法律及規章妥為通知。

第 63 條 出現於二或二個以上沿海國專屬經濟區之種群或出現在專屬經濟區內而又出現在專屬經濟區外鄰接區域內之種群

1. 如同一種群或相關聯魚種之數種群出現於二個或二個以上沿海國的專屬經濟區內，這些國家應直接或透過適當之分區域或區域組織，設法就必要措施達成協議，以便在不妨害本部分其他規定之情形下，協調並確保這些種群的養護及發展。
2. 如同一種群或相關魚種之數個種群

within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

Article 64 Highly migratory species

1. The coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex I shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall cooperate to establish such an organization and participate in its work.
2. The provisions of paragraph 1 apply in addition to the other provisions of this Part.

Article 65 Marine mammals

Nothing in this Part restricts the right of a coastal State or the competence of an international organization, as appropriate, to prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for in this Part. States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study.

Article 66 Anadromous stocks

1. States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks.
2. The State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters landward of the outer limits of its exclusive economic zone and for fishing provided for in paragraph 3(b). The State of origin may, after consultations with the other States referred to in paragraphs 3 and 4 fishing these stocks, establish total allowable catches for stocks originating in its rivers.
3.
 - (a) Fisheries for anadromous stocks shall be conducted only in waters landward of the outer limits of exclusive economic zones, except in cases where this provision would result in economic dislocation for a State other than the State of origin. With respect to such fishing beyond the outer limits of the exclusive economic zone, States concerned shall maintain

出現在專屬經濟區內而又出現在專屬經濟區外之鄰接區域內，沿海國及在鄰接區域內捕撈該種種群之國家，應直接或通過適當的分區域或區域組織，設法就必要措施達成協議，以養護在鄰接區域內之這些種群。

第 64 條 高度迴游魚種

1. 沿海國及其國民在區域內捕撈附件一所列之高度迴游魚種之其他國家應直接或通過適當國際組織進行合作，以期確保在專屬經濟區內及外之整個區域內的這種魚種的養護及促進最適度利用該魚種之目標。於無適當國際組織存在的區域，沿海國及其國民在區域內捕撈該魚種之其他國家，應合作設立這種組織並參加其工作。
2. 第 1 項規定作為本部分其他規定之補充規定而予以適用。

第 65 條 海洋哺乳動物

本部分任何規定並不限制沿海國或國際組織，對捕捉海洋哺乳動物執行較本部分規定更為嚴格的、禁止限制或管制之權利或職權。各國應進行合作，以期養護海洋哺乳動物，在有關鯨目動物方面，尤應通過適當國際組織，致力於這種動物之養護、管理及研究。

第 66 條 溯河產卵種群

1. 溯河產卵種群源自其河流之國家對於這種群應有主要利益及責任。
2. 溯河產卵種群之魚源國，應制訂關於在其專屬經濟區外部界限向陸一面之一切水域中之捕撈及關於第 3 項 (b) 款所規定之捕撈適當管理措施，以確保這種種群之養護。魚源國可與第 3 及第 4 項所指的捕撈這些種群的其他國家協商後，確定源自其河流之種群之總可捕量。
3.
 - (a) 捕撈溯河產卵種群之漁業活動，應只在專屬經濟區外部界限向陸一面之水域中進行，但本項規定造成魚源國以外之國家經濟失調的情形除外。關於在專屬經濟區外部界限以外進行之捕撈，有關

consultations with a view to achieving agreement on terms and conditions of such fishing giving due regard to the conservation requirements and the needs of the State of origin in respect of these stocks.

- (b) The State of origin shall cooperate in minimizing economic dislocation in such other States fishing these stocks, taking into account the normal catch and the mode of operations of such States, and all the areas in which such fishing has occurred.
- (c) States referred to in subparagraph (b), participating by agreement with the State of origin in measures to renew anadromous stocks, particularly by expenditures for that purpose, shall be given special consideration by the State of origin in the harvesting of stocks originating in its rivers.
- (d) Enforcement of regulations regarding anadromous stocks beyond the exclusive economic zone shall be by agreement between the State of origin and the other States concerned.
4. In cases where anadromous stocks migrate into or through the waters landward of the outer limits of the exclusive economic zone of a State other than the State of origin, such State shall cooperate with the State of origin with regard to the conservation and management of such stocks.
5. The State of origin of anadromous stocks and other States fishing these stocks shall make arrangements for the implementation of the provisions of this article, where appropriate, through regional organizations.

Article 67 Catadromous species

1. A coastal State in whose waters catadromous species spend the greater part of their life cycle shall have responsibility for the management of these species and shall ensure the ingress and egress of migrating fish.
2. Harvesting of catadromous species shall be conducted only in waters landward of the outer limits of exclusive economic zones. When conducted in exclusive economic zones, harvesting shall be subject to this article and the other provisions of this Convention concerning fishing in these zones.
3. In cases where catadromous fish migrate through the exclusive economic zone of another State, whether as juvenile or maturing fish, the management, including harvesting, of such fish shall be regulated by agreement between the State mentioned in paragraph 1 and the other State concerned. Such agreement shall ensure the rational management of the species and take into account the responsibilities of the State mentioned in paragraph 1 for the maintenance of these species.

Article 68 Sedentary species

This Part does not apply to sedentary species as defined in article 77, paragraph 4.

國家應保持協商，以期就該類捕撈之條款及條件達成協定，並適當顧及魚源國對這些種群加以養護之要求及需要；

- (b) 魚源國考慮到捕撈這些種群的其他國家的正常漁獲量及作業方式，以及進行這種捕撈活動的所有地區，應進行合作以儘量減輕該類國家的經濟失調；
- (c) 第 b 款所指的國家，經與魚源國協議後參加使溯河產卵種群再生之措施者，特別是分擔作此用途之費用者，在捕撈源自魚源國河流的種群方面，應得到魚源國的特別考慮；
- (d) 魚源國及其他有關國家應達成協議，以執行有關專屬經濟區以外的溯河產卵種群的法律及規章。
4. 在溯河產卵種群迴游進入或通過魚源國以外國家的專屬經濟區外部界限向陸一面的水域之情形下，該國應在養護及管理該類種群方面同魚源國進行合作。
5. 溯河產卵種群的魚源國及捕撈這些種群的其他國家，為執行本條各項規定，應作出安排，在適當情形下透過區域性組織作出安排。

第 67 條 降河產卵魚種

1. 降河產卵魚種於其水域內渡過大部分生命週期的沿海國，有責任管理該魚種，並應確保迴游魚種之出入。
2. 捕撈降河產卵魚種，應只在專屬經濟區外部界限向陸一面之水域中進行。於專屬經濟區內進行捕撈時，應受本條及本公約有關於專屬經濟區內捕魚其他規定之限制。
3. 降河產卵魚種不論是幼魚或成魚迴游通過另一國專屬經濟區時，該魚種之管理，包括捕撈，應由第 1 項所述國家及有關另一國協議定之。該協議應確保這些魚種之合理管理，並考慮第 1 項所述國家於維持該魚種方面所負之責任。

第 68 條 定居種

本部分規定不適用於第 77 條第 4 項所規定之定居種。

Article 69 Right of land-locked States

1. Land-locked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.
2. The terms and modalities of such participation shall be established by the States concerned through bilateral, subregional or regional agreements taking into account, *inter alia*:
 - (a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State ;
 - (b) the extent to which the land-locked State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States ;
 - (c) the extent to which other land-locked States and geographically disadvantaged States are participating in the exploitation of the living resources of the exclusive economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or a part of it ;
 - (d) the nutritional needs of the populations of the respective States.
3. When the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone, the coastal State and other States concerned shall cooperate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing land-locked States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of coastal States of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties. In the implementation of this provision the factors mentioned in paragraph 2 shall also be taken into account.
4. Developed land-locked States shall, under the provisions of this article, be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing communities and economic dislocation in States whose nationals have habitually fished in the zone.
5. The above provisions are without prejudice to arrangements agreed upon in subregions or regions where the coastal States may grant to land-locked States of the same subregion or region equal or preferential rights for the exploitation of the living resources in the exclusive economic zones.

第 69 條 內陸國權利

1. 內陸國有權於公平基礎上，參與開發同一分區域或區域沿海國專屬經濟區生物資源之適當剩餘部分，同時考慮到所有有關國家之相關經濟及地理情況，並遵守本條及第 61 及第 62 條規定。
2. 該參與之規定及方式應由有關國家通過雙邊、分區域或區域協定予以制訂，除其他事項外，尚應考慮下列各點：
 - (a) 避免對沿海國漁民社區或漁業造成不利影響之需求；
 - (b) 內陸國依據本條規定，於現有雙邊、分區域、或區域協定下參與或有權參與開發其他沿海國專屬經濟區之生物資源之程度；
 - (c) 其他內陸國及地理不利國參與開發沿海國專屬經濟區生物資源之程度，以及避免因此使任何一個沿海國、或其一部分地區承受特別負擔之需求；
 - (d) 有關各國人民之營養需求。
3. 於一沿海國捕撈能力接近能夠捕撈其專屬經濟區內生物資源之可捕量全部時，該沿海國與其他有關國家應在雙邊、分區域或區域基礎上，合作制訂公平安排，於適當情形下並依據有關各方均滿意之規定，容許同一分區域或區域發展中之內陸國參與開發該分區域或區域之沿海國專屬經濟區內之生物資源。於實施本規定時，另應考慮第 2 項所述及之因素。
4. 依據本條規定，已開發內陸國家應僅有權參與開發同一分區域或區域內已開發沿海國專屬經濟區生物資源，同時顧及沿海國於允許其他國家捕撈其專屬經濟區內生物資源時，於最大程度上已考慮需要儘量減輕其國民慣常於該經濟區捕魚之國家之經濟失調及漁民社區所受之不利影響。
5. 上述各項規定不妨礙於分區域或區域內所協議之安排，沿海國於該安排中可能給予同一分區域或區域之內陸國開發其專屬經濟區內生物資源之同等或優惠權利。

Article 70 Right of geographically disadvantaged States

1. Geographically disadvantaged States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.
2. For the purposes of this Part, "geographically disadvantaged States" means coastal States, including States bordering enclosed or semi-enclosed seas, whose geographical situation makes them dependent upon the exploitation of the living resources of the exclusive economic zones of other States in the subregion or region for adequate supplies of fish for the nutritional purposes of their populations or parts thereof, and coastal States which can claim no exclusive economic zones of their own.
3. The terms and modalities of such participation shall be established by the States concerned through bilateral, subregional or regional agreements taking into account, *inter alia*:
 - (a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State ;
 - (b) the extent to which the geographically disadvantaged State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States ;
 - (c) the extent to which other geographically disadvantaged States and land-locked States are participating in the exploitation of the living resources of the exclusive economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or a part of it ;
 - (d) the nutritional needs of the populations of the respective States.
4. When the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone, the coastal State and other States concerned shall cooperate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing geographically disadvantaged States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of coastal States of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties. In the implementation of this provision the factors mentioned in paragraph 3 shall also be taken into account.
5. Developed geographically disadvantaged States shall, under the provisions of this article, be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to

第 70 條 地理不利國之權利

1. 地理不利國有權於公平基礎上參與開發同一分區域或區域之沿海國專屬經濟區生物資源之適當剩餘部分，同時考慮到所有有關國家之相關經濟及地理情況，並遵守本條及第 61 及第 62 條之規定。
2. 為本部分目的，“地理不利國”係指其地理條件使其依賴於發展同一分區域或區域之其他國家專屬經濟區內之生物資源，以供應足夠魚類以滿足其人民或部分人民之營養需求之沿海國，包括閉海或半閉海沿岸國在內，以及無法主張有自己專屬經濟區之沿海國。
3. 該參與規定及方式應由有關國家透過雙邊、分區域或區域協定予以制定，除其他事項外，另應考慮下列各點：
 - (a) 避免對沿海國漁民社區或漁業造成不利影響之需求；
 - (b) 地理不利國依據本條規定，於現有雙邊、分區域或區域協定下參與或有權參與開發其他沿海國專屬經濟區生物資源之程度；
 - (c) 其他地理不利國及內陸國參與開發沿海國專屬經濟區生物資源之程度，及避免因此使任何一沿海國、或其一部分地區承受特別負擔之需求；
 - (d) 有關各國人民之營養需求。
4. 於一沿海國捕撈能力接近能捕撈其專屬經濟區內生物資源可捕量之全部時，該沿海國與其他有關國家應在雙邊、分區域或區域基礎上，合作制定公平安排，於適當情形下並依照有關各方均滿意之規定，容許同一分區域或區域之地理不利之發展中國家參與開發該分區域或區域之沿海國專屬經濟區內生物資源，於實施本規定時，另應考慮第 3 項所述及之各項因素。
5. 依據本條規定，地理不利已開發國家應只有權參與開發同一分區域或區域已開發沿海國專屬經濟區之生物資源，同時顧及沿海國於允許其他國家捕撈其專屬經濟區內生物資源

other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing communities and economic dislocation in States whose nationals have habitually fished in the zone.

6. The above provisions are without prejudice to arrangements agreed upon in subregions or regions where the coastal States may grant to geographically disadvantaged States of the same subregion or region equal or preferential rights for the exploitation of the living resources in the exclusive economic zones.

Article 71 Non-applicability of articles 69 and 70

The provisions of articles 69 and 70 do not apply in the case of a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its exclusive economic zone.

Article 72 Restrictions on transfer of rights

1. Rights provided under articles 69 and 70 to exploit living resources shall not be directly or indirectly transferred to third States or their nationals by lease or licence, by establishing joint ventures or in any other manner which has the effect of such transfer unless otherwise agreed by the States concerned.
2. The foregoing provision does not preclude the States concerned from obtaining technical or financial assistance from third States or international organizations in order to facilitate the exercise of the rights pursuant to articles 69 and 70, provided that it does not have the effect referred to in paragraph 1.

Article 73 Enforcement of laws and regulations of the coastal State

1. The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention.
2. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.
3. Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in the absence of agreements to the contrary by the States concerned, or any other form of corporal punishment.
4. In cases of arrest or detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.

時，於最大程度上已考慮到需要儘量減輕其國民慣常於該經濟區捕魚之國家之經濟失調及漁民社區所受之不利影響。

6. 上述各項規定不應損及於分區域或區域內所協議之安排，沿海國於該安排中可能給予同一分區域或區域內地理不利國開發其專屬經濟區內生物資源之同等或優惠權利。

第 71 條 第 69 及 71 條之不適用

第 69 及第 70 條規定不適用於經濟上極為依賴於開發其專屬經濟區內生物資源之沿海國之情形。

第 72 條 權利轉讓之限制

1. 除有關國家另有協議外，第 69 及第 70 條所規定之開發生物資源之權利，不應以租借或發給執照、或成立聯合企業，或以具有該轉讓效果之任何其他方式，直接或間接轉讓給第 3 國或其國民。
2. 上述規定不排除有關國家為便利行使第 69 及第 70 條所規定之權利，從第 3 國或國際組織取得技術或財政援助，然以不發生第 1 項所述效果為限。

第 73 條 沿海國法律及規章之執行

1. 沿海國行使其勘探、開發、養護及管理於專屬經濟區內生物資源之主權權利時，可採取為確保其依照本公約所制定之法律及規章得到遵守所需之措施，包括登臨、檢查、逮捕及進行司法程序。
2. 被逮捕之船隻及其船員，於提出適當保證書或其他擔保後，應迅速予以釋放。
3. 沿海國對於在其專屬經濟區內違反漁業法律及規章之處罰，如相關國家無相反之協議，不得包括監禁或任何其他方式之體罰。
4. 於逮捕或扣留外國船隻時，沿海國應透過適當途徑將其所採取之措施及隨後所課以之任何處罰迅速通知船旗國。

Article 74 Delimitation of the exclusive economic zone between States with opposite or adjacent coasts

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.
3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

Article 75 Charts and lists of geographical coordinates

1. Subject to this Part, the outer limit lines of the exclusive economic zone and the lines of delimitation drawn in accordance with article 74 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.
2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

PART VI CONTINENTAL SHELF

Article 76 Definition of the continental shelf

1. The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.
2. The continental shelf of a coastal State shall not extend beyond the limits provided for in paragraphs 4 to 6.
3. The continental margin comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the

第 74 條 海岸相向或相鄰國家間專屬經濟區界限之劃定

1. 海岸相向或相鄰國家間專屬經濟區之界限，應於國際法院規約第 38 條所指國際法基礎上以協議劃定，以便得到公平解決。
2. 有關國家於合理期間內未能達成任何協議，應訴諸第 15 部分所規定之程序。
3. 於達成第 1 項所規定之協議前，有關各國應基於諒解及合作精神，盡一切努力作出實際性之臨時安排，並在此過渡期間內，不危害或阻礙最後協議之達成。該安排不應損及最後界限之劃定。
4. 如有關國家間存在現行有效之協議，關於劃定專屬經濟區界限之問題，應依照該協議之規定加以決定。

第 75 條 海圖及地理座標表

1. 於本部分限制下，專屬經濟區之外部界限及依照第 74 條所劃定之分界線，應在足以確定該線位置之一種或數種比例尺海圖上標出。於可適用時，可以列出各點之地理座標並註明大地基準點之表列代替該外部界限或分界線。
2. 沿海國應將該海圖或地理座標表妥為公佈，並應將各該海圖或座標表乙份副本交存於聯合國秘書長。

第六部分 大陸礁層

第 76 條 大陸礁層定義

1. 沿海國大陸礁層包括其領海以外依其陸地領土之全部自然延伸，擴展到大陸邊外緣之海底區域之海床及底土，如從測算領海寬度之基線量起至大陸邊外緣距離不到 2 百哩，則擴展至 2 百哩距離。
2. 沿海國的大陸礁層不應擴展到第 4 至第 6 項所規定之界限外。
3. 大陸邊包括沿海國陸塊沒入水中之延伸部分，由陸架、陸坡及陸基之海床及底土構成，其不包括深洋洋底及

- deep ocean floor with its oceanic ridges or the subsoil thereof.
4. (a) For the purposes of this Convention, the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by either:
 - (i) a line delineated in accordance with paragraph 7 by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope ; or
 - (ii) a line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope.
 - (b) In the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base.
 5. The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i) and (ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres.
 6. Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured. This paragraph does not apply to submarine elevations that are natural components of the continental margin, such as its plateaux, rises, caps, banks and spurs.
 7. The coastal State shall delineate the outer limits of its continental shelf, where that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude.
 8. Information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding.
 9. The coastal State shall deposit with the Secretary-General of the United Nations charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.
 10. The provisions of this article are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts.
- 其洋脊，亦不包括其底土。
4. (a) 為本公約目的，於大陸邊從測算領海寬度之基線量起超過 2 百哩之任何情形下，沿海國應以下列兩種方式之一，劃定大陸邊之外緣：
 - (i) 依第 7 項，以最外各定點為準劃定界線，每一定點上沉積岩厚度至少為從該點至大陸坡腳最短距離之百分之一；或
 - (ii) 依第 7 項，以離大陸坡腳之距離不超過 60 哩之各定點為準劃定界線。
 - (b) 於無反證之情形下，大陸坡腳應定為大陸坡底坡度變動最大之點。
 5. 構成依照第 4 項(a)款(1)及(2)目劃定之大陸礁層於海床之外部界線之各定點，不應超過從測算領海寬度之基線量起 350 哩，或不應超過連接 2 千 5 百公尺深度各點之 2 千 5 百公尺等深線 1 百哩。
 6. 不論第 5 項規定為何，於海底洋脊上之大陸礁層外部界限不應超過從測算領海寬度之基線量起 350 哩。本項規定不適用於作為大陸邊自然構成部分之海台、海隆、海峰、暗灘及坡尖等海底高地。
 7. 沿海國大陸礁層如從測算領海寬度之基線量起超過 2 百哩，應連接以經緯度座標標出之各定點劃出長度各不超過 60 哩之若干直線，劃定其大陸礁層之外部界限。
 8. 從測算領海寬度基線量起 2 百哩以外大陸礁層界限之資料應由沿海國提交依據附件 2 於公平地區代表制基礎上成立之大陸礁層界限委員會。委員會應就有關劃定大陸礁層外部界限事項向沿海國提出建議，沿海國於該建議之基礎上劃定之大陸礁層界限應有決定性及拘束力。
 9. 沿海國應將永久標明其大陸礁層外部界限之海圖及有關資料，包括大地基準點，交存於聯合國秘書長。秘書長應將該資料妥為公佈。
 10. 本條規定不應損及海岸相向或相鄰國家間大陸礁層界限劃定之問題。

Article 77 Rights of the coastal State over the continental shelf

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.
2. The rights referred to in paragraph 1 are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.
3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.
4. The natural resources referred to in this Part consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Article 78 Legal status of the superjacent waters and air space and the rights and freedoms of other States

1. The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters.
2. The exercise of the rights of the coastal State over the continental shelf must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Convention.

Article 79 Submarine cables and pipelines on the continental shelf

1. All States are entitled to lay submarine cables and pipelines on the continental shelf, in accordance with the provisions of this article.
2. Subject to its right to take reasonable measures for the exploration of the continental shelf, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines, the coastal State may not impede the laying or maintenance of such cables or pipelines.
3. The delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the coastal State.
4. Nothing in this Part affects the right of the coastal State to establish conditions for cables or pipelines entering its territory or territorial sea, or its jurisdiction over cables and pipelines constructed or used in connection with the exploration of its continental shelf or exploitation of its resources or the operations of artificial islands, installations and structures under its jurisdiction.
5. When laying submarine cables or pipelines, States shall have due

第 77 條 沿海國對大陸礁層之權利

1. 沿海國為勘探大陸礁層及開發其自然資源之目的，對大陸礁層行使主權權利。
2. 第 1 項所指權利為專屬性權利，亦即如沿海國不勘探大陸礁層或開發其自然資源，任何人未經沿海國明示同意，均不得從事該活動。
3. 沿海國對大陸礁層之權利不取決於有效或象徵之佔領或任何明文公告。
4. 本部分所指之自然資源包括海床及底土之礦物及其他非生物資源，及屬於定居種之生物，亦即於可捕撈階段於海床上或海床下不能移動或其軀體須與海床或底土保持接觸才能移動之生物。

第 78 條 上覆水域及上空之法律地位及其他國家之權利及自由

1. 沿海國對大陸礁層之權利不影響上覆水域或水域上空之法律地位。
2. 沿海國對大陸礁層權利之行使，不得損及航行及本公約所規定其他國家之其他權利及自由，或造成不當之干擾。

第 79 條 大陸礁層之海底電纜及管道

1. 所有國家依本條規定均有於大陸礁層上鋪設海底電纜及管道之權利。
2. 沿海國除為勘探大陸礁層、開發自然資源及防止、減少及控制管道所造成之污染有權採取合理措施外，對於鋪設或維持該海底電纜或管道不得加以阻礙。
3. 於大陸礁層上鋪設該管道，其路線之劃定須經沿海國同意。
4. 本部分任何規定不應影響沿海國對進入其領土或領海之電纜或管道訂立條件之權利，亦不影響沿海國對因勘探其大陸礁層或開發其資源或經營在其管轄下的人工島嶼、設施及結構而建造或使用的電纜及管道之管轄權。
5. 鋪設海底電纜及管道時，各國應適當

regard to cables or pipelines already in position. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

Article 80 Artificial islands, installations and structures on the continental shelf

Article 60 applies *mutatis mutandis* to artificial islands, installations and structures on the continental shelf.

Article 81 Drilling on the continental shelf

The coastal State shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.

Article 82 Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles

1. The coastal State shall make payments or contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.
2. The payments and contributions shall be made annually with respect to all production at a site after the first five years of production at that site. For the sixth year, the rate of payment or contribution shall be 1 per cent of the value or volume of production at the site. The rate shall increase by 1 per cent for each subsequent year until the twelfth year and shall remain at 7 per cent thereafter. Production does not include resources used in connection with exploitation.
3. A developing State which is a net importer of a mineral resource produced from its continental shelf is exempt from making such payments or contributions in respect of that mineral resource.
4. The payments or contributions shall be made through the Authority, which shall distribute them to States Parties to this Convention, on the basis of equitable sharing criteria, taking into account the interests and needs of developing States, particularly the least developed and the land-locked among them.

Article 83 Delimitation of the continental shelf between States with opposite or adjacent coasts

1. The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.

顧及已鋪設之電纜及管道。特別是，修理現有電纜或管道的可能性不應受妨礙。

第 80 條 大陸礁層上的人工島嶼、設施及結構

第 60 條準用於大陸礁層上之人工島嶼、設施及結構。

第 81 條 大陸礁層上之鑽探

沿海國有授權及管理為一切目的於大陸礁層上進行鑽探之專屬權利。

第 82 條 對 2 百哩以外大陸礁層之開發應繳納之費用及實物

1. 沿海國對於從測算領海寬度之基線量起 2 百哩以外之大陸礁層上之非生物資源之開發，應繳付費用或實物。
2. 於某一礦址進行第一期 5 年生產後，對該礦址之全部生產應每年繳付費用及實物。第 6 年繳付費用或實物的比率應為該礦址產值或產量之百分之一。此後該比率每年增加百分之一，至第 12 年為止，其後比率應保持為百分之 7。產品不包括供開發用途之資源。
3. 某發展中國家如為其大陸礁層上所生產之某種礦物資源之純輸入者，就該礦物資源免繳該費用或實物。
4. 費用或實物應透過管理局繳納。管理局應根據公平分享標準將其分配給本公約各締約國，同時考慮到發展中國家之利益及需要，特別是其中最不發達國家及內陸國之利益及需要。

第 83 條 海岸相向或相鄰國家間大陸礁層界限之劃定

1. 海岸相向或相鄰國家間大陸礁層的界限，應依國際法院規約第 38 條所指國際法基礎上以協議劃定之，以便得到公平解決。
2. 有關國家如在合理期間內未能達成任何協議，應訴諸第 15 部分所規定之程序。

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.

Article 84 Charts and lists of geographical coordinates

1. Subject to this Part, the outer limit lines of the continental shelf and the lines of delimitation drawn in accordance with article 83 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.
2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations and, in the case of those showing the outer limit lines of the continental shelf, with the Secretary-General of the Authority.

Article 85 Tunnelling

This Part does not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling, irrespective of the depth of water above the subsoil.

PART VII HIGH SEAS

SECTION 1. GENERAL PROVISIONS

Article 86 Application of the provisions of this Part

The provisions of this Part apply to all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State. This article does not entail any abridgement of the freedoms enjoyed by all States in the exclusive economic zone in accordance with article 58.

Article 87 Freedom of the high seas

1. The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, *inter alia*, both for coastal and land-locked States:

3. 於達成第 1 項所規定之協議前，相關國家應基於諒解及合作精神，盡一切努力作出實際性之臨時安排，並在此過渡期間內，不應危害或阻礙最後協議之達成。該安排不應妨害最後界限之劃定。
4. 如有關國家間已存有現行有效之協定，關於劃定大陸礁層界線事項，應依照該協定規定加以確定。

第 84 條 海圖及地理座標表

1. 於本部分限制下，大陸礁層外部界限及依第 83 條所劃定之分界線，應在足以確定該線位置之一種或幾種比例尺之海圖上予以標出。於適當情形下，可用列出各點地理座標並註明大地基準點之圖表以代替該外部界限或分界線。
2. 沿海國應將該海圖或地理座標表妥為公佈，並應將各該海圖或座標表之一份副本交存於聯合國秘書長，如為標明大陸礁層外部界線之海圖或座標，亦交存於管理局秘書長。

第 85 條 開鑿隧道

本部分不妨害沿海國開鑿隧道以開發底土之權利，不論底土上水域深度如何。

第七部分 公海

第 1 節 一般規定

第 86 條 本部分規定之適用

本部分規定適用於國家專屬經濟區、領海或內水或群島國的群島水域以外的全部海域。本條規定並不使各國依照第 58 條規定於專屬經濟區內所享有之自由受到任何減損。

第 87 條 公海自由

1. 公海應對所有國家開放，不論其為沿海國或內陸國。公海自由依本公約及其他國際法規則所規定之條件下行使之。公海自由對沿海國及內陸國而

- (a) freedom of navigation ;
- (b) freedom of overflight ;
- (c) freedom to lay submarine cables and pipelines, subject to Part VI ;
- (d) freedom to construct artificial islands and other installations permitted under international law, subject to Part VI ;
- (e) freedom of fishing, subject to the conditions laid down in section 2 ;
- (f) freedom of scientific research, subject to Parts VI and XIII.

2. These freedoms shall be exercised by all States with due regard for the interests of other States in their exercise of the freedom of the high seas, and also with due regard for the rights under this Convention with respect to activities in the Area.

Article 88 Reservation of the high seas for peaceful purposes

The high seas shall be reserved for peaceful purposes.

Article 89 Invalidity of claims of sovereignty over the high seas

No State may validly purport to subject any part of the high seas to its sovereignty.

Article 90 Right of navigation

Every State, whether coastal or land-locked, has the right to sail ships flying its flag on the high seas.

Article 91 Nationality of ships

1. Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship.
2. Every State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

Article 92 Status of ships

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or

言，除其他事項外，包括：

- (a) 航行自由；
- (b) 飛越自由；
- (c) 鋪設海底電纜及管道之自由，但應受第 6 部分之限制；
- (d) 建造國際法所容許之人工島嶼及其他設施之自由，但應受第 6 部分之限制；
- (e) 捕魚自由，但應受第 2 節規定條件之限制；
- (f) 科學研究的自由，但應受第 6 及第 13 部分之限制。

2. 該自由應由所有國家行使，但須適當顧及其他國家行使公海自由之利益，並適當顧及本公約所規定同“區域”內活動有關之權利。

第 88 條 公海只用於和平目的

公海應只用於和平目的。

第 89 條 對公海主權主張的無效

任何國家不得有效地主張將公海的任何部分置於其主權之下。

第 90 條 航行權

任一國家，不論是沿海國或內陸國，均有權在公海上行駛懸掛其旗幟之船舶。

第 91 條 船舶的國籍

1. 任一國家應確定對船舶給予國籍、船舶於其領土內登記及船舶懸掛該國旗幟權利之條件。船舶具有其有權懸掛旗幟所屬國家之國籍。國家及船舶間必須有真正聯繫。
2. 任一國家應向其給予懸掛該國旗幟權利之船舶頒發給予該權利之文件。

第 92 條 船舶地位

1. 船舶航行應僅懸掛一國旗幟，且除國際條約或本公約明文規定之例外情形外，於公海上應受該國專屬管轄。除所有權確實轉移或變更登記之情

while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

Article 93 Ships flying the flag of the United Nations, its specialized agencies and the International Atomic Energy Agency

The preceding articles do not prejudice the question of ships employed on the official service of the United Nations, its specialized agencies or the International Atomic Energy Agency, flying the flag of the organization.

Article 94 Duties of the flag State

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
2. In particular every State shall:
 - (a) maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size ; and
 - (b) assume jurisdiction under its internal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.
3. Every State shall take such measures for ships flying its flag as are necessary to ensure safety at sea with regard, *inter alia*, to:
 - (a) the construction, equipment and seaworthiness of ships ;
 - (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments ;
 - (c) the use of signals, the maintenance of communications and the prevention of collisions.
4. Such measures shall include those necessary to ensure:
 - (a) that each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship ;
 - (b) that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship ;

形外，船舶在航程中或在停泊港內不得更換其旗幟。

2. 懸掛兩國或兩國以上旗幟航行並視方便而換用旗幟之船舶，對任何其他國家不得主張其中之任一國籍，並可視同為無國籍之船舶。

第 93 條 懸掛聯合國、其專門機構及國際原子能機構旗幟之船舶

以上各條不影響用於為聯合國、其專門機構或國際原子能機構正式服務並懸掛聯合國旗幟之船舶之問題。

第 94 條 船旗國的義務

1. 任一國家應對懸掛該國旗幟之船舶行使有效地行政、技術及社會事項上之管轄及控制。
2. 任一國家特別應：
 - (a) 保持一本船舶登記簿，載列懸掛該國旗幟之船舶之名稱及詳細資料，然因體積過小而不在于普遍接受之國際規章規定範圍內之船舶除外；
 - (b) 依據其國內法，就有關每艘懸掛該國旗幟之船舶之行政、技術及社會事項，對該船及其船長、高級船員及船員行使管轄權。
3. 任一國家對懸掛該國旗幟之船舶，除其他事項外，應就下列各項採取能保證其海上安全之必要措施：
 - (a) 船舶構造、裝備及適航條件；
 - (b) 船舶人員之配備、船員勞動條件及訓練，同時考慮應之適用之國際公約；
 - (c) 信號之使用、通信維持及避免碰撞。
4. 該措施應包括為確保下列事項所必要之措施：
 - (a) 每艘船舶於登記前及其後適當間隔期間，應接受合格的船舶檢驗人員之檢查，並在船上備有船舶安全航行所需之海圖、航海出版物及航行裝備及儀器；
 - (b) 每艘船舶均應由具備適當資格、特別是具備航海技術、航行、通信及海洋工程方面資格之船長及高級船員負責，且船員資格及人數與船舶種類、大小、機械及裝

(c) that the master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.

5. In taking the measures called for in paragraphs 3 and 4 each State is required to conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to secure their observance.
6. A State which has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the flag State. Upon receiving such a report, the flag State shall investigate the matter and, if appropriate, take any action necessary to remedy the situation.
7. Each State shall cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State or serious damage to ships or installations of another State or to the marine environment. The flag State and the other State shall cooperate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation.

Article 95 Immunity of warships on the high seas

Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

Article 96 Immunity of ships used only on government non-commercial service

Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

Article 97 Penal jurisdiction in matters of collision or any other incident of navigation

1. In the event of a collision or any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such person except before the judicial or

備都是相符的；

(c) 船長、高級船員及適當範圍內的船員，充分熟悉並須遵守關於海上生命安全、避免碰撞，防止、減少及控制海洋污染及維持無線電通信所應適用之國際規章。

5. 任一國家採取第3及第4項要求之措施時，須遵守普遍接受之國際規章、程序及慣例，並採取為保證該規章、程序及慣例獲得遵行所必要之任何步驟。
6. 任一國家如有明確理由相信對某一船舶未行使適當管轄及管制，可將該事實通知船旗國。船旗國接到通知後，應對該事項進行調查，並於適當時採取任何必要行動，以補救該情況。
7. 任一國家對於涉及懸掛該國旗幟之船舶在公海上因海難或航行事故對另一國國民造成死亡或嚴重傷害，或對另一國之船舶或設施、或海洋環境造成嚴重損害之任一事件，都應由適當合格人士一人或數人或於有該人士在場之情況下進行調查。對於該另一國就任何該海難或航行事故進行之任何調查，船旗國應與該另一國合作。

第 95 條 公海上軍艦之豁免權

軍艦於公海上有不受到船旗國以外任何其他國家管轄之完全豁免權。

第 96 條 專用於政府非商業性服務船舶之豁免權

由一國所有或經營並專用於政府非商業性服務之船舶，於公海上應有不受到船旗國以外任何其他國家管轄之完全豁免權。

第 97 條 關於碰撞事項或任何其他航行事故之刑事管轄權

1. 船舶於公海碰撞或任何其他航行事故涉及船長或任何其他為船舶服務的人員之刑事或行政責任時，對該人員之任何刑事訴訟或行政程序，僅可向船旗國或該人員所屬國之司法或

administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them.
3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

Article 98 Duty to render assistance

1. Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers:
 - (a) to render assistance to any person found at sea in danger of being lost ;
 - (b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such action may reasonably be expected of him ;
 - (c) after a collision, to render assistance to the other ship, its crew and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call.
2. Every coastal State shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances so require, by way of mutual regional arrangements cooperate with neighbouring States for this purpose.

Article 99 Prohibition of the transport of slaves

Every State shall take effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free.

Article 100 Duty to cooperate in the repression of piracy

All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

Article 101 Definition of piracy

Piracy consists of any of the following acts:

行政當局提出。

2. 於行政事項，僅有發給船長證書或駕駛資格證書或執照之國家，始有權於經過適當法律程序後宣告撤銷該證書，即使證書持有人非證書發給國民亦不例外。
3. 船旗國當局以外之任何當局，即使作為一種調查措施，亦不能命令逮捕或扣留船舶。

第 98 條 救助義務

1. 任一國家應責成懸掛該國旗幟航行之船舶之船長，於不嚴重危及其船舶、船員或乘客之情況下：
 - (a) 救助於海上遇到之任何有生命危險之人；
 - (b) 如得悉有遇難者需要救助之情形，於可合理地期待其採取救助行動時，應盡速前往救援；
 - (c) 於碰撞發生後，對另一船舶、其船員及乘客給予救助，並在可能情況下，將自己船舶之名稱、船籍港及將停泊之最近港口通知另一船舶。
2. 任一沿海國應促進有關海上及上空安全足敷應用及有效搜尋及救助服務之建立、經營及維持，並應在情況需要時為此目的透過相互的區域性安排與鄰國進行合作。

第 99 條 販奴禁止

任一國家應採取有效措施，防止並懲罰准予懸掛該國旗幟之船舶販運奴隸，並防止為此目的而非法使用其旗幟。於任何船舶上避難之任何奴隸，不論該船懸掛何國旗幟，均當然獲得自由。

第 100 條 合作制止海盜行為義務

所有國家應盡最大可能進行合作，以制止在公海上或在任何國家管轄範圍外任何其他地點之海盜行為。

第 101 條 海盜行為定義

下列行為之任何行為構成海盜行為：

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft ;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State ;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft ;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

- (a) 私人船舶或私人飛機之船員、機組成員或乘客為私人目的，對下列物件所從事之任何非法的暴力或扣留行為，或任何掠奪行為：
 - (i) 於公海上對另一船舶或飛機，或對另一船舶或飛機上之人或財物；
 - (ii) 於任何國家管轄範圍以外之地點對船舶、飛機、人或財物；
- (b) 明知船舶或飛機成為海盜船舶或飛機之事實，而自願參加其活動之任何行為；
- (c) 教唆或故意便利(a)或(b)項所述行為之任何行為。

Article 102 Piracy by a warship, government ship or government aircraft whose crew has mutinied

第 102 條 軍艦、政府船舶或政府飛機由於其船員或機組成員發生叛變而從事的海盜行為

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

軍艦、政府船舶或政府飛機因其船員或機組成員發生叛變並控制該船舶或飛機而從事第 101 條所規定之海盜行為，視同私人船舶或飛機所從事之行為。

Article 103 Definition of a pirate ship or aircraft

第 103 條 海盜船舶或飛機的定義

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

如處於主要控制地位的人員意圖利用船舶或飛機從事第 101 條所指各項行為之一，該船舶或飛機視為海盜船舶或飛機。如該船舶或飛機曾被用以從事任何該行為，在該船舶或飛機仍為犯有該行為之人員之控制下時，上述規定同樣適用之。

Article 104 Retention or loss of the nationality of a pirate ship or aircraft

第 104 條 海盜船舶或飛機國籍之保留或喪失

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

船舶或飛機雖成為海盜船舶或飛機，仍可保有其國籍。國籍的保留或喪失由原來給予國籍之國家之法律決定之。

Article 105 Seizure of a pirate ship or aircraft

第 105 條 海盜船舶或飛機之扣押

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons

於公海上或於任何國家管轄範圍外之任何其他地方，任一國家均可扣押海盜船舶或飛機或為海盜所奪取並在海盜

and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

Article 106 Liability for seizure without adequate grounds

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

Article 107 Ships and aircraft which are entitled to seize on account of piracy

A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

Article 108 Illicit traffic in narcotic drugs or psychotropic substances

1. All States shall cooperate in the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas contrary to international conventions.
2. Any State which has reasonable grounds for believing that a ship flying its flag is engaged in illicit traffic in narcotic drugs or psychotropic substances may request the cooperation of other States to suppress such traffic.

Article 109 Unauthorized broadcasting from the high seas

1. All States shall cooperate in the suppression of unauthorized broadcasting from the high seas.
2. For the purposes of this Convention, "unauthorized broadcasting" means the transmission of sound radio or television broadcasts from a ship or installation on the high seas intended for reception by the general public contrary to international regulations, but excluding the transmission of distress calls.
3. Any person engaged in unauthorized broadcasting may be prosecuted before the court of:
 - (a) the flag State of the ship ;
 - (b) the State of registry of the installation ;
 - (c) the State of which the person is a national ;
 - (d) any State where the transmissions can be received ; or
 - (e) any State where authorized radio communication is suffering interference.
4. On the high seas, a State having jurisdiction in accordance with

控制下之船舶或飛機，及逮捕船上或機上人員並扣押船上或機上財物。扣押國法院可判定應處之刑罰，並可決定對船舶、飛機或財產所應採取的行動，但應受善意第三者權利保障之限制。

第 106 條 無充分理由扣押之賠償責任

如無充分理由扣押涉有海盜行為嫌疑之船舶或飛機，扣押國應向船舶或飛機所屬國負擔因扣押所造成之任何損失或損害之賠償責任。

第 107 條 因發生海盜行為而有權進行扣押之船舶及飛機

因發生海盜行為而進行之扣押，僅可由軍艦、軍用飛機或其他有清楚標誌可以識別為政府服務並經授權扣押之船舶或飛機實施之。

第 108 條 麻醉藥品或精神調理物質之非法販運

1. 所有國家應進行合作，制止船舶違反國際公約於海上從事非法販運麻醉藥品及精神調理物質。
2. 任何國家如合理依據認為一懸掛其旗幟之船舶從事非法販運麻醉藥品或精神調理物質，可要求其他國家合作，制止該販運。

第 109 條 公海從事未經許可之廣播

1. 所有國家應進行合作，制止自公海從事未經許可之廣播。
2. 為本公約之目的，“未經許可之廣播”係指船舶或設施違反國際規章於公海上播送旨在使公眾收聽或收看之無線電播音或電視廣播，但遇難呼號之傳送除外。
3. 對於自公海從事未經許可廣播之任何人，均可向下列國家的法院起訴：
 - (a) 船旗國；
 - (b) 設施登記國；
 - (c) 廣播人所屬國；
 - (d) 可收到該廣播之任何國家；或
 - (e) 得到許可之無線電通信受到干擾之任何國家。
4. 於公海上依照第 3 項有管轄權之國

paragraph 3 may, in conformity with article 110, arrest any person or ship engaged in unauthorized broadcasting and seize the broadcasting apparatus.

Article 110 Right of visit

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 95 and 96, is not justified in boarding it unless there is reasonable ground for suspecting that:
 - (a) the ship is engaged in piracy ;
 - (b) the ship is engaged in the slave trade ;
 - (c) the ship is engaged in unauthorized broadcasting and the flag State of the warship has jurisdiction under article 109 ;
 - (d) the ship is without nationality ; or
 - (e) though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.
2. In the cases provided for in paragraph 1, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.
3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.
4. These provisions apply *mutatis mutandis* to military aircraft.
5. These provisions also apply to any other duly authorized ships or aircraft clearly marked and identifiable as being on government service.

Article 111 Right of hot pursuit

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, the archipelagic waters, the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article 33, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.
2. The right of hot pursuit shall apply *mutatis mutandis* to violations in the exclusive economic zone or on the continental shelf, including

家，可依照第 110 條逮捕從事未經許可的廣播之任何人或船舶，並扣押廣播器材。

第 110 條 登臨權

1. 除公約授權的干涉行為外，軍艦於公海上遇到依第 95 及第 96 條享有完全豁免權之船舶以外之外國船舶，非有合理根據認為有下列嫌疑，不得登臨該船：
 - (a) 該船從事海盜行為；
 - (b) 該船從事奴隸販賣；
 - (c) 該船從事未經許可廣播且軍艦之船旗國依據第 109 條有管轄權；
 - (d) 該船沒有國籍；或
 - (e) 該船雖懸掛外國旗幟或拒不展示其旗幟，而事實上卻與該軍艦屬同一國籍。
2. 於第 1 項規定之情形下，軍艦可查核該船懸掛其旗幟之權利。為此目的，軍艦可派一艘由一名軍官指揮之小艇到該嫌疑船舶。如檢驗船舶文書後仍有嫌疑，軍艦可進一步在該船上進行檢查，但檢查須儘量審慎為之。
3. 如該嫌疑經證明是無根據，且被登臨之船舶並未從事所懷疑之任何行為，對該船舶可能遭受之任何損失或損害應予賠償。
4. 前述規定比照適用於軍用飛機。
5. 前述規定亦適用於經正式授權並有清楚標誌可識別為政府服務之任何其他船舶或飛機。

第 111 條 緊追權

1. 沿海國主管當局有充分理由認為外國船舶有違反該國法律及規章時，可對該外國船舶進行緊追。此項緊追須在外國船舶或其小艇之一位於追逐國之內水、群島水域、領域或鄰接區內時開始，且只有追逐未曾中斷，才可於領海或鄰接區外繼續進行。當外國船舶於領海或鄰接區內接獲停駛命令時，發出命令之船舶並無必要亦在領海或鄰接區內。如外國船舶位於第 33 條所規定之鄰接區內，追逐只有在設立該區所保護之權利受到侵犯之情形下才可進行。
2. 位於專屬經濟區內或大陸礁層上，包括大陸礁層上設施周圍之安全地帶

safety zones around continental shelf installations, of the laws and regulations of the coastal State applicable in accordance with this Convention to the exclusive economic zone or the continental shelf, including such safety zones.

3. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own State or of a third State.
4. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship is within the limits of the territorial sea, or, as the case may be, within the contiguous zone or the exclusive economic zone or above the continental shelf. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.
5. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.
6. Where hot pursuit is effected by an aircraft:
 - (a) the provisions of paragraphs 1 to 4 shall apply *mutatis mutandis* ;
 - (b) the aircraft giving the order to stop must itself actively pursue the ship until a ship or another aircraft of the coastal State, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest outside the territorial sea that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continue the pursuit without interruption.
7. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an inquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the exclusive economic zone or the high seas, if the circumstances rendered this necessary.
8. Where a ship has been stopped or arrested outside the territorial sea in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

Article 112 Right to lay submarine cables and pipelines

1. All States are entitled to lay submarine cables and pipelines on the bed of the high seas beyond the continental shelf.
2. Article 79, paragraph 5, applies to such cables and pipelines.

Article 113 Breaking or injury of a submarine cable or

內，違反沿海國依照本公約適用於專屬經濟區或大陸礁層包括該安全地帶之法律及規章之行為，應比照適用緊追權。

3. 緊追權於被追逐船舶進入其本國領海或第三國領海時立即停止。
4. 除追逐之船舶以可適用之實際方法認定被追逐之船舶或其小艇之一或作為一隊進行活動而以被追逐之船舶為母船之其他船艇是在領海範圍內，或依據情況，位於鄰接區或專屬經濟區內或在大陸礁層上，緊追不得認為已開始。追逐只有在外國船舶視聽所及距離內發出視覺或聽覺之停駛信號後，才可開始。
5. 緊追權僅可由軍艦、軍用飛機或其他有清楚標誌可識別為政府服務並經授權緊追之船舶或飛機行使之。
6. 以飛機進行緊追時：
 - (a) 應比照適用第 1 至第 4 項規定；
 - (b) 發出停駛命令之飛機，除非其本身能逮捕該船舶，否則須其本身積極追逐船舶直至其所召喚之沿海國船舶或另一飛機前來接替追逐為止。飛機僅發現船舶犯法或有犯法嫌疑，如該飛機本身或接著無間斷地進行追逐之其他飛機或船舶既未命令該船停駛也未進行追逐，則不足以構成在領海以外逮捕之理由。
7. 於一國管轄範圍內被逮捕並被押解到該國港口以便主管當局審問之船舶，不得僅以其在航行中因情況需要而曾被押解通過專屬經濟區之或公海的一部分為理由而要求釋放。
8. 無正當理由行使緊追權之情況下，於領海以外被命令停駛或被逮捕之船舶，對於可能因此遭受之任何損失或損害應獲賠償。

第 112 條 鋪設海底電纜及管道的權利

1. 所有國家均有權於大陸礁層以外的公海海底上鋪設海底電纜及管道。
2. 第 79 條第 5 項規定適用於該電纜及管道。

第 113 條 海底電纜或管道之破

pipeline

Every State shall adopt the laws and regulations necessary to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable, shall be a punishable offence. This provision shall apply also to conduct calculated or likely to result in such breaking or injury. However, it shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or injury.

Article 114 Breaking or injury by owners of a submarine cable or pipeline of another submarine cable or pipeline

Every State shall adopt the laws and regulations necessary to provide that, if persons subject to its jurisdiction who are the owners of a submarine cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break in or injury to another cable or pipeline, they shall bear the cost of the repairs.

Article 115 Indemnity for loss incurred in avoiding injury to a submarine cable or pipeline

Every State shall adopt the laws and regulations necessary to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

SECTION 2. CONSERVATION AND MANAGEMENT OF THE LIVING RESOURCES OF THE HIGH SEAS

Article 116 Right to fish on the high seas

All States have the right for their nationals to engage in fishing on the high seas subject to:

- (a) their treaty obligations ;
- (b) the rights and duties as well as the interests of coastal States provided for, *inter alia*, in article 63, paragraph 2, and articles 64 to 67 ; and
- (c) the provisions of this section.

Article 117 Duty of States to adopt with respect to their

壞或損害

任一國家均應制定必要法律及規章，規定懸掛該國旗幟之船舶或受其管轄之人故意或因重大疏忽而破壞或損害公海海底電纜，致使電報或電話通信停頓或受阻之行為，及類似之破壞或損害海底管道或高壓電纜之行為，均為應予處罰之罪行。此項規定亦應適用於故意或可能造成該破壞或損害之行為。然對於僅為保全自己生命或船舶之正當目的而行事之人，於採取避免破壞或損害之一切必要預防措施後，仍然會發生之任何破壞或損害者，此項規定即不適用之。

第 114 條 海底電纜或管線之所有人對另一海底電纜或管線之破壞或損害

任一國家應制定必要之法律及規章，規定受其管轄之公海海底電纜或管線之所有人如於鋪設或修理該電纜或管線時，如有使另一電纜或管線遭受破壞或損害，應負擔修理之費用。

第 115 條 因避免損害海底電纜或管線而遭受之損失之賠償

任一國家應制定必要之法律及規章，確保船舶所有人於其能證明為避免損害海底電纜或管道而犧牲錨、網或其他漁具時，應由電纜或管道所有人予以賠償，然以船舶所有人事先已曾採取一切合理預防措施為限。

第 2 節 公海生物資源的養護及管理

第 116 條 公海上捕魚的權利

所有國家均有權任其國民於公海上捕魚，然受下列限制：

- (a) 條約之義務；
- (b) 除其他規定外，第 63 條第 2 項及第 64 至第 67 條規定之沿海國權利、義務及利益；及
- (c) 本節各項規定。

第 117 條 各國為其國民採取養

nationals measures for the conservation of the living resources of the high seas

All States have the duty to take, or to cooperate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

Article 118 Cooperation of States in the conservation and management of living resources

States shall cooperate with each other in the conservation and management of living resources in the areas of the high seas. States whose nationals exploit identical living resources, or different living resources in the same area, shall enter into negotiations with a view to taking the measures necessary for the conservation of the living resources concerned. They shall, as appropriate, cooperate to establish subregional or regional fisheries organizations to this end.

Article 119 Conservation of the living resources of the high seas

1. In determining the allowable catch and establishing other conservation measures for the living resources in the high seas, States shall:
 - (a) take measures which are designed, on the best scientific evidence available to the States concerned, to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global ;
 - (b) take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.
2. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation by all States concerned.
3. States concerned shall ensure that conservation measures and their implementation do not discriminate in form or in fact against the fishermen of any State.

Article 120 Marine mammals

Article 65 also applies to the conservation and management of marine mammals in the high seas.

護公海生物資源措施之義務

所有國家均有義務為該國國民採取或與其他國家合作採取養護公海生物資源之必要措施。

第 118 條 各國在養護及管理生物資源方面之合作

各國應互相合作以養護及管理公海區域內之生物資源。凡其國民開發相同生物資源，或在同一區域內開發不同生物資源之國家，應進行談判，以期採取養護有關生物資源之必要措施。為此目的，這些國家應在適當情形下進行合作，以設立分區域或區域漁業組織。

第 119 條 公海生物資源之養護

1. 於對公海生物資源決定可捕量及制訂其他養護措施時，各國應：
 - (a) 採取措施，其目的在於依據有關國家可得到之最可靠科學證據，並在包括發展中國家之特殊要求在內之各種有關環境及經濟因素限制下，使捕撈魚種之數量維持在或恢復到能夠生產最高持續產量之水準，並考慮到捕撈方式、種群的相互依存及任何一般建議之國際最低標準，不論是分區域、區域或全球性；
 - (b) 考慮到與所捕撈魚種有關聯或依賴該魚種而生存之魚種所受之影響，以便使該有關聯或依賴魚種之數量維持在或恢復到其繁殖不會受嚴重威脅之水準以上。
2. 於適當情形下，應通過各主管國際組織，不論是分區域、區域或全球性的，並在所有有關國家之參加下，經常提供及交換可獲得之科學情報、漁獲量及漁撈努力量統計，及其他有關養護魚種群之資料。
3. 有關國家應確保養護措施及其實施不在形式上或事實上對任何國家之漁民有所歧視。

第 120 條 海洋哺乳動物

第 65 條亦適用於養護及管理公海之海洋哺乳動物。

PART VIII REGIME OF ISLANDS

Article 121 Regime of islands

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

PART IX ENCLOSED OR SEMI-ENCLOSED SEAS

Article 122 Definition

For the purposes of this Convention, "enclosed or semi-enclosed sea" means a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States.

Article 123 Cooperation of States bordering enclosed or semi-enclosed seas

States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention. To this end they shall endeavour, directly or through an appropriate regional organization:

- (a) to coordinate the management, conservation, exploration and exploitation of the living resources of the sea ;
- (b) to coordinate the implementation of their rights and duties with respect to the protection and preservation of the marine environment ;
- (c) to coordinate their scientific research policies and undertake where appropriate joint programmes of scientific research in the area ;
- (d) to invite, as appropriate, other interested States or international organizations to cooperate with them in furtherance of the provisions of this article.

PART X RIGHT OF ACCESS OF LAND-LOCKED STATES TO AND FROM THE SEA AND FREEDOM OF TRANSIT

Article 124 Use of terms

1. For the purposes of this Convention:

第八部分 島嶼制度

第 121 條 島嶼制度

1. 島嶼是四面環水並在高潮時高於水面之自然形成之陸地區域。
2. 除第 3 項另有規定外，島嶼之領海、鄰接區、專屬經濟區及大陸礁層應依照本公約適用於其他陸地領土之規定予以確定。
3. 不能維持人類居住或其本身經濟生活之岩礁，不應有專屬經濟區或大陸礁層。

第九部分 閉海或半閉海

第 122 條 定義

為本公約之目的，“閉海或半閉海”係指兩個或兩個以上國家所環繞並由一狹窄出口連接到另一海或洋，或全部或主要由兩個或兩個以上沿海國之領海及專屬經濟區構成之海灣、海盆或海域。

第 123 條 閉海或半閉海沿岸國之合作

閉海或半閉海沿岸國於行使及履行本公約所規定之權利及義務時，應互相合作。為此目的，這些國家應盡力直接或通過適當區域組織：

- (a) 協調海洋生物資源之管理、養護、勘探及開發；
- (b) 協調行使及履行其在保護及保全海洋環境方面之權利及義務；
- (c) 協調其科學研究政策，並在適當情形下在該地區進行聯合科學研究方案；
- (d) 於適當情形下，邀請其他有關國家或國際組織與其合作以推行本條規定。

第十部分 內陸國出入海洋之權利及過境自由

第 124 條 用語

1. 為本公約的目的：

- (a) "land-locked State" means a State which has no sea-coast ;
 - (b) "transit State" means a State, with or without a sea-coast, situated between a land-locked State and the sea, through whose territory traffic in transit passes ;
 - (c) "traffic in transit" means transit of persons, baggage, goods and means of transport across the territory of one or more transit States, when the passage across such territory, with or without trans-shipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey which begins or terminates within the territory of the land-locked State ;
 - (d) "means of transport" means:
 - (i) railway rolling stock, sea, lake and river craft and road vehicles ;
 - (ii) where local conditions so require, porters and pack animals.
2. Land-locked States and transit States may, by agreement between them, include as means of transport pipelines and gas lines and means of transport other than those included in paragraph 1.

Article 125 Right of access to and from the sea and freedom of transit

1. Land-locked States shall have the right of access to and from the sea for the purpose of exercising the rights provided for in this Convention including those relating to the freedom of the high seas and the common heritage of mankind. To this end, land-locked States shall enjoy freedom of transit through the territory of transit States by all means of transport.
2. The terms and modalities for exercising freedom of transit shall be agreed between the land-locked States and transit States concerned through bilateral, subregional or regional agreements.
3. Transit States, in the exercise of their full sovereignty over their territory, shall have the right to take all measures necessary to ensure that the rights and facilities provided for in this Part for land-locked States shall in no way infringe their legitimate interests.

Article 126 Exclusion of application of the most-favoured-nation clause

The provisions of this Convention, as well as special agreements relating to the exercise of the right of access to and from the sea, establishing rights and facilities on account of the special geographical position of land-locked States, are excluded from the application of the most-favoured-nation clause.

Article 127 Customs duties, taxes and other charges

1. Traffic in transit shall not be subject to any customs duties, taxes or other charges except charges levied for specific services rendered in connection with such traffic.

- (a) “內陸國”係指沒有海岸之國家；
 - (b) “過境國”係指位於內陸國與海洋之間及通過其領土進行過境運輸之國家，不論其是否具有海岸；
 - (c) “過境運輸”係指人員、行李、貨物及運輸工具通過一個或幾個過境國領土之過境，而該通過不論是否需要轉運、入倉、分卸或改變運輸方式，均是以內陸國領土為起點或終點之航運全程之一部分；
 - (d) “運輸工具”係指：
 - (i) 鐵路車輛、海洋、湖泊及河川船舶及公路車輛；
 - (ii) 於當地情況需要時，搬運工人及馱獸。
2. 內陸國及過境國可彼此協議，將管道及煤氣管及未列入第1項之運輸工具列為運輸工具。

第 125 條 出入海洋之權利及過境自由

1. 為行使本公約所規定之各項權利，包括行使與公海自由及人類共同繼承財產有關權利之目的，內陸國應有權出入海洋。為此目的，內陸國應享有利用一切運輸工具通過過境國領土之過境自由。
2. 行使過境自由之條件及方式，應由內陸國及有關過境國通過雙邊、分區域或區域協定予以議定。
3. 過境國在對其領土行使完全主權時，應有權採取一切必要措施，以確保本部分為內陸國所規定的各項權利及便利絕不侵害其合法利益。

第 126 條 不適用最惠國條款

本公約規定及關於行使出入海洋之權利及因顧及內陸國特殊地理位置而規定其權利及便利之特別協定，不適用最惠國條款。

第 127 條 關稅、稅捐及其他費用

1. 過境運輸無須繳納任何關稅、稅捐或其他費用，然為此類運輸提供特定服務而徵收之費用除外。

2. Means of transport in transit and other facilities provided for and used by land-locked States shall not be subject to taxes or charges higher than those levied for the use of means of transport of the transit State.

Article 128 Free zones and other customs facilities

For the convenience of traffic in transit, free zones or other customs facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

Article 129 Cooperation in the construction and improvement of means of transport

Where there are no means of transport in transit States to give effect to the freedom of transit or where the existing means, including the port installations and equipment, are inadequate in any respect, the transit States and land-locked States concerned may cooperate in constructing or improving them.

Article 130 Measures to avoid or eliminate delays or other difficulties of a technical nature in traffic in transit

1. Transit States shall take all appropriate measures to avoid delays or other difficulties of a technical nature in traffic in transit.
2. Should such delays or difficulties occur, the competent authorities of the transit States and land-locked States concerned shall cooperate towards their expeditious elimination.

Article 131 Equal treatment in maritime ports

Ships flying the flag of land-locked States shall enjoy treatment equal to that accorded to other foreign ships in maritime ports.

Article 132 Grant of greater transit facilities

This Convention does not entail in any way the withdrawal of transit facilities which are greater than those provided for in this Convention and which are agreed between States Parties to this Convention or granted by a State Party. This Convention also does not preclude such grant of greater facilities in the future.

PART XI THE AREA

SECTION 1. GENERAL PROVISIONS

2. 對於過境運輸工具及其他為內陸國提供並由其使用之便利，不應徵收高於使用過境國運輸工具所繳納之稅捐或費用。

第 128 條 自由區及其他海關便利

為過境運輸之便利，得由過境國及內陸國協議，於過境國之出口港及入口港內提供自由區或其他海關便利。

第 129 條 合作建造及改進運輸工具

如過境國內無運輸工具以實現過境自由，或現有運輸工具包括海港設施及裝備於任何方面均有所不足，過境國可與有關內陸國進行合作，以建造或改進這些工具。

第 130 條 避免或消除過境運輸發生遲延或其他技術性困難之措施

1. 過境國應採取一切適當措施避免過境運輸發生遲延或其他技術性困難。
2. 如發生該遲延或困難，有關過境國及內陸國之主管當局應進行合作，迅速予以消除。

第 131 條 海港內之同等待遇

懸掛內陸國旗幟之船舶在海港內應享有其他外國船舶所享有之同等待遇。

第 132 條 更大過境便利之賦予

本公約締約國間所議定之或本公約一締約國賦予大於本公約所規定之過境便利，絕不因本公約而撤銷。本公約也不排除將來賦予該更大之便利。

第十一部分 “區域”

第 1 節 一般規定

Article 133 Use of terms

For the purposes of this Part:

- (a) "resources" means all solid, liquid or gaseous mineral resources *in situ* in the Area at or beneath the seabed, including polymetallic nodules ;
- (b) resources, when recovered from the Area, are referred to as "minerals".

Article 134 Scope of this Part

1. This Part applies to the Area.
2. Activities in the Area shall be governed by the provisions of this Part.
3. The requirements concerning deposit of, and publicity to be given to, the charts or lists of geographical coordinates showing the limits referred to in article I, paragraph I(1), are set forth in Part VI.
4. Nothing in this article affects the establishment of the outer limits of the continental shelf in accordance with Part VI or the validity of agreements relating to delimitation between States with opposite or adjacent coasts.

Article 135 Legal status of the superjacent waters and air space

Neither this Part nor any rights granted or exercised pursuant thereto shall affect the legal status of the waters superjacent to the Area or that of the air space above those waters.

SECTION 2. PRINCIPLES GOVERNING THE AREA

Article 136 Common heritage of mankind

The Area and its resources are the common heritage of mankind.

Article 137 Legal status of the Area and its resources

1. No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or natural or juridical person appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights nor such appropriation shall be recognized.
2. All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. These resources are not subject to alienation. The minerals recovered from the Area, however, may only be alienated in accordance with this Part and the rules, regulations and procedures of the Authority.

第 133 條 用語

為本部分的目的：

- (a) “資源”係指“區域”內海床及其下來位置之一切固體、液體或氣體礦物資源，其中包括多金屬結核；
- (b) 從“區域”回收之資源稱為“礦物”。

第 134 條 本部分之範圍

1. 本部分適用於“區域”。
2. “區域”內活動應受本部分規定之支配。
3. 關於將標明第 1 條第 1 項所指範圍界限之海圖及地理座標表交存及予以公佈之規定，載於第六部分。
4. 本條任何規定不影響依據第六部分大陸礁層外部界限之劃定或關於劃定海岸相向或相鄰國家間界限協定之效力。

第 135 條 上覆水域及上空的法律地位

本部分或依其授予或行使之任何權利，不應影響“區域”上覆水域之法律地位，或該水域上空之法律地位。

第 2 節 支配“區域”之原則

第 136 條 人類共同繼承財產

“區域”及其資源為人類共同繼承財產。

第 137 條 “區域”及其資源之法律地位

1. 任何國家不應對“區域”任何部分或其資源主張或行使主權或主權權利，任何國家或自然人或法人，也不應將“區域”或其資源之任何部分據為己有。任何該主權及主權權利的主張或行使，或該據為己有的行為，均應不予承認。
2. 對“區域”內資源之一切權利屬於全人類，由管理局代表全人類行使。該資源不得讓渡。然從“區域”內回收的礦物，僅可依照本部分及管理局之規則、規章及程序始可予以讓渡。

3. No State or natural or juridical person shall claim, acquire or exercise rights with respect to the minerals recovered from the Area except in accordance with this Part. Otherwise, no such claim, acquisition or exercise of such rights shall be recognized.

Article 138 General conduct of States in relation to the Area

The general conduct of States in relation to the Area shall be in accordance with the provisions of this Part, the principles embodied in the Charter of the United Nations and other rules of international law in the interests of maintaining peace and security and promoting international

Article 139 Responsibility to ensure compliance and liability for damage

1. States Parties shall have the responsibility to ensure that activities in the Area, whether carried out by States Parties, or state enterprises or natural or juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals, shall be carried out in conformity with this Part. The same responsibility applies to international organizations for activities in the Area carried out by such organizations.
2. Without prejudice to the rules of international law and Annex III, article 22, damage caused by the failure of a State Party or international organization to carry out its responsibilities under this Part shall entail liability; States Parties or international organizations acting together shall bear joint and several liability. A State Party shall not however be liable for damage caused by any failure to comply with this Part by a person whom it has sponsored under article 153, paragraph 2(b), if the State Party has taken all necessary and appropriate measures to secure effective compliance under article 153, paragraph 4, and Annex III, article 4, paragraph 4.
3. States Parties that are members of international organizations shall take appropriate measures to ensure the implementation of this article with respect to such organizations.

Article 140 Benefit of mankind

1. Activities in the Area shall, as specifically provided for in this Part, be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of developing States and of peoples who have not attained full independence or other self-governing status recognized by the United Nations in accordance with General Assembly resolution 1514 (XV) and other relevant General Assembly resolutions.
2. The Authority shall provide for the equitable sharing of financial and

3. 任何國家或自然人或法人，除依照本部分外，不應對“區域”礦物主張、取得或行使權利。否則對任何該權利之主張、取得或行使均不予承認。

第 138 條 國家對於“區域”的一般行為

各國對於“區域”之一般行為，應依照本部分規定、「聯合國憲章」所載原則，及其他國際法規則，以利維持和平與安全，促進國際合作及相互瞭解。

第 139 條 確保遵守本公約義務及損害賠償責任

1. 締約國有責任確保“區域”內活動，不論是由締約國、國營企業、或具締約國國籍之自然人或法人所從事者，一律應依照本部分進行之。國際組織對於該組織所進行的“區域”內活動也負有同樣義務。
2. 於不妨害國際法規則及附件三第 212 條之情形下，締約國或國際組織應因其未履行本部分規定義務而造成之損害負有賠償責任；共同進行活動之締約國或國際組織應承擔連帶賠償責任。然如締約國已依據第 153 條第 4 項及附件三第 4 條第 4 項採取一切必要及適當措施，以確保其依據第 153 條第 2 項(b)款擔保之人切實遵守規定，則該締約國對於因該人未遵守本部分規定而造成之損害，無賠償責任。
3. 身為國際組織成員之締約國應採取適當措施確保本條對該組織之實施。

第 140 條 全人類利益

1. “區域”內活動應依本部分明確規定為全人類利益進行之，不論各國地理位置如何，也不論是沿海國或內陸國，並特別考慮到發展中國家及尚未取得完全獨立或聯合國依照其大會第 1514(XV)號決議及其他有關大會決議所承認之其他自治地位之人民利益及需要。
2. 管理局應依照第 160 條第 2 項(f)款(i)

other economic benefits derived from activities in the Area through any appropriate mechanism, on a non-discriminatory basis, in accordance with article 160, paragraph 2(f)(i).

Article 141 Use of the Area exclusively for peaceful purposes

The Area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination and without prejudice to the other provisions of this Part.

Article 142 Rights and legitimate interests of coastal States

1. Activities in the Area, with respect to resource deposits in the Area which lie across limits of national jurisdiction, shall be conducted with due regard to the rights and legitimate interests of any coastal State across whose jurisdiction such deposits lie.
2. Consultations, including a system of prior notification, shall be maintained with the State concerned, with a view to avoiding infringement of such rights and interests. In cases where activities in the Area may result in the exploitation of resources lying within national jurisdiction, the prior consent of the coastal State concerned shall be required.
3. Neither this Part nor any rights granted or exercised pursuant thereto shall affect the rights of coastal States to take such measures consistent with the relevant provisions of Part XII as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline, or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any activities in the Area.

Article 143 Marine scientific research

1. Marine scientific research in the Area shall be carried out exclusively for peaceful purposes and for the benefit of mankind as a whole, in accordance with Part XIII.
2. The Authority may carry out marine scientific research concerning the Area and its resources, and may enter into contracts for that purpose. The Authority shall promote and encourage the conduct of marine scientific research in the Area, and shall coordinate and disseminate the results of such research and analysis when available.
3. States Parties may carry out marine scientific research in the Area. States Parties shall promote international cooperation in marine scientific research in the Area by:
 - (a) participating in international programmes and encouraging cooperation in marine scientific research by personnel of different countries and of the Authority;
 - (b) ensuring that programmes are developed through the Authority or other international organizations as appropriate for the benefit of developing States and technologically less developed

目為規定，透過任何適當機構，於無歧視基礎上公平分配從“區域”內活動取得之財政及其他經濟利益。

第 141 條 專為和平目的利用之“區域”

“區域”應開放給所有國家，不論是沿海國或內陸國，專為和平目的利用，不加歧視，亦不得妨害本部分其他規定。

第 142 條 沿海國權利及合法利益

1. “區域”內活動涉及跨越國家管轄範圍之“區域”內資源礦床時，應適當顧及該礦床跨越其管轄範圍之任何沿海國權利及合法利益。
2. 應與有關國家保持協商，包括維持一事先通知辦法在內，以免侵犯上述權利及利益。如“區域”內活動可能導致對國家管轄範圍內資源之開發，則需事先徵得有關沿海國之同意。
3. 本部分或依其授予或行使之任何權利，均不影響沿海國為防止、減輕或消除因任何“區域”內活動引起或造成之污染威脅或其他危險事故使其海岸或有關利益受到的嚴重迫切危險而採取與第十二部分有關規定相符合之必要措施之權利。

第 143 條 海洋科學研究

1. “區域”內之海洋科學研究，應依照第十三部分專為和平目的並為謀全人類之利益進行之。
2. 管理局可進行有關“區域”及其資源之海洋科學研究，並可為此目的訂立契約。管理局應促進及鼓勵於“區域”內進行海洋科學研究，並應協調及傳播所得到之研究及分析結果。
3. 各締約國可在“區域”內進行海洋學研究。各締約國應以下列方式促進“區域”內海洋科學研究方面之國際合作：
 - (a) 參加國際方案，並鼓勵不同國家之人員及管理局人員合作進行海洋科學研究；
 - (b) 確保於適當情形下透過管理局或其他國際組織，為發展中國家及技術較不發達國家之利益發

- States with a view to:
- (i) strengthening their research capabilities ;
 - (ii) training their personnel and the personnel of the Authority in the techniques and applications of research ;
 - (iii) fostering the employment of their qualified personnel in research in the Area ;
- (c) effectively disseminating the results of research and analysis when available, through the Authority or other international channels when appropriate.

Article 144 Transfer of technology

1. The Authority shall take measures in accordance with this Convention:
 - (a) to acquire technology and scientific knowledge relating to activities in the Area ; and
 - (b) to promote and encourage the transfer to developing States of such technology and scientific knowledge so that all States Parties benefit therefrom.
2. To this end the Authority and States Parties shall cooperate in promoting the transfer of technology and scientific knowledge relating to activities in the Area so that the Enterprise and all States Parties may benefit therefrom. In particular they shall initiate and promote:
 - (a) programmes for the transfer of technology to the Enterprise and to developing States with regard to activities in the Area, including, *inter alia*, facilitating the access of the Enterprise and of developing States to the relevant technology, under fair and reasonable terms and conditions ;
 - (b) measures directed towards the advancement of the technology of the Enterprise and the domestic technology of developing States, particularly by providing opportunities to personnel from the Enterprise and from developing States for training in marine science and technology and for their full participation in activities in the Area.

Article 145 Protection of the marine environment

Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities. To this end the Authority shall adopt appropriate rules, regulations and procedures for *inter alia*:

- (a) the prevention, reduction and control of pollution and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities ;
- (b) the protection and conservation of the natural resources of the

- 展各種方案，以期：
- (i) 加強其研究能力；
 - (ii) 於研究技術及應用方面訓練其人員及管理局人員；
 - (iii) 促進聘用其合格人員，從事“區域”內之研究；
- (c) 通過管理局，或適當時通過其他國際途徑，切實傳播所得到之研究及分析結果。

第 144 條 技術移轉

1. 管理局應依照本公約採取措施，以：
 - (a) 取得有關“區域”內活動之技術及科學知識；並
 - (b) 促進及鼓勵向發展中國家移轉該技術及科學知識，使所有締約國都從其中得到利益。
2. 為此目的，管理局及各締約國應互相合作，以促進有關“區域”內活動之技術及科學知識之移轉，使企業及所有締約國均從其中得到利益。其應特別倡議並推動：
 - (a) 將有關“區域”內活動之技術移轉給企業及發展中國家之各種方案，除其他事項外，包括便利企業及發展中國家根據公平合理之規定及條件取得有關技術；
 - (b) 促進企業技術及發展中國家本國技術進展之各種措施，特別是使企業部及發展中國家人員有機會接受海洋科學及技術之訓練及充分參加“區域”內活動。

第 145 條 海洋環境保護

應依照本公約對“區域”內活動採取必要措施，以確保切實保護海洋環境，不受該活動可能產生之有害影響。為此目的，管理局應制定適當規則，規章及程序，以便除其他外：

- (a) 防止、減少及控制對包括海岸在內之海洋環境污染及其他危害，並防止干擾海洋環境生態平衡，特別注意使其不受諸如鑽探、挖泥、挖鑿、廢物處置等活動，及建造及操作或維修與這種活動有關之設施、管線及其他裝置所產生之有害影響；
- (b) 保護及養護“區域”的自然資源，並防

Area and the prevention of damage to the flora and fauna of the marine environment.

Article 146 Protection of human life

With respect to activities in the Area, necessary measures shall be taken to ensure effective protection of human life. To this end the Authority shall adopt appropriate rules, regulations and procedures to supplement existing international law as embodied in relevant treaties.

Article 147 Accommodation of activities in the Area and in the marine environment

1. Activities in the Area shall be carried out with reasonable regard for other activities in the marine environment.
2. Installations used for carrying out activities in the Area shall be subject to the following conditions:
 - (a) such installations shall be erected, emplaced and removed solely in accordance with this Part and subject to the rules, regulations and procedures of the Authority. Due notice must be given of the erection, emplacement and removal of such installations, and permanent means for giving warning of their presence must be maintained ;
 - (b) such installations may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity ;
 - (c) safety zones shall be established around such installations with appropriate markings to ensure the safety of both navigation and the installations. The configuration and location of such safety zones shall not be such as to form a belt impeding the lawful access of shipping to particular maritime zones or navigation along international sea lanes ;
 - (d) such installations shall be used exclusively for peaceful purposes ;
 - (e) such installations do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.
3. Other activities in the marine environment shall be conducted with reasonable regard for activities in the Area.

Article 148 Participation of developing States in activities in the Area

The effective participation of developing States in activities in the Area shall be promoted as specifically provided for in this Part, having due regard to their special interests and needs, and in particular to the special need of the land-locked and geographically disadvantaged among them to overcome obstacles arising from their disadvantaged location, including remoteness from the Area and difficulty of access

止對海洋環境中動植物之損害。

第 146 條 人命保護

關於“區域”內活動，應採取必要措施，以確保切實保護人命。為此目的，管理局應制定適當規則、規章及程序，以補充有關條約所體現之現行國際法。

第 147 條 “區域”內活動與海洋環境活動之相互適應

1. “區域”內活動之進行，應合理地顧及海洋環境中之其他活動。
2. 進行“區域”內活動所使用之設施應受下列條件限制：
 - (a) 該設施應僅依照本部分及於管理局規則、規章及程序之限制下安裝、安置及拆除。該設施之安裝、安置及拆除必須妥為通知，並對其存在必須維持永久性之警告方法；
 - (b) 該設施不得設在對使用國際航行必經之公認海道可能有干擾之處，或設於有密集捕撈活動之區域；
 - (c) 該設施周圍應設立安全地帶並加適當標記，以確保航行及設施之安全。該安全地帶的形狀及位置不得構成一個地帶阻礙船舶合法出入特定海洋區域或阻礙沿國際海道之航行；
 - (d) 該設施應專用於和平目的；
 - (e) 該設施不具有島嶼地位。其無自己領海，其存在也不影響領海、專屬經濟區或大陸礁層界限之劃定。
3. 於海洋環境中進行其他活動，應合理地顧及“區域”內活動。

第 148 條 發展中國家參與“區域”內活動

應依照本部分具體規定促進發展中國家有效參加“區域”內活動，並適當顧及其特殊利益及需要，尤其是其中內陸國及地理不利國於克服因不利位置，包括距離“區域”遙遠及出入“區域”困難所產生之障礙方面之特殊需要。

to and from it.

Article 149 Archaeological and historical objects

All objects of an archaeological and historical nature found in the Area shall be preserved or disposed of for the benefit of mankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin.

SECTION 3. DEVELOPMENT OF RESOURCES OF THE AREA

Article 150 Policies relating to activities in the Area

Activities in the Area shall, as specifically provided for in this Part, be carried out in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to promote international cooperation for the over-all development of all countries, especially developing States, and with a view to ensuring:

- (a) the development of the resources of the Area ;
- (b) orderly, safe and rational management of the resources of the Area, including the efficient conduct of activities in the Area and, in accordance with sound principles of conservation, the avoidance of unnecessary waste ;
- (c) the expansion of opportunities for participation in such activities consistent in particular with articles 144 and 148 ;
- (d) participation in revenues by the Authority and the transfer of technology to the Enterprise and developing States as provided for in this Convention ;
- (e) increased availability of the minerals derived from the Area as needed in conjunction with minerals derived from other sources, to ensure supplies to consumers of such minerals ;
- (f) the promotion of just and stable prices remunerative to producers and fair to consumers for minerals derived both from the Area and from other sources, and the promotion of long-term equilibrium between supply and demand ;
- (g) the enhancement of opportunities for all States Parties, irrespective of their social and economic systems or geographical location, to participate in the development of the resources of the Area and the prevention of monopolization of activities in the Area ;
- (h) the protection of developing countries from adverse effects on their economies or on their export earnings resulting from a reduction in the price of an affected mineral, or in the volume of exports of that mineral, to the extent that such reduction is caused by activities in the Area, as provided in article 151 ;
- (i) the development of the common heritage for the benefit of mankind as a whole ; and

第 149 條 考古及歷史文物

於“區域”內發現之一切考古及歷史文物，應為全人類利益予以保存或處置，然應特別顧及來源國，或文化上之發源國，或歷史及考古上之來源國之優先權利。

第 3 節“區域”內資源之開發

第 150 條 關於“區域”內活動之政策

“區域”內活動應依照本部分明確規定進行，以求助於世界經濟之健全發展及國際貿易之均衡增長，並促進國際合作，以謀所有國家特別是發展中國家之全面發展，且為確保：

- (a) “區域”資源之開發；
- (b) 對“區域”資源進行有秩序、安全及合理之管理，包括有效地進行“區域”內活動，並依照健全養護原則，避免不必要浪費；
- (c) 擴大參加該活動之機會，以符合特別是第 144 及第 148 條之規定；
- (d) 依本公約規定使管理局分享收益，以及對企業部及發展中國家為技術移轉；
- (e) 依照需要增加從“區域”取得礦物之供應量，連同從其他來源取得之礦物，以保證該礦物之消費者獲得供應；
- (f) 促進從“區域”及從其他來源取得之礦物之價格合理且穩定，對生產者有利，對消費者也公平，並促進供需之長期平衡；
- (g) 增進所有締約國，不論其經濟社會制度或地理位置如何，參加開發“區域”內資源之機會，並防止壟斷“區域”內活動；
- (h) 依第 151 條規定，保護發展中國家，使其經濟或出口收益不致因某一受影響礦物價格或該礦物之出口量降低，而遭受不良影響，然以該降低係因“區域”內活動造成者為限；
- (i) 為全人類利益開發共同繼承財產；

- (j) conditions of access to markets for the imports of minerals produced from the resources of the Area and for imports of commodities produced from such minerals shall not be more favourable than the most favourable applied to imports from other sources.

- (j) 從“區域”取得之礦物作為輸入品及該礦物所產商品作為輸入品之進入市場之條件，不應比適用於其他來源輸入品之最優惠待遇更為優惠。

Article 151 Production policies

1.
 - (a) Without prejudice to the objectives set forth in article 150 and for the purpose of implementing subparagraph (h) of that article, the Authority, acting through existing forums or such new arrangements or agreements as may be appropriate, in which all interested parties, including both producers and consumers, participate, shall take measures necessary to promote the growth, efficiency and stability of markets for those commodities produced from the minerals derived from the Area, at prices remunerative to producers and fair to consumers. All States Parties shall cooperate to this end.
 - (b) The Authority shall have the right to participate in any commodity conference dealing with those commodities and in which all interested parties including both producers and consumers participate. The Authority shall have the right to become a party to any arrangement or agreement resulting from such conferences. Participation of the Authority in any organs established under those arrangements or agreements shall be in respect of production in the Area and in accordance with the relevant rules of those organs.
 - (c) The Authority shall carry out its obligations under the arrangements or agreements referred to in this paragraph in a manner which assures a uniform and non-discriminatory implementation in respect of all production in the Area of the minerals concerned. In doing so, the Authority shall act in a manner consistent with the terms of existing contracts and approved plans of work of the Enterprise.
2.
 - (a) During the interim period specified in paragraph 3, commercial production shall not be undertaken pursuant to an approved plan of work until the operator has applied for and has been issued a production authorization by the Authority. Such production authorizations may not be applied for or issued more than five years prior to the planned commencement of commercial production under the plan of work unless, having regard to the nature and timing of project development, the rules, regulations and procedures of the Authority prescribe another period.
 - (b) In the application for the production authorization, the operator shall specify the annual quantity of nickel expected to be recovered under the approved plan of work. The application shall include a schedule of expenditures to be made by the operator after he has received the authorization which are reasonably calculated to allow him to begin commercial

第151條 生產政策

1.
 - (a) 於不損及第150條所訂目標之情形下，並為實施該條(h)款之目的，管理局應透過現有議事機構，或於適當時，透過包括生產者及消費者在內之有關各方均參加全新安排或協定，採取必要措施，以對生產者有利對消費者公平之價格，促進“區域”資源所產商品市場之增長、效率及穩定，所有締約國都應為此目的進行合作。
 - (b) 管理局應有權參加生產者及消費者在內的有關各方均參加之關於上述商品之任何商品會議。管理局有權參與上述會議所產生之任何安排或協定。管理局參加依據該安排或協定成立之任何機關，應與“區域”內的生產有關，並符合該機關之相關規則。
 - (c) 管理局應履行依據該安排或協定所產生之義務，以求保證對“區域”內有關礦物的一切生產，劃一及無歧視地實施。管理局於如此為之時，應以符合現有契約條款及已核准之企業工作計畫方式行事。
2.
 - (a) 於第3項所規定之過渡期間內，經營者於向管理局提出申請並經發給生產許可以前，不應依據第1項核准之工作計畫進行商業生產。該生產許可不得於根據工作計畫預定開始商業生產前逾5年時申請或發出，然管理局考慮到方案進展性質及時機於其規則及規章中為此規定另一期間者除外。
 - (b) 於生產許可申請中，經營者應具體說明依照核准的工作計畫預期每年回收之鎳之數量。申請中應列有經營者為使其於預定的日期如期開始商業生產而合理地算出之收到許可以後將予支出的費用

- production on the date planned.
- (c) For the purposes of subparagraphs (a) and (b), the Authority shall establish appropriate performance requirements in accordance with Annex III, article 17.
- (d) The Authority shall issue a production authorization for the level of production applied for unless the sum of that level and the levels already authorized exceeds the nickel production ceiling, as calculated pursuant to paragraph 4 in the year of issuance of the authorization, during any year of planned production falling within the interim period.
- (e) When issued, the production authorization and approved application shall become a part of the approved plan of work.
- (f) If the operator's application for a production authorization is denied pursuant to subparagraph (d), the operator may apply again to the Authority at any time.
3. The interim period shall begin five years prior to 1 January of the year in which the earliest commercial production is planned to commence under an approved plan of work. If the earliest commercial production is delayed beyond the year originally planned, the beginning of the interim period and the production ceiling originally calculated shall be adjusted accordingly. The interim period shall last 25 years or until the end of the Review Conference referred to in article 155 or until the day when such new arrangements or agreements as are referred to in paragraph 1 enter into force, whichever is earliest. The Authority shall resume the power provided in this article for the remainder of the interim period if the said arrangements or agreements should lapse or become ineffective for any reason whatsoever.
- 4.
- (a) The production ceiling for any year of the interim period shall be the sum of:
- (i) the difference between the trend line values for nickel consumption, as calculated pursuant to subparagraph (b), for the year immediately prior to the year of the earliest commercial production and the year immediately prior to the commencement of the interim period; and
- (ii) sixty per cent of the difference between the trend line values for nickel consumption, as calculated pursuant to subparagraph (b), for the year for which the production authorization is being applied for and the year immediately prior to the year of the earliest commercial production.
- (b) For the purposes of subparagraph (a):
- (i) trend line values used for computing the nickel production ceiling shall be those annual nickel consumption values on a trend line computed during the year in which a production authorization is issued. The trend line shall be derived from a linear regression of the logarithms of actual nickel consumption for the most recent 15-year period for which such data are available, time being the independent variable. This trend line shall be referred to as the original trend line;
- 款。
- (c) 為(a)及(b)項目的，管理局應依照附件三第17條規定適當的成績要求。
- (d) 管理局應照申請的生產量發給生產許可。除非於過渡期間內計畫生產之任何一年中，該生產量及已核准的生產量總量超過於發給許可年度依照第4項算出之鎳生產最高限額。
- (e) 生產許可及核准的申請一經發給，即成為核准的工作計畫之一部分。
- (f) 如經營者申請生產許可依據(d)項被拒絕，則該經營者可隨時向管理局再次提出申請。
3. 過渡期間應自依據核准工作計畫預定開始最早之商業生產那年1月1日以前的5年開始。如最早進行商業生產時間延遲到原定的年度以後，過渡期間的開始及原來計算的生產最高限額均應作相應調整。過渡期間應為25年，或至第155條所指的審查會議結束，或至第1項所指的新安排或協議開始生效之日為止，以最早者為準。如該安排或協議因任何理由而終止或失效，在過渡期間所餘時間內，管理局應重新行使本條規定之權力。
- 4.
- (a) 過渡期間內任何一年之生產最高限額應為以下的總及：
- (i) 依據(b)項計算鎳年消費量趨勢線上最早的商業生產年度以前那一年及過渡期間開始前那一年數值的差額；加上
- (ii) 依據(b)項計算的鎳消費量趨勢線上所申請的生產許可適用那年及最早的商業生產年度以前那一年數值的差額的百分之六十。
- (b) 為(a)項的目的：
- (i) 計算鎳生產最高限額所用的趨勢線數值，應為發給生產許可的年度中計算的趨勢線上的鎳年消費量數值。趨勢線應從能夠取得資料最近15年期間實際鎳消費量，取其對數值，以時間為引數，用線性回歸法導出。這一趨勢線應稱為原趨勢線；

- (ii) if the annual rate of increase of the original trend line is less than 3 per cent, then the trend line used to determine the quantities referred to in subparagraph (a) shall instead be one passing through the original trend line at the value for the first year of the relevant 15-year period, and increasing at 3 per cent annually; provided however that the production ceiling established for any year of the interim period may not in any case exceed the difference between the original trend line value for that year and the original trend line value for the year immediately prior to the commencement of the interim period.
5. The Authority shall reserve to the Enterprise for its initial production a quantity of 38,000 metric tonnes of nickel from the available production ceiling calculated pursuant to paragraph 4.
- 6.
- (a) An operator may in any year produce less than or up to 8 per cent more than the level of annual production of minerals from polymetallic nodules specified in his production authorization, provided that the over-all amount of production shall not exceed that specified in the authorization. Any excess over 8 per cent and up to 20 per cent in any year, or any excess in the first and subsequent years following two consecutive years in which excesses occur, shall be negotiated with the Authority, which may require the operator to obtain a supplementary production authorization to cover additional production.
- (b) Applications for such supplementary production authorizations shall be considered by the Authority only after all pending applications by operators who have not yet received production authorizations have been acted upon and due account has been taken of other likely applicants. The Authority shall be guided by the principle of not exceeding the total production allowed under the production ceiling in any year of the interim period. It shall not authorize the production under any plan of work of a quantity in excess of 46,500 metric tonnes of nickel per year.
7. The levels of production of other metals such as copper, cobalt and manganese extracted from the polymetallic nodules that are recovered pursuant to a production authorization should not be higher than those which would have been produced had the operator produced the maximum level of nickel from those nodules pursuant to this article. The Authority shall establish rules, regulations and procedures pursuant to Annex III, article 17, to implement this paragraph.
8. Rights and obligations relating to unfair economic practices under relevant multilateral trade agreements shall apply to the exploration for and exploitation of minerals from the Area. In the settlement of disputes arising under this provision, States Parties which are Parties to such multilateral trade agreements shall have recourse to the dispute settlement procedures of such agreements.
9. The Authority shall have the power to limit the level of production
- (ii) 如原趨勢線年增長率少於百分之三，則用來確定(a)項所指數量的趨勢線應為穿過原趨勢線上該十五年期間第一年的數值而年增長率為百分之三的趨勢線；但過渡期間內任何一年規定的生產最高限額無論如何不得超出該年原趨勢線數值同過渡期間開始前一年的原趨勢線數值之差。
5. 管理局應在依據第4項計算得來的生產最高限額中，保留給企業為數38,000公噸的鎳，以供其從事最初生產。
- 6.
- (a) 經營者於任何一年內可生產少於其生產許可內所指明之從多金屬結核生產的礦物的年產數量，或最多較此數量高百分之八，但其總產量應不超出許可內所指明的數量。任何一年內在百分之八以上百分之二十以下的超產，或連續兩年超產後的第一年以及隨後各年的超產，應同管理局進行協商；管理局可要求經營者就增加的產量取得一項補充的生產許可。
- (b) 管理局對於該補充生產許可之申請，只有在處理尚未獲得生產許可的經營者所已提出之一切申請，並已適當考慮到其他可能申請者之後，才應加以審議。管理局應以不超過過渡期間任何一年內生產最高限額所容許的總產量為指導原則。其不應核准在任何工作計畫下超過46,500公噸的鎳年產量。
7. 依據第1項生產許可從回收的多金屬結核所提煉的銅、鈷及錳等其他金屬產量，不應高於經營者依據本條規定從這些結核生產最高產量的鎳時所能生產的數量。管理局應依據附件三第17條制定規則、規章及程序以實施本項規定。
8. 依據有關多邊貿易協定關於不公平經濟措施的權利及義務，應適用於“區域”所產礦物的勘探及開發。在解決因本項規定而產生的爭端時，作為這種多邊貿易協定各方的締約國應可利用這種協定的解決爭端程序。
9. 管理局應有權依照第161條第8項制

of minerals from the Area, other than minerals from polymetallic nodules, under such conditions and applying such methods as may be appropriate by adopting regulations in accordance with article 161, paragraph 8.

10. Upon the recommendation of the Council on the basis of advice from the Economic Planning Commission, the Assembly shall establish a system of compensation or take other measures of economic adjustment assistance including cooperation with specialized agencies and other international organizations to assist developing countries which suffer serious adverse effects on their export earnings or economies resulting from a reduction in the price of an affected mineral or in the volume of exports of that mineral, to the extent that such reduction is caused by activities in the Area. The Authority on request shall initiate studies on the problems of those States which are likely to be most seriously affected with a view to minimizing their difficulties and assisting them in their economic adjustment.

Article 152 Exercise of powers and functions by the Authority

1. The Authority shall avoid discrimination in the exercise of its powers and functions, including the granting of opportunities for activities in the Area.
2. Nevertheless, special consideration for developing States, including particular consideration for the land-locked and geographically disadvantaged among them, specifically provided for in this Part shall be permitted.

Article 153 System of exploration and exploitation

1. Activities in the Area shall be organized, carried out and controlled by the Authority on behalf of mankind as a whole in accordance with this article as well as other relevant provisions of this Part and the relevant Annexes, and the rules, regulations and procedures of the Authority.
2. Activities in the Area shall be carried out as prescribed in paragraph 3:
 - (a) by the Enterprise, and
 - (b) in association with the Authority by States Parties, or state enterprises or natural or juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals, when sponsored by such States, or any group of the foregoing which meets the requirements provided in this Part and in Annex III.
3. Activities in the Area shall be carried out in accordance with a formal written plan of work drawn up in accordance with Annex III and approved by the Council after review by the Legal and Technical Commission. In the case of activities in the Area carried out as authorized by the Authority by the entities specified in paragraph 2(b), the plan of work shall, in accordance with Annex III, article 3, be in the form of a contract. Such contracts may

定規章，在適當的條件下，使用適當的方法限制“區域”所產而非產多金屬結核的礦物之產量。

10. 大會應依理事會依據經濟規劃委員會意見提出的建議，建立一種補償制度，或其他經濟調整援助措施，包括同各專門機構及其他國際組織進行合作，以協助其出口收益或經濟因某一受影響礦物的價格或該礦物的出口量降低而遭受嚴重不良影響的發展中國家，然以此種降低是由於“區域”內活動造成的為限。管理局經請求應對可能受到最嚴重影響國家之問題發動研究，以期儘量減輕其困難，並協助它們從事經濟調整。

第152條 管理局權力及職務行使

1. 管理局在行使其權力及職務，包括給予進行“區域”內活動之機會時，應避免歧視。
2. 然本部分具體規定的為發展中國家所作的特別考慮，包括為其中的內陸國及地理不利國所作的特別考慮應予准許。

第153條 勘探及開發制度

1. “區域”內活動應由管理局代表全人類，依照本條及本部分及有關附件之其他有關規定，及管理局的規則、規章及程序，予以安排、進行及控制。
2. “區域”內活動應依第3項的規定：
 - (a) 由企業進行，及
 - (b) 由締約國或國營企業、或在締約國擔保下的具有締約國國籍或由該國家或其國民有效控制之自然人或法人、或符合本部分及附件三規定之條件之上述各方的任何組合，與管理局以協作方式進行。
3. “區域”內活動應依照一項依據附件三所擬訂並經理事會於法律及技術委員會審議後核准的正式書面工作計畫進行。在第2項(b)款所述實體依照管理局許可進行“區域”內活動的情形下，該工作計畫應依照附件三第3條採取契約形式。該契約可依照附件

provide for joint arrangements in accordance with Annex III, article 11.

4. The Authority shall exercise such control over activities in the Area as is necessary for the purpose of securing compliance with the relevant provisions of this Part and the Annexes relating thereto, and the rules, regulations and procedures of the Authority, and the plans of work approved in accordance with paragraph 3. States Parties shall assist the Authority by taking all measures necessary to ensure such compliance in accordance with article 139.
5. The Authority shall have the right to take at any time any measures provided for under this Part to ensure compliance with its provisions and the exercise of the functions of control and regulation assigned to it thereunder or under any contract. The Authority shall have the right to inspect all installations in the Area used in connection with activities in the Area.
6. A contract under paragraph 3 shall provide for security of tenure. Accordingly, the contract shall not be revised, suspended or terminated except in accordance with Annex III, articles 18 and 19.

Article 154 Periodic review

Every five years from the entry into force of this Convention, the Assembly shall undertake a general and systematic review of the manner in which the international regime of the Area established in this Convention has operated in practice. In the light of this review the Assembly may take, or recommend that other organs take, measures in accordance with the provisions and procedures of this Part and the Annexes relating thereto which will lead to the improvement of the operation of the regime.

Article 155 The Review Conference

1. Fifteen years from 1 January of the year in which the earliest commercial production commences under an approved plan of work, the Assembly shall convene a conference for the review of those provisions of this Part and the relevant Annexes which govern the system of exploration and exploitation of the resources of the Area. The Review Conference shall consider in detail, in the light of the experience acquired during that period:
 - (a) whether the provisions of this Part which govern the system of exploration and exploitation of the resources of the Area have achieved their aims in all respects, including whether they have benefited mankind as a whole ;
 - (b) whether, during the 15-year period, reserved areas have been exploited in an effective and balanced manner in comparison with non-reserved areas ;
 - (c) whether the development and use of the Area and its resources have been undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade ;

三第11條為聯合安排。

4. 管理局為確保本部分及與其有關附件之有關規定，及管理局之規則、規章及程序及依照第3項核准之工作計畫得到遵守之目的，應對“區域”內活動行使必要的控制。締約國應依照第139條採取一切必要措施，協助管理局確保該規定獲得遵守。
5. 管理局應有權隨時採取本部分所規定的任何措施，以確保本部分條項得到遵守及根據本部分或任何契約所指定給其之控制及管理職務的執行。管理局應有權檢查與“區域”內活動有關而在“區域”內使用的一切設施。
6. 第3項所述契約應規定期限內持續有效的保證。因此，除依照附件三第18及第19條規定，不得修改、暫停或終止契約。

第154條 定期審查

從本公約生效時起，大會每5年應對本公約設立的“區域”的國際制度的實際實施情況，進行1次全面及系統的審查。參照上述審查，大會可依照本部分及與其有關的附件的規定及程序採取措施，或建議其他機構採取措施，以導致對制度實施情況的改進。

第155條 審查會議

1. 自根據核准工作計畫最早商業生產開始進行的那年1月1日起15年後，大會應召開會議，審查本部分及有關附件支配勘探及開發“區域”資源制度之各項規定。審查會議應參照這時期取得的經驗，詳細審查：
 - (a) 本部分及有關附件支配勘探及開發“區域”資源制度各項規定是否已達成其各方面的目標，包括是否已使全人類得到利益；
 - (b) 在15年期間，同非保留區域相比，保留區域是否已以有效而平衡的方式開發；
 - (c) 開發及使用“區域”及其資源的方式，是否有助於世界經濟的健全發展及國際貿易均衡增長；

- (d) whether monopolization of activities in the Area has been prevented ;
- (e) whether the policies set forth in articles 150 and 151 have been fulfilled ; and
- (f) whether the system has resulted in the equitable sharing of benefits derived from activities in the Area, taking into particular consideration the interests and needs of the developing States.
2. The Review Conference shall ensure the maintenance of the principle of the common heritage of mankind, the international regime designed to ensure equitable exploitation of the resources of the Area for the benefit of all countries, especially the developing States, and an Authority to organize, conduct and control activities in the Area. It shall also ensure the maintenance of the principles laid down in this Part with regard to the exclusion of claims or exercise of sovereignty over any part of the Area, the rights of States and their general conduct in relation to the Area, and their participation in activities in the Area in conformity with this Convention, the prevention of monopolization of activities in the Area, the use of the Area exclusively for peaceful purposes, economic aspects of activities in the Area, marine scientific research, transfer of technology, protection of the marine environment, protection of human life, rights of coastal States, the legal status of the waters superjacent to the Area and that of the air space above those waters and accommodation between activities in the Area and other activities in the marine environment.
3. The decision-making procedure applicable at the Review Conference shall be the same as that applicable at the Third United Nations Conference on the Law of the Sea. The Conference shall make every effort to reach agreement on any amendments by way of consensus and there should be no voting on such matters until all efforts at achieving consensus have been exhausted.
4. If, five years after its commencement, the Review Conference has not reached agreement on the system of exploration and exploitation of the resources of the Area, it may decide during the ensuing 12 months, by a three-fourths majority of the States Parties, to adopt and submit to the States Parties for ratification or accession such amendments changing or modifying the system as it determines necessary and appropriate. Such amendments shall enter into force for all States Parties 12 months after the deposit of instruments of ratification or accession by three fourths of the States Parties.
5. Amendments adopted by the Review Conference pursuant to this article shall not affect rights acquired under existing contracts.
- (d) 是否防止對“區域”內活動壟斷；
- (e) 第150及第151條所載各項政策是否得到實行；及
- (f) 制度是否使“區域”內活動產生的利益得到公平的分享，特別考慮到發展中國家的利益及需要。
2. 審查會議應確保繼續維持人類共同繼承財產的原則，為確保公平開發“區域”資源使所有國家尤其是發展中國家都得到利益而制定的國際制度，以及安排、進行及控制“區域”活動的管理局。會議還應確保繼續維持本部分規定關於下列各方面的各項原則：排除對“區域”任何部分主張或行使主權，各國權利及其對於“區域”之一般行為，及各國依照本公約參與勘探及開發“區域”資源，防止對“區域”內活動的壟斷，專為和平目的利用“區域”、“區域”內活動的經濟方面，海洋科學研究，技術移轉，保護海洋環境，保護人命，沿海國的權利，“區域”的上覆水域及其上空的法律地位，以及關於“區域”內活動及海洋環境中其他活動之間的相互適應。
3. 審查會議適用的作出決定的程序應與第三次聯合國海洋法會議所適用的程序相同。會議應作出各種努力就任何修正案以協商一致方式達成協定，且除非已盡最大努力以求達成協商一致，不應就該事項進行表決。
4. 審查會議開始舉行5年後，如未能就關於勘探及開發“區域”資源的制度達成協定，則會議可在其後12個月以內，以締約國四分之三多數作出決定，就改變或修改制度制定其認為必要及適當的修正案，提交各締約國批准或加入。此種修正案應於三分之二締約國交存批准書或加入書後12個月對所有締約國生效。
5. 審查會議依據本條通過的修正案應不影響依照現有契約取得的權利。

SECTION 4. THE AUTHORITY

SUBSECTION A. GENERAL PROVISIONS

Article 156 Establishment of the Authority

1. There is hereby established the International Seabed Authority, which shall function in accordance with this Part.

第4節 管理局

A分節 一般規定

第156條 設立管理局

1. 茲設立國際海底管理局，依照本部分執行職務。

2. All States Parties are *ipso facto* members of the Authority.
3. Observers at the Third United Nations Conference on the Law of the Sea who have signed the Final Act and who are not referred to in article 305, paragraph 1(c), (d), (e) or (f), shall have the right to participate in the Authority as observers, in accordance with its rules, regulations and procedures.
4. The seat of the Authority shall be in Jamaica.
5. The Authority may establish such regional centres or offices as it deems necessary for the exercise of its functions.

2. 所有締約國都是管理局之當然成員。
3. 已簽署最後文書然在第305條第1項(c)、(d)、(e)或(f)款未予提及之第三次聯合國海洋法會議中的觀察員，應有權依照管理局規則、規章及程序以觀察員資格參加管理局。
4. 管理局所在地應在牙買加。
5. 管理局可設立其認為在執行職務上必要的區域中心或辦事處。

Article 157 Nature and fundamental principles of the Authority

第157條 管理局性質及基本原則

1. The Authority is the organization through which States Parties shall, in accordance with this Part, organize and control activities in the Area, particularly with a view to administering the resources of the Area.
2. The powers and functions of the Authority shall be those expressly conferred upon it by this Convention. The Authority shall have such incidental powers, consistent with this Convention, as are implicit in and necessary for the exercise of those powers and functions with respect to activities in the Area.
3. The Authority is based on the principle of the sovereign equality of all its members.
4. All members of the Authority shall fulfil in good faith the obligations assumed by them in accordance with this Part in order to ensure to all of them the rights and benefits resulting from membership.

1. 管理局係締約國依照本部分組織及控制“區域”內活動，特別是管理“區域”資源之組織。
2. 管理局應具有本公約明示授予之權力及職務。管理局應有為行使“關於區域”內活動的權力及職務所包含及必要並符合本公約各項附帶之權力。
3. 管理局以所有成員主權平等原則為基礎。
4. 管理局所有成員應誠意履行依照本部分承擔之義務，以確保其全體作為成員享有之權利及利益。

Article 158 Organs of the Authority

第158條 管理局機關

1. There are hereby established, as the principal organs of the Authority, an Assembly, a Council and a Secretariat.
2. There is hereby established the Enterprise, the organ through which the Authority shall carry out the functions referred to in article 170, paragraph 1.
3. Such subsidiary organs as may be found necessary may be established in accordance with this Part.
4. Each principal organ of the Authority and the Enterprise shall be responsible for exercising those powers and functions which are conferred upon it. In exercising such powers and functions each organ shall avoid taking any action which may derogate from or impede the exercise of specific powers and functions conferred upon another organ.

1. 茲設立大會、理事會及秘書處作為管理局主要機關。
2. 茲設立企業、管理局應通過這個機關執行第170條第1項所指職務。
3. 經認為必要附屬機關可依照本部分設立。
4. 管理局各主要機關及企業應負責行使對其授予的權力及職務。每一機關行使這種權力及職務時，應避免採取可能對授予另一機關的特定權力及職務的行使有所減損或阻礙的任何行動。

SUBSECTION B. THE ASSEMBLY

B分節 大會

Article 159 Composition, procedure and voting

第159條 組成、程序及表決

1. The Assembly shall consist of all the members of the Authority. Each member shall have one representative in the Assembly, who

1. 大會應由管理局的全體成員組成。每一成員應有一名代表出席大會，並可

- may be accompanied by alternates and advisers.
2. The Assembly shall meet in regular annual sessions and in such special sessions as may be decided by the Assembly, or convened by the Secretary-General at the request of the Council or of a majority of the members of the Authority.
 3. Sessions shall take place at the seat of the Authority unless otherwise decided by the Assembly.
 4. The Assembly shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next regular session.
 5. A majority of the members of the Assembly shall constitute a quorum.
 6. Each member of the Assembly shall have one vote.
 7. Decisions on questions of procedure, including decisions to convene special sessions of the Assembly, shall be taken by a majority of the members present and voting.
 8. Decisions on questions of substance shall be taken by a two-thirds majority of the members present and voting, provided that such majority includes a majority of the members participating in the session. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Assembly by the majority required for decisions on questions of substance.
 9. When a question of substance comes up for voting for the first time, the President may, and shall, if requested by at least one fifth of the members of the Assembly, defer the issue of taking a vote on that question for a period not exceeding five calendar days. This rule may be applied only once to any question, and shall not be applied so as to defer the question beyond the end of the session.
 10. Upon a written request addressed to the President and sponsored by at least one fourth of the members of the Authority for an advisory opinion on the conformity with this Convention of a proposal before the Assembly on any matter, the Assembly shall request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to give an advisory opinion thereon and shall defer voting on that proposal pending receipt of the advisory opinion by the Chamber. If the advisory opinion is not received before the final week of the session in which it is requested, the Assembly shall decide when it will meet to vote upon the deferred proposal.

Article 160 Powers and functions

1. The Assembly, as the sole organ of the Authority consisting of all the members, shall be considered the supreme organ of the Authority to which the other principal organs shall be accountable as specifically provided for in this Convention. The Assembly shall have the power to establish general policies in conformity with the relevant provisions of this Convention on any question or matter within the competence of the Authority.
2. In addition, the powers and functions of the Assembly shall be:

- 由副代表及顧問隨同出席。
2. 大會應召開年度常會，經大會決定，或由秘書長應理事會的要求或管理局過半數成員要求，可召開特別會議。
 3. 除大會另有決定外，各屆會議應在管理局的所在地舉行。
 4. 大會應制定其議事規則。大會應在每屆常會開始時選出其主席及其他必要之高級職員。其任期至下屆常會選出新主席及其他高級職員為止。
 5. 大會過半數成員構成法定人數。
 6. 大會每一成員應有一票表決權。
 7. 關於程序問題之決定，包括召開大會特別會議之決定，應由出席並參加表決的成員過半數作出。
 8. 關於實質問題之決定，應以出席並參加表決的成員三分之二多數作出。但該多數應包括參加該會議的過半數成員。對某一問題是否為實質問題發生爭論時，該問題應作為實質問題處理，然大會以關於實質問題的決定所需多數另作決定者除外。
 9. 將一實質問題第一次付諸表決時，主席可將就該問題進行表決的問題推遲一段時間，如經大會至少五分之一成員提出要求，則應將表決推遲，但推遲時間不得超過五曆日。此項規則對任一問題只可適用一次，且不應用來將問題推遲至會議結束以後。
 10. 對於大會審議中關於任何事項之提案是否符合本公約問題，於管理局至少四分之一成員以書面要求主席徵求諮詢意見時，大會應請國際海洋法法庭海底爭端分庭就該提案提出諮詢意見，並應在收到分庭的諮詢意見前，推遲對該提案的表決。如於提出要求之該會議最後一星期以前尚未收到諮詢意見，大會應決定何時開會對已推遲的提案進行表決。

第160條 權力及職務

1. 大會為管理局唯一由其所有成員組成之機關，視為管理局最高機關，其他各主要機關均應依照本公約具體規定向大會負責。大會應有權依照本公約各項有關規定，就管理局許可權範圍內之任何問題或事項制訂一般性政策。
2. 此外，大會的權力及職務應為：

- (a) to elect the members of the Council in accordance with article 161 ;
 - (b) to elect the Secretary-General from among the candidates proposed by the Council ;
 - (c) to elect, upon the recommendation of the Council, the members of the Governing Board of the Enterprise and the Director-General of the Enterprise ;
 - (d) to establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Part. In the composition of these subsidiary organs due account shall be taken of the principle of equitable geographical distribution and of special interests and the need for members qualified and competent in the relevant technical questions dealt with by such organs ;
 - (e) to assess the contributions of members to the administrative budget of the Authority in accordance with an agreed scale of assessment based upon the scale used for the regular budget of the United Nations until the Authority shall have sufficient income from other sources to meet its administrative expenses ;
 - (f)
 - (i) to consider and approve, upon the recommendation of the Council, the rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area and the payments and contributions made pursuant to article 82, taking into particular consideration the interests and needs of developing States and peoples who have not attained full independence or other self-governing status. If the Assembly does not approve the recommendations of the Council, the Assembly shall return them to the Council for reconsideration in the light of the views expressed by the Assembly ;
 - (ii) to consider and approve the rules, regulations and procedures of the Authority, and any amendments thereto, provisionally adopted by the Council pursuant to article 162, paragraph 2 (o)(ii). These rules, regulations and procedures shall relate to prospecting, exploration and exploitation in the Area, the financial management and internal administration of the Authority, and, upon the recommendation of the Governing Board of the Enterprise, to the transfer of funds from the Enterprise to the Authority ;
 - (g) to decide upon the equitable sharing of financial and other economic benefits derived from activities in the Area, consistent with this Convention and the rules, regulations and procedures of the Authority ;
 - (h) to consider and approve the proposed annual budget of the Authority submitted by the Council ;
 - (i) to examine periodic reports from the Council and from the Enterprise and special reports requested from the Council or any other organ of the Authority ;
 - (j) to initiate studies and make recommendations for the purpose of promoting international cooperation concerning activities in
- (a) 依第161條規定，選舉理事會成員；
 - (b) 從理事會提出候選人中，選舉秘書長；
 - (c) 依據理事會推薦，選舉企業董事會董事及企業總幹事；
 - (d) 設立為依照本部分執行其職務認為有必要之附屬機關。該機關之組成，應適當考慮到公平地區分配原則及特別利益，以及其成員必須對這種機關所處理的有關技術問題具備資格及才能；
 - (e) 管理局未能從其他來源得到足夠收入應付其行政開支以前，依照以聯合國經常預算所用比額表為基礎議定的會費分攤比額表，決定各成員國對管理局的行政預算應繳之會費；
 - (f)
 - (i) 根據理事會建議，審議及核准關於公平分享從“區域”內活動取得的財政及其他經濟利益及依據第82條所繳費用及實物之規則、規章及程序，特別考慮到發展中國家及尚未取得完全獨立或其他自治地位的人民的利益及需要。如大會對理事會的建議不予核准，大會應將該建議送回理事會，以便參照大會表示的意見重新加以審議；
 - (ii) 審議及核准理事會依據第162條第2項(o)款(ii)目暫時制定的管理局的規則、規章及程序及其修正案。該規則、規章及程序應涉及“區域”內的探礦、勘探及開發，管理局的財務管理及內部行政以及根據企業董事會的建議由企業向管理局轉移資金；
 - (g) 於符合本公約規定及管理局規則、規章及程序之情形下，決定公平分配從“區域”內活動取得的財政及其他經濟利益；
 - (h) 審議及核准理事會提出之管理局年度概算；
 - (i) 審查理事會及企業定期報告及要求理事會或管理局任何其他機關提出之特別報告；
 - (j) 為促進有關“區域”內活動的國際合作及鼓勵與此有關的國際法之

the Area and encouraging the progressive development of international law relating thereto and its codification ;

- (k) to consider problems of a general nature in connection with activities in the Area arising in particular for developing States, as well as those problems for States in connection with activities in the Area that are due to their geographical location, particularly for land-locked and geographically disadvantaged States ;
- (l) to establish, upon the recommendation of the Council, on the basis of advice from the Economic Planning Commission, a system of compensation or other measures of economic adjustment assistance as provided in article 151, paragraph 10 ;
- (m) to suspend the exercise of rights and privileges of membership pursuant to article 185 ;
- (n) to discuss any question or matter within the competence of the Authority and to decide as to which organ of the Authority shall deal with any such question or matter not specifically entrusted to a particular organ, consistent with the distribution of powers and functions among the organs of the Authority.

SUBSECTION C. THE COUNCIL

Article 161 Composition, procedure and voting

1. The Council shall consist of 36 members of the Authority elected by the Assembly in the following order:
 - (a) four members from among those States Parties which, during the last five years for which statistics are available, have either consumed more than 2 per cent of total world consumption or have had net imports of more than 2 per cent of total world imports of the commodities produced from the categories of minerals to be derived from the Area, and in any case one State from the Eastern European (Socialist) region, as well as the largest consumer ;
 - (b) four members from among the eight States Parties which have the largest investments in preparation for and in the conduct of activities in the Area, either directly or through their nationals, including at least one State from the Eastern European (Socialist) region ;
 - (c) four members from among States Parties which on the basis of production in areas under their jurisdiction are major net exporters of the categories of minerals to be derived from the Area, including at least two developing States whose exports of such minerals have a substantial bearing upon their economies ;
 - (d) six members from among developing States Parties, representing special interests. The special interests to be represented shall include those of States with large populations, States which are land-locked or geographically disadvantaged, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers of such minerals, and least developed States ;

逐漸發展及其編纂的目的，發動研究及提出建議；

- (k) 審議關於“區域”內活動的一般性問題，特別是對發展中國家產生的問題，以及關於“區域”內活動對某些國家，特別是內陸國及地理不利國，因其地理位置而造成的那些問題；
- (l) 經理事會依照經濟規劃委員會的意見提出建議，依第151條第10項規定，建立補償制度或採取其他經濟調整援助措施；
- (m) 依據第185條暫停成員的權利及特權之行使；
- (n) 討論管理局許可權範圍內的任何問題或事項，並於符合管理局各個機關權力及職務的分配情形下，決定由管理局那一機關來處理本公約條項未規定由其某一機關處理的任何這種問題或事項。

C分節 理事會

第161條 組成、程序及表決

1. 理事會應由大會依照下列次序選出的36個管理局成員組成：
 - (a) 4個成員來自在有統計資料的最近5年中，對於可從“區域”取得的各類礦物所產的商品，其消費量超過世界總消費量百分之2，或其淨進口量超過世界總進口量百分之2之締約國，無論如何應有一個國家屬於東歐(社會主義)區域，及最大的消費國；
 - (b) 4個成員來自直接地或通過其國民對“區域”內活動的準備及進行作出最大投資之8個締約國，其中至少應有一個國家屬於東歐(社會主義)區域；
 - (c) 4個成員來自締約國中因在其管轄區域內的生產而為可從“區域”取得的各類礦物的主要淨出口國，其中至少應有兩個是出口這種礦物對其經濟有重大關係的發展中國家；
 - (d) 6個成員來自發展中國家締約國，代表特別利益。所代表的特別利益應包括人口眾多的國家、內陸國或地理不利國、可從“區域”取得的種類礦物的主要進口國、這些礦物的潛在的生產國以及最不發達國家的利益；

- (e) eighteen members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole, provided that each geographical region shall have at least one member elected under this subparagraph. For this purpose, the geographical regions shall be Africa, Asia, Eastern European (Socialist), Latin America and Western European and Others.
2. In electing the members of the Council in accordance with paragraph 1, the Assembly shall ensure that:
- land-locked and geographically disadvantaged States are represented to a degree which is reasonably proportionate to their representation in the Assembly ;
 - coastal States, especially developing States, which do not qualify under paragraph 1(a), (b), (c) or (d) are represented to a degree which is reasonably proportionate to their representation in the Assembly ;
 - each group of States Parties to be represented on the Council is represented by those members, if any, which are nominated by that group.
3. Elections shall take place at regular sessions of the Assembly. Each member of the Council shall be elected for four years. At the first election, however, the term of one half of the members of each group referred to in paragraph 1 shall be two years.
4. Members of the Council shall be eligible for re-election, but due regard should be paid to the desirability of rotation of membership.
5. The Council shall function at the seat of the Authority, and shall meet as often as the business of the Authority may require, but not less than three times a year.
6. A majority of the members of the Council shall constitute a quorum.
7. Each member of the Council shall have one vote.
- 8.
- Decisions on questions of procedure shall be taken by a majority of the members present and voting.
 - Decisions on questions of substance arising under the following provisions shall be taken by a two-thirds majority of the members present and voting, provided that such majority includes a majority of the members of the Council: article 162, paragraph 2, subparagraphs (f) ; (g) ; (h) ; (i) ; (n) ; (p) ; (v) ; article 191.
 - Decisions on questions of substance arising under the following provisions shall be taken by a three-fourths majority of the members present and voting, provided that such majority includes a majority of the members of the Council: article 162, paragraph 1 ; article 162, paragraph 2, subparagraphs (a) ; (b) ; (c) ; (d) ; (l) ; (q) ; (r) ; (s) ; (t) ; (u) in cases of non-compliance by a contractor or a sponsor ; (w) provided that orders issued thereunder may be binding for not more than 30 days unless confirmed by a decision taken in accordance with subparagraph (d) ; article 162, paragraph 2, subparagraphs (x) ; (y) ; (z) ; article 163, paragraph 2 ; article 174, paragraph 3 ; Annex IV, article 11.
- (e) 18個成員依照確保理事會的席位作為一個整體予以公平地區分配的原則選出，但每一地理區域至少應有根據本項規定選出的1名成員。為此目的，地理區域應為非洲、亞洲、東歐(社會主義)、拉丁美洲及西歐及其他國家。
2. 依照第1項選舉理事會成員時，大會應確保：
- 內陸國及地理不利國有及其在大會內的代表權成合理比例的代表；
 - 不具備第1項(a)、(b)、(c)或(d)款所列條件的沿海國，特別是發展中國家有及其在大會內的代表權成合理比例的代表；
 - 在理事會內應有代表之任一締約國集團，其代表應由該集團提名的任何成員擔任。
3. 選舉應在大會的常會上舉行。理事會每一成員任期4年。然在第一次選舉時，第1項所指每一集團的一半成員的任期應為兩年。
4. 理事會成員連選可連任；但應妥為顧及理事會成員輪流的相宜性。
5. 理事會應在管理局所在地執行職務，並應視管理局業務需要隨時召開會議，但每年不得少於3次。
6. 理事會過半數成員構成法定人數。
7. 理事會每一成員應有一票表決權。
- 8.
- 關於程序問題的決定應以出席並參加表決的過半數成員作出。
 - 關於在下列條款下產生之實質問題之決定，應以出席並參加表決的成員的三分之二多數作出，但該多數應包括理事會的過半數成員：第162條第2項(f)款，(g)款，(h)款，(i)款，(n)款，(p)款及(v)款；第191條。
 - 關於在下列條款下產生之實質問題之決定，應以出席並參加表決的成員的四分之三多數作出，然該多數應包括理事會的過半數成員：第162條第1項；第162條第2項(a)款；(b)款；(c)款；(d)款；(e)款；(l)款；(q)款；(r)款；(s)款；(t)款；於承攬人或擔保者不遵守規定的情形下(u)款；(w)款，然根據本項發佈的命令之有效期間不得超過30天，除非以依照(d)款作出的決定加以確認；(x)款；(y)款；(z)款；第163條第2項；第174條第3項；附件四第11條。

- (d) Decisions on questions of substance arising under the following provisions shall be taken by consensus: article 162, paragraph 2(m) and (o); adoption of amendments to Part XI.
- (e) For the purposes of subparagraphs (d), (f) and (g), "consensus" means the absence of any formal objection. Within 14 days of the submission of a proposal to the Council, the President of the Council shall determine whether there would be a formal objection to the adoption of the proposal. If the President determines that there would be such an objection, the President shall establish and convene, within three days following such determination, a conciliation committee consisting of not more than nine members of the Council, with the President as chairman, for the purpose of reconciling the differences and producing a proposal which can be adopted by consensus. The committee shall work expeditiously and report to the Council within 14 days following its establishment. If the committee is unable to recommend a proposal which can be adopted by consensus, it shall set out in its report the grounds on which the proposal is being opposed.
- (f) Decisions on questions not listed above which the Council is authorized to take by the rules, regulations and procedures of the Authority or otherwise shall be taken pursuant to the subparagraphs of this paragraph specified in the rules, regulations and procedures or, if not specified therein, then pursuant to the subparagraph determined by the Council if possible in advance, by consensus.
- (g) When the issue arises as to whether a question is within subparagraph (a), (b), (c) or (d), the question shall be treated as being within the subparagraph requiring the higher or highest majority or consensus as the case may be, unless otherwise decided by the Council by the said majority or by consensus.
9. The Council shall establish a procedure whereby a member of the Authority not represented on the Council may send a representative to attend a meeting of the Council when a request is made by such member, or a matter particularly affecting it is under consideration. Such a representative shall be entitled to participate in the deliberations but not to vote.
- (d) 關於下列條款下產生之實質問題之決定應以協商一致方式作出：第162條第2項(m)款及(o)款；對第十一部分的修正案的通過。
- (e) 為(d)款、(f)款及(g)款目的，“協商一致”係指無任何正式反對意見。在一項提案向理事會提出後14天內，理事會主席應確定對該提案的通過是否會有正式的反對意見。如主席確定會有該反對意見，則主席應於作出該確定後3天內成立並召集一其成員不超過9人之調解委員會，由他本人擔任主席，以調解分歧並提出能夠以協商一致方式通過提案。委員會應迅速進行工作，並於14天內向理事會提出報告。如委員會無法提出能以協商一致方式通過提案，其應於其報告中說明反對該提案所根據之理由。
- (f) 就以上未予列出的問題，經理事會獲得管理局規則、規章及程序或其他規定授權作出之決定，應依據規則、規章及程序所指明之本項各款予以作出，如其中未予指明，則依據理事會以協商一致方式於可能時提前確定予以作出。
- (g) 遇有某一問題究應屬於(a)款、(b)款、(c)款或(d)款之問題，應根據情況將該問題作為在需要較大或最大多數或協商一致的該項內的問題加以處理，然理事會以上述多數或協商一致另有決定者除外。
9. 理事會應制訂一程序，使在理事會內未有代表的管理局成員可在該成員提出要求時或在審議與該成員特別有關的事項時，派出代表參加其會議，該代表應有權參加討論，但無表決權。

Article 162 Powers and functions

- The Council is the executive organ of the Authority. The Council shall have the power to establish, in conformity with this Convention and the general policies established by the Assembly, the specific policies to be pursued by the Authority on any question or matter within the competence of the Authority.
- In addition, the Council shall:
 - supervise and coordinate the implementation of the provisions of this Part on all questions and matters within the competence of the Authority and invite the attention of

第162條 權力及職務

- 理事會為管理局之執行機關。理事會應有權依本公約及大會所制訂之一般政策，制訂管理局對於其許可權範圍以內的任何問題或事項所應遵循的具體政策。
- 此外，理事會應：
 - 就管理局職權範圍內所有問題及事項監督及協調本部分規定之實施，並提請大會注意不遵守規定

- the Assembly to cases of non-compliance ;
- (b) propose to the Assembly a list of candidates for the election of the Secretary-General ;
 - (c) recommend to the Assembly candidates for the election of the members of the Governing Board of the Enterprise and the Director-General of the Enterprise ;
 - (d) establish, as appropriate, and with due regard to economy and efficiency, such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Part. In the composition of subsidiary organs, emphasis shall be placed on the need for members qualified and competent in relevant technical matters dealt with by those organs provided that due account shall be taken of the principle of equitable geographical distribution and of special interests ;
 - (e) adopt its rules of procedure including the method of selecting its president ;
 - (f) enter into agreements with the United Nations or other international organizations on behalf of the Authority and within its competence, subject to approval by the Assembly ;
 - (g) consider the reports of the Enterprise and transmit them to the Assembly with its recommendations ;
 - (h) present to the Assembly annual reports and such special reports as the Assembly may request ;
 - (i) issue directives to the Enterprise in accordance with article 170 ;
 - (j) approve plans of work in accordance with Annex III, article 6. The Council shall act upon each plan of work within 60 days of its submission by the Legal and Technical Commission at a session of the Council in accordance with the following procedures:
 - (i) if the Commission recommends the approval of a plan of work, it shall be deemed to have been approved by the Council if no member of the Council submits in writing to the President within 14 days a specific objection alleging non-compliance with the requirements of Annex III, article 6. If there is an objection, the conciliation procedure set forth in article 161, paragraph 8(e), shall apply. If, at the end of the conciliation procedure, the objection is still maintained, the plan of work shall be deemed to have been approved by the Council unless the Council disapproves it by consensus among its members excluding any State or States making the application or sponsoring the applicant ;
 - (ii) if the Commission recommends the disapproval of a plan of work or does not make a recommendation, the Council may approve the plan of work by a three-fourths majority of the members present and voting, provided that such majority includes a majority of the members participating in the session ;
- 之情形；
- (b) 向大會提出選舉秘書長之候選人名單；
 - (c) 向大會推薦企業董事會的董事及企業總幹事之候選人；
 - (d) 於適當時，並在妥為顧及節約及效率的情形下，設立其認為依照本部分執行其職務所必要附屬機關。附屬機關之組成，應注重其成員必須對該機關所處理的有關技術問題具備資格及才能，但應妥為顧及公平地區分配原則及特別利益；
 - (e) 制定理事會議事規則，包括推選其主席的方法；
 - (f) 代表管理局在其職權範圍內同聯合國或其他國際組織締結協定，但須經大會核准；
 - (g) 審查企業部的報告，並將其轉交大會，同時提交其建議；
 - (h) 向大會提出年度報告及大會要求之特別報告；
 - (i) 依照第170條向企業發出指示；
 - (j) 依照附件三第6條核准工作計畫。理事會應於法律及技術委員會提出每一工作計畫後60天內在理事會的會議上依照下列程序對該工作計畫採取行動：
 - (i) 如委員會建議核准一項工作計畫，在14天內理事會如無任何成員向主席書面提出具體反對意見，指稱不符合附件三第6條的規定，則該工作計畫應視為已獲理事會核准。如有反對意見，即應適用第161條第8項(e)款所載的調解程序。如於調解程序結束時，反對意見依然堅持，則除非理事會中將提出申請或擔保申請者的任何一國或數國排除在外的成員以協商一致方式對工作計畫不予核准，則該工作計畫應視為已獲理事會核准；
 - (ii) 如委員會對某項工作計畫建議不予核准，或未提出建議，理事會可以出席及參加表決的成員的四分之三多數決定核准該工作計畫，但這多數須包括參加該次會議的過半數成員；

- (k) approve plans of work submitted by the Enterprise in accordance with Annex IV, article 12, applying, *mutatis mutandis*, the procedures set forth in subparagraph (j) ;
 - (l) exercise control over activities in the Area in accordance with article 153, paragraph 4, and the rules, regulations and procedures of the Authority ;
 - (m) take, upon the recommendation of the Economic Planning Commission, necessary and appropriate measures in accordance with article 150, subparagraph (h), to provide protection from the adverse economic effects specified therein ;
 - (n) make recommendations to the Assembly, on the basis of advice from the Economic Planning Commission, for a system of compensation or other measures of economic adjustment assistance as provided in article 151, paragraph 10 ;
 - (o)
 - (i) recommend to the Assembly rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area and the payments and contributions made pursuant to article 82, taking into particular consideration the interests and needs of the developing States and peoples who have not attained full independence or other self-governing status ;
 - (ii) adopt and apply provisionally, pending approval by the Assembly, the rules, regulations and procedures of the Authority, and any amendments thereto, taking into account the recommendations of the Legal and Technical Commission or other subordinate organ concerned. These rules, regulations and procedures shall relate to prospecting, exploration and exploitation in the Area and the financial management and internal administration of the Authority. Priority shall be given to the adoption of rules, regulations and procedures for the exploration for and exploitation of polymetallic nodules. Rules, regulations and procedures for the exploration for and exploitation of any resource other than polymetallic nodules shall be adopted within three years from the date of a request to the Authority by any of its members to adopt such rules, regulations and procedures in respect of such resource. All rules, regulations and procedures shall remain in effect on a provisional basis until approved by the Assembly or until amended by the Council in the light of any views expressed by the Assembly ;
 - (p) review the collection of all payments to be made by or to the Authority in connection with operations pursuant to this Part ;
 - (q) make the selection from among applicants for production authorizations pursuant to Annex III, article 7, where such selection is required by that provision ;
 - (r) submit the proposed annual budget of the Authority to the
- (k) 核准企業部依照附件四第12條提出之工作計畫，核准時比照適用(j)款內所列程序；
 - (l) 依照第153條第4項及管理局的規則、規章及程序，對“區域”內活動行使控制；
 - (m) 依據經濟規劃委員會建議，依照第150條(h)款，制定必要及適當的措施，以保護發展中國家使其不致受到該項中指定的不良經濟影響；
 - (n) 依據經濟規劃委員會意見，向大會建議第151條第10項所規定的補償制度或其他經濟調整援助措施；
 - (o)
 - (i) 向大會建議關於公平分享從“區域”內活動取得的財政及其他經濟利益以及依據第82條所繳費用及實物的規則、規章及程序，特別顧及發展中國家及尚未取得完全獨立或其他自治地位的人民的利益及需要；
 - (ii) 經大會核准前，暫時制定並適用管理局的規則、規章及程序及其任何修正案，考慮到法律及技術委員會或其他有關附屬機構的建議。這種規則、規章及程序應涉及“區域”內的探礦、勘探及開發及管理局的財務管理及內部行政。對於制定有關多金屬結核的勘探及開發的規則、規章及程序，應給予優先。有關多金屬結核以外任何資源的勘探及開發的規則、規章及程序，應於管理局任何成員向其要求制訂之日起3年內予以制定。所有規則、規章及程序應於大會核准以前或理事會參照大會表示的任何意見予以修改以前，在暫時性的基礎上生效；
 - (p) 審核在依據本部分進行的業務方面由管理局付出或向其繳付的一切款項的收集工作；
 - (q) 於附件三第7條有此要求的情形下，從生產許可的申請者中作出選擇；
 - (r) 將管理局的年度概算提交大會核

- Assembly for its approval ;
- (s) make recommendations to the Assembly concerning policies on any question or matter within the competence of the Authority ;
 - (t) make recommendations to the Assembly concerning suspension of the exercise of the rights and privileges of membership pursuant to article 185 ;
 - (u) institute proceedings on behalf of the Authority before the Seabed Disputes Chamber in cases of non-compliance ;
 - (v) notify the Assembly upon a decision by the Seabed Disputes Chamber in proceedings instituted under subparagraph (u), and make any recommendations which it may find appropriate with respect to measures to be taken ;
 - (w) issue emergency orders, which may include orders for the suspension or adjustment of operations, to prevent serious harm to the marine environment arising out of activities in the Area ;
 - (x) disapprove areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment ;
 - (y) establish a subsidiary organ for the elaboration of draft financial rules, regulations and procedures relating to:
 - (i) financial management in accordance with articles 171 to 175 ; and
 - (ii) financial arrangements in accordance with Annex III, article 13 and article 17, paragraph 1(c) ;
 - (z) establish appropriate mechanisms for directing and supervising a staff of inspectors who shall inspect activities in the Area to determine whether this Part, the rules, regulations and procedures of the Authority, and the terms and conditions of any contract with the Authority are being complied with.

- 准；
- (s) 就管理局職權範圍內的任何問題或事項的政策，向大會提出建議；
 - (t) 依據第185條，就暫停成員權利及特權的行使向大會提出建議；
 - (u) 於發生不遵守規定的情形下，代表管理局向海底爭端分庭提起司法程序；
 - (v) 經海底爭端分庭在根據(u)款提起的司法程序作出裁判後，將此通知大會，並就其認為應採取的適當措施提出建議；
 - (w) 遇有緊急情況，發佈命令，其中可包括停止或調整作業的命令，以防止“區域”內活動對海洋環境造成嚴重損害；
 - (x) 在有重要證據證明海洋環境有受嚴重損害之虞的情形下，不准由承攬人或企業開發某些區域；
 - (y) 設立一附屬機關來制訂有關下列兩項財政方面的規則、規章及程序草案：
 - (i) 依照第171至第175條之財務管理；
 - (ii) 依照附件三第13條及第17條第1項(c)款的財政安排；
 - (z) 設立適當機構來指導及監督視察工作人員，該視察員負責視察“區域”內活動，以確定本部分的規定、管理局的規則、規章及程序、以及同管理局訂立的任何契約的條款及條件，是否得到遵守。

Article 163 Organs of the Council

1. There are hereby established the following organs of the Council:
 - (a) an Economic Planning Commission ;
 - (b) a Legal and Technical Commission.
2. Each Commission shall be composed of 15 members, elected by the Council from among the candidates nominated by the States Parties. However, if necessary, the Council may decide to increase the size of either Commission having due regard to economy and efficiency.
3. Members of a Commission shall have appropriate qualifications in the area of competence of that Commission. States Parties shall nominate candidates of the highest standards of competence and integrity with qualifications in relevant fields so as to ensure the effective exercise of the functions of the Commissions.
4. In the election of members of the Commissions, due account shall be taken of the need for equitable geographical distribution and the representation of special interests.

第163條 理事會機關

1. 茲設立理事會的機關如下：
 - (a) 經濟規劃委員會；
 - (b) 法律及技術委員會。
2. 每一委員會應由理事會依據締約國提名選出之15名委員組成。但理事會可於必要時在妥為顧及節約及效率的情形下，決定增加任何一個委員會的委員人數。
3. 委員會委員應具備該委員會職務範圍內的適當資格。締約國應提名在有關領域內有資格的具備最高標準的能力及正直的候選人，以便確保委員會有效執行其職務。
4. 於選舉委員會委員時，應妥為顧及席位的公平地區分配及特別利益有其代表的需要。

5. No State Party may nominate more than one candidate for the same Commission. No person shall be elected to serve on more than one Commission.
 6. Members of the Commissions shall hold office for a term of five years. They shall be eligible for re-election for a further term.
 7. In the event of the death, incapacity or resignation of a member of a Commission prior to the expiration of the term of office, the Council shall elect for the remainder of the term, a member from the same geographical region or area of interest.
 8. Members of Commissions shall have no financial interest in any activity relating to exploration and exploitation in the Area. Subject to their responsibilities to the Commissions upon which they serve, they shall not disclose, even after the termination of their functions, any industrial secret, proprietary data which are transferred to the Authority in accordance with Annex III, article 14, or any other confidential information coming to their knowledge by reason of their duties for the Authority.
 9. Each Commission shall exercise its functions in accordance with such guidelines and directives as the Council may adopt.
 10. Each Commission shall formulate and submit to the Council for approval such rules and regulations as may be necessary for the efficient conduct of the Commission's functions.
 11. The decision-making procedures of the Commissions shall be established by the rules, regulations and procedures of the Authority. Recommendations to the Council shall, where necessary, be accompanied by a summary on the divergencies of opinion in the Commission.
 12. Each Commission shall normally function at the seat of the Authority and shall meet as often as is required for the efficient exercise of its functions.
 13. In the exercise of its functions, each Commission may, where appropriate, consult another commission, any competent organ of the United Nations or of its specialized agencies or any international organizations with competence in the subject-matter of such consultation.
5. 任何締約國不得提名一人以上為同一委員會的候選人。任何人不應當選在一個以上委員會任職。
 6. 委員會委員任期5年，連選可連任一次。
 7. 如委員會委員在其任期屆滿之前死亡、喪失能力或辭職，理事會應從同一地理區域或同一利益方面選出一名委員任滿所餘任期。
 8. 委員會委員不應在同“區域”內的勘探及開發有關的任何活動中有財務上的利益。各委員在對其所任職的委員會所負責任限制下，不應洩露工業秘密、依照附件三第14條轉讓給管理局的專有性資料，或因其任職而得悉的任何其他秘密情報，即使在職務終止以後，亦是如此。
 9. 每一委員會應依照理事會所制定的方針及指示執行其職務。
 10. 每一委員會應擬訂為有效執行其職務所必要的規則及規章，並提請理事會核准。
 11. 委員會作出決定的程序應由管理局的規則、規章及程序加以規定。提交理事會的建議，必要時應附送委員會內不同意見的摘要。
 12. 每一委員會通常應在管理局所在地執行職務，並依有效執行其職務的需要，經常召開會議。
 13. 在執行這些職務時，每一委員會可在適當時同另一委員會或聯合國任何主管機關、聯合國各專門機構、或對協商的主題事項具有有關職權的任何國際組織進行協商。

Article 164 The Economic Planning Commission

1. Members of the Economic Planning Commission shall have appropriate qualifications such as those relevant to mining, management of mineral resource activities, international trade or international economics. The Council shall endeavour to ensure that the membership of the Commission reflects all appropriate qualifications. The Commission shall include at least two members from developing States whose exports of the categories of minerals to be derived from the Area have a substantial bearing upon their economies.
2. The Commission shall:
 - (a) propose, upon the request of the Council, measures to implement decisions relating to activities in the Area taken in accordance with this Convention ;
 - (b) review the trends of and the factors affecting supply, demand and prices of minerals which may be derived from the Area,

第164條 經濟規劃委員會

1. 經濟規劃委員會委員應具備諸如與採礦、管理礦物資源活動、國際貿易或國際經濟有關的適當資格。理事會應盡力確保委員會的組成反映出一切適當的資格。委員會至少應有兩個成員來自出口從“區域”取得的各類礦物對其經濟有重大關係的發展中國家。
2. 委員會應：
 - (a) 經理事會請求，提出措施，以實施依照本公約所採取的關於“區域”內活動的決定；
 - (b) 審查可從“區域”取得礦物之供應、需求及價格的趨勢與對其造

bearing in mind the interests of both importing and exporting countries, and in particular of the developing States among them ;

- (c) examine any situation likely to lead to the adverse effects referred to in article 150, subparagraph (h), brought to its attention by the State Party or States Parties concerned, and make appropriate recommendations to the Council ;
- (d) propose to the Council for submission to the Assembly, as provided in article 151, paragraph 10, a system of compensation or other measures of economic adjustment assistance for developing States which suffer adverse effects caused by activities in the Area. The Commission shall make the recommendations to the Council that are necessary for the application of the system or other measures adopted by the Assembly in specific cases.

Article 165 The Legal and Technical Commission

1. Members of the Legal and Technical Commission shall have appropriate qualifications such as those relevant to exploration for and exploitation and processing of mineral resources, oceanology, protection of the marine environment, or economic or legal matters relating to ocean mining and related fields of expertise. The Council shall endeavour to ensure that the membership of the Commission reflects all appropriate qualifications.
2. The Commission shall:
 - (a) make recommendations with regard to the exercise of the Authority's functions upon the request of the Council ;
 - (b) review formal written plans of work for activities in the Area in accordance with article 153, paragraph 3, and submit appropriate recommendations to the Council. The Commission shall base its recommendations solely on the grounds stated in Annex III and shall report fully thereon to the Council ;
 - (c) supervise, upon the request of the Council, activities in the Area, where appropriate, in consultation and collaboration with any entity carrying out such activities or State or States concerned and report to the Council ;
 - (d) prepare assessments of the environmental implications of activities in the Area ;
 - (e) make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field ;
 - (f) formulate and submit to the Council the rules, regulations and procedures referred to in article 162, paragraph 2(o), taking into account all relevant factors including assessments of the environmental implications of activities in the Area ;
 - (g) keep such rules, regulations and procedures under review and recommend to the Council from time to time such amendments thereto as it may deem necessary or desirable ;
 - (h) make recommendations to the Council regarding the establishment of a monitoring programme to observe, measure,

成影響的因素，同時考慮到輸入國及輸出國兩者的利益，特別是其中發展中國家之利益；

- (c) 審查有關締約國提請其注意的可能導致第150條(h)款內所指不良影響的任何情況，並向大會提出適當建議；
- (d) 依照第151條第10項所規定，向理事會建議對於因“區域”內活動而受到不良影響發展中國家提供補償或其他經濟調整援助措施的制度以便提交大會。委員會應就大會通過的一制度或其他措施對具體情況的適用，向理事會提出必要的建議。

第165條 法律及技術委員會

1. 法律及技術委員會委員應具備諸如有關礦物資源的勘探及開發及加工、海洋學、海洋環境的保護，或關於海洋採礦的經濟或法律問題以及其他有關的專門知識方面的適當資格。理事會應盡力確保委員會的組成反映出一切適當的資格。
2. 委員會應：
 - (a) 經理事會請求，就管理局職務的執行提出建議；
 - (b) 依照第153條第3項審查關於“區域”內活動的正式書面工作計畫，並向理事會提交適當的建議。委員會的建議應僅以附件三所載的要求為根據，並應就其建議向理事會提出充分報告；
 - (c) 經理事會請求，監督“區域”內活動，在適當情形下，同從事這種活動的任何實體或有關國家協商及合作進行，並向理事會提出報告；
 - (d) 就“區域”內活動對環境影響準備為評估；
 - (e) 向理事會提出關於保護海洋環境的建議，考慮到在這方面公認的專家的意見；
 - (f) 擬訂第162條第2項(o)款所指的規則、規章及程序，提交理事會，考慮到一切有關的因素，包括“區域”內活動對環境影響的評價；
 - (g) 經常審查這種規則、規章及程序，並隨時向理事會建議其認為必要或適宜的修正；
 - (h) 就設立一以公認的科學方法定期觀察、測算、評價及分析“區域”

evaluate and analyse, by recognized scientific methods, on a regular basis, the risks or effects of pollution of the marine environment resulting from activities in the Area, ensure that existing regulations are adequate and are complied with and coordinate the implementation of the monitoring programme approved by the Council ;

- (i) recommend to the Council that proceedings be instituted on behalf of the Authority before the Seabed Disputes Chamber, in accordance with this Part and the relevant Annexes taking into account particularly article 187 ;
 - (j) make recommendations to the Council with respect to measures to be taken, upon a decision by the Seabed Disputes Chamber in proceedings instituted in accordance with subparagraph (i) ;
 - (k) make recommendations to the Council to issue emergency orders, which may include orders for the suspension or adjustment of operations, to prevent serious harm to the marine environment arising out of activities in the Area. Such recommendations shall be taken up by the Council on a priority basis ;
 - (l) make recommendations to the Council to disapprove areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment ;
 - (m) make recommendations to the Council regarding the direction and supervision of a staff of inspectors who shall inspect activities in the Area to determine whether the provisions of this Part, the rules, regulations and procedures of the Authority, and the terms and conditions of any contract with the Authority are being complied with ;
 - (n) calculate the production ceiling and issue production authorizations on behalf of the Authority pursuant to article 151, paragraphs 2 to 7, following any necessary selection among applicants for production authorizations by the Council in accordance with Annex III, article 7.
3. The members of the Commission shall, upon request by any State Party or other party concerned, be accompanied by a representative of such State or other party concerned when carrying out their function of supervision and inspection.

SUBSECTION D. THE SECRETARIAT

Article 166 The Secretariat

1. The Secretariat of the Authority shall comprise a Secretary-General and such staff as the Authority may require.
2. The Secretary-General shall be elected for four years by the Assembly from among the candidates proposed by the Council and may be re-elected.
3. The Secretary-General shall be the chief administrative officer of the Authority, and shall act in that capacity in all meetings of the Assembly, of the Council and of any subsidiary organ, and shall

內活動造成的海洋環境污染危險或影響的監測方案，向理事會提出建議，確保現行規章是足夠的而且得到遵守，並協調理事會核准的監測方案的實施；

- (i) 建議理事會特別考慮到第187條，依照本部分及有關附件，代表管理局向海底爭端分庭提起司法程序；
 - (j) 經海底爭端分庭在根據(i)款提起的司法程序作出裁判後，就任何應採取的措施向理事會提出建議；
 - (k) 向理事會建議發佈緊急命令，其中可包括停止或調整作業的命令，以防止“區域”內活動對海洋環境造成嚴重損害。理事會應優先審議這種建議；
 - (l) 在有充分證據證明海洋環境有受嚴重損害之虞的情形下，向理事會建議不准由承攬人或企業開發某些區域；
 - (m) 就視察工作人員的指導及監督事宜，向理事會提出建議，這些視察員應視察“區域”內活動，以確定本部分的規定、管理局的規則、規章及程序、以及同管理局訂立的任何契約的條款及條件是否得到遵守；
 - (n) 在理事會依照附件三第7條在生產許可申請者中作出任何必要選擇後，依據第151條第2至第7項代表管理局計算生產最高限額並發給生產許可。
3. 經任何有關締約國或任何當事一方請求，委員會委員執行其監督及檢查的職務時，應由該有關締約國或其他當事一方的代表一人陪同。

D分節 秘書處

第166條 秘書處

1. 秘書處應由秘書長一人及管理局所需要的工作人員組成。
2. 秘書長應由大會從理事會提名的候選人中選舉，任期4年，連選可連任。
3. 秘書長應為管理局之行政首長，在大會及理事會以及任何附屬機關之一切會議上，應以該項身份執行職務，

perform such other administrative functions as are entrusted to the Secretary-General by these organs.

4. The Secretary-General shall make an annual report to the Assembly on the work of the Authority.

Article 167 The staff of the Authority

1. The staff of the Authority shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the administrative functions of the Authority.
2. The paramount consideration in the recruitment and employment of the staff and in the determination of their conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.
3. The staff shall be appointed by the Secretary-General. The terms and conditions on which they shall be appointed, remunerated and dismissed shall be in accordance with the rules, regulations and procedures of the Authority.

Article 168 International character of the Secretariat

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other source external to the Authority. They shall refrain from any action which might reflect on their position as international officials responsible only to the Authority. Each State Party undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities. Any violation of responsibilities by a staff member shall be submitted to the appropriate administrative tribunal as provided in the rules, regulations and procedures of the Authority.
2. The Secretary-General and the staff shall have no financial interest in any activity relating to exploration and exploitation in the Area. Subject to their responsibilities to the Authority, they shall not disclose, even after the termination of their functions, any industrial secret, proprietary data which are transferred to the Authority in accordance with Annex III, article 14, or any other confidential information coming to their knowledge by reason of their employment with the Authority.
3. Violations of the obligations of a staff member of the Authority set forth in paragraph 2 shall, on the request of a State Party affected by such violation, or a natural or juridical person, sponsored by a State Party as provided in article 153, paragraph 2(b), and affected by such violation, be submitted by the Authority against the staff member concerned to a tribunal designated by the rules, regulations and procedures of the Authority. The Party affected shall have the right to take part in the proceedings. If the tribunal so recommends, the Secretary-General shall dismiss the staff member concerned.

並應執行此種機關交付給秘書長的其他行政職務。

4. 秘書長應就管理局的工作向大會提出年度報告。

第167條 管理局工作人員

1. 管理局的工作人員應由執行管理局的行政職務所必要之合格科學及技術人員及其他人員組成。
2. 工作人員徵聘及雇用，及其服務條件的決定，應以必須取得在效率、才能及正直方面達到最高標準的工作人員為首要考慮。在該一考慮限制下，應妥為顧及在最廣泛的地區基礎上徵聘工作人員的重要性。
3. 工作人員應由秘書長任命。工作人員的任命、薪酬及解職所根據的條項及條件，應依照管理局的規則、規章及程序。

第168條 秘書處之國際性

1. 秘書長及工作人員在執行職務時，不應尋求或接受任何政府的指示或管理局以外其他來源的指示。他們應避免足以影響其作為只對管理局負責的國際官員的地位的任何行動。每一締約國保證尊重秘書長及工作人員所負責任的純粹國際性，應設法不影響他們執行其職責。工作人員如有任何違反職責的行為，應提交管理局的規則、規章及程序所規定的適當行政法庭。
2. 秘書長及工作人員在同“區域”內的勘探及開發有關的任何活動中，不應有任何財務上的利益。在他們對管理局所負責任限制下，他們不應洩露任何工業秘密、依照附件三第14條轉讓給管理局的專有性資料或因在管理局任職而得悉的任何其他秘密訊息，即使在其職務終止以後亦是如此。
3. 管理局工作人員如有違反第2項所載義務情事，經受到這種違反行為影響的締約國，或由締約國依照第153條第2項(b)款擔保並因該違反行為而受到影響的自然人或法人的要求，應由管理局將有關工作人員交管理局的規則、規章及程序所指定的法庭處理。受影響的一方應有權參加程序，如經法庭建議，秘書長應將有關工作人員解雇。

4. The rules, regulations and procedures of the Authority shall contain such provisions as are necessary to implement this article.

Article 169 Consultation and cooperation with international and non-governmental organizations

1. The Secretary-General shall, on matters within the competence of the Authority, make suitable arrangements, with the approval of the Council, for consultation and cooperation with international and non-governmental organizations recognized by the Economic and Social Council of the United Nations.
2. Any organization with which the Secretary-General has entered into an arrangement under paragraph 1 may designate representatives to attend meetings of the organs of the Authority as observers in accordance with the rules of procedure of these organs. Procedures shall be established for obtaining the views of such organizations in appropriate cases.
3. The Secretary-General may distribute to States Parties written reports submitted by the non-governmental organizations referred to in paragraph 1 on subjects in which they have special competence and which are related to the work of the Authority.

SUBSECTION E. THE ENTERPRISE

Article 170 The Enterprise

1. The Enterprise shall be the organ of the Authority which shall carry out activities in the Area directly, pursuant to article 153, paragraph 2(a), as well as the transporting, processing and marketing of minerals recovered from the Area.
2. The Enterprise shall, within the framework of the international legal personality of the Authority, have such legal capacity as is provided for in the Statute set forth in Annex IV. The Enterprise shall act in accordance with this Convention and the rules, regulations and procedures of the Authority, as well as the general policies established by the Assembly, and shall be subject to the directives and control of the Council.
3. The Enterprise shall have its principal place of business at the seat of the Authority.
4. The Enterprise shall, in accordance with article 173, paragraph 2, and Annex IV, article 11, be provided with such funds as it may require to carry out its functions, and shall receive technology as provided in article 144 and other relevant provisions of this Convention.

SUBSECTION F. FINANCIAL ARRANGEMENTS OF THE AUTHORITY

Article 171 Funds of the Authority

The funds of the Authority shall include:

4. 管理局的規則、規章及程序應載有為實施本條所必要的規定。

第169條 同國際組織及非政府組織之協商及合作

1. 於管理局職權範圍內的事項上，秘書長經理事會核可，應作出適當安排，同聯合國經濟及社會理事會承認之國際組織及非政府組織進行協商及合作。
2. 根據第1項與秘書長訂有安排之任何組織可指派代表，依照管理局各機關議事規則，以觀察員的身份參加這些機關的會議。應制訂程序，以便在適當情形下徵求該組織之意見。
3. 秘書長可向各締約國分發第1項所指之非政府組織就其具有特別職權並與管理局工作有關的事項提出的書面報告。

E分節 企業

第170條 企業

1. 企業應為依據第153條第2項(a)項直接進行“區域”內活動以及從事運輸、加工及銷售從“區域”回收的礦物的管理局機關。
2. 企業在管理局國際法律人格的範圍內，應有附件4所載章程規定的法律行為能力。企業應依照本公約、管理局的規則、規章及程序以及大會制訂的一般政策行事，並應受理事會的指示及控制。
3. 企業總辦事處應設在管理局所在地。
4. 企業應依照第173條第2項及附件四第11條取得執行職務所需的資金，並應依照第144條及本公約其他有關條項規定得到技術。

F分節 管理局財政安排

第171條 管理局資金

管理局的資金應包括：

- (a) assessed contributions made by members of the Authority in accordance with article 160, paragraph 2(e) ;
- (b) funds received by the Authority pursuant to Annex III, article 13, in connection with activities in the Area ;
- (c) funds transferred from the Enterprise in accordance with Annex IV, article 10 ;
- (d) funds borrowed pursuant to article 174 ;
- (e) voluntary contributions made by members or other entities ; and
- (f) payments to a compensation fund, in accordance with article 151, paragraph 10, whose sources are to be recommended by the Economic Planning Commission.

- (a) 管理局各成員依照第160條第2項(e)款繳付之分攤會費；
- (b) 管理局依照附件三第13條因“區域”內活動而得到的收益；
- (c) 企業部依照附件四第10條轉來之資金；
- (d) 依據第174條借入之款項；
- (e) 成員或其他實體所提供的自願捐款；及
- (f) 依第151條第10項向補償基金繳付之款項，基金的來源由經濟規劃委員會提出建議。

Article 172 Annual budget of the Authority

The Secretary-General shall draft the proposed annual budget of the Authority and submit it to the Council. The Council shall consider the proposed annual budget and submit it to the Assembly, together with any recommendations thereon. The Assembly shall consider and approve the proposed annual budget in accordance with article 160, paragraph 2(h).

第172條 管理局年度預算

秘書長應編制管理局年度概算，向理事會提出。理事會應審議年度概算，並連同其對概算之任何建議向大會提出。大會應依照第160條第2項(h)款審議並核准年度概算。

Article 173 Expenses of the Authority

1. The contributions referred to in article 171, subparagraph (a), shall be paid into a special account to meet the administrative expenses of the Authority until the Authority has sufficient funds from other sources to meet those expenses.
2. The administrative expenses of the Authority shall be a first call upon the funds of the Authority. Except for the assessed contributions referred to in article 171, subparagraph (a), the funds which remain after payment of administrative expenses may, *inter alia*:
 - (a) be shared in accordance with article 140 and article 160, paragraph 2(g) ;
 - (b) be used to provide the Enterprise with funds in accordance with article 170, paragraph 4 ;
 - (c) be used to compensate developing States in accordance with article 151, paragraph 10, and article 160, paragraph 2(f).

第173條 管理局開支

1. 在管理局未能從其他來源得到足夠資金以應付其行政開支以前，第171條(a)款所指的會費應繳入特別帳戶，以支付管理局之行政開支。
2. 管理局資金應首先支付管理局的行政開支。除第171條(a)款所指分攤會費外，支付行政開支後所餘資金，除其他外，可：
 - (a) 依照第140條及第160條第2項(g)款加以分配；
 - (b) 依照第170條第4項用以向企業提供資金；
 - (c) 依照第151條第10項及第160條第2項(f)款用以補償發展中國家。

Article 174 Borrowing power of the Authority

1. The Authority shall have the power to borrow funds.
2. The Assembly shall prescribe the limits on the borrowing power of the Authority in the financial regulations adopted pursuant to article 160, paragraph 2(f).
3. The Council shall exercise the borrowing power of the Authority.
4. States Parties shall not be liable for the debts of the Authority.

第174條 管理局的借款權

1. 管理局應有借款的權力。
2. 大會應在依據第160條第2項(f)款所制定之財務條例中規定對此項權力的限制。
3. 理事會應行使管理局之借款權。
4. 締約國對管理局的債務應不負責任。

Article 175 Annual audit

The records, books and accounts of the Authority, including its annual financial statements, shall be audited annually by an independent auditor appointed by the Assembly.

第175條 年度審計

管理局的記錄、帳簿和帳目，包括其年度財務報表，應每年交由大會指派之一位獨立審計員審核。

SUBSECTION G. LEGAL STATUS, PRIVILEGES AND IMMUNITIES

G分節 法律地位、特權及豁免

Article 176 Legal status

The Authority shall have international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

第176條 法律地位

管理局應具有國際法律人格及為執行其職務及實現其宗旨所必要之法律行為能力。

Article 177 Privileges and immunities

To enable the Authority to exercise its functions, it shall enjoy in the territory of each State Party the privileges and immunities set forth in this subsection. The privileges and immunities relating to the Enterprise shall be those set forth in Annex IV, article 13.

第177條 特權及豁免

為使其能夠執行職務，管理局應在每一締約國領土內享有本分節所規定之特權及豁免。同企業有關的特權及豁免應為附件四第13條內所規定者。

Article 178 Immunity from legal process

The Authority, its property and assets, shall enjoy immunity from legal process except to the extent that the Authority expressly waives this immunity in a particular case.

第178條 法律程序之豁免

管理局及其財產及資產，應享有對法律程序之豁免，然管理局在特定事件中明白放棄該豁免時，不在此限。

Article 179 Immunity from search and any form of seizure

The property and assets of the Authority, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

第179條 對搜查及任何其他形式扣押之豁免

管理局之財產及資產，不論位於何處及為何人持有，應免受搜查、徵用、沒收、公用徵收或以行政或立法行動進行之任何其他形式之扣押。

Article 180 Exemption from restrictions, regulations, controls and moratoria

The property and assets of the Authority shall be exempt from restrictions, regulations, controls and moratoria of any nature.

第180條 限制、管制、控制及暫時凍結之免除

管理局的財產及資產應被免除任何性質的限制、管制、控制及暫時凍結。

Article 181 Archives and official communications of the Authority

1. The archives of the Authority, wherever located, shall be inviolable.
2. Proprietary data, industrial secrets or similar information and

第181條 管理局文書及公務通訊

1. 管理局文書案不論位於何處，應屬不可侵犯。
2. 專有資料、工業秘密或類似的情報及

personnel records shall not be placed in archives which are open to public inspection.

3. With regard to its official communications, the Authority shall be accorded by each State Party treatment no less favourable than that accorded by that State to other international organizations.

Article 182 Privileges and immunities of certain persons connected with the Authority

Representatives of States Parties attending meetings of the Assembly, the Council or organs of the Assembly or the Council, and the Secretary-General and staff of the Authority, shall enjoy in the territory of each State Party:

- (a) immunity from legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the State which they represent or the Authority, as appropriate, expressly waives this immunity in a particular case;
- (b) if they are not nationals of that State Party, the same exemptions from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by that State to the representatives, officials and employees of comparable rank of other States Parties.

Article 183 Exemption from taxes and customs duties

1. Within the scope of its official activities, the Authority, its assets and property, its income, and its operations and transactions, authorized by this Convention, shall be exempt from all direct taxation and goods imported or exported for its official use shall be exempt from all customs duties. The Authority shall not claim exemption from taxes which are no more than charges for services rendered.
2. When purchases of goods or services of substantial value necessary for the official activities of the Authority are made by or on behalf of the Authority, and when the price of such goods or services includes taxes or duties, appropriate measures shall, to the extent practicable, be taken by States Parties to grant exemption from such taxes or duties or provide for their reimbursement. Goods imported or purchased under an exemption provided for in this article shall not be sold or otherwise disposed of in the territory of the State Party which granted the exemption, except under conditions agreed with that State Party.
3. No tax shall be levied by States Parties on or in respect of salaries and emoluments paid or any other form of payment made by the Authority to the Secretary-General and staff of the Authority, as well as experts performing missions for the Authority, who are not their nationals.

人事卷宗不應置於可供公眾查閱之檔案中。

3. 關於管理局的公務通訊，每一締約國應給予管理局不低於給予其他國際組織的待遇。

第182條 若干與管理局有關人員的特權及豁免

締約國代表出席大會、理事會、或大會或理事會所屬機關會議時，以及管理局的秘書長及工作人員，在每一締約國領土內：

- (a) 應就他們執行職務的行為，享有對法律程序的豁免，但於適當情形下，其所代表的國家或管理局在特定事件中明白放棄這種豁免時，不在此限；
- (b) 如其非締約國國民，應比照該國應給予其他締約國職級相當的代表、官員及雇員的待遇，享有在移民限制、外僑登記規定及國民服役義務方面的同樣免除、外匯管制方面的同樣便利及旅行便利方面的同樣待遇。

第183條 捐稅及關稅之免除

1. 於其公務活動範圍內，管理局及其資產、財產及收入，及本公約許可之管理局業務及交易，應免除一切直接捐稅，對其因公務用途而進口或出口的貨物也應免除一切關稅。管理局不應要求免除僅因提供服務而收取之費用之稅款。
2. 為管理局的公務活動需要。由管理局或以管理局的名義採購價值巨大之貨物或服務時，及當該貨物或服務之價款包括捐稅或關稅在內時，各締約國應在可行範圍內採取適當措施，准許免除這種捐稅或關稅或設法將其退還。於本條規定之免除下進口或採購的貨物，除非依據與該締約國協定的條件，不應在給予免除的締約國領土內出售或作其他處理。
3. 各締約國對於管理局付給非該國公民、國民或管轄下人員的管理局秘書長及工作人員及為管理局執行任務的專家的薪給及酬金或其他形式的費用，不應課稅。

SUBSECTION H. SUSPENSION OF THE EXERCISE OF RIGHTS AND PRIVILEGES OF MEMBERS

Article 184 Suspension of the exercise of voting rights

A State Party which is in arrears in the payment of its financial contributions to the Authority shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

Article 185 Suspension of exercise of rights and privileges of membership

1. A State Party which has grossly and persistently violated the provisions of this Part may be suspended from the exercise of the rights and privileges of membership by the Assembly upon the recommendation of the Council.
2. No action may be taken under paragraph 1 until the Seabed Disputes Chamber has found that a State Party has grossly and persistently violated the provisions of this Part.

SECTION 5. SETTLEMENT OF DISPUTES AND ADVISORY OPINIONS

Article 186 Seabed Disputes Chamber of the International Tribunal for the Law of the Sea

The establishment of the Seabed Disputes Chamber and the manner in which it shall exercise its jurisdiction shall be governed by the provisions of this section, of Part XV and of Annex VI.

Article 187 Jurisdiction of the Seabed Disputes Chamber

The Seabed Disputes Chamber shall have jurisdiction under this Part and the Annexes relating thereto in disputes with respect to activities in the Area falling within the following categories:

- (a) disputes between States Parties concerning the interpretation or application of this Part and the Annexes relating thereto ;
- (b) disputes between a State Party and the Authority concerning:
 - (i) acts or omissions of the Authority or of a State Party alleged to be in violation of this Part or the Annexes relating thereto or of rules, regulations and procedures of the Authority adopted in accordance therewith ; or
 - (ii) acts of the Authority alleged to be in excess of jurisdiction or a misuse of power ;
- (c) disputes between parties to a contract, being States Parties, the Authority or the Enterprise, state enterprises and natural or juridical persons referred to in article 153, paragraph 2(b),

H分節 成員國權利及特權之暫停行使

第184條 表決權之暫停行使

一締約國拖欠對管理局應繳之費用，如拖欠數額等於或超過該國前兩整年應繳費用之總額，該國應無表決權。然大會如確定該成員國由於本國無法控制的情況而不能繳費，可准許該國參加表決。

第185條 成員權利及特權之暫停行使

1. 締約國如一再嚴重違反本部分之規定，大會可根據理事會建議暫停該國行使成員的權利及特權。
2. 在海底爭端分庭認定一個締約國一再嚴重違反本部分規定以前，不得根據第1項採取任何行動。

第5節 爭端的解決及諮詢意見

第186條 國際海洋法法庭海底爭端分庭

海底爭端分庭的設立及其行使管轄權的方式均應依照本節、第十五部分及附件六之規定。

第187條 海底爭端分庭之管轄權

海底爭端分庭根據本部分及其有關附件，對以下各類有關“區域”內活動的爭端應有管轄權：

- (a) 締約國之間關於本部分及其有關附件之解釋或適用的爭端；
- (b) 締約國與管理局之間關於下列事項之爭端；
 - (i) 管理局或締約國的行為或不行為據指控違反本部分或其有關附件或依其制定的規則、規章或程序；或
 - (ii) 管理局的行為據指控逾越其管轄權或濫用權力；
- (c) 第153條第2項(b)款內所指，作為契約當事各方的締約國、管理局或企業、國營企業以及自然人或法人之間

concerning:

- (i) the interpretation or application of a relevant contract or a plan of work ; or
 - (ii) acts or omissions of a party to the contract relating to activities in the Area and directed to the other party or directly affecting its legitimate interests ;
- (d) disputes between the Authority and a prospective contractor who has been sponsored by a State as provided in article 153, paragraph 2(b), and has duly fulfilled the conditions referred to in Annex III, article 4, paragraph 6, and article 13, paragraph 2, concerning the refusal of a contract or a legal issue arising in the negotiation of the contract ;
- (e) disputes between the Authority and a State Party, a state enterprise or a natural or juridical person sponsored by a State Party as provided for in article 153, paragraph 2(b), where it is alleged that the Authority has incurred liability as provided in Annex III, article 22 ;
- (f) any other disputes for which the jurisdiction of the Chamber is specifically provided in this Convention.

Article 188 Submission of disputes to a special chamber of the International Tribunal for the Law of the Sea or an ad hoc chamber of the Seabed Disputes Chamber or to binding commercial arbitration

1. Disputes between States Parties referred to in article 187, subparagraph (a), may be submitted:
- (i) at the request of the parties to the dispute, to a special chamber of the International Tribunal for the Law of the Sea to be formed in accordance with Annex VI, articles 15 and 17 ; or
 - (ii) at the request of any party to the dispute, to an ad hoc chamber of the Seabed Disputes Chamber to be formed in accordance with Annex VI, article 36.
- 2.
- (a) Disputes concerning the interpretation or application of a contract referred to in article 187, subparagraph (c)(i), shall be submitted, at the request of any party to the dispute, to binding commercial arbitration, unless the parties otherwise agree. A commercial arbitral tribunal to which the dispute is submitted shall have no jurisdiction to decide any question of interpretation of this Convention. When the dispute also involves a question of the interpretation of Part XI and the Annexes relating thereto, with respect to activities in the Area, that question shall be referred to the Seabed Disputes Chamber for a ruling.
 - (b) If, at the commencement of or in the course of such arbitration, the arbitral tribunal determines, either at the request of any party to the dispute or *proprio motu*, that its decision depends upon a ruling of the Seabed Disputes Chamber, the arbitral tribunal shall refer such question to the Seabed Disputes Chamber for such ruling. The arbitral tribunal shall then

關於下列事項的爭端：

- (i) 對有關契約或工作計畫的解釋或適用；或
 - (ii) 契約當事一方在“區域”內活動方面針對另一方或直接影響其合法利益的行為或不行為；
- (d) 管理局同依照第153條第2項(b)款由國家擔保且已妥為履行附件三第4條第6項及第13條第2項所指條件之未來承攬人之間關於訂立契約的拒絕，或談判契約時發生的法律問題之爭端；
- (e) 管理局同締約國、國營企業或依照第153條第2項(b)款由締約國擔保之自然人或法人之間關於指控管理局依附件三第22條的規定負擔賠償責任的爭端；
- (f) 本公約具體規定由分庭管轄之任何爭端。

第188條 爭端提交國際海洋法法庭特別分庭或海底爭端分庭專案分庭或提交有拘束力之商業仲裁

1. 第187條(a)款所指各締約國間的爭端可：
- (a) 應爭端各方之請求，提交依照附件六第15條及第17條成立的國際海洋法法庭特別分庭；或
 - (b) 應爭端任何一方的請求，提交依照附件六第36條成立的海底爭端分庭專案分庭。
- 2.
- (a) 有關第187條(c)款(i)目內所指契約的解釋或適用的爭端，經爭端任何一方請求，應提交有拘束力的商業仲裁，然爭端各方另有協議者除外。爭端所提交的商業仲裁法庭對決定本公約的任何解釋問題不具有管轄權。如爭端也涉及關於“區域”內活動的第十一部分及其有關附件的解釋問題，則應將該問題提交海底爭端分庭裁定；
 - (b) 於該仲裁開始時或進行過程中，如仲裁法庭經爭端任何一方請求，或根據自己決定，斷定其裁決須取決於海底爭端分庭的裁定，則仲裁法庭應將該問題提交海底爭端分庭裁定。爾後仲裁法

proceed to render its award in conformity with the ruling of the Seabed Disputes Chamber.

- (c) In the absence of a provision in the contract on the arbitration procedure to be applied in the dispute, the arbitration shall be conducted in accordance with the UNCITRAL Arbitration Rules or such other arbitration rules as may be prescribed in the rules, regulations and procedures of the Authority, unless the parties to the dispute otherwise agree.

Article 189 Limitation on jurisdiction with regard to decisions of the Authority

The Seabed Disputes Chamber shall have no jurisdiction with regard to the exercise by the Authority of its discretionary powers in accordance with this Part; in no case shall it substitute its discretion for that of the Authority. Without prejudice to article 191, in exercising its jurisdiction pursuant to article 187, the Seabed Disputes Chamber shall not pronounce itself on the question of whether any rules, regulations and procedures of the Authority are in conformity with this Convention, nor declare invalid any such rules, regulations and procedures. Its jurisdiction in this regard shall be confined to deciding claims that the application of any rules, regulations and procedures of the Authority in individual cases would be in conflict with the contractual obligations of the parties to the dispute or their obligations under this Convention, claims concerning excess of jurisdiction or misuse of power, and to claims for damages to be paid or other remedy to be given to the party concerned for the failure of the other party to comply with its contractual obligations or its obligations under this Convention.

Article 190 Participation and appearance of sponsoring States Parties in proceedings

1. If a natural or juridical person is a party to a dispute referred to in article 187, the sponsoring State shall be given notice thereof and shall have the right to participate in the proceedings by submitting written or oral statements.
2. If an action is brought against a State Party by a natural or juridical person sponsored by another State Party in a dispute referred to in article 187, subparagraph (c), the respondent State may request the State sponsoring that person to appear in the proceedings on behalf of that person. Failing such appearance, the respondent State may arrange to be represented by a juridical person of its nationality.

Article 191 Advisory opinions

The Seabed Disputes Chamber shall give advisory opinions at the request of the Assembly or the Council on legal questions arising within the scope of their activities. Such opinions shall be given as a matter of urgency.

庭應依照海底爭端分庭的裁定作出裁決；

- (c) 於契約未規定該爭端所應適用之仲裁程序之情形下，除爭端各方另有協議外，仲裁應依照聯合國國際貿易法委員會之仲裁規則，或管理局的規則、規章及程序中規定的其他仲裁規則進行。

第189條 管理局所作決定管轄權之限制

海底爭端分庭對管理局依照本部分規定行使斟酌決定權應無管轄權；於任何情形下，均不應以其斟酌決定權代替管理局的斟酌決定權。於不損及第191條之情形下，海底爭端分庭依據第187條行使其管轄權時，不應對管理局之任何規則、規章及程序是否符合本公約之問題表示意見，也不應宣佈任何此種規則、規章及程序為無效。分庭於這方面的管轄權應限於就管理局的任何規則、規章及程序適用於個別案件將同爭端各方的契約上義務或其在本公約下的義務相抵觸的主張，就逾越管轄權或濫用權力的主張，及就一方未履行其契約上義務或其在在本公約下的義務而應給予有關另一方損害賠償或其他補救的要求，作出決定。

第190條 擔保締約國參加程序及出庭

1. 如自然人或法人為第187條所指爭端的一方，應將此事通知其擔保國，該國應有權以提出書面或口頭陳述的方式參加司法程序。
2. 如一締約國擔保的自然人或法人在第187條(c)款所指的爭端中對另一締約國提出訴訟，被告國可請擔保該人的國家代表該人出庭。如不能出庭，被告國可安排屬其國籍的法人代表該國出庭。

第191條 諮詢意見

海底爭端分庭經大會或理事會請求，應對它們活動範圍內發生的法律問題提出諮詢意見。該諮詢意見應作為緊急事項提出。

PART XII PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

第十二部分 海洋環境之保護及保全

SECTION 1. GENERAL PROVISIONS

第1節 一般規定

Article 192 General obligation

第192條 一般義務

States have the obligation to protect and preserve the marine environment.

各國有保護及保全海洋環境的義務。

Article 193 Sovereign right of States to exploit their natural resources

第193條 各國開發其自然資源之主權權利

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

各國有依據其環境政策及依照其保護及保全海洋環境的職責開發其自然資源的主權權利。

Article 194 Measures to prevent, reduce and control pollution of the marine environment

第194條 防止、減少及控制海洋環境污染之措施

1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection.
2. States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.
3. The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, *inter alia*, those designed to minimize to the fullest possible extent:
 - (a) the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping ;
 - (b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels ;
 - (c) pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and

1. 各國應適當情形下個別或聯合地採取一切符合本公約的必要措施，防止、減少及控制任何來源的海洋環境污染，為此目的，依照其能力使用其所掌握的最切實可行方法，並應在這方面盡力協調其政策。
2. 各國應採取一切必要措施，確保在其管轄或控制下的活動的進行不致使其他國家及其環境遭受污染的損害，並確保在其管轄或控制範圍內的事件或活動所造成的污染不致擴大到其依照本公約行使主權權利的區域之外。
3. 依據本部分採取的措施，應針對海洋環境的一切污染來源。這些措施，除其他外，應包括旨在在最大可能範圍內儘量減少下列污染的措施：
 - (a) 從陸上來源、從大氣層或通過大氣層或由於傾倒而放出的有毒、有害或有礙健康的物質，特別是持久不變的物質；
 - (b) 來自船隻的污染，特別是為防止意外事件及處理緊急情況，保證海上操作安全，防止故意及無意的排放，以及規定船隻的設計、建造、裝備、操作及人員配備的措施；
 - (c) 來自在用於勘探或開發海床及底土的自然資源的設施裝置的污染，特別是為防止意外事件及處理緊急情況，促請海上操

regulating the design, construction, equipment, operation and manning of such installations or devices ;

(d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

4. In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention.
5. The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.

Article 195 Duty not to transfer damage or hazards or transform one type of pollution into another

In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Article 196 Use of technologies or introduction of alien or new species

1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.
2. This article does not affect the application of this Convention regarding the prevention, reduction and control of pollution of the marine environment.

SECTION 2. GLOBAL AND REGIONAL COOPERATION

Article 197 Cooperation on a global or regional basis

States shall cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in

作安全，以及規定這些設施或裝置的設計、建造、裝備、操作及人中配備的措施；

(d) 來自在海洋環境內操作的其他設施及裝置的污染，特別是為防止意外事件及處理緊急情況，保證海上操作安全，以及規定這些設施或裝置的設計、建造、裝備、操作及人員配備的措施。

4. 各國採取措施防止、減少或控制海洋環境的污染時，不應對其他國家依照本公約行使其權利並履行其義務所進行的活動有不當的干擾。
5. 依照本部分採取的措施，應包括為保護及保全稀有或脆弱的生態系統，及衰竭、受威脅或有滅絕危險的物種及其他形式的海洋生物的生存環境，而有很必要的措施。

第195條 不將損害或危險或轉移或將一污染轉變成另一污染之義務

各國在採取措施防止、減少及控制海洋環境的污染時採取的行動不應直接或間接將損害或危險從一區域轉移到另一區域，或將一污染轉變成另一污染。

第196條 技術使用或外來或新物種之引進

1. 各國應採取一切必要措施以防止、減少及控制因於其管轄或控制下使用技術而造成的海洋環境污染，或因故意或偶然在海洋環境某一特定部分引進外來的或新物種致使海洋環境可能發生重大及有害的變化。
2. 本條不影響本公約對防止、減少及控制海洋環境污染之適用。

第2節 全球性及區域性合作

第197條 於便利性或區域性基礎上之合作

各國在為保護及保全海洋環境而擬訂及制訂符合本公約的國際規則、標準及

formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.

Article 198 Notification of imminent or actual damage

When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations.

Article 199 Contingency plans against pollution

In the cases referred to in article 198, States in the area affected, in accordance with their capabilities, and the competent international organizations shall cooperate, to the extent possible, in eliminating the effects of pollution and preventing or minimizing the damage. To this end, States shall jointly develop and promote contingency plans for responding to pollution incidents in the marine environment.

Article 200 Studies, research programmes and exchange of information and data

States shall cooperate, directly or through competent international organizations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment. They shall endeavour to participate actively in regional and global programmes to acquire knowledge for the assessment of the nature and extent of pollution, exposure to it, and its pathways, risks and remedies.

Article 201 Scientific criteria for regulations

In the light of the information and data acquired pursuant to article 200, States shall cooperate, directly or through competent international organizations, in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment.

SECTION 3. TECHNICAL ASSISTANCE

Article 202 Scientific and technical assistance to developing States

建議之辦法及程序時，應在全球性的基礎上或在區域性的基礎上，直接或通過主管國際組織進行合作，同時考慮到區域特性。

第198條 即將發生之損害或實際損害之通知

於一國獲知海洋環境有即將遭受污染損害之迫切危險或已遭受污染損害之情況時，應立即通知其認為可能受這種損害影響的其他國家以及各主管國際組織。

第199條 污染之應急計畫

第198條所指情形下，受影響區域之各國，應依照其能力，與各主管國際組織盡可能進行合作，以消除污染的影響並防止或儘量減少損害。為此目的，各國應共同發展及促進各種應急計畫，以應付海洋環境的污染事故。

第200條 研究、研究方面及資訊及資料之交換

各國應直接或通過主管國際組織進行合作，以促進研究、實施科學研究方案、並鼓勵交換所取得的關於海洋環境污染之資訊及資料。各國應盡力積極參加區域性及全球性方案，以取得有關鑒定污染之性質及範圍、面臨污染的情況以及其通過的途徑、危險及補救辦法的知識。

第201條 規章的科學標準

各國應參照依第200條所取得之資訊及資料，直接或透過主管國際組織進行合作，訂立適當科學準則，以便擬訂及制訂防止、減少及控制海洋環境污染之規則、標準及建議之辦法及程序。

第3節 技術援助

第202條 對發展中國家之科學及技術援助

States shall, directly or through competent international organizations:

- (a) promote programmes of scientific, educational, technical and other assistance to developing States for the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution. Such assistance shall include, *inter alia*:
 - (i) training of their scientific and technical personnel ;
 - (ii) facilitating their participation in relevant international programmes ;
 - (iii) supplying them with necessary equipment and facilities ;
 - (iv) enhancing their capacity to manufacture such equipment ;
 - (v) advice on and developing facilities for research, monitoring, educational and other programmes ;
- (b) provide appropriate assistance, especially to developing States, for the minimization of the effects of major incidents which may cause serious pollution of the marine environment ;
- (c) provide appropriate assistance, especially to developing States, concerning the preparation of environmental assessments.

Article 203 Preferential treatment for developing States

Developing States shall, for the purposes of prevention, reduction and control of pollution of the marine environment or minimization of its effects, be granted preference by international organizations in:

- (a) the allocation of appropriate funds and technical assistance ; and
- (b) the utilization of their specialized services.

SECTION 4. MONITORING AND ENVIRONMENTAL ASSESSMENT

Article 204 Monitoring of the risks or effects of pollution

1. States shall, consistent with the rights of other States, endeavour, as far as practicable, directly or through the competent international organizations, to observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution of the marine environment.
2. In particular, States shall keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether these activities are likely to pollute the marine environment.

Article 205 Publication of reports

States shall publish reports of the results obtained pursuant to article 204 or provide such reports at appropriate intervals to the competent

各國應直接或透過主管國際組織：

- (a) 促進對發展中國家之科學、教育、技術及其他方面援助方案，以保護及保全海洋環境，並防止、減少及控制海洋污染。該援助，除其他外，應包括：
 - (i) 訓練其科學及技術人員；
 - (ii) 便利其參加有關的國際方案；
 - (iii) 向其提供必要的裝備及便利；
 - (iv) 提高其製造這種裝備的能力；
 - (v) 就研究、監測、教育及其他方案提供意見並發展設施。
- (b) 提供適當的援助，特別是對發展中國家，以儘量減少可能對海洋環境造成嚴重嚴重污染重大事故之影響。
- (c) 提供關於編制環境評估之適當援助，特別是對發展中國家。

第203條 對發展中國家之優惠待遇

為防止、減少及控制海洋環境污染或儘量減少其影響的目的，發展中國家應在下列事項上獲得各國際組織的優惠待遇：

- (a) 有關款項及技術援助的分配；及
- (b) 對各該組織專門服務的利用。

第4節 監測及環境評價

第204條 對污染危險或影響之監測

1. 各國應在符合其他國家權利之情形下，於實際可行範圍內，盡力直接或通過各主管國際組織，用公認的科學方法觀察、測算、估計及分析海洋環境污染的危險或影響。
2. 各國特別應不斷監視其所准許或從事的任何活動的影響，以便確定這些活動是否可能污染海洋環境。

第205條 報告之發表

各國應發表依據第204條所取得之結果之報告，或每隔相當期間向主管國際組

international organizations, which should make them available to all States.

織提出該報告，各該組織應將上述報告提供所有國家。

Article 206 Assessment of potential effects of activities

第206條 對各種活動可能影響之評估

When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in article 205.

各國如有合理根據認為在其管轄或控制下的計畫中的活動可能對海洋環境造成重大污染或重大及有害的變化，應在實際可行範圍內就這種活動對海洋環境的可能影響作出評估，並應依照第205條規定之方式提送該評估結果之報告。

SECTION 5. INTERNATIONAL RULES AND NATIONAL LEGISLATION TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

第5節 防止、減少及控制海洋環境污染的國際規則及國內立法

Article 207 Pollution from land-based sources

第207條 陸源污染

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.
4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account characteristic regional features, the economic capacity of developing States and their need for economic development. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.
5. Laws, regulations, measures, rules, standards and recommended practices and procedures referred to in paragraphs 1, 2 and 4 shall include those designed to minimize, to the fullest extent possible, the release of toxic, harmful or noxious substances, especially those which are persistent, into the marine environment.

1. 各國應制定法律及規章，以防止、減少及控制陸地來源，包括河流、河口灣、管線及排水口結構對海洋環境的污染，同時考慮到國際上議定的規則、標準及建議之辦法及程序。
2. 各國應採取其他可能必要的措施，以防止、減少及控制該污染。
3. 各國應盡力在適當區域一致協調其在這方面的政策。
4. 各國特別應通過主管國際組織或外交會議採取行動，盡力制訂全球性及區域性規則、標準及建議的辦法及程序，以防止、減少及控制該污染，同時考慮到區域的特點，發展中國家的經濟能力及共經濟發展的需要。該規則、標準及建議的辦法及程序應根據需要隨時重新審查。
5. 第1、第2及第4項提及之法律、規章、措施、規則、標準及建議的辦法及程序，應包括旨在最大可能範圍內儘量減少有毒、有害或有礙健康的物質，特別是持久不變物質，排在海洋環境的各種規定。

Article 208 Pollution from seabed activities subject to national jurisdiction

第208條 國家管轄海底活動造成的污染

1. Coastal States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment arising from or in

1. 沿海國應制定法律及規章，以防止、減少及控制來自受其管轄的海底活

connection with seabed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. Such laws, regulations and measures shall be no less effective than international rules, standards and recommended practices and procedures.
4. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.
5. States, acting especially through competent international organizations or diplomatic conference, shall establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment referred to in paragraph 1. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

Article 209 Pollution from activities in the Area

1. International rules, regulations and procedures shall be established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area. Such rules, regulations and procedures shall be re-examined from time to time as necessary.
2. Subject to the relevant provisions of this section, States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be. The requirements of such laws and regulations shall be no less effective than the international rules, regulations and procedures referred to in paragraph 1.

Article 210 Pollution by dumping

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment by dumping.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States.
4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.
5. Dumping within the territorial sea and the exclusive economic zone

動或與該活動有關對海洋環境的污染以有來自依據第60及第80條在其管轄下的人工島嶼、設施及結構對海洋環境之污染。

2. 各國應採取其他可能必要的措施，以防止、減少及控制該污染。
3. 該法律、規章及措施效力應不低於國際規則、標準及建議的辦法及程序。
4. 各國應盡力在適當的區域一致協調其在這方面的政策。
5. 各國特別應通過主管國際組織或外交會議採取行動，制訂全球性及區域性規則、標準及建議的辦法及程序，以防止、減省控制第1項所指的海洋環境污染。該規則、標準及建議的辦法及程序應根據需要隨時重新審查。

第209條 來自“區域”內活動之污染

1. 為防止、減少及控制“區域”內活動對海洋環境的污染，應依照第十一部分制訂國際規則、規章及程序。該規則、規章及程序應根據需要隨時重新審查。
2. 於本節有關規定的限制下，各國應制定法律及規章，以防止、減少及控制由懸掛其旗幟或在其國內登記或在其權力下經營的船隻、設施、結構及其他裝置所進行之“區域”內活動造成對海洋環境的污染。該法律及規章的要求的效力應不低於第1項所指的國際規則、規章及程序。

第210條 傾倒造成之污染

1. 各國應制定法律及規章，以防止、減少的控制傾倒對海洋環境的污染。
2. 各國應採取其他可能必要的措施，以防止、減少及控制該污染。
3. 該法律、規章及措施應確保非經各國主管當局准許，不進行傾倒。
4. 各國特別應通過主管國際組織或外交會議採取行動，盡力制訂全球性及區域性規則、標準及建議的辦法及程序，以防止減少的控制該污染。該規則、標準及建議的辦法及程序應根據需要隨時重新審查。
5. 非經沿海國事前明示核准，不應在領

or onto the continental shelf shall not be carried out without the express prior approval of the coastal State, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.

6. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling such pollution than the global rules and standards.

Article 211 Pollution from vessels

1. States, acting through the competent international organization or general diplomatic conference, shall establish international rules and standards to prevent, reduce and control pollution of the marine environment from vessels and promote the adoption, in the same manner, wherever appropriate, of routing systems designed to minimize the threat of accidents which might cause pollution of the marine environment, including the coastline, and pollution damage to the related interests of coastal States. Such rules and standards shall, in the same manner, be re-examined from time to time as necessary.
2. States shall adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry. Such laws and regulations shall at least have the same effect as that of generally accepted international rules and standards established through the competent international organization or general diplomatic conference.
3. States which establish particular requirements for the prevention, reduction and control of pollution of the marine environment as a condition for the entry of foreign vessels into their ports or internal waters or for a call at their off-shore terminals shall give due publicity to such requirements and shall communicate them to the competent international organization. Whenever such requirements are established in identical form by two or more coastal States in an endeavour to harmonize policy, the communication shall indicate which States are participating in such cooperative arrangements. Every State shall require the master of a vessel flying its flag or of its registry, when navigating within the territorial sea of a State participating in such cooperative arrangements, to furnish, upon the request of that State, information as to whether it is proceeding to a State of the same region participating in such cooperative arrangements and, if so, to indicate whether it complies with the port entry requirements of that State. This article is without prejudice to the continued exercise by a vessel of its right of innocent passage or to the application of article 25, paragraph 2.
4. Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage. Such laws and regulations shall, in accordance with Part II, section 3, not hamper innocent passage of foreign vessels.
5. Coastal States, for the purpose of enforcement as provided for in

海及專屬經濟區內或在大陸礁層上進行傾倒，沿海國經與由於地理處理可能受傾倒不利影響的其他國家適當審議此事後，有權准許、規定及控制之該種傾倒。

6. 國內法律、規章及措施在防止、減少及控制這種污染方面的效力應不低於全球性規則及標準。

第211條 來自船隻之污染

1. 各國應通過主管國際組織或一般外交會議採取行動，制訂國際規則及標準，以防止、減少及控制船隻對海洋環境的污染，並於適當情形下以同樣方式促進對劃定制度的採用，以期儘量減少可能對海洋環境，包括地海岸造成污染及對沿海國的有關利益可能造成污染損害的意外事件的威脅。該規則及標準應根據需要隨時以同樣方式重新審查。
2. 各國應制定法律及規章，以防止、減少及控制懸掛其旗幟或在其國內登記的船隻對海洋環境的污染。該法律及規章至少應具有與通過主管國際組織或一般外交會議制訂的一般接受的國際規則及標準相同的效力。
3. 各國如制訂關於防止、減少及控制海洋環境污染的特別規定作為外國船隻進入其港口或內水或在其岸外設施停靠的條件，應將該規定妥為公佈，並通知主管國際組織。如兩個或兩個以上的沿海國制訂相同的規定以求協調政策，在通知時應說明哪些國家參加這種合作安排。每個國家應規定懸掛其旗幟或在其國內登記的船隻的船長在參加該合作安排的國家的領海內航行時，經該國要求應向其提送通知是否正駛往參加這種合作安排的同一區域的國家，如係駛往該國家，應說明是否遵守該國關於進入港口的規定。本條不妨害船隻繼續行使其無害通過權，也不妨害第25條第2項之適用。
4. 沿海國在其領海內行使主權，可制定法律及規章，以防止、減少之控制外國船隻，包括行使無害通過權的船隻對海洋之污染。依照第二部分第3節的規定，該法律及規章不應阻礙外國船隻的無害通過。
5. 沿海國為第6節所規定的執行目的，

section 6, may in respect of their exclusive economic zones adopt laws and regulations for the prevention, reduction and control of pollution from vessels conforming to and giving effect to generally accepted international rules and standards established through the competent international organization or general diplomatic conference.

6.
 - (a) Where the international rules and standards referred to in paragraph 1 are inadequate to meet special circumstances and coastal States have reasonable grounds for believing that a particular, clearly defined area of their respective exclusive economic zones is an area where the adoption of special mandatory measures for the prevention of pollution from vessels is required for recognized technical reasons in relation to its oceanographical and ecological conditions, as well as its utilization or the protection of its resources and the particular character of its traffic, the coastal States, after appropriate consultations through the competent international organization with any other States concerned, may, for that area, direct a communication to that organization, submitting scientific and technical evidence in support and information on necessary reception facilities. Within 12 months after receiving such a communication, the organization shall determine whether the conditions in that area correspond to the requirements set out above. If the organization so determines, the coastal States may, for that area, adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through the organization, for special areas. These laws and regulations shall not become applicable to foreign vessels until 15 months after the submission of the communication to the organization.
 - (b) The coastal States shall publish the limits of any such particular, clearly defined area.
 - (c) If the coastal States intend to adopt additional laws and regulations for the same area for the prevention, reduction and control of pollution from vessels, they shall, when submitting the aforesaid communication, at the same time notify the organization thereof. Such additional laws and regulations may relate to discharges or navigational practices but shall not require foreign vessels to observe design, construction, manning or equipment standards other than generally accepted international rules and standards; they shall become applicable to foreign vessels 15 months after the submission of the communication to the organization, provided that the organization agrees within 12 months after the submission of the communication.
7. The international rules and standards referred to in this article should include *inter alia* those relating to prompt notification to coastal States, whose coastline or related interests may be affected by incidents, including maritime casualties, which involve discharges or probability of discharges.

可對其專屬經濟區制定法律及規章，以防止、減少及控制來自船隻的污染。該法律及規章應符合通過主管國際組織或一般外交會議制訂的一般接受的國際規則及標準，並使其有效。

6.
 - (a) 如第1項所指的國際規則及標準不足以適應特殊情況，又如果沿海國有合理根據認為其專屬經濟區某一明確劃定之特定區域，因與其海洋學及生態條件有關的公認技術理由，以及該區域的利用或其資源的保護及其在航運上的特殊性質，要求採取防止來自船隻的污染的特別強制性措施，該沿海國通過主管國際組織與任何其他有關國家進行適當協商後，可就該區域向該組織送發通知，提出所依據的科學及技術證據，以及關於必要的回收設施的資訊。該組織收到該通知後，應在12個月內確定該區域的情況與上述要求是否相符。如該組織確定是符合的，該沿海國即可對該區域制定防止、減少及控制來自船隻的污染的法律及規章，實施通過主管國際組織使其適用於各特別區域的國際規則及標準或航行辦法。在向該組織送發通知滿15個月後，該法律及規章才可適用於外國船隻；
 - (b) 沿海國應公佈任何該明確劃定的特定區域的界限；
 - (c) 如沿海國有意為同一區域制定其他法律及規章，以防止、減少及控制來自船隻的污染，其應於提出上述通知時，同時將此一意向通知該組織。該增訂之法律及規章可涉及排放及航行辦法，但不應要求外國船隻遵守一般接受的國際規則及標準以外的設計、建造、人員配備或裝備標準；該法律及規章應在向該組織送發通知15個月後適用於外國船隻，但須在送發通知後12個月內該組織表示同意。
7. 本條所指之國際規則及標準，除其他外，應包括遇有引起排放或放可能的海難等事故時，立即通知其海岸或有關利益可能受到影響的沿海國的義務。

Article 212 Pollution from or through the atmosphere

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, applicable to the air space under their sovereignty and to vessels flying their flag or vessels or aircraft of their registry, taking into account internationally agreed rules, standards and recommended practices and procedures and the safety of air navigation.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution.

SECTION 6. ENFORCEMENT

Article 213 Enforcement with respect to pollution from land-based sources

States shall enforce their laws and regulations adopted in accordance with article 207 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from land-based sources.

Article 214 Enforcement with respect to pollution from seabed activities

States shall enforce their laws and regulations adopted in accordance with article 208 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment arising from or in connection with seabed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.

Article 215 Enforcement with respect to pollution from activities in the Area

Enforcement of international rules, regulations and procedures established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area shall be governed by that Part.

第212條 來自或透過大氣層之污染

1. 各國為防止、減少及控制來自大氣層或通過大氣層的海洋環境污染，應制定適用於其主權下之上空及懸掛其旗幟的船隻或在其國內登記的船隻或飛機之法律及規章，同時考慮到國際上議定的規則、標準及建議的辦法及程序，及航空之安全。
2. 各國應採取其他可能必要的措施，以防止、減少及控制該污染。
3. 各國特別應通過主管國際組織或外交會議採取行動，盡力制訂全球性及區域性規則、標準及建議的辦法及程序，以防止、減少及控制該污染。

第6節 執行

第213條 關於陸源污染之執行

各國應執行其依照第207條制定之法律及規章，並應制定法律及規章及採取其他必要措施，以實施通過主管國際組織或外交會議為防止、減少及控制陸地來源對海洋環境的污染而制訂之可適用之國際規則及標準。

第214條 關於來自海底活動之污染之執行

各國為防止、減少及控制來自受其管轄的海底活動或與此種活動有關的對海洋環境的污染及來自依據第60及第80條在其管轄下的人工島嶼、設施及結構對海洋環境的污染，應執行其依照第208條制定的法律及規章，並應制定必要的法律及規章及採取其他必要措施，以實施通過主管國際組織或外交會議制訂的可適用的國際規則及標準。

第215條 關於來自“區域”內活動之污染之執行

為防止、減少及控制“區域”內活動對海洋環境之污染而依照第十一部分制訂的國際規則、規章及程序，其執行應受該部分支配。

Article 216 Enforcement with respect to pollution by dumping

1. Laws and regulations adopted in accordance with this Convention and applicable international rules and standards established through competent international organizations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping shall be enforced:
 - (a) by the coastal State with regard to dumping within its territorial sea or its exclusive economic zone or onto its continental shelf ;
 - (b) by the flag State with regard to vessels flying its flag or vessels or aircraft of its registry ;
 - (c) by any State with regard to acts of loading of wastes or other matter occurring within its territory or at its off-shore terminals.
2. No State shall be obliged by virtue of this article to institute proceedings when another State has already instituted proceedings in accordance with this article.

Article 217 Enforcement by flag States

1. States shall ensure compliance by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organization or general diplomatic conference, and with their laws and regulations adopted in accordance with this Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs.
2. States shall, in particular, take appropriate measures in order to ensure that vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea in compliance with the requirements of the international rules and standards referred to in paragraph 1, including requirements in respect of design, construction, equipment and manning of vessels.
3. States shall ensure that vessels flying their flag or of their registry carry on board certificates required by and issued pursuant to international rules and standards referred to in paragraph 1. States shall ensure that vessels flying their flag are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels. These certificates shall be accepted by other States as evidence of the condition of the vessels and shall be regarded as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates.
4. If a vessel commits a violation of rules and standards established

第216條 關於傾倒造成污染之執行

1. 為防止、減少及控制傾倒對海洋環境之污染而依照本公約制定之法律及規章，及通過主管國際組織或外交會議制訂的可適用之國際規則及標準，應依下列規定執行：
 - (a) 對於在沿海國領海或其專屬經濟區內或在其大陸礁層上的傾倒，應由該沿海國執行；
 - (b) 對於懸掛旗籍國旗幟的船隻或在其國內登記的船隻及飛機，應由該旗籍國執行；
 - (c) 對於在任何國家領土內或在其岸外設施裝載廢料或其他物質的行為，應由該國執行。
2. 如另一國已依照本條提起該程序時，本條不應使任何國家承擔提起司法程序之義務。

第217條 船旗國之執行

1. 各國應確保懸掛其旗幟或在其國內登記的船隻，遵守為防止、減少及控制來自船隻之海洋環境污染而透過主管國際組織或一般外交會議制訂之可適用之國際規則及標準以及各該國依照本公約制定的法律及規章，並應為此制定法律及規章及採取其他必要措施，以實施這種規則、標準、法律及規章。船旗國應作出規定使該規則、標準、法律及規章得到有效執行，不論違反行為在何處發生。
2. 各國特別應採取適當措施，以確保懸掛其旗幟或在其國內登記的船隻，在能遵守第1項所指的國際規則及標準之規定，包括關於船隻的設計、建造、裝備及人員配備的規定以前，禁止其出海航行。
3. 各國應確保懸掛其旗幟或在其國內登記的船隻在船上持有第1項所指的國際規則及標準所規定並依據該規則及標準頒發之各種證書。各國應確保懸掛其旗幟的船隻受就定期檢查，以證實該證書與船隻之實際情況相符。其他國家應接受這些證書，作為船隻情況的證據，並應將這些證書視為與其本國所發的證書具有相同效力，然有明顯根據認為船隻之情況與證書所載各節有重大不符者除外。
4. 如船隻違反通過主管國際組織或一

through the competent international organization or general diplomatic conference, the flag State, without prejudice to articles 218, 220 and 228, shall provide for immediate investigation and where appropriate institute proceedings in respect of the alleged violation irrespective of where the violation occurred or where the pollution caused by such violation has occurred or has been spotted.

5. Flag States conducting an investigation of the violation may request the assistance of any other State whose cooperation could be useful in clarifying the circumstances of the case. States shall endeavour to meet appropriate requests of flag States.
6. States shall, at the written request of any State, investigate any violation alleged to have been committed by vessels flying their flag. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, flag States shall without delay institute such proceedings in accordance with their laws.
7. Flag States shall promptly inform the requesting State and the competent international organization of the action taken and its outcome. Such information shall be available to all States.
8. Penalties provided for by the laws and regulations of States for vessels flying their flag shall be adequate in severity to discourage violations wherever they occur.

Article 218 Enforcement by port States

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where the evidence so warrants, institute proceedings in respect of any discharge from that vessel outside the internal waters, territorial sea or exclusive economic zone of that State in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.
2. No proceedings pursuant to paragraph 1 shall be instituted in respect of a discharge violation in the internal waters, territorial sea or exclusive economic zone of another State unless requested by that State, the flag State, or a State damaged or threatened by the discharge violation, or unless the violation has caused or is likely to cause pollution in the internal waters, territorial sea or exclusive economic zone of the State instituting the proceedings.
3. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State shall, as far as practicable, comply with requests from any State for investigation of a discharge violation referred to in paragraph 1, believed to have occurred in, caused, or threatened damage to the internal waters, territorial sea or exclusive economic zone of the requesting State. It shall likewise, as far as practicable, comply with requests from the flag State for investigation of such a violation, irrespective of where the violation occurred.
4. The records of the investigation carried out by a port State pursuant to this article shall be transmitted upon request to the flag State or to the coastal State. Any proceedings instituted by the port State

般外交會議制訂的規則及標準，船旗國在不損及第218、第220及第228條之情形下，應設法立即進行調查，並於適當情形下應對被指控的違反行為提起司法程序，不論違反行為在何處發生，也不論該違反行為所造成的污染在何處發生或發現。

5. 船旗國調查違反行為時，可向提供合作能有助於澄清案件情況的任何其他國家請求協助。各國應盡力滿足船旗國的適當請示。
6. 各國經任何國家的請求，應對懸掛其旗幟的船隻被指控所犯的任何違反行為進行調查。船旗國如認為有充分證據可對被指控的違反行為提起司法程序，應毫不遲延地依照其法律提起該程序。
7. 船旗國應將所採取行動及其結果迅速通知請求國及主管國際組織。所有國家應能得到該訊息。
8. 各國法律及規章對懸掛其旗幟的船隻所規定之處罰應足夠嚴厲，以防阻違反行為在任何地方發生。

第218條 港口國之執行

1. 當船隻自願位於一國港口或岸外設施時，該國可對該船違反透過主管國際組織或一般外交會議制訂之可適用之國際規則及標準在該國內水、領海或專屬經濟區外之任何排放進行調查，並可在有充分證據的情形下，提起司法程序。
2. 對於在另一國內水、領海或專屬經濟區內發生之違章排放行為，除非經該國、船旗國或受違章排放行為損害或威脅的國家請求，或違反行為已對或可能對提起司法程序之國家內水、領海或專屬經濟區造成污染，不應依據第1項提起司法程序。
3. 當船隻自願位於一國港口或岸外設施時，該國應在實際可行範圍內滿足任何國家因認為第1項所指之違章排放行為已在其內水、領海或專屬經濟區內發生，對其內水、領海或專屬經濟區已造成損害或有損害的威脅而提出之進行調查之請求，並且應在實際可行範圍內，滿足船旗國對此一違反行為所提出的進行調查的請求，不論違反行為在何處發生。
4. 港口國依據本條規定進行的調查的記錄，如經請求，應轉交船旗國或沿海國。在第7節限制下，如違反行為

on the basis of such an investigation may, subject to section 7, be suspended at the request of the coastal State when the violation has occurred within its internal waters, territorial sea or exclusive economic zone. The evidence and records of the case, together with any bond or other financial security posted with the authorities of the port State, shall in that event be transmitted to the coastal State. Such transmittal shall preclude the continuation of proceedings in the port State.

Article 219 Measures relating to seaworthiness of vessels to avoid pollution

Subject to section 7, States which, upon request or on their own initiative, have ascertained that a vessel within one of their ports or at one of their off-shore terminals is in violation of applicable international rules and standards relating to seaworthiness of vessels and thereby threatens damage to the marine environment shall, as far as practicable, take administrative measures to prevent the vessel from sailing. Such States may permit the vessel to proceed only to the nearest appropriate repair yard and, upon removal of the causes of the violation, shall permit the vessel to continue immediately.

Article 220 Enforcement by coastal States

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may, subject to section 7, institute proceedings in respect of any violation of its laws and regulations adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels when the violation has occurred within the territorial sea or the exclusive economic zone of that State.
2. Where there are clear grounds for believing that a vessel navigating in the territorial sea of a State has, during its passage therein, violated laws and regulations of that State adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels, that State, without prejudice to the application of the relevant provisions of Part II, section 3, may undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws, subject to the provisions of section 7.
3. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of that State conforming and giving effect to such rules and standards, that State may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.
4. States shall adopt laws and regulations and take other measures so

發生在沿海國的內水、領海或專屬經濟區內，港口國根據這種調查提起之任何司法程序，經該沿海國請求可暫停進行。案件的證據及記錄，連同繳交港口國當局之任何保證書或其他財務擔保，應在該情形下轉交給該沿海國。轉交後，在港口國即不應繼續進行司法程序。

第219條 關於船隻適航條件之避免污染措施

在第7節限制下，各國如經請求或出於自己主動，已查明在港口或岸外設施之船隻違反關於船隻適航條件之可適用之國際規則及標準從而有損害海洋環境的威脅，應在實際可行範圍內採取行政措施以阻止該船航行。該國家可准許該船僅駛往最近的適當修船廠，並應於違反行為的原因消除後，准許該船立即繼續航行。

第220條 沿海國之執行

1. 當船隻自願位於一國港口或岸外設施時，該國對在其領海或專屬經濟區內發生的任何違反關於防止、減少及控制船隻造成污染之該國依照本公約制定的法律及規章或可適用的國際規則及標準的行為，可在第7節限制下，提起司法程序。
2. 如有明顯依據認為在一國領海內航行之船隻，於通過領海時，違反關於防止、減少及控制來自船隻的污染的該國依照本公約制定的法律及規章或可適用的國際規則及標準，該國在不損及第二部分第3節有關規定之適用之情形下，可就違反行為對該船進行實際檢查，並可在有充分證據時，在第7節限制下依照該國法律提起司法程序，包括對該船的拘留在內。
3. 如有明顯依據認為在一國專屬經濟區或領海內航行的船隻，在專屬經濟區內違反關於防止、減少及控制來自船隻的污染的可適用的國際規則及標準或符合該國際規則及標準並使其有效的該國的法律及規章，該國可要求該船提供關於該船之識別標誌、登記港口、上次停泊及下次停泊的港口，及其他必要的有關訊息，以確定是否已有違反行為發生。
4. 各國應制定法律及規章，並採取其他

that vessels flying their flag comply with requests for information pursuant to paragraph 3.

5. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a substantial discharge causing or threatening significant pollution of the marine environment, that State may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.
6. Where there is clear objective evidence that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of the coastal State, or to any resources of its territorial sea or exclusive economic zone, that State may, subject to section 7, provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.
7. Notwithstanding the provisions of paragraph 6, whenever appropriate procedures have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for bonding or other appropriate financial security has been assured, the coastal State if bound by such procedures shall allow the vessel to proceed.
8. The provisions of paragraphs 3, 4, 5, 6 and 7 also apply in respect of national laws and regulations adopted pursuant to article 211, paragraph 6.

Article 221 Measures to avoid pollution arising from maritime casualties

1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or 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.
2. For the purposes of this article, "maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo.

Article 222 Enforcement with respect to pollution from or through the atmosphere

措施，以使懸掛其旗幟的船隻遵從依據第3項提供訊息之要求。

5. 如有明顯依據認為於一國專屬經濟區或領海內航行的船隻，在專屬經濟區內犯有第3項所指的違反行為而導致大量排放，對海洋環境造成重大污染或有造成重大污染的威脅，該國在該船拒不提供情況，或所提供的訊息與明顯的實際情況顯然不符，並且依案件情況確有進行檢查的理由時，可就有關違反行為的事項對該船進行實際檢查。
6. 如有明顯客觀證據證明在一國專屬經濟區或領海內航行的船隻，在專屬經濟區內犯有第3項所指的違反行為而導致排放，對沿海國的海岸或有關利益，或對其領海或專屬經濟區內的任何資源，造成重大損害或有造成重大損害的威脅，該國在有充分證據時，可在第7節限制下，依照該國法律提起司法程序，包括對該船的拘留在內。
7. 無論第6項規定為何，無論何時如已通過主管國際組織或另外協定制訂適當之程序，從而已經確保關於保證書或其他適當財務擔保的規定得到遵守，沿海國如受該程序之拘束，應立即准許該船繼續航行。
8. 第3、第4、第5、第6及第7項之規定也應適用於依據第211條第6項制定之國內法律及規章。

第221條 避免海難引起污染之措施

1. 本部分任何規定不應妨害各國為保護其海岸或有關利益，包括捕魚，免受海難或與海難有關之行動所引起，並能合理預期造成重大有害後果之污染或污染威脅，而依據國際法，不論是根據習慣法或條約，在其領海範圍以外，採取及執行與實際的或可能發生的損害相稱的措施的權利。
2. 為本條之目的，“海難”是指船隻碰撞、擱淺或其他航行事故，或船上或船外所發生對船隻或船貨造成重大損害或重大損害的立即威脅之其他事故。

第222條 對來自大氣層或透過大氣層之污染之執行

States shall enforce, within the air space under their sovereignty or with regard to vessels flying their flag or vessels or aircraft of their registry, their laws and regulations adopted in accordance with article 212, paragraph 1, and with other provisions of this Convention and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from or through the atmosphere, in conformity with all relevant international rules and standards concerning the safety of air navigation.

SECTION 7. SAFEGUARDS

Article 223 Measures to facilitate proceedings

In proceedings instituted pursuant to this Part, States shall take measures to facilitate the hearing of witnesses and the admission of evidence submitted by authorities of another State, or by the competent international organization, and shall facilitate the attendance at such proceedings of official representatives of the competent international organization, the flag State and any State affected by pollution arising out of any violation. The official representatives attending such proceedings shall have such rights and duties as may be provided under national laws and regulations or international law.

Article 224 Exercise of powers of enforcement

The powers of enforcement against foreign vessels under this Part may only be exercised by officials or by warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

Article 225 Duty to avoid adverse consequences in the exercise of the powers of enforcement

In the exercise under this Convention of their powers of enforcement against foreign vessels, States shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

Article 226 Investigation of foreign vessels

1. (a) States shall not delay a foreign vessel longer than is essential for purposes of the investigations provided for in articles 216, 218 and 220. Any physical inspection of a foreign vessel shall be limited to an examination of such certificates, records or other documents as the vessel is

各國應對在其主權下的上空或懸掛其旗幟之船隻或在其國內登記的船隻及飛機，執行其依照第212條第1項及本公約其他規定制定的法律及規章，並應依照關於空中航行安全的一切有關國際規則及標準，制定法律及規章並採取其他必要措施，以實施通過主管國際組織或外交會議為防止、減少及控制來自大氣層或通過大氣層之海洋環境污染而制訂之可適用之國際規則及標準。

第7節 保障辦法

第223條 便利司法程序之措施

於依據本部分提起之司法程序中，各國應採取措施，便利對證人之聽訊及接受另一國當局或主管國際組織提交之證據，並應便利主管國際組織、船旗國或受任何違反行為引起污染影響之任何國家之官方代表參與該程序。參與該程序之官方代表應享有國內法律及規章或國際法規定之權利與義務。

第224條 執行權力之行使

本部分規定之對外國船隻之執行權力，僅有官員或軍艦、軍用飛機或其他有清楚標誌可以識別為政府服務並經授權之船舶或飛機方能行使。

第225條 行使執行權力時避免不良後果之義務

於依據本公約對外國船隻行使執行權力時，各國不應危害航行之安全或造成對船隻之任何危險，或將船隻帶至不安全的港口或停泊地，或使海洋環境面臨不合理的危險。

第226條 調查外國船隻

1. (a) 各國拘留外國船隻不得超過第216、第218及第220條規定之為調查目的所必需的時間。任何對外國船隻之實際檢查應只限於查閱該船依照一般接受之國

required to carry by generally accepted international rules and standards or of any similar documents which it is carrying ; further physical inspection of the vessel may be undertaken only after such an examination and only when:

- (i) there are clear grounds for believing that the condition of the vessel or its equipment does not correspond substantially with the particulars of those documents ;
 - (ii) the contents of such documents are not sufficient to confirm or verify a suspected violation ; or
 - (iii) the vessel is not carrying valid certificates and records.
- (b) If the investigation indicates a violation of applicable laws and regulations or international rules and standards for the protection and preservation of the marine environment, release shall be made promptly subject to reasonable procedures such as bonding or other appropriate financial security.
- (c) Without prejudice to applicable international rules and standards relating to the seaworthiness of vessels, the release of a vessel may, whenever it would present an unreasonable threat of damage to the marine environment, be refused or made conditional upon proceeding to the nearest appropriate repair yard. Where release has been refused or made conditional, the flag State of the vessel must be promptly notified, and may seek release of the vessel in accordance with Part XV.

2. States shall cooperate to develop procedures for the avoidance of unnecessary physical inspection of vessels at sea.

Article 227 Non-discrimination with respect to foreign vessels

In exercising their rights and performing their duties under this Part, States shall not discriminate in form or in fact against vessels of any other State.

Article 228 Suspension and restrictions on institution of proceedings

1. Proceedings to impose penalties in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings shall be suspended upon the taking of proceedings to impose penalties in respect of corresponding charges by the flag State within six months of the date on which proceedings were first instituted, unless those proceedings relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligation

國際規則及標準所須持有之證書、記錄或其他文書或其所持有的任何類似文件；對船隻之進一步之實際檢查，只有在經過該查閱後及在下列情況下，方可進行：

- (i) 有明顯根據認為該船的情況或其裝備與該文件所載各節有重大不符；
- (ii) 該文件內容不足以證實或證明涉嫌之違反行為；或
- (iii) 該船未持有有效的證件及記錄。

(b) 如調查結果顯示有違反關於保護及保全海洋環境的可適用的法律及規章或國際規則及標準的行為，則應於完成提供保證書或其他適當財務擔保等合理程序後迅速予以釋放。

(c) 於不損及有關船隻適航性之可適用之國際規則及標準之情況下，無論何時如船隻的釋放可能對海洋環境引起不合理之損害威脅，可拒絕釋放或以駛往最近的適當修船廠為條件予以釋放。在拒絕釋放或對釋放附加條件之情形下，必須迅速通知船隻的船旗國，該國可依照第十五部分尋求該船的釋放。

2. 各國應合作制定程序，以避免在海上對船隻作不必要之實際檢查。

第227條 對外國船隻之無歧視

各國根據本部分行使其權利及履行其義務時，不應在形式上或事實上對任何其他國家之船隻有所歧視。

第228條 提起司法程序之暫停及限制

1. 對於外國船隻於提起司法程序之國家之領海外所犯任何違反關於防止、減少及控制來自船隻的污染之可適用法律及規章或國際規則及標準之行為訴請加以處罰之司法程序，於船旗國於該程序最初提起之日起6個月內就同樣控告提出加以處罰之司法程序時，應即暫停進行，除非這種程序涉及沿海國遭受重大損害的條件或有關船旗國一再不顧其對本國

to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. The flag State shall in due course make available to the State previously instituting proceedings a full dossier of the case and the records of the proceedings, whenever the flag State has requested the suspension of proceedings in accordance with this article. When proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated. Upon payment of costs incurred in respect of such proceedings, any bond posted or other financial security provided in connection with the suspended proceedings shall be released by the coastal State.

2. Proceedings to impose penalties on foreign vessels shall not be instituted after the expiry of three years from the date on which the violation was committed, and shall not be taken by any State in the event of proceedings having been instituted by another State subject to the provisions set out in paragraph 1.
3. The provisions of this article are without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws irrespective of prior proceedings by another State.

Article 229 Institution of civil proceedings

Nothing in this Convention affects the institution of civil proceedings in respect of any claim for loss or damage resulting from pollution of the marine environment.

Article 230 Monetary penalties and the observance of recognized rights of the accused

1. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels beyond the territorial sea.
2. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels in the territorial sea, except in the case of a wilful and serious act of pollution in the territorial sea.
3. In the conduct of proceedings in respect of such violations committed by a foreign vessel which may result in the imposition of penalties, recognized rights of the accused shall be observed.

Article 231 Notification to the flag State and other States concerned

States shall promptly notify the flag State and any other State concerned of any measures taken pursuant to section 6 against foreign vessels, and shall submit to the flag State all official reports concerning such

船隻的違反行為有效地執行可適用的國際規則及標準的義務。船旗國無論於何時，如依照本條要求暫停進行司法程序，應於適當期間內將案件全部卷宗及程序記錄提供最先提起程序的國家。船旗國提起的司法程序結束時，暫停的司法程序應予終止。於該程序中應收之費用經繳納後，沿海國應發還與暫停的司法程序有關的任何保證書或其他財務擔保。

2. 從違反行為發生之日起滿3年後，對外國船隻不應再提起加以處罰的司法程序，又如另一國家已在第1項所載規定之限制下提起司法程序，任何國家均不得再提起該程序。
3. 本條規定不妨害船旗國依照本國法律採取任何措施，包括提起加以處罰的司法程序之權利，不論別國是否已先提起該程序。

第229條 民事訴訟程序之提起

本公約的任何規定不影響因要求賠償海洋環境污染造成之損失或損害而提起民事訴訟程序。

第230條 罰款及對被告公認權利之尊重

1. 對外國船隻在領海以外所犯違反關於防止、減少及控制海洋環境污染之國內法律及規章或可適用之國際規則及標準之行為，僅可處以罰款。
2. 對外國船隻在領海內所犯違反關於防止、減少及控制海洋環境污染之國內法律及規章或可適用之國際規則及標準之行為，僅可處以罰款，然在領海內故意及嚴重地造成污染的行為除外。
3. 對於外國船隻所犯該違反行為進行可能對其加以處罰的司法程序時，應尊重被告之公認權利。

第231條 對船旗國及其他有關國家之通知

各國應將依據第6節對外國船隻所採取之任何措施迅速通知船旗國及任何其他有關國家，並將有關該措施的一切正

measures. However, with respect to violations committed in the territorial sea, the foregoing obligations of the coastal State apply only to such measures as are taken in proceedings. The diplomatic agents or consular officers and where possible the maritime authority of the flag State, shall be immediately informed of any such measures taken pursuant to section 6 against foreign vessels.

Article 232 Liability of States arising from enforcement measures

States shall be liable for damage or loss attributable to them arising from measures taken pursuant to section 6 when such measures are unlawful or exceed those reasonably required in the light of available information. States shall provide for recourse in their courts for actions in respect of such damage or loss.

Article 233 Safeguards with respect to straits used for international navigation

Nothing in sections 5, 6 and 7 affects the legal regime of straits used for international navigation. However, if a foreign ship other than those referred to in section 10 has committed a violation of the laws and regulations referred to in article 42, paragraph 1(a) and (b), causing or threatening major damage to the marine environment of the straits, the States bordering the straits may take appropriate enforcement measures and if so shall respect *mutatis mutandis* the provisions of this section.

SECTION 8. ICE-COVERED AREAS

Article 234 Ice-covered areas

Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.

SECTION 9. RESPONSIBILITY AND LIABILITY

Article 235 Responsibility and liability

1. States are responsible for the fulfilment of their international obligations concerning the protection and preservation of the

式報告提交船旗國。但對領海內的違反行為，沿海國的上述義務僅適用於司法程序中所採取之措施。依據第6節對外國船隻採取的任何該措施，應立即通知船旗國的外交代表或領事官員，可能時並應通知其海事當局。

第232條 各國因執行措施而產生之賠償責任

各國依照第6節所採取之措施如屬非法或根據可得到之資訊超出合理要求。應對該措施所引起的並可以歸因於各該國之損害或損失負責。各國應對這種損害或損失規定向其法院申訴之辦法。

第233條 對用於國際航行的海峽的保障

第5、第6及第7節之任何規定不影響用於國際航行之海峽之法律制度。然如第1節所指以外之外國船舶違反第42條第1項(a)及(b)款所指法律及規章，對海峽的海洋環境造成重大損害或有造成重大損害的威脅，海峽沿岸國可採取適當執行措施，在採取該措施時，應比照尊重本節之規定。

第8節 冰封區域

第234條 冰封區域

沿海國有權制定及執行非歧視性之法律及規章，以防止、減少及控制船隻在專屬經濟區範圍內冰封區域對海洋的污染，該區域內的特別嚴寒氣候及一年中大部分時候冰封之情形對航行造成障礙或特別危險，且海洋環境污染可能對生態平衡造成重大的損害或無可挽救之擾亂。該法律及規章應適當顧及航行及以現有最可靠的科學證據為基礎對海洋環境之保護及保全。

第9節 責任

第235條 責任

1. 各國有責任履行其關於保護及保全海洋環境之國際義務。各國應依照國

marine environment. They shall be liable in accordance with international law.

2. States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.
3. With the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution of the marine environment, States shall cooperate in the implementation of existing international law and the further development of international law relating to responsibility and liability for the assessment of and compensation for damage and the settlement of related disputes, as well as, where appropriate, development of criteria and procedures for payment of adequate compensation, such as compulsory insurance or compensation funds.

SECTION 10. SOVEREIGN IMMUNITY

Article 236 Sovereign immunity

The provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

SECTION 11. OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 237 Obligations under other conventions on the protection and preservation of the marine environment

1. The provisions of this Part are without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the protection and preservation of the marine environment and to agreements which may be concluded in furtherance of the general principles set forth in this Convention.
2. Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention.

PART XIII MARINE SCIENTIFIC RESEARCH

國際法承擔責任。

2. 各國對於在其管轄下的自然人或法人污染海洋環境所造成的損害，應確保依照其法律制度，可提起申訴以獲得迅速及適當之補償或其他救濟。
3. 為對污染海洋環境所造成的一切損害保證迅速而適當地給予補償的目的，各國應進行合作，以便就評估及補償損害之責任及解決有關的爭端，實施現行國際法及進一步發展國際法，並於適當情形下，擬訂諸如強制保險或補償基金等關於給付適當補償之標準及程序。

第10節 主權豁免

第236條 主權豁免

本公約關於保護及保全海洋環境之規定，不適用於任何軍艦、海軍輔助艦、國家所擁有或經營且於當時僅供政府非商業性服務之用之其他船隻或飛機。然任一國家應採取不損及該國所擁有或經營的該船隻或飛機之操作或操作能力之適當措施，以確保在合理可行範圍內該船隻或飛機之活動方式符合本公約。

第11節 關於保護及保全海洋環境之其他公約所規定之義務

第237條 關於保護及保全海洋環境之其他公約所規定之義務

1. 本部分規定不影響各國根據先前締結之關於保護及保全海洋環境之特別公約及協定所承擔之特定義務，亦不影響為推行本公約所載一般原則而可能締結之協定。
2. 各國根據特別公約所承擔之關於保護及保全海洋環境之特定義務，應依符合本公約一般原則及目標之方式履行。

第十三部分 海洋科學研究

SECTION 1. GENERAL PROVISIONS

Article 238 Right to conduct marine scientific research

All States, irrespective of their geographical location, and competent international organizations have the right to conduct marine scientific research subject to the rights and duties of other States as provided for in this Convention.

Article 239 Promotion of marine scientific research

States and competent international organizations shall promote and facilitate the development and conduct of marine scientific research in accordance with this Convention.

Article 240 General principles for the conduct of marine scientific research

In the conduct of marine scientific research the following principles shall apply:

- (a) marine scientific research shall be conducted exclusively for peaceful purposes ;
- (b) marine scientific research shall be conducted with appropriate scientific methods and means compatible with this Convention ;
- (c) marine scientific research shall not unjustifiably interfere with other legitimate uses of the sea compatible with this Convention and shall be duly respected in the course of such uses ;
- (d) marine scientific research shall be conducted in compliance with all relevant regulations adopted in conformity with this Convention including those for the protection and preservation of the marine environment.

Article 241 Non-recognition of marine scientific research activities as the legal basis for claims

Marine scientific research activities shall not constitute the legal basis for any claim to any part of the marine environment or its resources.

SECTION 2. INTERNATIONAL COOPERATION

Article 242 Promotion of international cooperation

1. States and competent international organizations shall, in accordance with the principle of respect for sovereignty and jurisdiction and on the basis of mutual benefit, promote international cooperation in marine scientific research for peaceful purposes.
2. In this context, without prejudice to the rights and duties of States

第1節 一般規定

第238條 進行海洋科學研究的權利

所有國家，不論其地理位置如何，以及各主管國際組織，於本公約所規定之其他國家權利及義務之限制下，均有權進行海洋科學研究。

第239條 海洋科學研究之促進

各國及各主管國際組織應依照本公約，促進及便利海洋科學研究之發展及進行。

第240條 進行海洋科學研究之一般原則

進行海洋科學研究時應適用下列原則：

- (a) 海洋科學研究應專為和平目的而進行；
- (b) 海洋科學研究應以符合本公約之適當科學方法及工具進行；
- (c) 海洋科學研究不應對符合本公約的海洋其他正當用途有不當干擾，而該研究在上述用途過程中應適當地受到尊重；
- (d) 海洋科學研究的進行應遵守依照本公約制定的一切有關規章，包括關於保護及保全海洋環境的規章。

第241條 不承認海洋科學研究活動為任何權利主張之法律根據

海洋科學研究活動不應構成對海洋環境任何部分或其資源之任何權利主張之法律依據。

第2節 國際合作

第242條 國際合作之促進

1. 各國及各主管國際組織應依照尊重主權及管轄權原則，於互利基礎上，促進為和平目的進行海洋科學研究之國際合作。
2. 因此於不影響本公約所規定之權利

under this Convention, a State, in the application of this Part, shall provide, as appropriate, other States with a reasonable opportunity to obtain from it, or with its cooperation, information necessary to prevent and control damage to the health and safety of persons and to the marine environment.

Article 243 Creation of favourable conditions

States and competent international organizations shall cooperate, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of marine scientific research in the marine environment and to integrate the efforts of scientists in studying the essence of phenomena and processes occurring in the marine environment and the interrelations between them.

Article 244 Publication and dissemination of information and knowledge

1. States and competent international organizations shall, in accordance with this Convention, make available by publication and dissemination through appropriate channels information on proposed major programmes and their objectives as well as knowledge resulting from marine scientific research.
2. For this purpose, States, both individually and in cooperation with other States and with competent international organizations, shall actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, especially to developing States, as well as the strengthening of the autonomous marine scientific research capabilities of developing States through, *inter alia*, programmes to provide adequate education and training of their technical and scientific personnel.

SECTION 3. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH

Article 245 Marine scientific research in the territorial sea

Coastal States, in the exercise of their sovereignty, have the exclusive right to regulate, authorize and conduct marine scientific research in their territorial sea. Marine scientific research therein shall be conducted only with the express consent of and under the conditions set forth by the coastal State.

Article 246 Marine scientific research in the exclusive economic zone and on the continental shelf

1. Coastal States, in the exercise of their jurisdiction, have the right to regulate, authorize and conduct marine scientific research in their

及義務之情形下，一國於適用本部分時，在適當情形下，應向其他國家提供合理機會，使其從該國取得或在該國合作下取得為防止及控制對人身健康及安全及對海洋環境的損害所必要之情報。

第243條 有利條件之創造

各國及各主管國際組織應進行合作，通過雙邊及多邊協定之締結，創造有利條件，以進行海洋環境中之海洋科學研究，並將科學工作者在研究海洋環境中發生之各種現象及變化過程的本質以及兩者間之相互關係方面努力予以結合。

第244條 資訊及知識之公佈及傳播

1. 各國及各主管國際組織應依本公約，透過適當途徑以公佈及傳播之方式，提供關於擬議之主要方案及其目標之情報以及海洋科學研究所得之知識。
2. 為此目的，各國應個別地並與其他國家及各主管國際組織合作，積極促進科學資料及資訊之流通及海洋科學研究所得知識之移轉，特別是向發展中國家的流通及移轉，並通過除其他外對發展中國家技術及科學人員提供適當教育及訓練方案，加強發展中國家自主進行海洋科學研究的能力。

第3節 海洋科學研究之進行及促進

第245條 領海內之海洋科學研究

沿海國於行使其主權時，有規定、准許及進行其領海內的海洋科學研究之專屬權利。領海內的海洋科學研究，應經沿海國明示同意並在沿海國規定之條件下，始可進行。

第246條 專屬經濟區內及大陸礁層上之海洋科學研究

1. 沿海國於行使其管轄權時，有權依照本公約之有關條款，規定、准許及進

- exclusive economic zone and on their continental shelf in accordance with the relevant provisions of this Convention.
2. Marine scientific research in the exclusive economic zone and on the continental shelf shall be conducted with the consent of the coastal State.
 3. Coastal States shall, in normal circumstances, grant their consent for marine scientific research projects by other States or competent international organizations in their exclusive economic zone or on their continental shelf to be carried out in accordance with this Convention exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind. To this end, coastal States shall establish rules and procedures ensuring that such consent will not be delayed or denied unreasonably.
 4. For the purposes of applying paragraph 3, normal circumstances may exist in spite of the absence of diplomatic relations between the coastal State and the researching State.
 5. Coastal States may however in their discretion withhold their consent to the conduct of a marine scientific research project of another State or competent international organization in the exclusive economic zone or on the continental shelf of the coastal State if that project:
 - (a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living ;
 - (b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment ;
 - (c) involves the construction, operation or use of artificial islands, installations and structures referred to in articles 60 and 80 ;
 - (d) contains information communicated pursuant to article 248 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the coastal State from a prior research project.
 6. Notwithstanding the provisions of paragraph 5, coastal States may not exercise their discretion to withhold consent under subparagraph (a) of that paragraph in respect of marine scientific research projects to be undertaken in accordance with the provisions of this Part on the continental shelf, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, outside those specific areas which coastal States may at any time publicly designate as areas in which exploitation or detailed exploratory operations focused on those areas are occurring or will occur within a reasonable period of time. Coastal States shall give reasonable notice of the designation of such areas, as well as any modifications thereto, but shall not be obliged to give details of the operations therein.
 7. The provisions of paragraph 6 are without prejudice to the rights of coastal States over the continental shelf as established in article 77.
 8. Marine scientific research activities referred to in this article shall not unjustifiably interfere with activities undertaken by coastal States in the exercise of their sovereign rights and jurisdiction
- 行在其專屬經濟區內或大陸礁層上的海洋科學研究。
2. 於專屬經濟區內及大陸礁層上進行海洋科學研究，應經沿海國同意。
 3. 於正常情形下，沿海國應對其他國家或各主管國際組織依照本公約專為和平目的及為增進關於海洋環境的科學知識以謀全人類利益，而在其專屬經濟區內或大陸礁層上進行的海洋科學研究計畫，給予同意。為此目的，沿海國應制訂規則及程序，確保不致不合理地推遲或拒絕給予同意。
 4. 為適用第3項的目的，儘管沿海國及研究國之間沒有外交關係，它們之間仍可存在正常情況。
 5. 然沿海國可斟酌決定，拒不同意另一國家或主管國際組織在該沿海國專屬經濟區內或大陸礁層上進行海洋科學研究計畫，如該計畫：
 - (a) 與生物或非生物自然資源的勘探及開發有直接關係；
 - (b) 涉及大陸礁層的鑽探、炸藥的使用或將有害物質引入海洋環境；
 - (c) 涉及第60及第80條所指的人工島嶼、設施及結構的建造、操作或使用；
 - (d) 含有依據第248條提出的關於該計畫的性質及目標的不正確資訊，或如進行研究的國家或主管國際組織由於先前進行研究計畫而對沿海國負有尚未履行的義務。
 6. 無論第5項規定為何，如沿海國已於任何時候公開指定從測算領海寬度的基線量起200浬以外之某些特定區域為已在進行或將在合理期間內進行開發或詳探作業之重點區域，則沿海國對於在該特定區域之外的大陸礁層上依照本部分規定進行之海洋科學研究計畫，即不得行使該項(a)款規定之斟酌決定權而拒不同意。沿海國對於這類區域的指定及其任何更改，應提出合理的通知，但無須提供其中作業的詳情。
 7. 第6項的規定不影響經第77條所規定之沿海國對大陸礁層之權利。
 8. 本條所指之海洋科學研究活動，不應對沿海國行使本公約所規定之主權權利及管轄權所進行的活動有不當

provided for in this Convention.

Article 247 Marine scientific research projects undertaken by or under the auspices of international organizations

A coastal State which is a member of or has a bilateral agreement with an international organization, and in whose exclusive economic zone or on whose continental shelf that organization wants to carry out a marine scientific research project, directly or under its auspices, shall be deemed to have authorized the project to be carried out in conformity with the agreed specifications if that State approved the detailed project when the decision was made by the organization for the undertaking of the project, or is willing to participate in it, and has not expressed any objection within four months of notification of the project by the organization to the coastal State.

Article 248 Duty to provide information to the coastal State

States and competent international organizations which intend to undertake marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide that State with a full description of:

- (a) the nature and objectives of the project ;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment ;
- (c) the precise geographical areas in which the project is to be conducted ;
- (d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate ;
- (e) the name of the sponsoring institution, its director, and the person in charge of the project ; and
- (f) the extent to which it is considered that the coastal State should be able to participate or to be represented in the project.

Article 249 Duty to comply with certain conditions

1. States and competent international organizations when undertaking marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State shall comply with the following conditions:
 - (a) ensure the right of the coastal State, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the coastal State and without obligation to contribute towards the costs of

干擾。

第247條 國際組織進行或主持之海洋科學研究計畫

沿海國為一國際組織成員國或同該組織訂有雙邊協定，而在該沿海國專屬經濟區內或大陸礁層上該組織有意直接或在其主持下進行一項海洋科學研究計畫，如該沿海國於該組織決定進行計畫時已核准詳細計畫，或願意參加該計畫，並在該組織將計畫通知該沿海國後4個月內未表示任何反對意見，則應視為已准許依照同意之說明書進行該計畫。

第248條 向沿海國提供資料之義務

各國及各主管國際組織有意在一個沿海國之專屬經濟區內或大陸礁層上進行海洋科學研究，應在海洋科學研究計畫預定開始日期至少6個月前，向該國提供關於下列各項詳細說明：

- (a) 計畫之性質及目標；
- (b) 使用之方法及工具，包括船隻之船名、噸位、類型及級別，及科學裝備之說明；
- (c) 進行計畫之精確地理區域；
- (d) 研究船最初到達及最後離開之預定日期，或裝備之部署及拆除之預定日期，視情況而定；
- (e) 主持機構之名稱，其主持人及計畫負責人之姓名；及
- (f) 認為沿海國應能參加或有代表參與計畫之程度。

第249條 遵守某些條件之義務

1. 各國及各主管國際組織於沿海國之專屬經濟區內或大陸礁層上進行海洋科學研究時，應遵守下列條件：
 - (a) 如沿海國願意，確保其有權參加或有代表參與海洋科學研究計畫，特別是於實際可行時在研究船及其他船隻上或在科學研究設施上進行，然對沿海國之科學工作者無須支付任何報酬，沿海國

- the project ;
- (b) provide the coastal State, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research ;
 - (c) undertake to provide access for the coastal State, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value ;
 - (d) if requested, provide the coastal State with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation ;
 - (e) ensure, subject to paragraph 2, that the research results are made internationally available through appropriate national or international channels, as soon as practicable ;
 - (f) inform the coastal State immediately of any major change in the research programme ;
 - (g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.
2. This article is without prejudice to the conditions established by the laws and regulations of the coastal State for the exercise of its discretion to grant or withhold consent pursuant to article 246, paragraph 5, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

Article 250 Communications concerning marine scientific research projects

Communications concerning the marine scientific research projects shall be made through appropriate official channels, unless otherwise agreed.

Article 251 General criteria and guidelines

States shall seek to promote through competent international organizations the establishment of general criteria and guidelines to assist States in ascertaining the nature and implications of marine scientific research.

Article 252 Implied consent

States or competent international organizations may proceed with a marine scientific research project six months after the date upon which the information required pursuant to article 248 was provided to the coastal State unless within four months of the receipt of the communication containing such information the coastal State has informed the State or organization conducting the research that:

- 亦無分擔計畫費用之義務；
- (b) 經沿海國要求，在實際可行範圍內儘快向沿海國提供初步報告，並於研究完成後提供所得的最後成果及結論；
 - (c) 經沿海國要求，負責供其利用從海洋科學研究計畫所取得的一切資料及樣品，並同樣向其提供可以複製的資料及可分開而不致損及其科學價值之樣品；
 - (d) 一經要求，向沿海國提供對該資料、樣品及研究成果之評估，或協助沿海國加以評估或解釋；
 - (e) 確保於第2項限制下，於實際可行之情況下，儘快通過適當的國內或國際途徑，使研究成果能於國際上可以取得；
 - (f) 將研究方案的任何重大改變立即通知沿海國；
 - (g) 除另有協議外，研究完成後立即拆除科學研究設施或裝備。
2. 本條不妨害沿海國之法律及規章為依據第246條第5項行使斟酌決定權給予同意或拒不同意而規定之條件，包括要求預先同意使計畫中對勘探及開發自然資源有直接關係的研究成果於國際上可以取得。

第250條 關於海洋科學研究計畫之通知

關於海洋科學研究計畫之通知，除另有協議外，應通過適當之官方途徑發出。

第251條 一般準則及方針

各國應通過主管國際組織設法促進一般準則及方針的制定，以協助各國確定海洋科學研究之性質及影響。

第252條 默示同意

各國或各主管國際組織可於依據第248條之規定向沿海國提供必要資訊之日起6個月後，開始進行海洋科學研究計畫，除非沿海國於收到含有此項資訊之通知後4個月內通知進行研究之國家或組織：

- (a) it has withheld its consent under the provisions of article 246 ; or
- (b) the information given by that State or competent international organization regarding the nature or objectives of the project does not conform to the manifestly evident facts ; or
- (c) it requires supplementary information relevant to conditions and the information provided for under articles 248 and 249 ; or
- (d) outstanding obligations exist with respect to a previous marine scientific research project carried out by that State or organization, with regard to conditions established in article 249.

Article 253 Suspension or cessation of marine scientific research activities

1. A coastal State shall have the right to require the suspension of any marine scientific research activities in progress within its exclusive economic zone or on its continental shelf if:
 - (a) the research activities are not being conducted in accordance with the information communicated as provided under article 248 upon which the consent of the coastal State was based ; or
 - (b) the State or competent international organization conducting the research activities fails to comply with the provisions of article 249 concerning the rights of the coastal State with respect to the marine scientific research project.
2. A coastal State shall have the right to require the cessation of any marine scientific research activities in case of any non-compliance with the provisions of article 248 which amounts to a major change in the research project or the research activities.
3. A coastal State may also require cessation of marine scientific research activities if any of the situations contemplated in paragraph 1 are not rectified within a reasonable period of time.
4. Following notification by the coastal State of its decision to order suspension or cessation, States or competent international organizations authorized to conduct marine scientific research activities shall terminate the research activities that are the subject of such a notification.
5. An order of suspension under paragraph 1 shall be lifted by the coastal State and the marine scientific research activities allowed to continue once the researching State or competent international organization has complied with the conditions required under articles 248 and 249.

Article 254 Rights of neighbouring land-locked and geographically disadvantaged States

1. States and competent international organizations which have submitted to a coastal State a project to undertake marine scientific research referred to in article 246, paragraph 3, shall give notice to the neighbouring land-locked and geographically disadvantaged States of the proposed research project, and shall notify the coastal

- (a) 該國已根據第246條之規定拒絕同意；
- (b) 該國或主管國際組織提出之關於計畫之性質及目標之資訊與事實明顯不符；
- (c) 該國要求有關第248及第249條規定之條件及資訊之補充情報；或
- (d) 關於該國或該組織以前進行的海洋科學研究計畫，於第249條規定之條件方面，還有尚未履行之義務。

第253條 海洋科學研究活動之暫停或停止

1. 沿海國應有權要求暫停在其專屬經濟區內或大陸礁層上正在進行之任何海洋科學研究活動，如：
 - (a) 研究活動之進行不依照根據第248條規定提出，且經沿海國作為同意之基礎之資訊；或
 - (b) 進行研究活動之國家或主管國際組織未遵守第249條關於沿海國對該海洋科學研究計畫之權利之規定。
2. 任何不遵守第248條規定之情形，如等於將研究計畫或研究活動作重大改變，沿海國應有權要求停止任何海洋科學研究活動。
3. 如第1項所設想之任何情況於合理期間內仍未得到糾正，沿海國也可要求停止海洋科學研究活動。
4. 沿海國發出其命令暫停或停止海洋科學研究活動之決定之通知後，獲准進行該活動之國家或主管國際組織應即終止該一通知所指之活動。
5. 一旦進行研究的國家或主管國際組織遵行第248條及第249條所要求之條件，沿海國應即撤銷依據第1項發出之暫停命令，海洋科學研究活動也應獲准繼續進行。

第254條 鄰近的內陸國及地理不利國之權利

1. 已向沿海國提出1項計畫，準備進行第246條第3項所指之海洋科學研究的國家及主管國際組織，應將提議之研究計畫通知鄰近之內陸國及地理不利國，並應將此事通知沿海國。

State thereof.

2. After the consent has been given for the proposed marine scientific research project by the coastal State concerned, in accordance with article 246 and other relevant provisions of this Convention, States and competent international organizations undertaking such a project shall provide to the neighbouring land-locked and geographically disadvantaged States, at their request and when appropriate, relevant information as specified in article 248 and article 249, paragraph 1(f).
 3. The neighbouring land-locked and geographically disadvantaged States referred to above shall, at their request, be given the opportunity to participate, whenever feasible, in the proposed marine scientific research project through qualified experts appointed by them and not objected to by the coastal State, in accordance with the conditions agreed for the project, in conformity with the provisions of this Convention, between the coastal State concerned and the State or competent international organizations conducting the marine scientific research.
 4. States and competent international organizations referred to in paragraph 1 shall provide to the above-mentioned land-locked and geographically disadvantaged States, at their request, the information and assistance specified in article 249, paragraph 1(d), subject to the provisions of article 249, paragraph 2.
2. 於有關沿海國依照第246條及本公約之其他有關規定對該提議的海洋科學研究計畫給予同意後，進行該計畫之國家及主管國際組織，經鄰近內陸國及地理不利國請求，適當時應向它們提供第248條及第249條第1項(f)款所列之有關資訊。
 3. 上列所指之鄰近內陸國及地理不利國，如提出請求，應獲得機會依照有關之沿海國及進行此項海洋科學研究之國家或主管國際組織依本公約的規定而議定之適用於提議之海洋科學研究計畫的條件，透過由其任命的且不為該沿海國反對之合格專家在實際可行時參加該計畫。
 4. 第1項所指之國家及主管國際組織，一經上述內陸國及地理不利國的請求，應向其提供第249條第1項(d)款規定之有關資訊及協助，然須受第249條第2項規定之限制。

Article 255 Measures to facilitate marine scientific research and assist research vessels

States shall endeavour to adopt reasonable rules, regulations and procedures to promote and facilitate marine scientific research conducted in accordance with this Convention beyond their territorial sea and, as appropriate, to facilitate, subject to the provisions of their laws and regulations, access to their harbours and promote assistance for marine scientific research vessels which comply with the relevant provisions of this Part.

第255條 便利海洋科學研究及協助研究船之措施

各國應盡力制定合理之規則、規章及程序，促進及使得在其領海以外依照本公約進行之海洋科學研究，並於適當時在其法律及規章規定之限制下，便利遵守本部分有關規定之海洋科學研究船進入其港口，並促進對該船隻之協助。

Article 256 Marine scientific research in the Area

All States, irrespective of their geographical location, and competent international organizations have the right, in conformity with the provisions of Part XI, to conduct marine scientific research in the Area.

第256條 “區域”內的海洋科學研究

所有國家，不論其地理位置如何，及各主管國際組織均有權依第十一部分規定在“區域”內進行海洋科學研究。

Article 257 Marine scientific research in the water column beyond the exclusive economic zone

All States, irrespective of their geographical location, and competent international organizations have the right, in conformity with this Convention, to conduct marine scientific research in the water column beyond the limits of the exclusive economic zone.

第257條 專屬經濟區以外之水域之海洋科學研究

所有國家，不論其地理位置如何，及各主管國際組織均有權依本公約在專屬經濟區範圍以外之水域進行海洋科學研究。

SECTION 4. SCIENTIFIC RESEARCH INSTALLATIONS OR EQUIPMENT IN THE MARINE ENVIRONMENT

第4節 海洋環境科學研究設施或裝備

Article 258 Deployment and use

The deployment and use of any type of scientific research installations or equipment in any area of the marine environment shall be subject to the same conditions as are prescribed in this Convention for the conduct of marine scientific research in any such area.

第258條 部署及使用

海洋環境之任何區域內部署及使用任何種類之科學研究設施或裝備，應遵守本公約為在任何該區域內進行海洋科學研究所規定之同樣條件。

Article 259 Legal status

The installations or equipment referred to in this section do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

第259條 法律地位

本節所指之設施或裝備不具有島嶼地位。該設施或裝備無自己之領海，其存在也不影響領海、專屬經濟區或大陸礁層界限之劃定。

Article 260 Safety zones

Safety zones of a reasonable breadth not exceeding a distance of 500 metres may be created around scientific research installations in accordance with the relevant provisions of this Convention. All States shall ensure that such safety zones are respected by their vessels.

第260條 安全地帶

於科學研究設施周圍可依照本公約有關規定設立不超過500公尺之合理寬度之安全地帶。所有國家應確保其本國船隻尊重該安全地帶。

Article 261 Non-interference with shipping routes

The deployment and use of any type of scientific research installations or equipment shall not constitute an obstacle to established international shipping routes.

第261條 對國際航路的不干擾

任何種類之科學研究設施或裝備之部署及使用不應對已確定之國際航路構成障礙。

Article 262 Identification markings and warning signals

Installations or equipment referred to in this section shall bear identification markings indicating the State of registry or the international organization to which they belong and shall have adequate internationally agreed warning signals to ensure safety at sea and the safety of air navigation, taking into account rules and standards established by competent international organizations.

第262條 識別標誌及警告信號

本節所指之設施或裝備應具有表明其登記國家或所屬國際組織之識別標誌，並應具有國際上議定之適當警告信號，以確保海上安全及空中航行安全，同時考慮到主管國際組織所制訂之規則及標準。

SECTION 5. RESPONSIBILITY AND LIABILITY

第5節 責任

Article 263 Responsibility and liability

第263條 責任

1. States and competent international organizations shall be responsible for ensuring that marine scientific research, whether undertaken by them or on their behalf, is conducted in accordance with this Convention.
2. States and competent international organizations shall be responsible

1. 各國及各主管國際組織應負責確保其自己從事或為其從事的海洋科學研究均依照本公約進行。
2. 各國及各主管國際組織對其他國

and liable for the measures they take in contravention of this Convention in respect of marine scientific research conducted by other States, their natural or juridical persons or by competent international organizations, and shall provide compensation for damage resulting from such measures.

3. States and competent international organizations shall be responsible and liable pursuant to article 235 for damage caused by pollution of the marine environment arising out of marine scientific research undertaken by them or on their behalf.

SECTION 6. SETTLEMENT OF DISPUTES AND INTERIM MEASURES

Article 264 Settlement of disputes

Disputes concerning the interpretation or application of the provisions of this Convention with regard to marine scientific research shall be settled in accordance with Part XV, sections 2 and 3.

Article 265 Interim measures

Pending settlement of a dispute in accordance with Part XV, sections 2 and 3, the State or competent international organization authorized to conduct a marine scientific research project shall not allow research activities to commence or continue without the express consent of the coastal State concerned.

PART XIV DEVELOPMENT AND TRANSFER OF MARINE TECHNOLOGY

SECTION 1. GENERAL PROVISIONS

Article 266 Promotion of the development and transfer of marine technology

1. States, directly or through competent international organizations, shall cooperate in accordance with their capabilities to promote actively the development and transfer of marine science and marine technology on fair and reasonable terms and conditions.
2. States shall promote the development of the marine scientific and technological capacity of States which may need and request technical assistance in this field, particularly developing States, including land-locked and geographically disadvantaged States, with regard to the exploration, exploitation, conservation and management of marine resources, the protection and preservation of the marine environment, marine scientific research and other activities in the marine environment compatible with this Convention, with a view to accelerating the social and economic development of the developing States.
3. States shall endeavour to foster favourable economic and legal conditions for the transfer of marine technology for the benefit of all

家。其自然人或法人或主管國際組織進行之海洋科學研究所採取的措施如違反本公約，應承擔責任，並對該措施所造成之損害提供補償。

3. 各國及各主管國際組織對其自己從事或為其從事的海洋科學研究產生海洋環境污染所造成的損害，應依據第235條承擔責任。

第6節 爭端之解決及臨時措施

第264條 爭端解決

本公約關於海洋科學研究的規定於解釋或適用上之爭端，應依照第十五部分第2及第3節解決。

第265條 臨時措施

在依照第十五部分第2及第3節解決某項爭端前，獲准進行海洋科學研究計畫的國家或主管國際組織，未經有關沿海國明示同意，不應准許開始或繼續進行研究活動。

第十四部分 海洋技術的發展及移轉

第1節 一般規定

第266條 海洋技術發展及移轉之促進

1. 各國應直接或透過主管國際組織，依其能力進行合作，積極促進在公平合理的條款及條件上發展及轉讓海洋科學及海洋技術。
2. 各國應對在海洋科學及技術能力方面可能需要並要求技術援助之國家，特別是發展中國家，包括內陸國及地理不利國，促進其在海洋資源的勘探、開發、養護及管理，海洋環境的保護及保全，海洋科學研究及符合本公約的海洋環境內其他活動等方面海洋科學及技術能力的發展，以加速發展中國家的社會及經濟發展。
3. 各國應盡力促進有利的經濟及法律條件，以便在公平的基礎上為所有有

parties concerned on an equitable basis.

Article 267 Protection of legitimate interests

States, in promoting cooperation pursuant to article 266, shall have due regard for all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of marine technology.

Article 268 Basic objectives

States, directly or through competent international organizations, shall promote:

- (a) the acquisition, evaluation and dissemination of marine technological knowledge and facilitate access to such information and data ;
- (b) the development of appropriate marine technology ;
- (c) the development of the necessary technological infrastructure to facilitate the transfer of marine technology ;
- (d) the development of human resources through training and education of nationals of developing States and countries and especially the nationals of the least developed among them ;
- (e) international cooperation at all levels, particularly at the regional, subregional and bilateral levels.

Article 269 Measures to achieve the basic objectives

In order to achieve the objectives referred to in article 268, States, directly or through competent international organizations, shall endeavour, *inter alia*, to:

- (a) establish programmes of technical cooperation for the effective transfer of all kinds of marine technology to States which may need and request technical assistance in this field, particularly the developing land-locked and geographically disadvantaged States, as well as other developing States which have not been able either to establish or develop their own technological capacity in marine science and in the exploration and exploitation of marine resources or to develop the infrastructure of such technology ;
- (b) promote favourable conditions for the conclusion of agreements, contracts and other similar arrangements, under equitable and reasonable conditions ;
- (c) hold conferences, seminars and symposia on scientific and technological subjects, in particular on policies and methods for the transfer of marine technology ;
- (d) promote the exchange of scientists and of technological and other experts ;
- (e) undertake projects and promote joint ventures and other forms of bilateral and multilateral cooperation.

關各方利益移轉海洋技術。

第267條 合法利益之保護

各國於依據第266條促進合作時，應適當顧及一切合法利益，除其他外，包括海洋技術之擁有人、供應者及接受者之權利及義務。

第268條 基本目標

各國應直接或通過主管國際組織促進：

- (a) 海洋技術知識之取得、評估及傳播，並便利該資訊及資料之取得；
- (b) 適當海洋技術發展；
- (c) 必要的技術方面基本建設的發展，以便利海洋技術之移轉；
- (d) 通過訓練及教育發展中國家及地區之國民，特別是其中最不發達國家及地區之國民方式，以發展人力資源；
- (e) 所有各級的國際合作，特別是區域、分區域及雙邊之國際合作。

第269條 實現基本目標之措施

為實現第268條所指的各項目標，各國應直接或通過主管國際組織，除其他事項外，應盡力：

- (a) 制訂技術合作方案，以便將一切種類之海洋技術有效地移轉給於海洋技術方面可能需要並要求技術援助的國家，特別是發展中內陸國及地理不利國，及能建立或發展其自己在海洋科學及海洋資源勘探及開發方面之技術能力或發展該技術之基本建設的其他發展中國家；
- (b) 促進在公平合理之條件下，訂立協定、契約及其他類似安排之有利條件；
- (c) 舉行關於科學及技術問題，特別是關於轉讓海洋技術之政策及方法之會議、討論會及座談會；
- (d) 促進科學工作人士、技術及其他專家之交換；
- (e) 推行各種計畫，並促進聯合企業及其他形式之雙邊及多邊合作。

SECTION 2. INTERNATIONAL COOPERATION

Article 270 Ways and means of international cooperation

International cooperation for the development and transfer of marine technology shall be carried out, where feasible and appropriate, through existing bilateral, regional or multilateral programmes, and also through expanded and new programmes in order to facilitate marine scientific research, the transfer of marine technology, particularly in new fields, and appropriate international funding for ocean research and development.

Article 271 Guidelines, criteria and standards

States, directly or through competent international organizations, shall promote the establishment of generally accepted guidelines, criteria and standards for the transfer of marine technology on a bilateral basis or within the framework of international organizations and other fora, taking into account, in particular, the interests and needs of developing States.

Article 272 Coordination of international programmes

In the field of transfer of marine technology, States shall endeavour to ensure that competent international organizations coordinate their activities, including any regional or global programmes, taking into account the interests and needs of developing States, particularly land-locked and geographically disadvantaged States.

Article 273 Cooperation with international organizations and the Authority

States shall cooperate actively with competent international organizations and the Authority to encourage and facilitate the transfer to developing States, their nationals and the Enterprise of skills and marine technology with regard to activities in the Area.

Article 274 Objectives of the Authority

Subject to all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of technology, the Authority, with regard to activities in the Area, shall ensure that:

- (a) on the basis of the principle of equitable geographical distribution, nationals of developing States, whether coastal, land-locked or geographically disadvantaged, shall be taken on for the purposes of training as members of the managerial, research and technical staff constituted for its undertakings ;
- (b) the technical documentation on the relevant equipment, machinery, devices and processes is made available to all

第2節 國際合作

第270條 國際合作之方式及方法

發展及轉讓海洋技術的國際合作，應在可行及適當之情形下，通過現有的雙邊、區域或多邊的方案進行，並應通過擴大的及新方案進行，以便利海洋科學研究，海洋技術轉讓，特別是在新領域內，及為海洋研究及發展在國際上籌供適當之資金。

第271條 方針、準則及標準

各國應直接或通過主管國際組織，在雙邊基礎上或在國際組織或其他機構的範圍內，並在特別考慮到發展中國家之利益及需要之情形下，促進制訂海洋技術移轉方面之一般接受之方針、準則及標準。

第272條 國際方案之協調

於海洋技術移轉方面，各國應盡力確保主管國際組織協調其活動，包括任何區域性及全球性方案，同時考慮到發展中國家特別是內陸國及地理不利國之利益及需要。

第273條 與各國際組織及管理局之合作

各國應與各主管國際組織及管理局積極合作，鼓勵並便利向發展中國家及其國民及企業轉讓關於“區域”內活動的技能及海洋技術。

第274條 管理局之目標

管理局於一切合法利益，其中除其他外包括技術擁有者、供應者及接受者的權利及義務之限制下，在“區域”內活動方面應確保：

- (a) 於公平地區分配原則的基礎上，接受不論為沿海國、內陸國或地理不利國的發展中國家之國民，以便訓練其為管理局工作所需之管理、研究及技術人員；
- (b) 使所有國家，特別是在此方面可能需要並要求技術援助的發展中

States, in particular developing States which may need and request technical assistance in this field ;

- (c) adequate provision is made by the Authority to facilitate the acquisition of technical assistance in the field of marine technology by States which may need and request it, in particular developing States, and the acquisition by their nationals of the necessary skills and know-how, including professional training ;
- (d) States which may need and request technical assistance in this field, in particular developing States, are assisted in the acquisition of necessary equipment, processes, plant and other technical know-how through any financial arrangements provided for in this Convention.

SECTION 3. NATIONAL AND REGIONAL MARINE SCIENTIFIC AND TECHNOLOGICAL CENTRES

Article 275 Establishment of national centres

1. States, directly or through competent international organizations and the Authority, shall promote the establishment, particularly in developing coastal States, of national marine scientific and technological research centres and the strengthening of existing national centres, in order to stimulate and advance the conduct of marine scientific research by developing coastal States and to enhance their national capabilities to utilize and preserve their marine resources for their economic benefit.
2. States, through competent international organizations and the Authority, shall give adequate support to facilitate the establishment and strengthening of such national centres so as to provide for advanced training facilities and necessary equipment, skills and know-how as well as technical experts to such States which may need and request such assistance.

Article 276 Establishment of regional centres

1. States, in coordination with the competent international organizations, the Authority and national marine scientific and technological research institutions, shall promote the establishment of regional marine scientific and technological research centres, particularly in developing States, in order to stimulate and advance the conduct of marine scientific research by developing States and foster the transfer of marine technology.
2. All States of a region shall cooperate with the regional centres therein to ensure the more effective achievement of their objectives.

Article 277 Functions of regional centres

The functions of such regional centres shall include, *inter alia*:

國家，能得到有關之裝備、機械、裝置及作業程序之技術文件；

- (c) 由管理局制訂適當之規定，以便利在海洋技術方面可能需要並要求技術援助之國家，特別是發展中國家，取得該援助，並便利其國民取得必要的技能及專門知識，包括專業訓練；
- (d) 通過本公約所規定的任何財務安排，協助在該方面可能需要並要求技術援助之國家，特別是發展中國家，取得必要的裝備、作業程序、工廠及其他技術知識。

第3節 國家及區域性海洋科學及技術中心

第275條 國家中心之設立

1. 各國應直接或通過各主管國際組織及管理局促進設立國家海洋科學及技術研究中心，特別是在發展中沿海國設立，並加強現有之國家中心，以鼓勵及推進發展中沿海國進行海洋科學研究，並提高這些國家為其經濟利益而利用及保全其海洋資源之國家能力。
2. 各國應透過各主管國際組織及管理局給予適當的支持，便利設立及加強此種國家中心，以便向可能需要並要求此種援助之國家提供先進的訓練設施及必要的裝備、技能及專門知識以及技術專家。

第276條 區域性中心之設立

1. 各國在與各主管國際組織、管理局及國家海洋科學及技術研究機構協調下，應促進設立區域性海洋科學及技術研究中心，特別是在發展中國家設立，以鼓勵及推進發展中國家進行海洋科學研究，並促進海洋技術之移轉。
2. 一區域內的所有國家都應與其中各區域性中心合作，以便確保更有效地達成其目標。

第277條 區域性中心之任務

該區域性中心之任務，除其他事項外，應包括：

- (a) training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geological exploration of the seabed, mining and desalination technologies ;
- (b) management studies ;
- (c) study programmes related to the protection and preservation of the marine environment and the prevention, reduction and control of pollution ;
- (d) organization of regional conferences, seminars and symposia ;
- (e) acquisition and processing of marine scientific and technological data and information ;
- (f) prompt dissemination of results of marine scientific and technological research in readily available publications ;
- (g) publicizing national policies with regard to the transfer of marine technology and systematic comparative study of those policies ;
- (h) compilation and systematization of information on the marketing of technology and on contracts and other arrangements concerning patents ;
- (i) technical cooperation with other States of the region.

- (a) 對海洋科學及技術研究之各方面，特別是對海洋生物學，包括生物資源之養護及管理、海洋學、水文學、工程學、海底地質勘探、採礦及海水淡化技術之各級訓練及教育方案；
- (b) 管理方面的研究；
- (c) 有關保護及保全海洋環境及防止、減少及控制污染之研究方案；
- (d) 區域性會議、討論會及座談會之組織；
- (e) 海洋科學及技術資料及資訊之取得及處理；
- (f) 海洋科學及技術研究成果由易於取得之出版物迅速傳播；
- (g) 有關海洋技術移轉之國家政策之公佈，及對這種政策之有系統之比較研究；
- (h) 關於技術的銷售及有關專利權之契約及其他安排之資訊之彙編及整理；
- (i) 與區域內其他國家之技術合作。

SECTION 4. COOPERATION AMONG INTERNATIONAL ORGANIZATIONS

第4節 國際組織間之合作

Article 278 Cooperation among international organizations

第278條 國際組織間之合作

The competent international organizations referred to in this Part and in Part XIII shall take all appropriate measures to ensure, either directly or in close cooperation among themselves, the effective discharge of their functions and responsibilities under this Part.

本部分及第十三部分所指之主管國際組織應採取一切適當措施，以便直接或在彼此密切合作中，確保本部分規定之其職務及責任得到有效履行。

PART XV SETTLEMENT OF DISPUTES

第十五部分 爭端解決

SECTION 1. GENERAL PROVISIONS

第1節 一般規定

Article 279 Obligation to settle disputes by peaceful means

第279條 以和平方法解決爭端之義務

States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33, paragraph 1, of the Charter.

各締約國應依照「聯合國憲章」第2條第3項以和平方法解決其間有關本公約之解釋或適用之任何爭端，並應為此目的以「憲章」第33條第1項所指之方法求得解決。

Article 280 Settlement of disputes by any peaceful means chosen by the parties

第280條 以爭端各方選擇之任何和平方法解決爭端

Nothing in this Part impairs the right of any States Parties to agree at any time to settle a dispute between them concerning the interpretation or application of this Convention by any peaceful means of their own choice.

本公約任何規定均不損及任何締約國於任何時候以協議自行選擇之任何和平方法解決其間有關本公約解釋或適用爭端之權利。

Article 281 Procedure where no settlement has been reached by the parties

第281條 爭端各方於爭端未獲得解決時所適用之程序

1. If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed to seek settlement of the dispute by a peaceful means of their own choice, the procedures provided for in this Part apply only where no settlement has been reached by recourse to such means and the agreement between the parties does not exclude any further procedure.
2. If the parties have also agreed on a time-limit, paragraph 1 applies only upon the expiration of that time-limit.

1. 為有關本公約解釋或適用爭端各方之締約各國，如已協議自行選擇之和平方法來謀求解決爭端，則僅於訴諸該方法而仍未獲得解決及爭端各方間之協定不排除任何其他程序之情形下，才適用本部分所規定之程序。
2. 爭端各方如已就時效達成協定，則僅於該時效屆滿時始適用第1項。

Article 282 Obligations under general, regional or bilateral agreements

第282條 一般性、區域性或雙邊協定規定之義務

If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed, through a general, regional or bilateral agreement or otherwise, that such dispute shall, at the request of any party to the dispute, be submitted to a procedure that entails a binding decision, that procedure shall apply in lieu of the procedures provided for in this Part, unless the parties to the dispute otherwise agree.

為有關本公約解釋或適用爭端各方之締約各國如已透過一般性、區域性或雙邊協定或以其他方式協定，經爭端任何一方請求，應將該爭端提交導致有拘束力裁判之程序，該程序應代替本部分所規定之程序予以適用，然爭端各方另有協議者除外。

Article 283 Obligation to exchange views

第283條 交換意見之義務

1. When a dispute arises between States Parties concerning the interpretation or application of this Convention, the parties to the dispute shall proceed expeditiously to an exchange of views regarding its settlement by negotiation or other peaceful means.
2. The parties shall also proceed expeditiously to an exchange of views where a procedure for the settlement of such a dispute has been terminated without a settlement or where a settlement has been reached and the circumstances require consultation regarding the manner of implementing the settlement.

1. 如締約國間對本公約解釋或適用發生爭端，爭端各方應迅速以談判或其他和平方法解決爭端一事交換意見。
2. 如解決該爭端之程序已終止，而爭端仍未獲得解決，或如已達成解決辦法，而情況要求就解決辦法之實施方式進行協商時，爭端各方亦應迅速著手交換意見。

Article 284 Conciliation

第284條 調解

1. A State Party which is a party to a dispute concerning the interpretation or application of this Convention may invite the other party or parties to submit the dispute to conciliation in accordance with the procedure under Annex V, section 1, or another conciliation procedure.
2. If the invitation is accepted and if the parties agree upon the conciliation procedure to be applied, any party may submit the

1. 為有關本公約解釋或適用爭端一方之締約國，可邀請他方依照附件五第1節規定之程序或另一調解程序，將爭端提交調解。
2. 如爭端他方接受邀請，且爭端各方已就適用之調解程序達成協定，任一方

dispute to that procedure.

3. If the invitation is not accepted or the parties do not agree upon the procedure, the conciliation proceedings shall be deemed to be terminated.
4. Unless the parties otherwise agree, when a dispute has been submitted to conciliation, the proceedings may be terminated only in accordance with the agreed conciliation procedure.

Article 285 Application of this section to disputes submitted pursuant to Part XI

This section applies to any dispute which pursuant to Part XI, section 5, is to be settled in accordance with procedures provided for in this Part. If an entity other than a State Party is a party to such a dispute, this section applies *mutatis mutandis*.

SECTION 2. COMPULSORY PROCEDURES ENTAILING BINDING DECISIONS

Article 286 Application of procedures under this section

Subject to section 3, any dispute concerning the interpretation or application of this Convention shall, where no settlement has been reached by recourse to section 1, be submitted at the request of any party to the dispute to the court or tribunal having jurisdiction under this section.

Article 287 Choice of procedure

1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State shall be free to choose, by means of a written declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention:
 - (a) the International Tribunal for the Law of the Sea established in accordance with Annex VI ;
 - (b) the International Court of Justice ;
 - (c) an arbitral tribunal constituted in accordance with Annex VII ;
 - (d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein.
2. A declaration made under paragraph 1 shall not affect or be affected by the obligation of a State Party to accept the jurisdiction of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to the extent and in the manner provided for in Part XI, section 5.
3. A State Party, which is a party to a dispute not covered by a declaration in force, shall be deemed to have accepted arbitration in accordance with Annex VII.
4. If the parties to a dispute have accepted the same procedure for the

可將爭端提交該程序。

3. 如爭端他方未接受邀請，或爭端各方未就程序達成協定，調解視為終止。
4. 除爭端各方另有協議外，爭端提交調解後，調解僅可依照協定之調解程序終止。

第285條 本節對依據第十一部分提交之爭端之適用

本節適用於依據第十一部分第5節應依照本部分規定之程序解決之任何爭端。締約國以外之實體如為該爭端之一方，本節比照適用。

第2節 導致有拘束力裁判之強制程序

第286條 本節規定程序之適用

於適用第3節之情況下，有關本公約解釋或適用之任何爭端，如已訴諸第1節而仍未獲得解決，經爭端任一方請求，應提交依據本節具有管轄權之法院或法庭。

第287條 程序之選擇

1. 一國於簽署、批准或加入本公約時，或在其後任何時間，應有自由以書面聲明方式選擇下列一或一以上方法，以解決有關本公約解釋或適用之爭端：
 - (a) 依附件六設立之國際海洋法法庭；
 - (b) 國際法院；
 - (c) 依附件七組成之仲裁法庭；
 - (d) 依附件八組成之處理其中所列之一類或一類以上爭端之特別仲裁法庭。
2. 依據第1項所作出之聲明，不應影響締約國於第十一部分第5節規定之範圍內及以該節規定之方式，接受國際海洋法法庭海底爭端分庭管轄之義務，該聲明亦不受締約國之該義務之影響。
3. 締約國如為有效聲明所未包括之爭端之一方，應視為已接受附件七所規定之仲裁。
4. 如爭端各方已接受同一程序以解決

settlement of the dispute, it may be submitted only to that procedure, unless the parties otherwise agree.

5. If the parties to a dispute have not accepted the same procedure for the settlement of the dispute, it may be submitted only to arbitration in accordance with Annex VII, unless the parties otherwise agree.
6. A declaration made under paragraph 1 shall remain in force until three months after notice of revocation has been deposited with the Secretary-General of the United Nations.
7. A new declaration, a notice of revocation or the expiry of a declaration does not in any way affect proceedings pending before a court or tribunal having jurisdiction under this article, unless the parties otherwise agree.
8. Declarations and notices referred to in this article shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties.

Article 288 Jurisdiction

1. A court or tribunal referred to in article 287 shall have jurisdiction over any dispute concerning the interpretation or application of this Convention which is submitted to it in accordance with this Part.
2. A court or tribunal referred to in article 287 shall also have jurisdiction over any dispute concerning the interpretation or application of an international agreement related to the purposes of this Convention, which is submitted to it in accordance with the agreement.
3. The Seabed Disputes Chamber of the International Tribunal for the Law of the Sea established in accordance with Annex VI, and any other chamber or arbitral tribunal referred to in Part XI, section 5, shall have jurisdiction in any matter which is submitted to it in accordance therewith.
4. In the event of a dispute as to whether a court or tribunal has jurisdiction, the matter shall be settled by decision of that court or tribunal.

Article 289 Experts

In any dispute involving scientific or technical matters, a court or tribunal exercising jurisdiction under this section may, at the request of a party or *proprio motu*, select in consultation with the parties no fewer than two scientific or technical experts chosen preferably from the relevant list prepared in accordance with Annex VIII, article 2, to sit with the court or tribunal but without the right to vote.

Article 290 Provisional measures

1. If a dispute has been duly submitted to a court or tribunal which considers that *prima facie* it has jurisdiction under this Part or

該項爭端，除各方另有協議外，爭端僅可提交該程序。

5. 如爭端各方未接受同一程序以解決該項爭端，除各方另有協議外，爭端僅可提交附件七所規定之仲裁。
6. 依據第1項所作出之聲明，應繼續有效，至撤銷聲明之通知交存於聯合國秘書長後滿3個月為止。
7. 新聲明、撤銷聲明之通知或聲明之期滿，對於依據本條具有管轄權之法院或法庭進行中的程序並無任何影響，然爭端各方另有協議者除外。
8. 本條所指之聲明及通知應交存於聯合國秘書長，秘書長應將其副本分送各締約國。

第288條 管轄權

1. 第287條所指之法院或法庭，對於依照本部分向其提出之有關本公約解釋或適用之任何爭端，應具有管轄權。
2. 第287條所指之法院或法庭，對於依照與本公約之目的有關之國際協定向其提出之有關該協定之解釋或適用之任何爭端，亦具有管轄權。
3. 依附件六設立之國際海洋法法庭海底爭端分庭的第十一部分第5節所指之任何其他分庭或仲裁法庭，對依照該節向其提出之任何事項，具有管轄權。
4. 對於法院或法庭是否具有管轄權如發生爭端，該問題應由該法院或法庭以裁定解決。

第289條 專家

對於涉及科學及技術問題之任何爭端，依據本節行使管轄權之法院或法庭，可在爭端一方請求下或自己主動，並同爭端各方協定，最好從依附件八第2條編制之有關名單中，推選至少兩名科學或技術專家列席法院或法庭，但無表決權。

第290條 臨時措施

1. 如爭端已正式提交法院或法庭，而該法庭或法庭依據初步證明認為其依

Part XI, section 5, the court or tribunal may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment, pending the final decision.

2. Provisional measures may be modified or revoked as soon as the circumstances justifying them have changed or ceased to exist.
3. Provisional measures may be prescribed, modified or revoked under this article only at the request of a party to the dispute and after the parties have been given an opportunity to be heard.
4. The court or tribunal shall forthwith give notice to the parties to the dispute, and to such other States Parties as it considers appropriate, of the prescription, modification or revocation of provisional measures.
5. Pending the constitution of an arbitral tribunal to which a dispute is being submitted under this section, any court or tribunal agreed upon by the parties or, failing such agreement within two weeks from the date of the request for provisional measures, the International Tribunal for the Law of the Sea or, with respect to activities in the Area, the Seabed Disputes Chamber, may prescribe, modify or revoke provisional measures in accordance with this article if it considers that *prima facie* the tribunal which is to be constituted would have jurisdiction and that the urgency of the situation so requires. Once constituted, the tribunal to which the dispute has been submitted may modify, revoke or affirm those provisional measures, acting in conformity with paragraphs 1 to 4.
6. The parties to the dispute shall comply promptly with any provisional measures prescribed under this article.

Article 291 Access

1. All the dispute settlement procedures specified in this Part shall be open to States Parties.
2. The dispute settlement procedures specified in this Part shall be open to entities other than States Parties only as specifically provided for in this Convention.

Article 292 Prompt release of vessels and crews

1. Where the authorities of a State Party have detained a vessel flying the flag of another State Party and it is alleged that the detaining State has not complied with the provisions of this Convention for the prompt release of the vessel or its crew upon the posting of a reasonable bond or other financial security, the question of release from detention may be submitted to any court or tribunal agreed upon by the parties or, failing such agreement within 10 days from the time of detention, to a court or tribunal accepted by the detaining State under article 287 or to the International Tribunal for the Law of the Sea, unless the parties otherwise agree.
2. The application for release may be made only by or on behalf of the flag State of the vessel.
3. The court or tribunal shall deal without delay with the application for

據本部分或第十一部分第5節具有管轄權，該法院或法庭可在最後裁判前，規定其依據情況認為適當之任何臨時措施，以保全爭端各方之各自權利或防止對海洋環境之嚴重損害。

2. 臨時措施所根據之情況一旦改變或不復存在，即可修改或撤銷。
3. 臨時措施僅在爭端一方提出請求並使爭端各方有陳述意見之機會後，始可根據本條予以規定、修改或撤銷。
4. 法院或法庭應將臨時措施之規定、修改或撤銷迅速通知爭端各方及其認為適當之其他締約國。
5. 於爭端根據本節正向其提交的仲裁法庭組成前，經爭端各方協議之任何法院或法庭，如在請求規定臨時措施之日起兩周內不能達成該協定，則為國際海洋法庭，或在關於“區域”內活動時之海底爭端分庭，如根據初步證明認為將予組成之法庭具有管轄權，且認為情況緊急有此必要，可依照本條規定、修改或撤銷臨時措施。受理爭端之法庭一旦組成，即可依照第1至第4項行事，對該臨時措施予以修改、撤銷或確認。
6. 爭端各方應迅速遵從依據本條所規定之任何臨時措施。

第291條 使用程序之機會

1. 本部分規定之所有解決爭端程序應對各締約國開放。
2. 本部分規定之解決爭端程序應僅依本公約具體規定對締約國以外之實體開放。

第292條 船隻及船員之迅速釋放

1. 如締約國當局扣留一艘懸掛另一締約國旗幟之船舶，且依據指控，扣留國於合理保證書或其他財務擔保經提供後仍未遵從本公約規定，將該船隻或其船員迅速釋放，釋放問題可向爭端各方協議之任何法院或法庭提出，如從扣留時起十日內不能達成該協定，則除爭端各方另有協議外，可向扣留國根據第287條接受之法院或法庭，或向國際海洋法法庭提出。
2. 該釋放之申請，僅可由船旗國或以該國名義提出。
3. 法院或法庭應毫不遲延地處理關於

release and shall deal only with the question of release, without prejudice to the merits of any case before the appropriate domestic forum against the vessel, its owner or its crew. The authorities of the detaining State remain competent to release the vessel or its crew at any time.

4. Upon the posting of the bond or other financial security determined by the court or tribunal, the authorities of the detaining State shall comply promptly with the decision of the court or tribunal concerning the release of the vessel or its crew.

Article 293 Applicable law

1. A court or tribunal having jurisdiction under this section shall apply this Convention and other rules of international law not incompatible with this Convention.
2. Paragraph 1 does not prejudice the power of the court or tribunal having jurisdiction under this section to decide a case *ex aequo et bono*, if the parties so agree.

Article 294 Preliminary proceedings

1. A court or tribunal provided for in article 287 to which an application is made in respect of a dispute referred to in article 297 shall determine at the request of a party, or may determine *proprio motu*, whether the claim constitutes an abuse of legal process or whether *prima facie* it is well founded. If the court or tribunal determines that the claim constitutes an abuse of legal process or is *prima facie* unfounded, it shall take no further action in the case.
2. Upon receipt of the application, the court or tribunal shall immediately notify the other party or parties of the application, and shall fix a reasonable time-limit within which they may request it to make a determination in accordance with paragraph 1.
3. Nothing in this article affects the right of any party to a dispute to make preliminary objections in accordance with the applicable rules of procedure.

Article 295 Exhaustion of local remedies

Any dispute between States Parties concerning the interpretation or application of this Convention may be submitted to the procedures provided for in this section only after local remedies have been exhausted where this is required by international law.

Article 296 Finality and binding force of decisions

1. Any decision rendered by a court or tribunal having jurisdiction under this section shall be final and shall be complied with by all the

釋放之申請，且應僅處理釋放問題，而不影響在主管國內法庭對該船隻、其船主或船員的任何案件之是非曲直。扣留國當局應仍有權隨時釋放該船隻或其船員。

4. 於法院或法庭裁定之保證書或其他財務擔任經提供後，扣留國當局應迅速遵從法院或法庭關於釋放船隻或其船員之裁定。

第293條 準據法

1. 依據本節具有管轄權之法院或法庭應適用本公約及其他與本公約不相抵觸之國際法規則。
2. 如經當事各方同意，第1項並不妨害依據本節具有管轄權之法院或法庭依照公允及善良的原則對1項案件作出裁判之權力。

第294條 初步程序

1. 第287條所規定之法院或法庭，就第297條所指爭端向其提出之申請，應經一方請求決定，或可自己主動決定，該項權利主張是否構成濫用法律程序，或根據初步證明是否有理由。法院或法庭如決定該項主張構成濫用法律程序或根據初步證明並無理由，即不應對該案採取任何進一步行動。
2. 法院或法庭收到該申請，應立即將該申請通知爭端他方，並應指定爭端他方可請求依照第1項作出一項決定之合理期限。
3. 本條任何規定不影響爭端各方依照適用之程序規則提出初步反對之權利。

第295條 用盡當地救濟辦法

締約國間有關本公約解釋或適用之任何爭端，僅在依照國際法要求用盡當地救濟辦法後，才可提交本節規定之程序。

第296條 裁判之確定性及拘束力

1. 依據本節具有管轄權之法院或法庭對爭端所作的任何裁判應有確定

- parties to the dispute.
2. Any such decision shall have no binding force except between the parties and in respect of that particular dispute.

SECTION 3. LIMITATIONS AND EXCEPTIONS TO APPLICABILITY OF SECTION 2

Article 297 Limitations on applicability of section 2

1. Disputes concerning the interpretation or application of this Convention with regard to the exercise by a coastal State of its sovereign rights or jurisdiction provided for in this Convention shall be subject to the procedures provided for in section 2 in the following cases:
 - (a) when it is alleged that a coastal State has acted in contravention of the provisions of this Convention in regard to the freedoms and rights of navigation, overflight or the laying of submarine cables and pipelines, or in regard to other internationally lawful uses of the sea specified in article 58 ;
 - (b) when it is alleged that a State in exercising the aforementioned freedoms, rights or uses has acted in contravention of this Convention or of laws or regulations adopted by the coastal State in conformity with this Convention and other rules of international law not incompatible with this Convention ; or
 - (c) when it is alleged that a coastal State has acted in contravention of specified international rules and standards for the protection and preservation of the marine environment which are applicable to the coastal State and which have been established by this Convention or through a competent international organization or diplomatic conference in accordance with this Convention.
2.
 - (a) Disputes concerning the interpretation or application of the provisions of this Convention with regard to marine scientific research shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute arising out of:
 - (i) the exercise by the coastal State of a right or discretion in accordance with article 246 ; or
 - (ii) a decision by the coastal State to order suspension or cessation of a research project in accordance with article 253.
 - (b) A dispute arising from an allegation by the researching State that with respect to a specific project the coastal State is not exercising its rights under articles 246 and 253 in a manner compatible with this Convention shall be submitted, at the request of either party, to conciliation under Annex V, section 2, provided that the conciliation commission shall not call in question the exercise by the coastal State of its discretion to designate specific areas as referred to in article 246, paragraph 6, or of its discretion to withhold consent in accordance with article 246, paragraph 5.
- 3.

- 性，爭端所有各方均應遵從。
2. 該裁判僅在爭端各方間及對該特定爭端具有拘束力。

第3節 適用第2節之限制及例外

第297條 適用第2節之限制

1. 關於因沿海國行使本公約規定之主權權利或管轄權而發生對本公約解釋或適用之爭端，遇有下列情形，應遵守第2節所規定之程序：
 - (a) 依據指控，沿海國在第58條規定關於航行、飛越或鋪設海底電纜及管線自由及權利，或關於海洋其他國際合法用途方面，有違反本公約規定之行為；
 - (b) 依據指控，一國於行使上述自由、權利或用途時，有違反本公約或沿海國依照本公約及其他與本公約不相抵觸之國際法規則制定之法律或規章之行為；或
 - (c) 依據指控，沿海國有違反適用於該沿海國、並由本公約所制訂或透過主管國際組織或外交會議依照本公約制定之關於保護及保全海洋環境之特定國際規則及標準之行為。
2.
 - (a) 本公約關於海洋科學研究之規定於解釋或適用上的爭端，應依照第2節解決，然對下列情形所引起之任何爭端，沿海國並無義務同意將其提交該解決程序：
 - (i) 沿海國依照第246條行使權利或斟酌決定權；或
 - (ii) 沿海國依照第253條決定命令暫停或停止某項研究計畫。
 - (b) 因進行研究國家指控沿海國對某特定計劃行使第246及第253條所規定權利之方式不符合本公約而引起之爭端，經任何一方請求，應依照附件五第2節提交調解程序，但調解委員會對沿海國行使斟酌決定權指定第246條第6項所指特定區域，或依照第246條第5項行使斟酌決定權拒不同意，不應提出疑問。
- 3.

- (a) Disputes concerning the interpretation or application of the provisions of this Convention with regard to fisheries shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute relating to its sovereign rights with respect to the living resources in the exclusive economic zone or their exercise, including its discretionary powers for determining the allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management laws and regulations.
- (b) Where no settlement has been reached by recourse to section 1 of this Part, a dispute shall be submitted to conciliation under Annex V, section 2, at the request of any party to the dispute, when it is alleged that:
- (i) a coastal State has manifestly failed to comply with its obligations to ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not seriously endangered ;
 - (ii) a coastal State has arbitrarily refused to determine, at the request of another State, the allowable catch and its capacity to harvest living resources with respect to stocks which that other State is interested in fishing ; or
 - (iii) a coastal State has arbitrarily refused to allocate to any State, under articles 62, 69 and 70 and under the terms and conditions established by the coastal State consistent with this Convention, the whole or part of the surplus it has declared to exist.
- (c) In no case shall the conciliation commission substitute its discretion for that of the coastal State.
- (d) The report of the conciliation commission shall be communicated to the appropriate international organizations.
- (e) In negotiating agreements pursuant to articles 69 and 70, States Parties, unless they otherwise agree, shall include a clause on measures which they shall take in order to minimize the possibility of a disagreement concerning the interpretation or application of the agreement, and on how they should proceed if a disagreement nevertheless arises.

- (a) 對本公約關於漁業規定在解釋或適用上之爭端，應依照第2節解決，然沿海國並無義務同意將任何有關其對專屬經濟區內生物資源之主權權利或此項權利之行使之爭端，包括關於其對決定可捕量、其捕撈能力、分配剩餘量給其他國家、其關於養護及管理該資源之法律及規章中所制訂之條款及條件之斟酌決定權之爭端，提交該解決程序。
- (b) 依據指控有下列情事時，如已訴諸第1節而仍未得到解決，經爭端任何一方請求，應將爭端提交附件五第2節所規定的調解程序：
- (i) 一沿海國明顯地沒有履行其義務，透過適當之養護及管理措施，以確保專屬經濟區內生物資源之維持不致受到嚴重危害；
 - (ii) 一沿海國，經另一國請求，對該另一國有意捕撈之種群，專斷地拒絕決定可捕量及沿海國捕撈生物資源之能力；或
 - (iii) 一個沿海國專斷地拒絕根據第62、第69及第70條及該沿海國所制訂之符合本公約之條款及條件，將其已宣佈存在的剩餘量的全部或一部分分配給任何國家。
- (c) 在任何情形下，調解委員會不得以其斟酌決定權代替沿海國之裁量決定權。
- (d) 調解委員會之報告應送交有關國際組織。
- (e) 各締約國在依據第69及第70條談判協定時，除另有協議外，應列入一條款，規定各締約國為儘量減少對協定的解釋或適用發生爭端之可能性所應採取之措施，並規定如仍發生爭議，各締約國應採取何種步驟。

Article 298 Optional exceptions to applicability of section 2

1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State may, without prejudice to the obligations arising under section 1, declare in writing that it does not accept any one or more of the procedures provided for in section 2 with respect to one or more of the following categories of disputes:

第298條 適用第2節之選擇例外

1. 一國於簽署、批准或加入本公約時，或在其後任何時間，於不損及依據第1節所生義務之情形下，得以書面聲明對下列各類爭端之一類或一類以上，不接受第2節規定的一種或一種以上之程序：

- (a)
- (i) disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles, provided that a State having made such a declaration shall, when such a dispute arises subsequent to the entry into force of this Convention and where no agreement within a reasonable period of time is reached in negotiations between the parties, at the request of any party to the dispute, accept submission of the matter to conciliation under Annex V, section 2; and provided further that any dispute that necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory shall be excluded from such submission;
 - (ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree;
 - (iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties;
- (b) disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3;
- (c) disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in this Convention.
2. A State Party which has made a declaration under paragraph 1 may at any time withdraw it, or agree to submit a dispute excluded by such declaration to any procedure specified in this Convention.
 3. A State Party which has made a declaration under paragraph 1 shall not be entitled to submit any dispute falling within the excepted category of disputes to any procedure in this Convention as against another State Party, without the consent of that party.
 4. If one of the States Parties has made a declaration under paragraph 1(a), any other State Party may submit any dispute falling within an excepted category against the declarant party to the procedure specified in such declaration.
- (a)
- (i) 關於劃定海洋邊界的第15、第74及第83條於解釋或適用上之爭端，或涉及歷史性海灣或所有權之爭端，然如該爭端發生於本公約生效之後，經爭端各方談判仍未能在合理期間內達成協定，則作此聲明的國家，經爭端任何一方請求，應同意將該事項提交附件五第2節所規定之調解；此外，任何爭端如果必然涉及同時審議與大陸或島嶼陸地領土之主權或其他權利有關之任何尚未解決的爭端，則不應提交該程序；
 - (ii) 於調解委員會提出其中說明所依據之理由報告後，爭端各方應依據該報告進行談判達成協議；如談判未能達成協議，經彼此同意，爭端各方應將問題提交第2節所規定的程序之一，然爭端各方另有協定者除外；
 - (iii) 本項不適用於爭端各方已以某項安排確定解決之任何海洋邊界爭端，也不適用於依照對爭端各方有拘束力的雙邊或多邊協定加以解決之任何爭端；
- (b) 關於軍事活動，包括從事非商業服務之政府船隻及飛機之軍事活動之爭端，及根據第297條第2或第3項不屬法院或法庭管轄之關於行使主權權利或管轄權的法律執行活動之爭端；
- (c) 正由聯合國安全理事會執行「聯合國憲章」所賦予職務之爭端，然安全理事會決定將該事項從其議程刪除或要求爭端各方用本公約規定的方法解決該爭端者除外。
2. 根據第1項作出聲明之締約國，可隨時撤回聲明，或同意將該聲明所排除之爭端提交本公約規定之任何程序。
 3. 根據第1項作出聲明之締約國，無權對另一締約國，將屬於被除外之某類爭端之任何爭端，未經該另一締約國同意，提交本公約之任何程序。
 4. 如締約國之一已根據第1項(a)項作出聲明，任何其他締約國可對作出聲明的締約國，將屬於被除外之一類之任何爭端提交該聲明內指明之程序。

5. A new declaration, or the withdrawal of a declaration, does not in any way affect proceedings pending before a court or tribunal in accordance with this article, unless the parties otherwise agree.
6. Declarations and notices of withdrawal of declarations under this article shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties.

Article 299 Right of the parties to agree upon a procedure

1. A dispute excluded under article 297 or excepted by a declaration made under article 298 from the dispute settlement procedures provided for in section 2 may be submitted to such procedures only by agreement of the parties to the dispute.
2. Nothing in this section impairs the right of the parties to the dispute to agree to some other procedure for the settlement of such dispute or to reach an amicable settlement.

PART XVI GENERAL PROVISIONS

Article 300 Good faith and abuse of rights

States Parties shall fulfil in good faith the obligations assumed under this Convention and shall exercise the rights, jurisdiction and freedoms recognized in this Convention in a manner which would not constitute an abuse of right.

Article 301 Peaceful uses of the seas

In exercising their rights and performing their duties under this Convention, States Parties shall refrain from any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations.

Article 302 Disclosure of information

Without prejudice to the right of a State Party to resort to the procedures for the settlement of disputes provided for in this Convention, nothing in this Convention shall be deemed to require a State Party, in the fulfilment of its obligations under this Convention, to supply information the disclosure of which is contrary to the essential interests of its security.

Article 303 Archaeological and historical objects found at

5. 新聲明，或聲明之撤回，對依照本條在法院或法庭進行之程序並無任何影響，然爭端各方另有協議者除外。
6. 依據本條作出之聲明及撤回聲明之通知，應交存於聯合國秘書長，秘書長應將其副本分送各締約國。

第299條 爭端各方議定程序之權利

1. 依據第297條或以某一依照第298條發表之聲明予以除外，不依第2節所規定之解決爭端程序處理的爭端，僅於經爭端各方協議，才可提交該程序。
2. 本節任何規定不損及爭端各方為解決該爭端或達成及解決而協定某種其他程序之權利。

第十六部分 一般規定

第300條 善意及濫用權利

締約國應善意履行依據本公約所承擔之義務，並應以不致構成權利濫用之方式，行使本公約所承認之權利、管轄權及自由。

第301條 海洋之和平使用

締約國於依據本公約行使其權利及履行其義務時，應不對任何國家的領土完整或政治獨立進行任何武力威脅或使用武力，或以任何其他與「聯合國憲章」所載國際法原則不符的方式進行武力威脅或使用武力。

第302條 資料揭露

於不損及締約國訴諸本公約所規定之解決爭端程序之權利情形下，本公約任何規定不應視為要求任一締約國於履行其本公約所規定之義務時提供一經揭露即違反該國基本安全利益之資訊。

第303條 海洋發現之考古及歷

sea

1. States have the duty to protect objects of an archaeological and historical nature found at sea and shall cooperate for this purpose.
2. In order to control traffic in such objects, the coastal State may, in applying article 33, presume that their removal from the seabed in the zone referred to in that article without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in that article.
3. Nothing in this article affects the rights of identifiable owners, the law of salvage or other rules of admiralty, or laws and practices with respect to cultural exchanges.
4. This article is without prejudice to other international agreements and rules of international law regarding the protection of objects of an archaeological and historical nature.

Article 304 Responsibility and liability for damage

The provisions of this Convention regarding responsibility and liability for damage are without prejudice to the application of existing rules and the development of further rules regarding responsibility and liability under international law.

PART XVII FINAL PROVISIONS

Article 305 Signature

- (1) This Convention shall be open for signature by:
 - (a) all States ;
 - (b) Namibia, represented by the United Nations Council for Namibia ;
 - (c) all self-governing associated States which have chosen that status in an act of self-determination supervised and approved by the United Nations in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters ;
 - (d) all self-governing associated States which, in accordance with their respective instruments of association, have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters ;
 - (e) all territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters ;
 - (f) international organizations, in accordance with Annex IX.
- (2) This Convention shall remain open for signature until 9 December 1984 at the Ministry of Foreign Affairs of Jamaica and

史文物

1. 各國有義務保護於海洋發現之考古及歷史性文物，並應為此目的進行合作。
2. 為控制該文物之販運，沿海國可在適用第313條時推定未經沿海國許可將該文物移出該條所指海域的海床，將造成在其領土或領海內對該條所指法律及規章的違反。
3. 本條任何規定不影響尚可確認之物品所有人之權利、打撈法律或其他海事法規則，亦不影響關於文化交流的法律及慣例。
4. 本條不損及有關保護考古及歷史性文物之其他國際協定及國際法規則。

第 304 條 損害賠償責任

本公約關於損害賠償責任之規定不應損及現行規則之適用及國際法上其他有關賠償責任規則之發展。

第十七部分 最後條款

第 305 條 簽字

1. 本公約應開放給下列各方簽字：
 - (a) 所有國家；
 - (b) 納米比亞，由聯合國納米比亞理事會代表；
 - (c) 於第1項經聯合國依照其大會第1514(XV)號決議監督並核准之自決行動選擇自治地位，並對本公約所規定事項具有許可權，其中包括就該等事項締結條約之許可權的一切自治國；
 - (d) 依其各自自治公約規定，對本公約所規定事項具有許可權，其中包括就該等事項締結條約的許可權的一切自治國；
 - (e) 享有經聯合國承認之充分內部自治，然尚未依照大會第1514(XV)號決議取得完全獨立之一切領土，該領土須對本公約所規定事項具有許可權，其中包括就該等事項締結條約之許可權；
 - (f) 依附件9之國際組織。
2. 本公約應繼續於牙買加外交部開放簽字至1984年12月9日止，此後自

also, from 1 July 1983 until 9 December 1984, at United Nations Headquarters in New York.

Article 306 Ratification and formal confirmation

This Convention is subject to ratification by States and the other entities referred to in article 305, paragraph 1(b), (c), (d) and (e), and to formal confirmation, in accordance with Annex IX, by the entities referred to in article 305, paragraph 1(f). The instruments of ratification and of formal confirmation shall be deposited with the Secretary-General of the United Nations.

Article 307 Accession

This Convention shall remain open for accession by States and the other entities referred to in article 305. Accession by the entities referred to in article 305, paragraph 1(f), shall be in accordance with Annex IX. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 308 Entry into force

1. This Convention shall enter into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession.
2. For each State ratifying or acceding to this Convention after the deposit of the sixtieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession, subject to paragraph 1.
3. The Assembly of the Authority shall meet on the date of entry into force of this Convention and shall elect the Council of the Authority. The first Council shall be constituted in a manner consistent with the purpose of article 161 if the provisions of that article cannot be strictly applied.
4. The rules, regulations and procedures drafted by the Preparatory Commission shall apply provisionally pending their formal adoption by the Authority in accordance with Part XI.
5. The Authority and its organs shall act in accordance with resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory investment and with decisions of the Preparatory Commission taken pursuant to that resolution.

Article 309 Reservations and exceptions

No reservations or exceptions may be made to this Convention unless expressly permitted by other articles of this Convention.

Article 310 Declarations and statements

1983年7月1日起至1984年12月9日止，於紐約聯合國總部簽字。

第 306 條 批准及正式確認

本公約須經各國及第 305 條第 1 項(b)、(c)、(d)及(e)款所述之其他實體批准，並經該條第 1 項(f)款所指實體依附件 9 予以正式確認。批准書及正式確認書應交存於聯合國秘書長。

第 307 條 加入

本公約應持續開放給各國及第 305 條所指之其他實體加入。第 305 條第 1 項(f)款所指之實體應依附件 9 加入。加入書應交存於聯合國秘書長。

第 308 條 生效

1. 本公約應自第 60 份批准書或加入書交存之日後 12 個月生效。
2. 對於在第 60 份批准書及加入書交存以後批准或加入本公約之任一國家，於第 1 項限制下，本公約應在該國將批准書或加入書交存後第 30 天起生效。
3. 管理局大會應在本公約生效之日開會，並應選舉管理局之理事會。如第 161 條規定無法嚴格適用，則第 1 屆理事會應以符合該條目的之方式組成。
4. 籌備委員會草擬之規則、章程及程序，應於管理局依第十一部分予以正式通過前暫時適用。
5. 管理局及其各機關應依有關預備性投資之第 3 次聯合國海洋法會議決議及籌備委員會依據該決議作出之各項決定行事。

第 309 條 保留及例外

除本公約其他條款明示許可外，對本公約不得作出保留或例外。

第 310 條 聲明及說明

Article 309 does not preclude a State, when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State.

第 309 條不排除一國於簽署、批准或加入本公約時，作出任何措辭或用任何名稱之聲明或說明，除其他外，目的在使該國國內法律及規章同本公約規定取得協調，然須該聲明或說明無意排除或修改本公約規定適用於該締約國之法律效力。

Article 311 Relation to other conventions and international agreements

第 311 條 與其他公約及國際協定之關係

1. This Convention shall prevail, as between States Parties, over the Geneva Conventions on the Law of the Sea of 29 April 1958.
2. This Convention shall not alter the rights and obligations of States Parties which arise from other agreements compatible with this Convention and which do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.
3. Two or more States Parties may conclude agreements modifying or suspending the operation of provisions of this Convention, applicable solely to the relations between them, provided that such agreements do not relate to a provision derogation from which is incompatible with the effective execution of the object and purpose of this Convention, and provided further that such agreements shall not affect the application of the basic principles embodied herein, and that the provisions of such agreements do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.
4. States Parties intending to conclude an agreement referred to in paragraph 3 shall notify the other States Parties through the depositary of this Convention of their intention to conclude the agreement and of the modification or suspension for which it provides.
5. This article does not affect international agreements expressly permitted or preserved by other articles of this Convention.
6. States Parties agree that there shall be no amendments to the basic principle relating to the common heritage of mankind set forth in article 136 and that they shall not be party to any agreement in derogation thereof.

1. 於各締約國間，本公約應優先適用於 1958 年 4 月 29 日日內瓦海洋法公約。
2. 本公約不改變各締約國依據與本公約相符合之其他公約所生之權利及義務，但不得以不影響其他締約國依據本公約享有其權利或履行其義務為限。
3. 本公約二或二以上締約國可訂立僅於各該國相互關係上適用、修改或暫停適用本公約規定之協定，然以該協定不涉及本公約中某規定，如對該規定予以減損就與公約目的及宗旨之有效執行不相符合，且該協定不應影響本公約所載各項基本原則之適用，同時該協定規定不影響其他締約國依據本公約享有其權利及履行其義務。
4. 有意訂立第 3 項所指任何協定之締約國，應透過本公約保存人將其訂正協定之意思及該協定所規定對本公約之修改或暫停適用通知其他締約國。
5. 本條不影響本公約其他條款明示許可或保持之其他國際協定。
6. 締約國同意對第 136 條所載關於人類共同繼承財產之基本原則不應有任何修正，並同意其不應參加任何減損該原則之協定。

Article 312 Amendment

第 312 條 修正

1. After the expiry of a period of 10 years from the date of entry into force of this Convention, a State Party may, by written communication addressed to the Secretary-General of the United Nations, propose specific amendments to this Convention, other than those relating to activities in the Area, and request the convening of a conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all States Parties. If, within 12 months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the

1. 自本公約生效之日起 10 年期間屆滿後，締約國得以書面通知聯合國秘書長，對本公約提出不涉及“區域”內活動之具體修正案，並要求召開會議審議其所提出之修正案。秘書長應將該通知分送所有締約國。如於分送通知之日起 12 個月以內，有不少於半數締約國作出答覆贊成該要求，秘書長即應召開會議。

- Secretary-General shall convene the conference.
2. The decision-making procedure applicable at the amendment conference shall be the same as that applicable at the Third United Nations Conference on the Law of the Sea unless otherwise decided by the conference. The conference should make every effort to reach agreement on any amendments by way of consensus and there should be no voting on them until all efforts at consensus have been exhausted.

Article 313 Amendment by simplified procedure

1. A State Party may, by written communication addressed to the Secretary-General of the United Nations, propose an amendment to this Convention, other than an amendment relating to activities in the Area, to be adopted by the simplified procedure set forth in this article without convening a conference. The Secretary-General shall circulate the communication to all States Parties.
2. If, within a period of 12 months from the date of the circulation of the communication, a State Party objects to the proposed amendment or to the proposal for its adoption by the simplified procedure, the amendment shall be considered rejected. The Secretary-General shall immediately notify all States Parties accordingly.
3. If, 12 months from the date of the circulation of the communication, no State Party has objected to the proposed amendment or to the proposal for its adoption by the simplified procedure, the proposed amendment shall be considered adopted. The Secretary-General shall notify all States Parties that the proposed amendment has been adopted.

Article 314 Amendments to the provisions of this Convention relating exclusively to activities in the Area

1. A State Party may, by written communication addressed to the Secretary-General of the Authority, propose an amendment to the provisions of this Convention relating exclusively to activities in the Area, including Annex VI, section 4. The Secretary-General shall circulate such communication to all States Parties. The proposed amendment shall be subject to approval by the Assembly following its approval by the Council. Representatives of States Parties in those organs shall have full powers to consider and approve the proposed amendment. The proposed amendment as approved by the Council and the Assembly shall be considered adopted.
2. Before approving any amendment under paragraph 1, the Council and the Assembly shall ensure that it does not prejudice the system of exploration for and exploitation of the resources of the Area, pending the Review Conference in accordance with article 155.

2. 適用於修正會議所作出決定之程序應與適用於第3次聯合國海洋法會議相同，然會議另有決定者除外。會議應作出各種努力就任何修正案以協商一致方式達成協定，且除非為謀求協商一致已用盡一切努力，否則不應進行表決。

第 313 條 以簡化程序進行修正

1. 締約國可以書面通知聯合國秘書長，提議將本公約修正案不經召開會議，以本條規定之簡化程序予以通過，然關於“區域”內活動之修正案除外。秘書長應將通知分送所有締約國。
2. 如從分送通知之日起 12 個月內，一締約國反對提出修正案或反對以簡化程序通過修正案之提案，該提案應視為未通過。秘書長應立即相應地通知所有締約國。
3. 如從分送通知之日起 12 個月後，無任何締約國反對提出修正案或反對以簡化程序將其通過之提案，提出的修正案應視為已通過。秘書長應通知所有締約國提出之修正案已獲通過。

第 314 條 對本公約專門與“區域”內活動有關規定之修正案

1. 締約國可以書面通知管理局秘書長，對本公約專門與“區域”內活動有關之規定，其中包括附件 6 第 4 節，提出某修正案。秘書長應將該通知分送所有締約國。提出之修正案經理事會核准後，應由大會核准。各締約國代表應有全權審議並核准提出之修正案。提出之修正案經理事會及大會核准後，應視為已獲通過。
2. 理事會及大會於依據第 1 項核准任何修正案前，應確保該修正案於依照第 155 條召開審查會議前不妨害勘探及開發“區域”內自願的制度。

Article 315 Signature, ratification of, accession to and authentic texts of amendments

1. Once adopted, amendments to this Convention shall be open for signature by States Parties for 12 months from the date of adoption, at United Nations Headquarters in New York, unless otherwise provided in the amendment itself.
2. Articles 306, 307 and 320 apply to all amendments to this Convention.

Article 316 Entry into force of amendments

1. Amendments to this Convention, other than those referred to in paragraph 5, shall enter into force for the States Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by two thirds of the States Parties or by 60 States Parties, whichever is greater. Such amendments shall not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.
2. An amendment may provide that a larger number of ratifications or accessions shall be required for its entry into force than are required by this article.
3. For each State Party ratifying or acceding to an amendment referred to in paragraph 1 after the deposit of the required number of instruments of ratification or accession, the amendment shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.
4. A State which becomes a Party to this Convention after the entry into force of an amendment in accordance with paragraph 1 shall, failing an expression of a different intention by that State:
 - (a) be considered as a Party to this Convention as so amended ; and
 - (b) be considered as a Party to the unamended Convention in relation to any State Party not bound by the amendment.
5. Any amendment relating exclusively to activities in the Area and any amendment to Annex VI shall enter into force for all States Parties one year following the deposit of instruments of ratification or accession by three fourths of the States Parties.
6. A State which becomes a Party to this Convention after the entry into force of amendments in accordance with paragraph 5 shall be considered as a Party to this Convention as so amended.

Article 317 Denunciation

1. A State Party may, by written notification addressed to the Secretary-General of the United Nations, denounce this Convention and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the denunciation. The denunciation shall take effect one year after the date of receipt of

第 315 條 修正案之簽字、批准、加入及有效文本

1. 本公約修正案一旦通過，應自通過之日起 12 個月內於紐約聯合國總部對各締約國開放簽字，然修正案本身另有決定者除外。
2. 第 306、第 307 及第 320 條適用於本公約之所有修正案。

第 316 條 修正案之生效

1. 除第 5 項所規定修正案外，本公約之修正案，應於 3 分之 2 締約國或 60 個締約國(以較大的數目為準)交存批准書或加入書後 31 天對批准或加入之締約國生效。該修正案不應影響其他締約國依據本公約享有其權利或履行其義務。
2. 一修正案可規定需要有比本條規定者更多之批准書或加入書才能生效。
3. 對於在規定數目的批准書或加入書交存後批准或加入第 1 項所指修正案的締約國，修正案應在其批准書或加入書交存後第 30 天生效。
4. 在修正案依照第 1 項生效後成為本公約締約國之國家，應在該國不表示其他意思的情形下：
 - (a) 視為此修正後之本公約之締約國；並
 - (b) 於其對不受修正案拘束之任何締約國之關係上，視為未修正之本公約之締約國。
5. 專門有關“區域”內活動之任何修正案及附件 6 之任何修正案，應在 4 分之 3 締約國交存批准書或加入書 1 年後對所有締約國生效。
6. 於修正案依第 5 項生效後成為本公約締約國之國家，應視為如此修正後之本公約之締約國。

第 317 條 退出

1. 締約國可書面通知聯合國秘書長退出本公約，並可說明其理由。未說明理由應不影響退出之效力。退出應自接到通知之日後 1 年生效，然通知中指明一個較後日期者除外。

- the notification, unless the notification specifies a later date.
2. A State shall not be discharged by reason of the denunciation from the financial and contractual obligations which accrued while it was a Party to this Convention, nor shall the denunciation affect any right, obligation or legal situation of that State created through the execution of this Convention prior to its termination for that State.
 3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

Article 318 Status of Annexes

The Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention or to one of its Parts includes a reference to the Annexes relating thereto.

Article 319 Depositary

1. The Secretary-General of the United Nations shall be the depositary of this Convention and amendments thereto.
2. In addition to his functions as depositary, the Secretary-General shall:
 - (a) report to all States Parties, the Authority and competent international organizations on issues of a general nature that have arisen with respect to this Convention ;
 - (b) notify the Authority of ratifications and formal confirmations of and accessions to this Convention and amendments thereto, as well as of denunciations of this Convention ;
 - (c) notify States Parties of agreements in accordance with article 311, paragraph 4 ;
 - (d) circulate amendments adopted in accordance with this Convention to States Parties for ratification or accession ;
 - (e) convene necessary meetings of States Parties in accordance with this Convention.
3.
 - (a) The Secretary-General shall also transmit to the observers referred to in article 156:
 - (i) reports referred to in paragraph 2(a) ;
 - (ii) notifications referred to in paragraph 2(b) and (c) ; and
 - (iii) texts of amendments referred to in paragraph 2(d), for their information.
 - (b) The Secretary-General shall also invite those observers to participate as observers at meetings of States Parties referred to in paragraph 2(e).

Article 320 Authentic texts

2. 一國不應以退出為理由而解除該國為本公約締約國時所承擔之財政及契約義務，退出亦不應影響本公約對該國停止生效前因本公約的執行而產生之該國任何權利、義務或法律地位。
3. 退出不影響任何締約國依國際法而無須基於本公約即應承擔履行本公約所規定任何義務之責任。

第 318 條 附件之地位

各附件為本公約的組成部分，除另有明文規定外，凡述及本公約或其部分亦包括述及與其有關之附件。

第 319 條 保存人

1. 聯合國秘書長應為本公約及其修正案之保存人。
2. 秘書長除作為保存人職責外，應：
 - (a) 將因本公約所生之一般性問題向所有締約國、管理國及主管國際組織提出報告；
 - (b) 將批准、正式確認及加入本公約及其修正案及退出本公約之情況通知管理局；
 - (c) 依第 311 條第 4 項將各項協定通知締約國；
 - (d) 向締約國分送依本公約通過之修正案，以供批准或加入；
 - (e) 依本公約召開必要之締約國會議。
3.
 - (a) 秘書長應向第 156 條所指之觀察員遞送：
 - (i) 第 2 項(a)項所指一切報告；
 - (ii) 第 2 項(b)及(c)項所指通知；及
 - (iii) 第 2 項(d)項所指修正案案文，供其參考。
 - (b) 秘書長應邀請該觀察員以觀察員身份參加第 2 項(e)項所指之締約國會議。

第 320 條 有效文本

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall, subject to article 305, paragraph 2, be deposited with the Secretary-General of the United Nations.
IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Convention.
DONE AT MONTEGO BAY, this tenth day of December, one thousand nine hundred and eighty-two.

本公約原本應在第 305 條第 2 項限制下交存於聯合國秘書長，其阿拉伯文、中文、英文、法文、俄文及西班牙文文本具有同等效力。
為此，下列全權代表，經正式授權，在本公約上簽字，以資證明。
1982 年 12 月 1 日訂於蒙特哥灣。

Annex I. Highly Migratory Species
Annex II. Commission On The Limits Of The Continental Shelf
Annex III. Basic Conditions Of Prospecting, Exploration And Exploitation
Annex IV. Statute Of The Enterprise
Annex V. Conciliation
Annex VI. Statute Of The International Tribunal for The Law of The Sea
Annex VII. Arbitration
Annex VIII. Special Arbitration
Annex IX. Participation By International Organizations

附件一 高度迴游魚類
附件二 大陸架界限委員會
附件三 探礦、勘探和開發的基本條件
附件四 企業章程
附件五 調解
附件六 國際海洋法法庭規約
附件七 仲裁
附件八 特別仲裁
附件九 國際組織的參加

編譯者註：附件一至附件四 節略

Annex V. Conciliation 附件5 調解

SECTION 1. CONCILIATION PROCEDURE PURSUANT TO SECTION 1 OF PART XV

第 1 節 依照第十五部分第 1 節之 調解程序

Article 1 Institution of proceedings

第 1 條 程序之提起

If the parties to a dispute have agreed, in accordance with article 284, to submit it to conciliation under this section, any such party may institute the proceedings by written notification addressed to the other party or parties to the dispute.

如爭議各方同意依照第 284 條將爭議提交本節規定之調解程序，其任一方均可向爭議他方發出書面通知提起程序。

Article 2 List of conciliators

第 2 條 調解員名單

A list of conciliators shall be drawn up and maintained by the Secretary-General of the United Nations. Every State Party shall be entitled to nominate four conciliators, each of whom shall be a person enjoying the highest reputation for fairness, competence and integrity. The names of the persons so nominated shall constitute the list. If at any time the conciliators nominated by a State Party in the list so constituted shall be fewer than four, that State Party shall be entitled to make further nominations as necessary. The name of a

聯合國秘書長應編制並保持一份調解員名單。任一締約國應有權提名 4 名調解員，每名調解員均應享有公平、能力及正直之高度聲譽。該提名人員之姓名形成該名單。無論何時，如某一締約國提名之調解員於該組成名單內少於 4 名，該締約國有權依需提名增補。調解員於被提名締約國撤回前仍應列在名

conciliator shall remain on the list until withdrawn by the State Party which made the nomination, provided that such conciliator shall continue to serve on any conciliation commission to which that conciliator has been appointed until the completion of the proceedings before that commission.

Article 3 Constitution of conciliation commission

The conciliation commission shall, unless the parties otherwise agree, be constituted as follows:

- (a) Subject to subparagraph (g), the conciliation commission shall consist of five members.
- (b) The party instituting the proceedings shall appoint two conciliators to be chosen preferably from the list referred to in article 2 of this Annex, one of whom may be its national, unless the parties otherwise agree. Such appointments shall be included in the notification referred to in article 1 of this Annex.
- (c) The other party to the dispute shall appoint two conciliators in the manner set forth in subparagraph (b) within 21 days of receipt of the notification referred to in article 1 of this Annex. If the appointments are not made within that period, the party instituting the proceedings may, within one week of the expiration of that period, either terminate the proceedings by notification addressed to the other party or request the Secretary-General of the United Nations to make the appointments in accordance with subparagraph (e).
- (d) Within 30 days after all four conciliators have been appointed, they shall appoint a fifth conciliator chosen from the list referred to in article 2 of this Annex, who shall be chairman. If the appointment is not made within that period, either party may, within one week of the expiration of that period, request the Secretary-General of the United Nations to make the appointment in accordance with subparagraph (e).
- (e) Within 30 days of the receipt of a request under subparagraph (c) or (d), the Secretary-General of the United Nations shall make the necessary appointments from the list referred to in article 2 of this Annex in consultation with the parties to the dispute.
- (f) Any vacancy shall be filled in the manner prescribed for the initial appointment.
- (g) Two or more parties which determine by agreement that they are in the same interest shall appoint two conciliators jointly. Where two or more parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint conciliators separately.
- (h) In disputes involving more than two parties having separate interests, or where there is disagreement as to whether they are of the same interest, the parties shall apply subparagraphs (a) to (f) in so far as possible.

Article 4 Procedure

單內，然被撤回之調解員應繼續於其被指派服務之調解委員會中工作，直至調解程序完畢時為止。

第 3 條 調解委員會之組成

調解委員會應以下列方式組成：

- (a) 於適用(g)項情況下，調解委員會應由調解員 5 人組成。
- (b) 提起程序之一方應指派兩名調解員，其最好從本附件第 2 條所指之名單中選派，其中 1 名可為其本國國民，然爭議各方另有協議者除外。該指派應列入本附件第 1 條所指之通知。
- (c) 爭議另一方於收到本附件第 1 條(b)款所指通知後 21 日內應指派兩名調解員。如於該期限內未予指派，提起程序之一方可在該期限屆滿後一星期內向對方發出通知終止調解程序，或請聯合國秘書長依照(e)項為指派。
- (d) 4 名調解員應在全部被指派完畢之日起 30 天內，指派第 5 名調解員，從本附件第 2 條所指名單中選派，由其擔任主席。如於該期限內未予指派，爭議任何一方可在該期限屆滿後一星期內請聯合國秘書長依照(e)項為指派。
- (e) 聯合國秘書長應於收到依據(c)或(d)項提出之請求後 30 天內，同爭議各方協商從本附件第 2 條所指名單中為必要之指派。
- (f) 有任何出缺時，應依照最初指派所規定之方式補缺。
- (g) 以協議確定利害關係相同之二或二以上爭議各方應共同指派兩名調解員。二或二以上爭議各方利害關係不同，或對彼此是否利害關係相同意見不一致，則應分別指派調解員。
- (h) 爭議涉及利害關係不同之二以上爭議各方，或對彼此是否利害關係相同意見不一致，爭議各方應在最大可能範圍內適用(a)至(f)項之規定。

第 4 條 程序

The conciliation commission shall, unless the parties otherwise agree, determine its own procedure. The commission may, with the consent of the parties to the dispute, invite any State Party to submit to it its views orally or in writing. Decisions of the commission regarding procedural matters, the report and recommendations shall be made by a majority vote of its members.

Article 5 Amicable settlement

The commission may draw the attention of the parties to any measures which might facilitate an amicable settlement of the dispute.

Article 6 Functions of the commission

The commission shall hear the parties, examine their claims and objections, and make proposals to the parties with a view to reaching an amicable settlement.

Article 7 Report

1. The commission shall report within 12 months of its constitution. Its report shall record any agreements reached and, failing agreement, its conclusions on all questions of fact or law relevant to the matter in dispute and such recommendations as the commission may deem appropriate for an amicable settlement. The report shall be deposited with the Secretary-General of the United Nations and shall immediately be transmitted by him to the parties to the dispute.
2. The report of the commission, including its conclusions or recommendations, shall not be binding upon the parties.

Article 8 Termination

The conciliation proceedings are terminated when a settlement has been reached, when the parties have accepted or one party has rejected the recommendations of the report by written notification addressed to the Secretary-General of the United Nations, or when a period of three months has expired from the date of transmission of the report to the parties.

Article 9 Fees and expenses

The fees and expenses of the commission shall be borne by the parties to the dispute.

Article 10 Right of parties to modify procedure

除爭議各方另有協議外，調解委員會應確定其本身之程序。委員會經爭議各方同意，可邀請任何締約國向該委員會提出口頭或書面意見。委員會關於程序問題、報告及建議之決定應以調解員過半數票為之。

第 5 條 平和解決

委員會可提請爭議各方注意便於平和解決爭議之任何措施。

第 6 條 委員會之職務

委員會應聽取爭議各方之陳述，審查其權利主張及反對意見，並向爭議各方提出建議，以便達成平和解決。

第 7 條 報告

1. 委員會應于成立後 12 個月內提出報告，報告應載明所達成之任何協議，如未能達成協議，則應載明委員會對有關爭議事項之一切事實問題或法律問題之結論及其可能認為適當的平和解決建議，報告應交存於聯合國秘書長，並應由其立即分送爭議各方。
2. 委員會之報告，包括其結論或建議，對爭議各方無約束力。

第 8 條 程序之終止

爭議已獲得解決，或爭議各方已書面通知聯合國秘書長接受報告之建議或一方已通知聯合國秘書長拒絕接受報告之建議，或從報告送交爭議各方之日起 3 個月期限已經屆滿時，調解程序即告終止。

第 9 條 費用及開支

委員會之費用及開支應由爭議各方負擔。

第 10 條 爭議各方關於改變程序

The parties to the dispute may by agreement applicable solely to that dispute modify any provision of this Annex.

SECTION 2. COMPULSORY SUBMISSION TO CONCILIATION PROCEDURE PURSUANT TO SECTION 3 OF PART XV

Article 11 Institution of proceedings

1. Any party to a dispute which, in accordance with Part XV, section 3, may be submitted to conciliation under this section, may institute the proceedings by written notification addressed to the other party or parties to the dispute.
2. Any party to the dispute, notified under paragraph 1, shall be obliged to submit to such proceedings.

Article 12 Failure to reply or to submit to conciliation

The failure of a party or parties to the dispute to reply to notification of institution of proceedings or to submit to such proceedings shall not constitute a bar to the proceedings.

Article 13 Competence

A disagreement as to whether a conciliation commission acting under this section has competence shall be decided by the commission.

Article 14 Application of section 1

Articles 2 to 10 of section 1 of this Annex apply subject to this section.

Annex VI. Statute of The International Tribunal for The Law of The Sea

附件 6 國際海洋法法庭規約

Article 1 General provisions

1. The International Tribunal for the Law of the Sea is constituted and shall function in accordance with the provisions of this Convention and this Statute.
2. The seat of the Tribunal shall be in the Free and Hanseatic City of Hamburg in the Federal Republic of Germany.
3. The Tribunal may sit and exercise its functions elsewhere whenever

之權利

爭議各方可以僅適用於該爭議的協定修改本附件的任何規定。

第 2 節 依照第十五部分第 3 節提交之強制調解程序

第 11 條 程序之提起

1. 依照第十五部分第 3 節須提交本節規定之調解程序之爭議任何一方可向爭議他方發出書面通知提起程序。
2. 收到第 1 項所指通知之爭議任何一方應有義務接受調解程序。

第 12 條 不答復或不接受調解

爭議一方或數方對提起程序之通知不予答復或不接受該程序者，不應阻礙程序之進行。

第 13 條 許可

對於依照本節行事之調解委員會對於是否有管轄權如有爭議，應由調解委員會加以解決。

第 14 條 第 1 節之適用

本附件第 1 節第 2 至第 10 條於本節適用之。

第 1 條 一般規定

1. 國際海洋法法庭應依照本公約及本規約規定組成並執行職務。
2. 法庭所在地應為德意志聯邦共和國漢堡自由漢薩城。
3. 法庭於認為合宜時可在其他地方開

it considers this desirable.

4. A reference of a dispute to the Tribunal shall be governed by the provisions of Parts XI and XV.

SECTION 1. ORGANIZATION OF THE TRIBUNAL

Article 2 Composition

1. The Tribunal shall be composed of a body of 21 independent members, elected from among persons enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea.
2. In the Tribunal as a whole the representation of the principal legal systems of the world and equitable geographical distribution shall be assured.

Article 3 Membership

1. No two members of the Tribunal may be nationals of the same State. A person who for the purposes of membership in the Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.
2. There shall be no fewer than three members from each geographical group as established by the General Assembly of the United Nations.

Article 4 Nominations and elections

1. Each State Party may nominate not more than two persons having the qualifications prescribed in article 2 of this Annex. The members of the Tribunal shall be elected from the list of persons thus nominated.
2. At least three months before the date of the election, the Secretary-General of the United Nations in the case of the first election and the Registrar of the Tribunal in the case of subsequent elections shall address a written invitation to the States Parties to submit their nominations for members of the Tribunal within two months. He shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties before the seventh day of the last month before the date of each election.
3. The first election shall be held within six months of the date of entry into force of this Convention.
4. The members of the Tribunal shall be elected by secret ballot. Elections shall be held at a meeting of the States Parties convened by the Secretary-General of the United Nations in the case of the first election and by a procedure agreed to by the States Parties in the case of subsequent elections. Two thirds of the States Parties shall constitute a quorum at that meeting. The

庭並執行職務。

4. 將爭議提交法庭應遵守第十一及第十五部分之規定。

第 1 節 法庭之組成

第 2 條 組成

1. 法庭應由獨立法官 21 人組成，從享有公平及正直之最高聲譽，於海洋法領域內具有公認資格之人士中選出。
2. 法庭應為一整體，應確保其能代表世界各主要法系及公平之區域分配。

第 3 條 法官

1. 法庭法官中不得有 2 人為同一國家國民。為擔任法庭法官之目的，一人而可視為一以上國家之國民者，應視為其通常行使公民及政治權利之國家之國民。
2. 聯合國大會所確定之任一地理區域集團應有法官至少 3 人。

第 4 條 提名及選舉

1. 任一締約國可提名不超過 2 名具有本附件第 2 條所規定資格之候選人，法庭法官應從該提名之人選名單中選出。
2. 第一次選舉應由聯合國秘書長，以後各次選舉應由法庭書記官長，至少在選舉之日前 3 個月，書面邀請各締約國在兩個月內提名法庭法官的候選人。秘書長或書記官長應依字母次序編制所提出之候選人名單，載明提名之締約國，並應在每次選舉之日前最後一個月的第 7 天以前將其提交各締約國。
3. 第一次選舉應於本公約生效之日起 6 個月內舉行。
4. 法庭法官選舉應以無記名投票進行。第一次選舉應由聯合國秘書長召開締約國會議舉行，以後的選舉應按各締約國協議之程序舉行。於該會議上，締約國 3 分之 2 為出席法定人數。得票最多並獲得出席並參加表決

persons elected to the Tribunal shall be those nominees who obtain the largest number of votes and a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties.

Article 5 Term of office

1. The members of the Tribunal shall be elected for nine years and may be re-elected; provided, however, that of the members elected at the first election, the terms of seven members shall expire at the end of three years and the terms of seven more members shall expire at the end of six years.
2. The members of the Tribunal whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General of the United Nations immediately after the first election.
3. The members of the Tribunal shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any proceedings which they may have begun before the date of their replacement.
4. In the case of the resignation of a member of the Tribunal, the letter of resignation shall be addressed to the President of the Tribunal. The place becomes vacant on the receipt of that letter.

Article 6 Vacancies

1. Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Registrar shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in article 4 of this Annex, and the date of the election shall be fixed by the President of the Tribunal after consultation with the States Parties.
2. A member of the Tribunal elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 7 Incompatible activities

1. No member of the Tribunal may exercise any political or administrative function, or associate actively with or be financially interested in any of the operations of any enterprise concerned with the exploration for or exploitation of the resources of the sea or the seabed or other commercial use of the sea or the seabed.
2. No member of the Tribunal may act as agent, counsel or advocate in any case.
3. Any doubt on these points shall be resolved by decision of the majority of the other members of the Tribunal present.

Article 8 Conditions relating to participation of members

締約國3分之2多數票之候選人當選為法庭法官，然須該多數包括締約國之過半數。

第 5 條 任期

1. 法庭法官任期 9 年，連選可連任；然須第一次選舉選出之法官中，7 人任期應為 3 年，另 7 人為 6 年。
2. 第一次選舉選出的法庭法官中，誰任期 3 年，誰任期 6 年，應於該次選舉完畢後由聯合國秘書長立即以抽籤方法選定。
3. 法庭法官在其職位被接替前，應繼續執行其職責。法庭法官雖經接替，仍應完成在接替前已開始之任何程序。
4. 法庭法官辭職時應將辭職書致送法庭庭長。收到辭職書後，該席位即行出缺。

第 6 條 出缺

1. 法官出缺，應依照第一次選舉時所定辦法進行補缺，然須遵行下列規定：書記官長應於法官出缺後一個月內，發出本附件第 4 條規定之邀請書，選舉日期應由法庭庭長在與各締約國協商後指定。
2. 法庭法官當選接替任期未滿的法官者，應任職至其前任法官任期屆滿時為止。

第 7 條 不適合之活動

1. 法庭法官不得執行任何政治或行政職務，或對任何與勘探及開發海洋或海底資源或與海洋或海底之其他商業用途有關之任何企業之任何業務有積極聯繫或有財務利益。
2. 法庭法官不得充任任何案件之代理人、律師或辯護人。
3. 關於上述各點之任何疑義，應由出席的法庭其他法官以過半數裁定解決。

第 8 條 關於法官參與特定案件

in a particular case

1. No member of the Tribunal may participate in the decision of any case in which he has previously taken part as agent, counsel or advocate for one of the parties, or as a member of a national or international court or tribunal, or in any other capacity.
2. If, for some special reason, a member of the Tribunal considers that he should not take part in the decision of a particular case, he shall so inform the President of the Tribunal.
3. If the President considers that for some special reason one of the members of the Tribunal should not sit in a particular case, he shall give him notice accordingly.
4. Any doubt on these points shall be resolved by decision of the majority of the other members of the Tribunal present.

Article 9 Consequence of ceasing to fulfil required conditions

If, in the unanimous opinion of the other members of the Tribunal, a member has ceased to fulfil the required conditions, the President of the Tribunal shall declare the seat vacant.

Article 10 Privileges and immunities

The members of the Tribunal, when engaged on the business of the Tribunal, shall enjoy diplomatic privileges and immunities.

Article 11 Solemn declaration by members

Every member of the Tribunal shall, before taking up his duties, make a solemn declaration in open session that he will exercise his powers impartially and conscientiously.

Article 12 President, Vice-President and Registrar

1. The Tribunal shall elect its President and Vice-President for three years ; they may be re-elected.
2. The Tribunal shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.
3. The President and the Registrar shall reside at the seat of the Tribunal.

Article 13 Quorum

1. All available members of the Tribunal shall sit ; a quorum of 11 elected members shall be required to constitute the Tribunal.
2. Subject to article 17 of this Annex, the Tribunal shall determine

之條件

1. 任何過去曾作為某案件當事一方之代理人、律師或辯護人，或曾作為國內或國際法院或法庭法官，或以任何其他資格參加該案件之法庭法官，不得參與該案件之裁判。
2. 如法庭某位法官因某特殊理由被認為不應參與某一特定案件之裁判，該法官應將此情形通知法庭庭長。
3. 如法庭庭長認為法庭某位法官因某種特殊理由不應參與審理某一特定案件，庭長應將此情形通知該法官。
4. 上述各點如有任何疑義，應由出席的法庭其他法官以過半數裁定解決。

第 9 條 無所需資格條件之後果

如法庭其他法官一致認為某位法官已不具所需資格條件，法庭庭長應宣佈該席位出缺。

第 10 條 特權及豁免

法庭法官於執行法庭職務時，應享有外交特權及豁免。

第 11 條 法官之鄭重聲明

法庭每位法官於就職前，應在公開法庭上鄭重宣告其將秉公竭誠行使職權。

第 12 條 庭長、副庭長及書記官

1. 法庭應選舉庭長及副庭長、任期 3 年，連選得連任。
2. 法庭應任命書記官，並可針對任命其他必要之工作人員為規定。
3. 庭長及書記官應駐法庭所在地。

第 13 條 法定人數

1. 所有可出庭之法庭法官均應出庭，然須有選任法官 11 人才構成法庭之法定人數。
2. 於本附件第 17 條限制下，法庭應確

which members are available to constitute the Tribunal for the consideration of a particular dispute, having regard to the effective functioning of the chambers as provided for in articles 14 and 15 of this Annex.

3. All disputes and applications submitted to the Tribunal shall be heard and determined by the Tribunal, unless article 14 of this Annex applies, or the parties request that it shall be dealt with in accordance with article 15 of this Annex.

Article 14 Seabed Disputes Chamber

A Seabed Disputes Chamber shall be established in accordance with the provisions of section 4 of this Annex. Its jurisdiction, powers and functions shall be as provided for in Part XI, section 5.

Article 15 Special chambers

1. The Tribunal may form such chambers, composed of three or more of its elected members, as it considers necessary for dealing with particular categories of disputes.
2. The Tribunal shall form a chamber for dealing with a particular dispute submitted to it if the parties so request. The composition of such a chamber shall be determined by the Tribunal with the approval of the parties.
3. With a view to the speedy dispatch of business, the Tribunal shall form annually a chamber composed of five of its elected members which may hear and determine disputes by summary procedure. Two alternative members shall be selected for the purpose of replacing members who are unable to participate in a particular proceeding.
4. Disputes shall be heard and determined by the chambers provided for in this article if the parties so request.
5. A judgment given by any of the chambers provided for in this article and in article 14 of this Annex shall be considered as rendered by the Tribunal.

Article 16 Rules of the Tribunal

The Tribunal shall frame rules for carrying out its functions. In particular it shall lay down rules of procedure.

Article 17 Nationality of members

1. Members of the Tribunal of the nationality of any of the parties to a dispute shall retain their right to participate as members of the Tribunal.
2. If the Tribunal, when hearing a dispute, includes upon the bench a member of the nationality of one of the parties, any other party may choose a person to participate as a member of the Tribunal.
3. If the Tribunal, when hearing a dispute, does not include upon the

定哪些法官可以出庭組成審理某一特定爭議的法庭，同時顧及本附件第 14 條及第 15 條所規定之分庭有效執行其職務。

3. 除本附件第 14 條另有適用外，或當事各方請求應依照本附件第 15 條處理，提交法庭之一切爭議及申請，均應由法庭審訊及裁判。

第 14 條 海底爭議分庭

海底爭議分庭應依照本附件第 4 節設立。分庭的管轄權、權力及職務，適用第十一部分第 5 節之規定。

第 15 條 特別分庭

1. 法庭可設立其認為必要的分庭，由其選任法官 3 人或 3 人以上組成，以處理特定種類的爭議。
2. 法庭如經當事各方請求，應設立分庭，以處理提交法庭的某一特定爭議。這種分庭的組成，應由法庭在征得當事各方同意後決定。
3. 為迅速處理事務，法庭每年應設立以其選任法官 5 人組成之分庭，該分庭應以簡易程序審訊及裁判爭議。法庭應選出兩名候補法官，以接替不能參與某一特定案件之法官。
4. 如經當事各方請求，爭議應由本條所規定之分庭審訊及裁判。
5. 本條及本附件第 14 條所規定之任何分庭作出之判決，應視為法庭所作出之判決。

第 16 條 法庭規則

法庭應制訂執行其職務之規則。特別是法庭應訂立有關其程序之規則。

第 17 條 法官國籍

1. 屬於爭議任一方國籍之法庭法官，應保有其作為法庭法官參與之權利。
2. 如受理某項爭議時，法庭上有屬於當事一方國籍之法官，爭議任何他方可選派 1 人為法庭法官參與。
3. 如審理某項爭議時，法庭上沒有屬於

bench a member of the nationality of the parties, each of those parties may choose a person to participate as a member of the Tribunal.

4. This article applies to the chambers referred to in articles 14 and 15 of this Annex. In such cases, the President, in consultation with the parties, shall request specified members of the Tribunal forming the chamber, as many as necessary, to give place to the members of the Tribunal of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the members specially chosen by the parties.
5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be considered as one party only. Any doubt on this point shall be settled by the decision of the Tribunal.
6. Members chosen in accordance with paragraphs 2, 3 and 4 shall fulfil the conditions required by articles 2, 8 and 11 of this Annex. They shall participate in the decision on terms of complete equality with their colleagues.

Article 18 Remuneration of members

1. Each elected member of the Tribunal shall receive an annual allowance and, for each day on which he exercises his functions, a special allowance, provided that in any year the total sum payable to any member as special allowance shall not exceed the amount of the annual allowance.
2. The President shall receive a special annual allowance.
3. The Vice-President shall receive a special allowance for each day on which he acts as President.
4. The members chosen under article 17 of this Annex, other than elected members of the Tribunal, shall receive compensation for each day on which they exercise their functions.
5. The salaries, allowances and compensation shall be determined from time to time at meetings of the States Parties, taking into account the workload of the Tribunal. They may not be decreased during the term of office.
6. The salary of the Registrar shall be determined at meetings of the States Parties, on the proposal of the Tribunal.
7. Regulations adopted at meetings of the States Parties shall determine the conditions under which retirement pensions may be given to members of the Tribunal and to the Registrar, and the conditions under which members of the Tribunal and Registrar shall have their travelling expenses refunded.
8. The salaries, allowances, and compensation shall be free of all taxation.

Article 19 Expenses of the Tribunal

1. The expenses of the Tribunal shall be borne by the States Parties and by the Authority on such terms and in such a manner as shall be decided at meetings of the States Parties.
2. When an entity other than a State Party or the Authority is a party to

當事各方國籍的法官，當事每一方均可選派 1 人為法庭法官參與。

4. 本條適用於本附件第 14 條及第 15 條所指之分庭。於該情形下，庭長應與當事各方協商後，要求組成分庭之法官中必要數目之法官將席位讓給屬於有關當事各方國籍之法官，如無法作到此點，或該法官無法出庭，則讓給當事各方特別選派之法官。
5. 如當事若干方利害關係相同，則為上列各項規定之目的，該若干方應視為當事一方。關於本點之任何疑義，應由法庭以裁定解決。
6. 依照本條第 2、第 3 及第 4 項選派之法官，應符合本附件第 2、第 8 及第 11 條規定之條件。其應在與其同事完全平等之條件下參與裁判。

第 18 條 法官之報酬

1. 法庭每一選任法官均可領取年度津貼，並於執行其職務時按日領取特別津貼，然任一年付給任一法官的特別津貼總額不應超過年度津貼之數額。
2. 庭長應領取特別年度津貼。
3. 副庭長如代行庭長職務時，應按日領取特別津貼。
4. 依據本附件第 17 條於法庭選任法官以外選派之法官，應於執行其職務時，按日領取酬金。
5. 薪給、津貼及酬金應由各締約國隨時開會決定，同時考慮到法庭之工作量。薪給、津貼及酬金於任期內不得減少。
6. 書記官之薪給，應由各締約國根據法庭之提議開會決定。
7. 法庭法官及書記官支領退休金之條件，及法庭法官及書記官長補領旅費之條件，均應由各締約國開會制訂規章予以確定。
8. 薪給、津貼及酬金，應免除一切稅捐。

第 19 條 法庭開支

1. 法庭開支應由各締約國及管理局負擔，其負擔條件及方式由各締約國開會決定。
2. 當既非締約國亦非管理局之某實體

a case submitted to it, the Tribunal shall fix the amount which that party is to contribute towards the expenses of the Tribunal.

SECTION 2. COMPETENCE

Article 20 Access to the Tribunal

1. The Tribunal shall be open to States Parties.
2. The Tribunal shall be open to entities other than States Parties in any case expressly provided for in Part XI or in any case submitted pursuant to any other agreement conferring jurisdiction on the Tribunal which is accepted by all the parties to that case.

Article 21 Jurisdiction

The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with this Convention and all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal.

Article 22 Reference of disputes subject to other agreements

If all the parties to a treaty or convention already in force and concerning the subject-matter covered by this Convention so agree, any disputes concerning the interpretation or application of such treaty or convention may, in accordance with such agreement, be submitted to the Tribunal.

Article 23 Applicable law

The Tribunal shall decide all disputes and applications in accordance with article 293.

SECTION 3. PROCEDURE

Article 24 Institution of proceedings

1. Disputes are submitted to the Tribunal, as the case may be, either by notification of a special agreement or by written application, addressed to the Registrar. In either case, the subject of the dispute and the parties shall be indicated.
2. The Registrar shall forthwith notify the special agreement or the application to all concerned.
3. The Registrar shall also notify all States Parties.

Article 25 Provisional measures

為提交法庭案件之當事一方時，法庭應確定該方對法庭開支應繳之款項。

第 2 節 許可

第 20 條 向法庭申訴的機會

1. 法庭應對各締約國開放。
2. 對於第十一部分明文規定之任何案件，或依照案件當事所有各方接受的將管轄權授予法庭之任何其他協定所提交之任何案件，法庭應對締約國以外之實體開放。

第 21 條 管轄權

法庭的管轄權包括依照本公約向其提交之一切爭議及申請，及將管轄權授予法庭之任何其他國際協定中具體規定之所有事項。

第 22 條 依其他協定之爭議提交

如本公約所包括有關事項之現行有效條約或公約之所有締約國同意，則有關該條約或公約之解釋或其所適用之任何爭議，均得依照該協定提交法庭。

第 23 條 準據法

法庭應依照第 293 條裁判之一切爭議及申請。

第 3 節 程序

第 24 條 程序之提出

1. 爭議得視情況以特別協定通知書記官或以申請書送達書記官之方式提交法庭。二方式均應載明爭議事由及爭議各方。
2. 書記官應立即將特別協定或申請書通知有關各方。
3. 書記官也應通知所有締約國。

第 25 條 臨時措施

1. In accordance with article 290, the Tribunal and its Seabed Disputes Chamber shall have the power to prescribe provisional measures.
2. If the Tribunal is not in session or a sufficient number of members is not available to constitute a quorum, the provisional measures shall be prescribed by the chamber of summary procedure formed under article 15, paragraph 3, of this Annex. Notwithstanding article 15, paragraph 4, of this Annex, such provisional measures may be adopted at the request of any party to the dispute. They shall be subject to review and revision by the Tribunal.

Article 26 Hearing

1. The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President. If neither is able to preside, the senior judge present of the Tribunal shall preside.
2. The hearing shall be public, unless the Tribunal decides otherwise or unless the parties demand that the public be not admitted.

Article 27 Conduct of case

The Tribunal shall make orders for the conduct of the case, decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 28 Default

When one of the parties does not appear before the Tribunal or fails to defend its case, the other party may request the Tribunal to continue the proceedings and make its decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its decision, the Tribunal must satisfy itself not only that it has jurisdiction over the dispute, but also that the claim is well founded in fact and law.

Article 29 Majority for decision

1. All questions shall be decided by a majority of the members of the Tribunal who are present.
2. In the event of an equality of votes, the President or the member of the Tribunal who acts in his place shall have a casting vote.

Article 30 Judgment

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the members of the Tribunal who have taken part in the decision.
3. If the judgment does not represent in whole or in part the unanimous

1. 依照第 290 條，法庭及其海底爭議分庭有權決定臨時措施。
2. 如法庭無法開庭，或無足夠數目之法官構成法定人數，臨時措施應由依據本附件第 15 條第 3 項所設立之簡易程序分庭予以規定。無論本附件第 15 條第 4 項規定為何，於爭議任一方請求下，仍可採取該臨時措施。臨時措施應由法庭加以審查及修訂。

第 26 條 聽審

1. 聽審應由庭長主持，庭長無法主持時，則由副庭長主持。庭長副庭長如均無法主持，應由出庭法官中資深者主持。
2. 除法庭另有決定或當事各方要求拒絕公眾旁聽外，審訊應公開進行。

第 27 條 案件審理

法庭為審理案件，應發佈命令，決定當事各方必須終結辯論之方式及時間，並作出有關收受證據之一切安排。

第 28 條 缺席判決

當事一方不出庭或對其案件不進行辯護，他方可請求法庭繼續進行程序並作出裁判。當事一方缺席或對其案件不進行辯護，不妨礙程序進行。法庭於作出裁判前，必須查明對該爭議確有管轄權，且另查明所提要求於事實上及法律上均確有其依據。

第 29 條 多數裁決

1. 一切問題應由出庭法官過半數決定之。
2. 如票數相等，庭長或代理庭長職務之法庭法官應投決定票。

第 30 條 判決書

1. 判決書應敘明其所依據之理由。
2. 判決書應載明參與判決之法庭法官姓名。
3. 如判決書全部或一部無法代表法庭

opinion of the members of the Tribunal, any member shall be entitled to deliver a separate opinion.

4. The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the parties to the dispute.

Article 31 Request to intervene

1. Should a State Party consider that it has an interest of a legal nature which may be affected by the decision in any dispute, it may submit a request to the Tribunal to be permitted to intervene.
2. It shall be for the Tribunal to decide upon this request.
3. If a request to intervene is granted, the decision of the Tribunal in respect of the dispute shall be binding upon the intervening State Party in so far as it relates to matters in respect of which that State Party intervened.

Article 32 Right to intervene in cases of interpretation or application

1. Whenever the interpretation or application of this Convention is in question, the Registrar shall notify all States Parties forthwith.
2. Whenever pursuant to article 21 or 22 of this Annex the interpretation or application of an international agreement is in question, the Registrar shall notify all the parties to the agreement.
3. Every party referred to in paragraphs 1 and 2 has the right to intervene in the proceedings; if it uses this right, the interpretation given by the judgment will be equally binding upon it.

Article 33 Finality and binding force of decisions

1. The decision of the Tribunal is final and shall be complied with by all the parties to the dispute.
2. The decision shall have no binding force except between the parties in respect of that particular dispute.
3. In the event of dispute as to the meaning or scope of the decision, the Tribunal shall construe it upon the request of any party.

Article 34 Costs

Unless otherwise decided by the Tribunal, each party shall bear its own costs.

SECTION 4. SEABED DISPUTES CHAMBER

Article 35 Composition

法官的一致意見，任何法官均有權發表個別意見。

4. 判決書應由庭長及書記官簽名。判決書於正式通知爭議各方後，應在法庭上公開宣讀。

第 31 條 訴訟參加之請求

1. 任一締約國如認為任何爭議之裁判可能影響該締約國具法律性質之利益，可向法庭請求准許參加。
2. 此項請求應由法庭裁定。
3. 如請求參加獲准，法庭對該爭議的裁判，應在與該締約國參加事項有關之範圍內，對參加的締約國有約束力。

第 32 條 對解釋或適用案件之參加權利

1. 無論何時如對本公約之解釋或適用有疑問，書記官應立即通知所有締約國。
2. 無論何時如依照本附件第 21 或第 22 條對 1 項國際協定之解釋或適用發生疑問，書記官應通知該協定之所有締約國。
3. 第 1 項及第 2 項所指之任何一方均有參加程序之權利；如該方行使此項權利，判決書中所作解釋即對該方具同樣的約束力。

第 33 條 裁判之既判力

1. 法庭裁判應具既判力，爭議所有各方均應遵行。
2. 裁判除於當事各方間及對該特定爭議外，應無約束力。
3. 對裁判之意義或範圍有爭議時，經當事任何一方之請求，法庭應予解釋。

第 34 條 費用

除法庭另有裁定外，費用應由當事各方自行負擔。

第 4 節 海底爭議分庭

第 35 條 組成

1. The Seabed Disputes Chamber referred to in article 14 of this Annex shall be composed of 11 members, selected by a majority of the elected members of the Tribunal from among them.
2. In the selection of the members of the Chamber, the representation of the principal legal systems of the world and equitable geographical distribution shall be assured. The Assembly of the Authority may adopt recommendations of a general nature relating to such representation and distribution.
3. The members of the Chamber shall be selected every three years and may be selected for a second term.
4. The Chamber shall elect its President from among its members, who shall serve for the term for which the Chamber has been selected.
5. If any proceedings are still pending at the end of any three-year period for which the Chamber has been selected, the Chamber shall complete the proceedings in its original composition.
6. If a vacancy occurs in the Chamber, the Tribunal shall select a successor from among its elected members, who shall hold office for the remainder of his predecessor's term.
7. A quorum of seven of the members selected by the Tribunal shall be required to constitute the Chamber.

Article 36 Ad hoc chambers

1. The Seabed Disputes Chamber shall form an ad hoc chamber, composed of three of its members, for dealing with a particular dispute submitted to it in accordance with article 188, paragraph 1(b). The composition of such a chamber shall be determined by the Seabed Disputes Chamber with the approval of the parties.
2. If the parties do not agree on the composition of an ad hoc chamber, each party to the dispute shall appoint one member, and the third member shall be appointed by them in agreement. If they disagree, or if any party fails to make an appointment, the President of the Seabed Disputes Chamber shall promptly make the appointment or appointments from among its members, after consultation with the parties.
3. Members of the ad hoc chamber must not be in the service of, or nationals of, any of the parties to the dispute.

Article 37 Access

The Chamber shall be open to the States Parties, the Authority and the other entities referred to in Part XI, section 5.

Article 38 Applicable law

- In addition to the provisions of article 293, the Chamber shall apply:
- (a) the rules, regulations and procedures of the Authority adopted in accordance with this Convention; and
 - (b) the terms of contracts concerning activities in the Area in matters relating to those contracts.

1. 本附件第 14 條所指之海底爭議分庭，應由海洋法法庭法官以過半數從法庭選任法官中選派法官 11 人組成。
2. 在選出分庭法官時，應確保能代表世界各主要法系及公平的區域分配。管理局大會可就該代表性及分配提出一般性的建議。
3. 分庭法官應每 3 年改選一次，連選得連任一次。
4. 分庭應從其法官中選出庭長，庭長應在分庭當選之任期內執行職務。
5. 如選出分庭之任何 3 年任期終了時仍有案件尚在進行，該分庭應按原來之組成完成該案件。
6. 如分庭法官出缺，法庭應從其選任法官中選派繼任法官，繼任法官應任職至其前任法官任期屆滿時為止。
7. 法庭選任法官 7 人應為組成分庭所需的法定人數。

第 36 條 專案分庭

1. 海底爭議分庭為處理依照第 188 條第 1 項(b)款向其提出之特定爭議，應成立專案分庭，由其法官 3 人組成。該分庭之組成，應由海底爭議分庭於得到當事各方同意後決定。
2. 如爭議各方不同意專案分庭之組成，爭議任一方應指派法官 1 人，第 3 名法官則應由雙方協議指派。如雙方無法達成協議，或如任何一方未能作出該指派，海底爭議分庭庭長應於同爭議各方協商後，迅速從海底爭議分庭法官中為是項指派。
3. 專案分庭之法官必須不屬爭議任何一方之工作人員，或其國民。

第 37 條 申訴

分庭應對各締約國、管理局及第十一部分第 5 節所指實體開放。

第 38 條 準據法

- 除第 293 條規定以外，分庭應：
- (a) 適用依照本公約制訂之管理局規則、規章及程序；及
 - (b) 對有關"區域"內活動的契約事項，適用該契約之約定。

Article 39 Enforcement of decisions of the Chamber

The decisions of the Chamber shall be enforceable in the territories of the States Parties in the same manner as judgments or orders of the highest court of the State Party in whose territory the enforcement is sought.

Article 40 Applicability of other sections of this Annex

1. The other sections of this Annex which are not incompatible with this section apply to the Chamber.
2. In the exercise of its functions relating to advisory opinions, the Chamber shall be guided by the provisions of this Annex relating to procedure before the Tribunal to the extent to which it recognizes them to be applicable.

SECTION 5. AMENDMENTS

Article 41 Amendments

1. Amendments to this Annex, other than amendments to section 4, may be adopted only in accordance with article 313 or by consensus at a conference convened in accordance with this Convention.
2. Amendments to section 4 may be adopted only in accordance with article 314.
3. The Tribunal may propose such amendments to this Statute as it may consider necessary, by written communications to the States Parties for their consideration in conformity with paragraphs 1 and 2.

第 39 條 分庭裁判之執行

分庭裁判應具有於其境內執行之締約國最高級法院判決或命令之同等執行方式，於該締約國領土內執行。

第 40 條 本附件其他各節之適用

1. 本附件與本節不相抵觸之其他各節之規定，適用於分庭。
2. 分庭於執行其有關諮詢意見之職務時，應於其認為可適用之範圍內，受本附件中關於法庭程序規定之指導。

第 5 節 修正

第 41 條 修正

1. 對本附件之修正，除對其第 4 節之修正外，僅可依照第 313 條或於依照本公約召開之會議上，透過一致協商方式處理。
2. 對本附件第 4 節之修正，僅可依照第 314 條為通過。
3. 法庭可向締約國發出書面通知，對本規約提出其認為必要之修正，以便依照第 1 項及第 2 項加以審議。

Annex VII. Arbitration

附件 7 仲裁

Article 1 Institution of proceedings

Subject to the provisions of Part XV, any party to a dispute may submit the dispute to the arbitral procedure provided for in this Annex by written notification addressed to the other party or parties to the dispute. The notification shall be accompanied by a statement of the claim and the grounds on which it is based.

Article 2 List of arbitrators

1. 1. A list of arbitrators shall be drawn up and maintained by the Secretary-General of the United Nations. Every State Party shall

第 1 條 程序之提起

於適用第十五部分之情況下，爭議任一方即可向爭議他方發出書面通知，將爭議提交本附件所規定之仲裁程序。通知應附一份關於其權利主張及該權利主張所依據理由之說明。

第 2 條 仲裁人名單

1. 聯合國秘書長應編制並保持一份仲裁人名單。任一締約國應有權提名 4

be entitled to nominate four arbitrators, each of whom shall be a person experienced in maritime affairs and enjoying the highest reputation for fairness, competence and integrity. The names of the persons so nominated shall constitute the list.

2. If at any time the arbitrators nominated by a State Party in the list so constituted shall be fewer than four, that State Party shall be entitled to make further nominations as necessary.
3. The name of an arbitrator shall remain on the list until withdrawn by the State Party which made the nomination, provided that such arbitrator shall continue to serve on any arbitral tribunal to which that arbitrator has been appointed until the completion of the proceedings before that arbitral tribunal.

Article 3 Constitution of arbitral tribunal

For the purpose of proceedings under this Annex, the arbitral tribunal shall, unless the parties otherwise agree, be constituted as follows:

- (a) Subject to subparagraph (g), the arbitral tribunal shall consist of five members.
- (b) The party instituting the proceedings shall appoint one member to be chosen preferably from the list referred to in article 2 of this Annex, who may be its national. The appointment shall be included in the notification referred to in article 1 of this Annex.
- (c) The other party to the dispute shall, within 30 days of receipt of the notification referred to in article 1 of this Annex, appoint one member to be chosen preferably from the list, who may be its national. If the appointment is not made within that period, the party instituting the proceedings may, within two weeks of the expiration of that period, request that the appointment be made in accordance with subparagraph (e).
- (d) The other three members shall be appointed by agreement between the parties. They shall be chosen preferably from the list and shall be nationals of third States unless the parties otherwise agree. The parties to the dispute shall appoint the President of the arbitral tribunal from among those three members. If, within 60 days of receipt of the notification referred to in article 1 of this Annex, the parties are unable to reach agreement on the appointment of one or more of the members of the tribunal to be appointed by agreement, or on the appointment of the President, the remaining appointment or appointments shall be made in accordance with subparagraph (e), at the request of a party to the dispute. Such request shall be made within two weeks of the expiration of the aforementioned 60-day period.
- (e) Unless the parties agree that any appointment under subparagraphs (c) and (d) be made by a person or a third State chosen by the parties, the President of the International Tribunal for the Law of the Sea shall make the necessary appointments. If the President is unable to act under this subparagraph or is a national of one of the parties to the dispute, the appointment shall be made by the next senior member of the International Tribunal for the Law of the Sea who is available and is not a national of one of the parties. The appointments referred to in this

名仲裁人，每名仲裁人均應在海洋事務方面富有經驗並享有公平、能力及正直之最高聲譽。該提名人員之姓名應組成該名單。

2. 無論何時，如一締約國提名之仲裁人於該構成名單內少於 4 名，該締約國應有權依其需要提名增補。
3. 仲裁人一經提名，於締約國撤回前仍應列入名單內，然被撤回之仲裁人仍應繼續在被指派服務之任何仲裁法庭中工作，直到該仲裁法庭處理中的任何程序完成時為止。

第 3 條 仲裁法庭之組成

為本附件所規定程序之目的，除爭議各方另有協議外，仲裁法庭應依下列規定組成：

- (a) 於適用(g)項情況下，仲裁法庭應由仲裁人 5 人組成。
- (b) 提起程序之一方應指派 1 人，最好從本附件第 2 條所指名單中選派，並可為其本國國民。該指派應列入本附件第 1 條所指之通知。
- (c) 爭議他方應在收到本附件第 1 條所指通知 30 天內指派一名仲裁人，最好從名單中選派，並可為其國民。如在該期限內未作出指派，提起程序之一方，可在該期限屆滿後兩星期內，請求依照(e)項為指派。
- (d) 另三名仲裁人應由當事各方間以協定指派。其最好從名單中選派，並應為第三國國民，除各方另有協定外。爭議各方應從這 3 名仲裁人中選派一人為仲裁法庭庭長。如於收到本附件第 1 條所指通知後 60 天內，各方未能就應以協定指派的仲裁法庭一名或一名以上仲裁人之指派達成協定，或未能就指派庭長達成協定，則經爭議一方請求，其指派應依照(e)項作出。該請求應於上述 60 天期間屆滿後兩星期作出。
- (e) 除爭議各方協議將本條(c)及(d)項規定的任何指派交由爭議各方選定的某一人士或第三國為指派主外，應由國際海洋法法庭庭長為必要之指派。如庭長無法依據本項辦理，或為爭議一方的國民，該指派應由可擔任該工作並且不是爭議任何一方國民的國際海洋法法庭年資深法官為之。本項所指之指派，應於收到請求

subparagraph shall be made from the list referred to in article 2 of this Annex within a period of 30 days of the receipt of the request and in consultation with the parties. The members so appointed shall be of different nationalities and may not be in the service of, ordinarily resident in the territory of, or nationals of, any of the parties to the dispute.

- (f) Any vacancy shall be filled in the manner prescribed for the initial appointment.
- (g) Parties in the same interest shall appoint one member of the tribunal jointly by agreement. Where there are several parties having separate interests or where there is disagreement as to whether they are of the same interest, each of them shall appoint one member of the tribunal. The number of members of the tribunal appointed separately by the parties shall always be smaller by one than the number of members of the tribunal to be appointed jointly by the parties.
- (h) In disputes involving more than two parties, the provisions of subparagraphs (a) to (f) shall apply to the maximum extent possible.

Article 4 Functions of arbitral tribunal

An arbitral tribunal constituted under article 3 of this Annex shall function in accordance with this Annex and the other provisions of this Convention.

Article 5 Procedure

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own procedure, assuring to each party a full opportunity to be heard and to present its case.

Article 6 Duties of parties to a dispute

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, in accordance with their law and using all means at their disposal, shall:

- (a) provide it with all relevant documents, facilities and information; and
- (b) enable it when necessary to call witnesses or experts and receive their evidence and to visit the localities to which the case relates.

Article 7 Expenses

Unless the arbitral tribunal decides otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares.

後 30 天期間內，在與當事雙方協商後，從本附件第 2 條所指名單中為之。該指派之仲裁人應屬不同國籍，且不得為爭議任何一方之工作人員，或其境內的通常居民或其國民。

- (f) 任何出缺應按照原來指派方法補缺。
- (g) 利害關係相同之爭議各方，應通過協定共同指派一名仲裁人。如爭議若干方利害關係不同，或對彼此是否利害關係相同，意見不一致，則爭議任一方應指派一名仲裁人。由爭議各方分別指派的仲裁人，其人數應始終比由爭議各方共同指派的仲裁人少一人。
- (h) 對於涉及二以上爭議之各方爭議，應在最大可能範圍內適用(a)至(f)項規定。

第 4 條 仲裁法庭職務之執行

依據本附件第 3 條組成之仲裁法庭，應依照本附件及本公約之其他規定執行職務。

第 5 條 程序

除爭議各方另有協議外，仲裁法庭應決定其自己的程序，以確保爭議各一方均有陳述意見及提出其主張之充分機會。

第 6 條 爭議各方之職責

爭議各方應便利仲裁法庭之工作進行，特別應依照其本國法律並用一切可用的方法：

- (a) 向法庭提供一切有關文件、便利及資訊；並
- (b) 使法庭於必要時能夠傳喚證人或專家及收受其證據，並視察同案件有關之地點。

第 7 條 開支

除仲裁法庭因案情特殊而另有決定外，法庭之開支，包括仲裁人報酬，應由爭議各方平均分擔。

Article 8 Required majority for decisions

Decisions of the arbitral tribunal shall be taken by a majority vote of its members. The absence or abstention of less than half of the members shall not constitute a bar to the tribunal reaching a decision. In the event of an equality of votes, the President shall have a casting vote.

Article 9 Default of appearance

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its award, the arbitral tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.

Article 10 Award

The award of the arbitral tribunal shall be confined to the subject-matter of the dispute and state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the award. Any member of the tribunal may attach a separate or dissenting opinion to the award.

Article 11 Finality of award

The award shall be final and without appeal, unless the parties to the dispute have agreed in advance to an appellate procedure. It shall be complied with by the parties to the dispute.

Article 12 Interpretation or implementation of award

1. Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the award may be submitted by either party for decision to the arbitral tribunal which made the award. For this purpose, any vacancy in the tribunal shall be filled in the manner provided for in the original appointments of the members of the tribunal.
2. Any such controversy may be submitted to another court or tribunal under article 287 by agreement of all the parties to the dispute.

Article 13 Application to entities other than States Parties

The provisions of this Annex shall apply mutatis mutandis to any

第 8 條 多數裁決

仲裁法庭之裁決應以仲裁人過半數票作出。不及半數之仲裁人缺席或棄權，應不妨礙法庭作出裁決，如票數相等，庭長應投決定票。

第 9 條 缺席判決

如爭議一方不出庭或對案件不進行辯護，他方可請求仲裁法庭繼續進程序並作出裁決。爭議一方缺席或不對案件進行辯護，不應妨礙程序之進行。仲裁法庭在作出裁決前，必須查明對該爭議確有管轄權，且查明所提要求於事實上及法律上均確有依據。

第 10 條 裁決書

仲裁法庭的裁決書應以爭議之聲明事項為限，並應敘明其所依據之理由。裁決書應載明參與作出裁決之仲裁人姓名及作出裁決之日期。任何仲裁人均可在裁決書上附加個別意見或不同意見。

第 11 條 裁決之既判力

除爭議各方有事先協議某上訴程序外，裁決應具既判力，不得上訴，爭議各方均應遵守裁決。

第 12 條 裁決之解釋或執行

1. 爭議各方間對裁決之解釋或執行方式之任何爭議，可由任何一方提請作出該裁決之仲裁法庭決定。為此目的，法庭之任何出缺，應依原來指派仲裁人方法補足。
2. 任何該爭執，可由爭議所有各方協定，提交第 287 條所規定之另一法院或法庭。

第 13 條 締約國以外之實體之適用

本附件應適用於涉及締約國以外之實

dispute involving entities other than States Parties.

體之任何爭議。

Annex VIII. Special Arbitration

附件 8 特別仲裁

Article 1 Institution of proceedings

Subject to Part XV, any party to a dispute concerning the interpretation or application of the articles of this Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, or (4) navigation, including pollution from vessels and by dumping, may submit the dispute to the special arbitral procedure provided for in this Annex by written notification addressed to the other party or parties to the dispute. The notification shall be accompanied by a statement of the claim and the grounds on which it is based.

Article 2 Lists of experts

1. A list of experts shall be established and maintained in respect of each of the fields of (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, and (4) navigation, including pollution from vessels and by dumping.
2. The lists of experts shall be drawn up and maintained, in the field of fisheries by the Food and Agriculture Organization of the United Nations, in the field of protection and preservation of the marine environment by the United Nations Environment Programme, in the field of marine scientific research by the Intergovernmental Oceanographic Commission, in the field of navigation, including pollution from vessels and by dumping, by the International Maritime Organization, or in each case by the appropriate subsidiary body concerned to which such organization, programme or commission has delegated this function.
3. Every State Party shall be entitled to nominate two experts in each field whose competence in the legal, scientific or technical aspects of such field is established and generally recognized and who enjoy the highest reputation for fairness and integrity. The names of the persons so nominated in each field shall constitute the appropriate list.
4. If at any time the experts nominated by a State Party in the list so constituted shall be fewer than two, that State Party shall be entitled to make further nominations as necessary.
5. The name of an expert shall remain on the list until withdrawn by the State Party which made the nomination, provided that such expert shall continue to serve on any special arbitral tribunal to which that expert has been appointed until the completion of the proceedings before that special arbitral tribunal.

Article 3 Constitution of special arbitral tribunal

第 1 條 程序之提起

於適用第十五部分規定之情況下，關於本公約中有關(1)漁業、(2)海洋環境之保護及保全、(3)海洋科學研究及(4)航行，包括來自船隻及傾倒造成污染之條文在解釋或適用上之爭議，爭議任何一方可向爭議他方發出書面通知，將該爭議提交本附件所規定之特別仲裁程序。通知應附有一份關於其權利主張及該權利主張所依據之理由之說明。

第 2 條 專家名單

1. 就(1)漁業、(2)海洋環境之保護及保全、(3)海洋科學研究及(4)航行，包括來自船隻及傾倒造成污染四方面，應分別編制及保持專家名單。
2. 專家名單於漁業方面，由聯合國糧食及農業組織，於海洋環境保護及保全方面，由聯合國環境規劃署，於海洋科學研究方面，由政府間海洋學委員會，於航行方面，包括來自船隻及傾倒造成污染，由國際海事組織，或在任一情形下由各該組織、署或委員會授予此項職務之適當附屬機構，分別予以編制並保持。
3. 任一締約國應有權於任一方面提名 2 名公認在法律、科學或技術上確有專長並享有公平及正直最高聲譽之專家。於任一方面該提名人員之姓名組成有關名單。
4. 無論何時，如一締約國提名專家於該組成任何名單內少於兩名，該締約國有權依其需要提名增補。
5. 專家經提名締約國撤回前應仍列在名單內，被撤回之專家應繼續在被指派服務之特別仲裁法庭中工作，直到該仲裁法庭處理中之程序完畢時為止。

第 3 條 特別仲裁法庭之組成

For the purpose of proceedings under this Annex, the special arbitral tribunal shall, unless the parties otherwise agree, be constituted as follows:

- (a) Subject to subparagraph (g), the special arbitral tribunal shall consist of five members.
- (b) The party instituting the proceedings shall appoint two members to be chosen preferably from the appropriate list or lists referred to in article 2 of this Annex relating to the matters in dispute, one of whom may be its national. The appointments shall be included in the notification referred to in article 1 of this Annex.
- (c) The other party to the dispute shall, within 30 days of receipt of the notification referred to in article 1 of this Annex, appoint two members to be chosen preferably from the appropriate list or lists relating to the matters in dispute, one of whom may be its national. If the appointments are not made within that period, the party instituting the proceedings may, within two weeks of the expiration of that period, request that the appointments be made in accordance with subparagraph (e).
- (d) The parties to the dispute shall by agreement appoint the President of the special arbitral tribunal, chosen preferably from the appropriate list, who shall be a national of a third State, unless the parties otherwise agree. If, within 30 days of receipt of the notification referred to in article 1 of this Annex, the parties are unable to reach agreement on the appointment of the President, the appointment shall be made in accordance with subparagraph (e), at the request of a party to the dispute. Such request shall be made within two weeks of the expiration of the aforementioned 30-day period.
- (e) Unless the parties agree that the appointment be made by a person or a third State chosen by the parties, the Secretary-General of the United Nations shall make the necessary appointments within 30 days of receipt of a request under subparagraphs (c) and (d). The appointments referred to in this subparagraph shall be made from the appropriate list or lists of experts referred to in article 2 of this Annex and in consultation with the parties to the dispute and the appropriate international organization. The members so appointed shall be of different nationalities and may not be in the service of, ordinarily resident in the territory of, or nationals of, any of the parties to the dispute.
- (f) Any vacancy shall be filled in the manner prescribed for the initial appointment.
- (g) Parties in the same interest shall appoint two members of the tribunal jointly by agreement. Where there are several parties having separate interests or where there is disagreement as to whether they are of the same interest, each of them shall appoint one member of the tribunal.
- (h) In disputes involving more than two parties, the provisions of subparagraphs (a) to (f) shall apply to the maximum extent possible.

Article 4 General provisions

為本附件所規定程序之目的，除爭議各方另有協議外，特別仲裁法庭應依下列規定組成：

- (a) 於適用(g)項之情況下，特別仲裁法庭應由仲裁人5人組成。
- (b) 提起程序之一方應指派仲裁人2人，最好從本附件第2條所指與爭議事項有關之適當名單中選派，其中1人可為其本國國民。該指派應列入本附件第1條所指之通知。
- (c) 爭議他方應在收到本附件第1條所指之通知30天內指派兩名仲裁人，最好從名單中選派，其中1人可為其本國國民。如在該期間內未作出指派，提起程序之一方可在該期間屆滿後兩星期內，請求按照(e)項為指派。
- (d) 爭議各方應以協議指派特別仲裁法庭庭長，最好從名單中選派，並應為第三國國民，除爭議各方另有協議外。如在收到本附件第1條所指通知之日起30天內，爭議各方未能就指派庭長達成協議，經爭議一方請求，指派應依照(e)項為之。該請求應於上述期間屆滿後兩星期內為之。
- (e) 除爭議各方另協議由各方選派之人士或第三國為指派，應由聯合國秘書長於收到依據(c)及(d)項提出之請求後30天內為必要之指派。本項所指的指派應從本附件第2條所指名單中與爭議各方及有關國際組織協商為之。該指派之仲裁人應屬不同國籍，且不得為爭議任何一方之工作人員，或為其領土內之通常居民或其國民。
- (f) 任何出缺應依照原來指派方法補足。
- (g) 利害關係相同的爭議各方，應透過協議共同指派2名仲裁人。如爭議若干方利害關係不同，或對彼此是否利害關係相同意見不一致，則爭議每一方應指派1名仲裁人。
- (h) 對於涉及二以上爭議各方之爭議，應於最大可能範圍內適用(a)至(f)項之規定。

第4條 一般規定

Annex VII, articles 4 to 13, apply mutatis mutandis to the special arbitration proceedings in accordance with this Annex.

附件 7 第 4 至第 13 條適用於依照本附件之特別仲裁程序。

Article 5 Fact finding

1. The parties to a dispute concerning the interpretation or application of the provisions of this Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, or (4) navigation, including pollution from vessels and by dumping, may at any time agree to request a special arbitral tribunal constituted in accordance with article 3 of this Annex to carry out an inquiry and establish the facts giving rise to the dispute.
2. Unless the parties otherwise agree, the findings of fact of the special arbitral tribunal acting in accordance with paragraph 1, shall be considered as conclusive as between the parties.
3. If all the parties to the dispute so request, the special arbitral tribunal may formulate recommendations which, without having the force of a decision, shall only constitute the basis for a review by the parties of the questions giving rise to the dispute.
4. Subject to paragraph 2, the special arbitral tribunal shall act in accordance with the provisions of this Annex, unless the parties otherwise agree.

第 5 條 事實認定

1. 有關本公約關於(1)漁業、(2)海洋環境保護及保全、(3)海洋科學研究或(4)航行，包括來自船隻和傾倒造成污染之各項規定之解釋或適用上之爭議各方，可隨時協定請求依照本附件第 3 條組成的特別仲裁法庭進行調查，以確定引起此一爭議之事實。
2. 除爭議各方另有協議外，依第 1 項行事之特別仲裁法庭對事實之認定，於爭議各方間，應視為具既判力。
3. 如經爭議所有各方請求，特別仲裁法庭可擬具建議，該建議並無裁決效力，而只應構成有關各方對引起爭議的問題進行審查之基礎。
4. 於適用第 2 項之情況下，除爭議各方另有協議外，特別仲裁法庭應依照本附件規定行事。

Annex IX. Participation by International Organizations

附件 9 國際組織之參加

Article 1 Use of terms

For the purposes of article 305 and of this Annex, "international organization" means an intergovernmental organization constituted by States to which its member States have transferred competence over matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

第 1 條 用語之使用

為第 305 條及本附件之目的，"國際組織"係指由國家組成之政府間的組織，其成員國已將本公約所規定事項之許可，包括就該等事項締結條約的許可轉移給各該組織者。

Article 2 Signature

An international organization may sign this Convention if a majority of its member States are signatories of this Convention. At the time of signature an international organization shall make a declaration specifying the matters governed by this Convention in respect of which competence has been transferred to that organization by its member States which are signatories, and the nature and extent of that competence.

第 2 條 簽字

一國際組織如其過半數成員國為本公約簽署國，即可簽署本公約。一國際組織於簽署時應作出聲明，指明為本公約簽署國之各成員國已將本公約所規定之何種事項的許可轉移給該組織，以及該項許可之性質及範圍。

Article 3 Formal confirmation and accession

第 3 條 正式確認及加入

1. An international organization may deposit its instrument of formal confirmation or of accession if a majority of its member States deposit or have deposited their instruments of ratification or accession.
2. The instruments deposited by the international organization shall contain the undertakings and declarations required by articles 4 and 5 of this Annex.

Article 4 Extent of participation and rights and obligations

- 1.1. The instrument of formal confirmation or of accession of an international organization shall contain an undertaking to accept the rights and obligations of States under this Convention in respect of matters relating to which competence has been transferred to it by its member States which are Parties to this Convention.
2. An international organization shall be a Party to this Convention to the extent that it has competence in accordance with the declarations, communications of information or notifications referred to in article 5 of this Annex.
3. Such an international organization shall exercise the rights and perform the obligations which its member States which are Parties would otherwise have under this Convention, on matters relating to which competence has been transferred to it by those member States. The member States of that international organization shall not exercise competence which they have transferred to it.
4. Participation of such an international organization shall in no case entail an increase of the representation to which its member States which are States Parties would otherwise be entitled, including rights in decision-making.
5. Participation of such an international organization shall in no case confer any rights under this Convention on member States of the organization which are not States Parties to this Convention.
6. In the event of a conflict between the obligations of an international organization under this Convention and its obligations under the agreement establishing the organization or any acts relating to it, the obligations under this Convention shall prevail.

Article 5 Declarations, notifications and communications

- 1.1. The instrument of formal confirmation or of accession of an international organization shall contain a declaration specifying the matters governed by this Convention in respect of which competence has been transferred to the organization by its member States which are Parties to this Convention.
2. A member State of an international organization shall, at the time it ratifies or accedes to this Convention or at the time when the organization deposits its instrument of formal confirmation or of accession, whichever is later, make a declaration specifying the matters governed by this Convention in respect of which it has transferred competence to the organization.

1. 一國際組織如其過半數成員國交存或已交存其批准書或加入書，即可交存其正式確認書或加入書。
2. 該國際組織交存之文書應載有本附件第4條及第5條所規定之承諾及聲明。

第4條 參加之範圍及權義

1. 一國際組織所交存之正式確認書或加入書應載有接受本公約就該組織中為本公約締約國之各成員國向其轉移許可之事項所規定之各國權利及義務之承諾。
2. 一國際組織應依照本附件第5條所指之聲明、資訊通報或通知所具有之許可範圍，成為本公約締約國。
3. 該國際組織應就其為本公約締約國之成員國向其轉移許可之事項，行使及履行依照本公約其為締約國之成員國原有之權利及義務。該國際組織成員國不應行使其已轉移給該組織之許可。
4. 該國際組織之參加在任何情形下均不應導致其為締約國的成員國原應享有之代表權之增加，包括作出決定之權利在內。
5. 該國際組織之參加在任何情形下均不得將本公約所規定的任何權利給予非本公約締約國之該組織成員國。
6. 於某國際組織依據本公約義務同依據成立該組織之協定或與其有關的任何文件之義務發生衝突時，本公約所規定的義務應居優先效力。

第5條 聲明、通知及通報

1. 一國際組織之正式確認書或加入書應包括一項聲明，指明關於本公約所規定之何種事項之許可已由其為本公約締約國成員國轉移給該組織。
2. 一國際組織之成員國於其批准或加入本公約或於該組織交存其正式確認書或加入書時(以後發生者為準)，應作出聲明，指明關於本公約所規定之何種事項之許可已轉移給該組織。

3. States Parties which are member States of an international organization which is a Party to this Convention shall be presumed to have competence over all matters governed by this Convention in respect of which transfers of competence to the organization have not been specifically declared, notified or communicated by those States under this article.
4. The international organization and its member States which are States Parties shall promptly notify the depositary of this Convention of any changes to the distribution of competence, including new transfers of competence, specified in the declarations under paragraphs 1 and 2.
5. Any State Party may request an international organization and its member States which are States Parties to provide information as to which, as between the organization and its member States, has competence in respect of any specific question which has arisen. The organization and the member States concerned shall provide this information within a reasonable time. The international organization and the member States may also, on their own initiative, provide this information.
6. Declarations, notifications and communications of information under this article shall specify the nature and extent of the competence transferred.

3. 締約國如屬為本公約締約國之一國際組織成員國，對於本公約所規定的尚未經有關國家依據本條特別以聲明、通知或通報表示已向該組織轉移許可之一切事項，應假定其仍具有許可。
4. 國際組織及其為本公約締約國之成員國應將第1及第2項規定之聲明所指許可分配之任何變更，包括許可的新轉移，迅速通知公約保存人。
5. 任何締約國可要求某國際組織及其為締約國之成員國提供訊息，說明在該組織與其成員國間何者對已發生之任何特定問題具有許可。該組織及其有關成員國應於合理期間內提供該訊息。國際組織及其成員國也可主動提供該訊息。
6. 本條所規定之聲明、通知及訊息通報應指明所轉移許可之性質及範圍。

Article 6 Responsibility and liability

1. 1. Parties which have competence under article 5 of this Annex shall have responsibility for failure to comply with obligations or for any other violation of this Convention.
2. Any State Party may request an international organization or its member States which are States Parties for information as to who has responsibility in respect of any specific matter. The organization and the member States concerned shall provide this information. Failure to provide this information within a reasonable time or the provision of contradictory information shall result in joint and several liability.

第 6 條 責任

1. 依據本附件第 5 條具有許可之締約各方對不履行義務或任何其他違反本公約之行為，應負責任。
2. 任何締約國可要求某國際組織或其為締約國之成員國提供訊息，說明何者對特定事項負有責任。該組織及有關成員國應提供該訊息。未於合理期限內提供該訊息或提供互相矛盾之訊息者，應負連帶責任。

Article 7 Settlement of disputes

1. 1. At the time of deposit of its instrument of formal confirmation or of accession, or at any time thereafter, an international organization shall be free to choose, by means of a written declaration, one or more of the means for the settlement of disputes concerning the interpretation or application of this Convention, referred to in article 287, paragraph 1(a), (c) or (d).
2. Part XV applies mutatis mutandis to any dispute between Parties to this Convention, one or more of which are international organizations.
3. When an international organization and one or more of its member States are joint parties to a dispute, or parties in the same interest, the organization shall be deemed to have accepted the same procedures for the settlement of disputes as the member States; when, however, a member State has chosen only the

第 7 條 爭議解決

1. 一國際組織於交存其正式確認書或加入書時，或在其後任何時間，得自由以書面聲明方式選擇第 287 條第 1 項(a)、(c)及(d)款所指之一或一以上方法，以解決有關本公約之解釋或適用之爭議。
2. 第十五部分比照適用於爭議一方或多方是國際組織的本公約締約各方間之任何爭議。
3. 如一國際組織及其一或一以上成員國為爭議同一方，或為利害關係相同之各方，該組織應視為與成員國一樣接受關於解決爭議之同樣程序；然成員國如根據第 287 條僅選擇國際法

International Court of Justice under article 287, the organization and the member State concerned shall be deemed to have accepted arbitration in accordance with Annex VII, unless the parties to the dispute otherwise agree.

Article 8 Applicability of Part XVII

Part XVII applies mutatis mutandis to an international organization, except in respect of the following:

- (a) the instrument of formal confirmation or of accession of an international organization shall not be taken into account in the application of article 308, paragraph 1;
- (b)
 - (i) an international organization shall have exclusive capacity with respect to the application of articles 312 to 315, to the extent that it has competence under article 5 of this Annex over the entire subject-matter of the amendment;
 - (ii) the instrument of formal confirmation or of accession of an international organization to an amendment, the entire subject-matter over which the international organization has competence under article 5 of this Annex, shall be considered to be the instrument of ratification or accession of each of the member States which are States Parties, for the purposes of applying article 316, paragraphs 1, 2 and 3;
 - (iii) the instrument of formal confirmation or of accession of the international organization shall not be taken into account in the application of article 316, paragraphs 1 and 2, with regard to all other amendments;
- (c)
 - (i) an international organization may not denounce this Convention in accordance with article 317 if any of its member States is a State Party and if it continues to fulfil the qualifications specified in article 1 of this Annex;
 - (ii) an international organization shall denounce this Convention when none of its member States is a State Party or if the international organization no longer fulfils the qualifications specified in article 1 of this Annex. Such denunciation shall take effect immediately.

院，該組織及有關成員國應視為已依照附件 7 接受仲裁，然爭議各方另有協議者除外。

第 8 條 第十七部分之適用

第十七部分比照適用於一國際組織，然下列事項除外：

- (a) 在適用第 308 條第 1 項時，國際組織的正式確認書或加入書應不計算在內；
- (b)
 - (i) 一國際組織，只要依據本附件第 5 條對修正整個主要事項具有許可，應對第 312 至第 315 條之適用具有專屬行為能力；
 - (ii) 國際組織對某項修正案之正式確認書或加入書，於該國際組織根據本附件第 5 條對修正整個主要事項具有許可之情況下，為適用第 316 條第 1、2 及 3 項之目的，應將其視為作為締約國之每一成員國之批准書或加入書；
 - (iii) 對於其他一切修正案，該國際組織之正式確認書或加入書適用第 316 條第 1 及 2 項不應予以考慮；
- (c)
 - (i) 一國際組織之任一或其中一國為締約國，同時該國際組織繼續具備本附件第 1 條所指之資格時，不得依照第 317 條退出本公約；
 - (ii) 一國際組織當其成員國無一為締約國，或當該國際組織不再具備本附件第 1 條所指之資格時，應退出本公約。該退出應立即生效。