1989年国际救助公约

本公约于1989年4月15日至28日国际海事组织在伦敦召开的外交大会上通过，尚未生效。参加本公约的国家有：埃及、墨西哥、尼日利亚、阿曼、沙特阿拉伯等。   
     本公约各缔约国，   
     认识到有必要通过协议制订关于救助作业的统一的国际规则，   
     注意到一些重大发展，尤其是人们对保护环境的日益关心，证明有必要审查1910年9月23日在布鲁塞尔制订的《统一海难援助和救助某些法律规定公约》所规定的国际规则，   
     认识到及时有效的救助作业，对处于危险中的船舶和其他财产的安全以及对环境保护能起重大的作用，   
     相信有必要确保对处于危险中的船舶和其他财产进行救助作业的人员能得到足够的鼓励，   
     兹协议如下：   
  
     第Ⅰ章 总则   
  
     第１条 定 义就本公约而言：   
  
     （ａ）救助作业 系指可航水域或其他任何水域中援救处于危险中的船舶或任何其他财产的行为或活动。   
  
     （ｂ）船舶 系指任何船只、艇筏或任何能够航行的构造物。   
  
     （ｃ）财产 系指非永久性和非有意地依附于岸线的任何财产，包括有风险的运费。   
  
     （ｄ）环境损害 系指由污染、沾污、火灾、爆炸或类似的重大事故，对人身健康，对沿海、内水或其毗连区域中的海洋生物、海洋资源所造成的重大的有形损害。   
  
     （ｅ）支付款项 系指按本公约规定应付的任何报酬、酬金或补偿。   
  
     （ｆ）组织 系指国际海事组织。   
  
     （ｇ）秘书长 系指本组织的秘书长。   
  
     第２条 适用范围   
  
     本公约适用于在一缔约国提起的有关公约所辖事项的诉讼或仲裁。   
  
     第３条 平台和钻井装置   
  
     本公约不适用于已就位的从事海底矿物资源的勘探、开发或生产的固定式、浮动式平台或移动式近海钻井装置。   
  
     第４条 国有船舶   
  
     １．在不影响第５条规定的情况下，除一国另有规定外，本公约不适用于军舰或国家所有或经营的、根据公认的国际法准则在发生救助作业时享有主权豁免的其他非商业性船舶。   
  
     ２．如一缔约国决定其军舰或本条第１款所述的其他船舶适用本公约，它应将此事通知秘书长，并说明此种适用的条款和条件。   
  
     第５条 公共当局控制的救助作业   
  
     １．本公约不影响国内法或国际公约有关由公共当局从事或控制的救助作业的任何规定。   
  
     ２．然而，从事此种救助作业的救助人，有权享有本公约所规定的有关救助作业的权利和补偿。   
  
     ３．负责进行救助作业的公共当局所能享有的本公约规定的权利和补偿的范围，应根据该当局所在国的法律确定。   
  
     第６条 救助合同   
  
     １．除合同另有明示或默示的规定外，本公约适用于任何救助作业。   
  
     ２．船长有权代表船舶所有人签订救助合同。船长或船舶所有人有权代表船上财产所有人签订此种合同。   
  
     ３．本条不影响第７条的适用，也不影响防止或减轻环境损害的义务。   
  
     第７条 合同的废止和修改   
  
     如有以下情况，可以废止或修改合同或其任何条款：   
  
     （ａ）在胁迫或危险情况影响下签订的合同，且其条款不公平；或   
  
     （ｂ）合同项下的支付款项同实际提供的服务大不相称，过高或过低。   
  
     第Ⅱ章 救助作业的实施   
  
     第８条 救助人的义务及所有人和船长的义务   
  
     １．救助人对处于危险中的船舶或其它财产的所有人负有下列义务：   
  
     （ａ）以应有的谨慎进行救助作业；   
  
     （ｂ）在履行（ａ）项所规定的义务时，以应有的谨慎防止或减轻环境损害；   
  
     （ｃ）在合理需要的情况下，寻求其他救助人的援助；和   
  
     （ｄ）当处于危险中的船舶或其他财产的所有人或船长，合理地要求其他救助人介入时，接受这种介入；但是，如果发现这种要求是不合理的，其报酬金额不得受到影响。   
  
     ２．处于危险中的船舶或其他财产所有人和船长对救助人负有下列义务：   
  
     （ａ）在救助作业的过程中，与救助人通力合作；   
  
     （ｂ）在进行此种合作时，以应有的谨慎防止或减轻环境损害；和   
  
     （ｃ）当船舶或其他财产已被送至安全地点后，如救助人提出合理的移交要求，接受此种移交。   
  
     第９条 沿海国的权利   
  
     本公约中的任何规定，均不得影响有关沿海国的下述权利：根据公认的国际法准则，在发生可以合理地预期足以造成重大损害后果的海上事故或与此项事故有关的行动时，采取措施保护其岸线或有关利益方免受污染或污染威胁的权利，包括沿海国就救助作业作出指示的权利。   
  
     第１０条 提供救助的义务   
  
     １．只要不致于对其船舶及船上人员造成严重危险，每个船长都有义务援救在海上有丧生危险的任何人员。   
  
     ２．缔约国应采取必要措施履行第１款所规定的义务。   
  
     ３．船舶所有人对船长不履行第１款中的义务不承担责任。   
  
     第１１条 合 作   
  
     在对诸如允许遇难船舶进港或向救助人提供便利等有关救助作业的事项做出规定或决定时，缔约国应考虑救助人、其他利益方同当局之间合作的需要，以保证为拯救处于危险中的生命或财产及为防止对总体环境造成损害而进行的救助作业得以有效、成功的实施。   
  
     第Ⅲ章 救助人的权利   
  
     第１２条 支付报酬的条件   
  
     １．有效果的救助作业方有权获得报酬。   
  
     ２．除另有规定外，救助作业无效果，不应得到本公约规定的支付款项。   
  
     ３．如果被救船舶和救助船舶属于同一所有人，本章仍然适用。   
  
     第１３条 评定报酬的标准   
  
     １．确定报酬应从鼓励救助作业出发，并考虑下列因素，但与其排列顺序无关：   
  
     （ａ）获救的船舶和其他财产的价值；   
  
     （ｂ）救助人在防止或减轻对环境损害方面的技能和努力；   
  
     （ｃ）救助人获得成功的程度；   
  
     （ｄ）危险的性质和程度；   
  
     （ｅ）救助人在救助船舶、其他财产及人命方面的技能和努力；   
  
     （ｆ）救助人所花的时间、费用及遭受的损失；   
  
     （ｇ）救助人或其设备的责任风险及其他风险；   
  
     （ｈ）提供服务的及时性；   
  
     （ｉ）用于救助作业的船舶及其他设备的可用性及使用情况；   
  
     （ｊ）救助设备的备用状况、效能和设备的价值。   
  
     ２．按照第１款确定的报酬应由所有的船舶和其他财产利益方按其获救船舶和其他财产的价值比例进行支付，但是缔约国可在其国内法中做出规定，报酬须由这些利益方中的一方先行支付，该利益方有权向其他利益方按其分摊比例进行追偿。本条中的任何规定均不影响抗辩权。   
  
     ３．报酬金额不包括应付的利息及可追偿的法律费用，不得超过获救船舶和其他财产的价值。   
  
     第１４条 特别补偿   
  
     １．如一船或其船上货物对环境构成了损害威胁，救助人对其进行了救助作业，而未能根据第１３条获得的至少相当于按本条可得的特别补偿的报酬时，他有权按本条规定从该船的船舶所有人处获得相当于其所花费用的特别补偿。   
  
     ２．在第１款所述情况下，如果救助人因其救助作业防止或减轻了环境损害，船舶所有人根据第１款应向救助人支付的特别补偿可另行增加，其最大增加额可达救助人所发生费用的３０％。然而，如果法院或仲裁庭认为公平、合理，并且考虑到第１３条第１款中所列的有关因素，可将此项特别补偿进一步增加，但是，在任何情况下，其增加总额不得超过救助人所发生费用的百分之百。   
  
     ３．救助人所花费用，就第１款和第２款而言，系指救助人在救助作业中合理支出的现付费用和在救助作业中实际并合理使用设备和人员的公平费率。同时应考虑第１３条第１款（ｈ）（ｉ）（ｊ）项规定的标准。   
  
     ４．在任何情况下，本条规定的全部特别补偿，只有出其高于救助人根据第１３条获得的报酬时，才能在所高出的范内支付。   
  
     ５．如果由于救助人疏忽而未能防止或减轻环境损害，可全部或部分地剥夺其根据本条规定应得的特别补偿。   
  
     ６．本条的任何规定不影响船舶所有人的任何追偿权。   
  
     第１５条 救助人之间的报酬分配   
  
     １．救助人之间的报酬分配应以第１３条中的标准为基础。   
  
     ２．每一救助船的所有人、船长及船上其他工作人员之间的报酬分配应根据该船旗国的法律确定。如救助作业不是在救助船上进行的，其报酬分配应根据制约救助人与其受雇人所订合同的法律确定。   
  
     第１６条 人命救助   
  
     １．获救人无须支付报酬，但本条规定不影响国内法就此作出的规定。   
  
     ２．在发生需要救助的事故时，参与救助作业的人命救助人有权从支付给救助船舶，其他财产或防止或减轻环境损害的救助人的报酬中获得合理份额。   
  
     第１７条 根据现有合同提供的服务   
  
     在危险发生之前所签署的合同，不得依本公约的规定支付款项，除非所提供的服务被合理地认为已超出正常履行该合同的范围。   
  
     第１８条 救助人不当行为的后果   
  
     如因救助人的过失或疏忽或因救助人有欺诈或其他不诚实行为而使救助作业成为必需或更加困难，可剥夺救助人按本公约规定所得的全部或部分支付款项。   
  
     第１９条 制止救助作业   
  
     不顾船舶所有人、船长或其他处于危险中的不在船上而且未曾装船的财产的所有人的明确而合理的制止而提供的服务，不产生本公约规定的支付款项。   
  
     第Ⅳ章 索赔与诉讼   
  
     第２０条 优先请求权   
  
     １．本公约任何规定不影响根据任何国际公约或国内法规定的救助人的优先请求权。   
  
     ２．当已提交或提供了包括利息和诉讼费用在内的令人满意的担保后，救助人不可行使其优先请求权。   
  
     第２１条 提供担保的义务   
  
     １．应救助人要求，根据本公约规定应支付款项的人应对救助人的索赔，包括救助人的利息和诉讼费用，提供满意的担保。   
  
     ２．在不影响第１款的情况下，获救船舶的所有人，应尽力以保证在货物释放前，货物所有人对向其提出的索赔，包括利息和诉讼费用在内，提供满意的担保。   
  
     ３．在对救助人的有关船舶或财产的索赔提供满意的担保前，未经救助人同意，获救的船舶或其他财产不得从完成救助作业后最初抵达的港口或地点移走。   
  
     第２２条 先行支付款项   
  
     １．对救助人的索赔有管辖权的法院或仲裁庭可根据案情，以公正合理的条件，通过临时裁定或裁决，责令向救助人先付公正合理的金额，包括适当的担保。   
  
     ２．根据本条规定，如已先行支付款项，根据第２１条所提供的担保则应作相应的扣减。   
  
     第２３条 诉讼时效   
  
     １．如在两年内没有提起诉讼或仲裁，本公约规定的有关支付款项的任何诉讼，便丧失时效。时效期限从救助作业结束之日起算。   
  
     ２．被索赔人可在时效期限内的任何时间，通过向索赔人提出声明，延长时效期限。该期限可以同样方式进一步延长。   
  
     ３．如果诉讼是在起诉地国的法律允许的时间内提起，即使上述两款规定的时效期限已届满，负有责任的人仍可提起要求补偿的诉讼。   
  
     第２４条 利 息   
  
     救助人根据本公约应得给付利息的权利，应按受理该案的法院或仲裁庭所在国的法律确定。   
  
     第２５条 国有货物   
  
     除经国家所有人的同意外，本公约的任何规定均不得作为以任何法律程序或对物诉讼程序，扣留、扣押或置留国家拥有的、根据公认的国际法准则，在发生救助作业时享有主权豁免的非商业性货物的根据。   
  
     第２６条 人道主义货物   
  
     如果一国已同意向对其人道主义的货物所提供的救助服务支付费用，本公约中的规定均不得作为扣留、扣押或置留该国捐助的人道主义货物的根据。   
  
     第２７条 仲裁裁决的公布   
  
     缔约国应在征得当事方同意的条件下，尽量鼓励公布救助案的仲裁裁决。   
  
     第Ⅴ章 最后条款   
  
     第２８条 签字、批准、接受、核准和加入   
  
     １．本公约自１９８９年７月１日到１９９０年６月３０日在本组织总部开放供签字。此后继续开放供加入。   
  
     ２．各国可按下列方式表示同意受本公约的约束：   
  
     （ａ）签字并对批准、接受或核准无保留；或   
  
     （ｂ）签字而有待批准、接受或核准，随后再批准、接受或核准；或   
  
     （ｃ）加入。   
  
     ３．批准、接受、核准或加入应向秘书长交存一份相应的文件。   
  
     第２９条 生 效   
  
     １．本公约在１５个国家表示同意受本公约约束之日后一年生效。   
  
     ２．对于在本公约生效条件满足后表示同意受本公约约束的国家，应在表示同意之日后一年生效。   
  
     第３０条 保 留   
  
     １．任何国家在签字、批准、接受、核准或加入时，就下列情况可保留不适用本公约规定的权利：   
  
     （ａ）救助作业发生在内陆水域，而且所涉及的船舶均为内陆水域航行的船舶；   
  
     （ｂ）救助作业发生在内陆水域，而且并不涉及船舶；   
  
     （ｃ）所有的利益方都是该国的国民；   
  
     （ｄ）有关财产为位于海床上的具有史前的、考古的或历史价值的海上文化财产。   
  
     ２．在签字时做出的保留需在批准、接受或核准时加以确认。   
  
     ３．对本公约做出保留的国家可在任何时候以向秘书长发出通知的方式撤销保留。这种撤销从收到通知之日起生效。如果该通知声明对某一保留的撤销应在该通知中裁明的某一日期生效，而且该日期迟于秘书长收到通知的日期，则该撤销应在较迟的日期生效。   
  
     第３１条 退出   
  
     １．任一缔约国在本公约对其生效之日起一年后，可随时退出本公约。   
  
     ２．退出须向秘书长交存一份退出文件方为有效。   
  
     ３．退出本公约，应在秘书长收到退出文件一年后，或在退出文件中载明的较此更长的期限届满后生效。   
  
     第３２条 修订和修正   
  
     １．修订或修正本公约的会议，可由本组织召开。   
  
     ２．经八个或四分之一缔约国的要求，以数大者为准，秘书长应召集修订或修正本公约的缔约国会议。   
  
     ３．在本公约的修正案生效之后同意受本公约约束的任何表示应被视为适用于经修正的公约。   
  
     第３３条 保 存   
  
     １．本公约由秘书长保存。   
  
     ２．秘书长应：   
  
     （ａ）将下列事项通知所有签署或加入本公约的国家以及本组织的所有会员国：   
  
     （ｉ）每一新的签字或每一新的批准、接受、核准或加入书的交存及其日期；   
  
     （ｉｉ）本公约的生效日期；   
  
     （ｉｉｉ）任何退出本公约的文件的交存及其收到日期和退出的生效日期；   
  
     （ｉｖ）根据第３２条规定通过的任何修正案；   
  
     （ｖ）收到根据本公约所作出的任何保留、声明或通知。   
  
     （ｂ）将本公约核正无误的副本分发给已签署或加入本公约的所有国家。   
  
     ３．本公约一经生效，其保存人应按照《联合国宪章》第１０２条的规定，将本公约核正无误的副本一份送交联合国秘书长，供登记和公布。   
  
     第３４条 文字   
  
     本公约正本一份，用阿拉伯文、中文、英文、法文、俄文和西班牙文写成，各种文本具有同等效力。   
  
     以下署名者，经各自政府正式授权，签署本公约，以昭信守。   
  
     １９８９年４月２８日订于伦敦。   
  
     附件１ 关于对１９８９年国际救助公约第１３条和第１４条的共同谅解   
  
     会议的共同谅解是：在确定１９８９年国际救助公约第１３条项下的报酬和第１４条项下的特别补偿时，在根据第１４条确定应支付的特别补偿前，法庭或仲裁庭没有义务按第１３条的规定将救助报酬确定至获救的船舶和其他财产的最高价值。   
  
     附件２ 关于建议修正１９７４年约克－安特卫普规则的决议１９８９年国际救助会议，   
  
     通过了１９８９年国际救助公约，   
  
     认为不拟在共同海损中包括按照第１４条所确定的付款，   
  
     请国际海事组织秘书长采取适当步骤保证尽快修正１９７４年约克－安特卫普规则，以确保根据第１４条所支付的特别补偿并不列入共同海损。   
  
     附件３ 关于为实施１９８９年国际救助公约而进行国际合作的决议１９８９年国际救助会议，   
  
     通过了１９８９年国际救助公约（以下简称“本公约”），   
  
     考虑到希望有更多的国家成为本公约的成员国，   
  
     认识到本公约的生效将为保护海洋环境起重要的补充作用，   
  
     考虑到在国际范围内宣传并广泛实施本公约对于达到其目标是极其重要的，Ⅰ 建议：   
  
     （ａ）本组织通过举办各种研讨会、培训班、专题讨论会促使公众了解本公约；   
  
     （ｂ）由本组织主办的培训院校在其有关教学课程中包括对本公约的研究；Ⅱ 要求：   
  
     （ａ）成员国将其颁布的属于本公约适用范围内的各事项有关的法律、命令、法令、规则的文本及其他文件送交本组织；   
  
     （ｂ）成员国同本组织协商，为促进实施本公约，在起草法律、命令、法令、规则和其他文件时，对要求给予技术援助的国家提供协助；和   
  
     （ｃ）本组织将其收到的Ⅱ（ａ）项下的任何文件通知各成员国。   
  
     INTERNATIONAL CONVENTION ON SALVAGE, 1989   
    THE STATES PARTIES TO THE PRESENT CONVENTION,  
    RECOGNIZING the desirability of determining by agreement uniform  
international rules regarding salvage operations,  
    NOTING that substantial developments, in particular the increased  
concern for the protection of the environment, have demonstrated the need  
to review the international rules presently contained in the Convention  
for the Unification of Certain Rules of Law relating to Assistance and  
Salvage at Sea, done at Brussels, 23 September 1910,  
    CONSCIOUS of the major contribution which efficient and timely salvage  
operations can make to the safety of vessels and other property in danger  
and to the protection of the environment.  
    CONVINCED of the need to ensure that adequate incentives are available  
to persons who undertake salvage operations in respect of vessels and  
other property in danger.  
    HAVE AGREED as follows:  
       
     Chapter I General provisions  
  
Article 1 Definitions  
    For the purpose of this Convention:  
        (a) Salvage operation means any act or activity undertaken to  
assist a vessel or any other property in danger in navigable waters or in  
any other waters whatsoever.  
        (b) Vessel means any ship or craft, or any structure capable of  
navigation.  
        (c) Property means any property not permanently and intentionally  
attached to the shoreline and includes freight at risk.  
        (d) Damage to the environment means substantial physical damage to  
human health or to marine life or resources in coastal or inland waters or  
areas adjacent thereto, caused by pollution,  contamination, fire,  
explosion or similar major incidents.  
        (e) Payment means any reward, remuneration or compensation due  
under this Convention.  
        (f) Organization means the International Maritime Organization.  
        (g) Secretary-General means the Secretary-General of the  
Organization.  
Article 2 Application of the Convention  
    This Convention shall apply whenever judicial or arbitral proceedings  
relating to matters dealt with in this Convention are brought in a State  
Party.  
Article 3 Plat forms and drilling units  
    This Convention shall not apply to fixed or floating platforms or to  
mobile offshore drilling units when such platforms or units are on  
location engaged in the exploration, exploitation or production of sea-bed  
mineral resources.  
Article 4 State-owned vessels  
    1 Without prejudice to Article 5, this Convention shall not apply to  
warships or other non-commercial vessels owned or operated by a State and  
entitled, at the time of salvage operations,  to sovereign immunity under  
generally recognized principles of international law unless that State  
decides otherwise.  
    2 Where a State Party decides to apply the Convention to its warships  
or other vessels described in paragraph 1, it shall notify the  
Secretary-General thereof specifying the terms and conditions of such  
application.  
Article 5 Salvage operations controlled by public authorities  
    1 This Convention shall not affect any provisions of national law or  
any international convention relating to salvage operations by or under  
the control of public authorities.  
    2 Nevertheless, salvors carrying out such salvage operations shall be  
entitled to avail themselves of the rights and remedies provided for in  
this Convention in respect of salvage operations.  
    3 The extent to which a public authority under a duty to perform  
salvage operations may avail itself of the rights and remedies provided  
for in this Convention shall be determined by the law of the State where  
such authority is situated.  
Article 6 Salvage contracts  
    1 This Convention shall apply to any salvage operations save to the  
extent that a contract otherwise provides expressly or by implication.  
    2 The master shall have the authority to conclude contracts for  
salvage operations on behalf of the owner of the vessel. The master or the  
owner of the vessel shall have the authority to conclude such contracts on  
behalf of the owner of the property on board the vessel.  
    3 Nothing in this Article shall affect the application of Article 7  
nor duties to prevent or minimize damage to the environment.  
Article 7 Annulment and modification of contracts  
    A contract or any terms thereof may be annulled or modified if:  
        (a) the contract has been entered into under undue influence or  
the influence of danger and its terms are inequitable; or  
        (b) the payment under the contract is in an excessive degree too  
large or too small for the services actually rendered.  
       
     Chapter II Performance of salvage operations  
  
Article 8 Duties of the salvor and of the owner and master  
    1 The salvor shall owe a duty to the owner of the vessel or other  
property in danger:  
        (a) to carry out the salvage operations with due care;  
        (b) in performing the duty specified in subparagraph (a), to  
exercise due care to prevent or minimize damage to the environment;  
        (c) whenever circumstances reasonably require, to seek assistance  
from other salvors; and  
        (d) to accept the intervention of other salvors when reasonably  
requested to do so by the owner or master of the vessel or other property  
in danger; provided however that the amount of his reward shall not be  
prejudiced should it be found that such a request was unreasonable.  
    2 The owner and master of the vessel or the owner of other property in  
danger shall owe a duty to the salvor;  
        (a) to co-operate fully with him during the course of the salvage  
operations;  
        (b) in so doing, to exercise due care to prevent or minimize  
damage to the environment;  and  
        (c) when the vessel or other property has been brought to a place  
of safety, to accept redelivery when reasonably requested by the salvor to  
do so.  
Article 9 Rights of coastal States  
    Nothing in this Convention shall affect the right of the coastal State  
concerned to take measures in accordance with generally recognized  
principles of international law to protect its coastline or related  
interests from pollution or the 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, including the right  
of a coastal State to give directions in relation to salvage operations.  
Article 10 Duty to render assistance  
    1 Every master is bound, so far as he can do so without serious danger  
to his vessel and persons thereon, to render assistance to any person in  
danger of being lost at sea.  
    2 The States Parties shall adopt the measures necessary to enforce the  
duty set out in paragraph 1.  
    3 The owner of the vessel shall incur no liability for a breach of the  
duty of the master under paragraph 1.  
Article 11 Co-operation  
    A State Party shall, whenever regulating or deciding upon matters  
relating to salvage operations such as admittance to ports of vessels in  
distress or the provision of facilities to salvors,  take into account the  
need for co-operation between salvors, other interested parties and public  
authorities in order to ensure the efficient and successful performance of  
salvage operations for the purpose of saving life or property in danger as  
well as preventing damage to the environment in general.  
       
     Chapter III Rights of salvors  
  
Article 12 Conditions for reward  
    1 Salvage operations which have had a useful result give right to a  
reward.  
    2 Except as otherwise provided, no payment is due under this  
Convention if the Salvage operations have had no useful result.  
    3 This chapter shall apply, notwithstanding that the salved vessel and  
the vessel undertaking the salvage operations belong to the same owner.  
Article 13 Criteria for fixing the reward  
    1 The reward shall be fixed with a view to encouraging salvage  
operations, taking into account the following criteria without regard to  
the order in which they are presented below:  
        (a) the salved value of the vessel and other property;  
        (b) the skill and efforts of the salvors in preventing or  
minimizing damage to the environment;  
        (c) the measure of success obtained by the salvor;  
        (d) the nature and degree of the danger;  
        (e) the skill and efforts of the salvors in salving the vessel,  
other property and life;  
        (f) the time used and expenses and losses incurred by the salvors;  
        (g) the risk of liability and other risks run by the salvors or  
their equipment;  
        (h) the promptness of the services rendered;  
        (i) the availability and use of vessels or other equipment  
intended for salvage operations;  
        (j) the state of readiness and efficiency of the salvor's  
equipment and the value thereof.  
    2 Payment of a reward fixed according to paragraph 1 shall be made by  
all of the vessel and other property interests in proportion to their  
respective salved values. However, a State Party may in its national law  
provide that the payment of a reward has to be made by one of these  
interests, subject to a right of recourse of this interest against the  
other interests for their respective shares. Nothing in this Article shall  
prevent any right of defence.  
    3 The rewards, exclusive of any interest and recoverable legal costs  
that may be payable thereon, shall not exceed the salved value of the  
vessel and other property.  
Article 14 Special compensation  
    1 If the salvor has carried out salvage operations in respect of a  
vessel which by itself or its cargo threatened damage to the environment  
and has failed to earn a reward under Article 13 at least equivalent to  
the special compensation assessable in accordance with this Article,  he  
shall be entitled to special compensation from the owner of that vessel  
equivalent to his expenses as herein defined.  
    2 If, in the circumstances set out in paragraph 1, the salvor by his  
salvage operations has prevented or minimized damage to the environment,  
the special compensation payable by the owner to the salvor under  
paragraph 1 may be increased up to a maximum of 30% of the expenses  
incurred by the salvor. However, the tribunal, if it deems it fair and  
just to do so and bearing in mind the relevant criteria set out in Article  
13, paragraph 1, may increase such special compensation further, but in no  
event shall the total increase be more than 100% of the expenses incurred  
by the salvor.  
    3 Salvor's expenses for the purpose of paragraphs 1 and 2 means the  
out-of-pocket expenses reasonably incurred by the salvor in the salvage  
operation and a fair rate for equipment and personnel actually and  
reasonably used in the salvage operation, taking into consideration the  
criteria set out in Article 13, paragraph 1(h), (i) and (j).  
    4 The total special compensation under this Article shall be paid only  
if and to the extent that such compensation is greater than any reward  
recoverable by the salvor under Article 13.  
    5 If the salvor has been negligent and has thereby failed to prevent  
or minimize damage to the environment, he may be deprived of the whole or  
part of any special compensation due under this Article.  
    6 Nothing in this Article shall affect any right of recourse on the  
part of the owner of the vessel.  
Article 15 Apportionment between salvors  
    1 The apportionment of a reward under Article 13 between salvors shall  
be made on the basis of the criteria contained in that Article.  
    2 The apportionment between the owner, master and other persons in the  
service of each salving vessel shall be determined by the law of the flag  
of that vessel. If the salvage has not been carried out from a vessel, the  
apportionment shall be determined by the law governing the contract  
between the salvor and his servants.  
Article 16 Salvage of persons  
    1 No remuneration is due from persons whose lives are saved, but  
nothing in this Article shall affect the provisions of national law on  
this subject.  
    2 A salvor of human life, who has taken part in the services rendered  
on the occasion of the accident giving rise to salvage, is entitled to a  
fair share of the payment awarded to the salvor for salving the vessel or  
other property or preventing or minimizing damage to the environment.  
Article 17 Services rendered under existing contracts  
    No payment is due under the provisions of this Convention unless the  
services rendered exceed what can be reasonably considered as due  
performance of a contract entered into before the danger arose.  
Article 18 The effect of salvor's misconduct  
    A salvor may be deprived of the whole or part of the payment due under  
this Convention to the extent that the salvage operations have become  
necessary or more difficult because of fault or neglect on his part or if  
the salvor has been guilty of fraud or other dishonest conduct.  
Article 19 Prohibition of salvage operations  
    Services rendered notwithstanding the express and reasonable  
prohibition of the owner or master of the vessel or the owner of any other  
property in danger which is not and has not been on board the vessel shall  
not give rise to payment under this Convention.  
       
     Chapter IV Claims and actions  
  
Article 20 Maritime lien  
    1 Nothing in this Convention shall affect the salvor's maritime lien  
under any international convention or national law.  
    2 The salvor may not enforce his maritime lien when satisfactory  
security for his claim, including interest and costs, has been duly  
tendered or provided.  
Article 21 Duty to provide security  
    1 Upon the request of the salvor a person liable for a payment due  
under this Convention shall provide satisfactory security for the claim,  
including interest and costs of the salvor.  
    2 Without prejudice to paragraph 1, the owner of the salved vessel  
shall use his best endeavours to ensure that the owners of the cargo  
provide satisfactory security for the claims against them including  
interest and costs before the cargo is released.  
    3 The salved vessel and other property shall not, without the consent  
of the salvor, be removed from the port or place at which they first  
arrive after the completion of the salvage operations until satisfactory  
security has been put up for the salvor's claim against the relevant  
vessel or property.  
Article 22 Interim payment  
    1 The tribunal having jurisdiction over the claim of the salvor may,  
by interim decision, order that the salvor shall be paid on account such  
amount as seems fair and just, and on such terms including terms as to  
security where appropriate, as may be fair and just according to the  
circumstances of the case.  
    2 In the event of an interim payment under this Article the security  
provided under Article 21 shall be reduced accordingly.  
Article 23 Limitation of actions  
    1 Any action relating to payment under this Convention shall be  
time-barred if judicial or arbitral proceedings have not been instituted  
within a period of two years. The limitation period commences on the day  
on which the salvage operations are terminated.  
    2 The person against whom a claim is made may at any time during the  
running of the limitation period extend that period by a declaration to  
the claimant. This period may in the like manner be further extended.  
    3 An action for indemnity by a person liable may be instituted even  
after the expiration of the limitation period provided for in the  
preceding paragraphs, if brought within the time allowed by the law of the  
State where proceedings are instituted.  
Article 24 Interest  
    The right of the salvor to interest on any payment due under this  
Convention shall be determined according to the law of the State in which  
the tribunal seized of the case is situated.  
Article 25 State-owned cargoes  
    Unless the State owner consents, no provision of this Convention shall  
be used as a basis for the seizure, arrest or detention by any legal  
process of, nor for any proceedings in rem against,  non-commercial  
cargoes owned by a State and entitled, at the time of the salvage  
operations,  to sovereign immunity under generally recognized principles  
of international law.  
Article 26 Humanitarian cargoes  
    No provision of this Convention shall be used as a basis for the  
seizure, arrest or detention of humanitarian cargoes donated by a State,  
if such State has agreed to pay for salvage services rendered in respect  
of such humanitarian cargoes.  
Article 27 Publication of arbitral awards  
    States Parties shall encourage, as far as possible and with the  
consent of the parties, the publication of arbitral awards made in salvage  
cases.  
       
     Chapter V Final clauses  
  
Article 28 Signature, ratification, acceptance, approval and accession  
    1 This Convention shall be open for signature at the Headquarters of  
the Organization from 1 July 1989 to 30 June 1990 and shall thereafter  
remain open for accession.  
    2 States may express their consent to be bound by this Convention by:  
        (a) signature without reservation as to ratification, acceptance  
or approval; or  
        (b) signature subject to ratification, acceptance or approval,  
followed by ratification, acceptance or approval; or  
        (c) accession.  
    3 Ratification, acceptance, approval or accession shall be effected by  
the deposit of an instrument to that effect with the Secretary-General.  
Article 29 Entry into force  
    1 This Convention shall enter into force one year after the date on  
which 15 States have expressed their consent to be bound by it.  
    2 For a State which expresses its consent to be bound by this  
Convention after the conditions for entry into force thereof have been  
met, such consent shall take effect one year after the date of expression  
of such consent.  
Article 30 Reservations  
    1 Any State may, at the time of signature, ratification, acceptance,  
approval or accession,  reserve the right not to apply the provisions of  
this Convention:  
        (a) when the salvage operation takes place in inland waters and  
all vessels involved are of inland navigation;  
        (b) when the salvage operations take place in inland waters and no  
vessel is involved;  
        (c) when all interested parties are nationals of that State;  
        (d) when the property involved in maritime cultural property of  
prehistoric, archaeological or historic interest and is situated on the  
sea-bed.  
    2 Reservations made at the time of signature are subject to  
confirmation upon ratification, acceptance or approval.  
    3 Any State which has made a reservation to this Convention may  
withdraw it at any time by means of a notification addressed to the  
Secretary-General. Such withdrawal shall take effect on the date the  
notification is received. If the notification states that the withdrawal  
of a reservation is to take effect on a date specified therein, and such  
date is later than the date the notification is received by the  
Secretary-General, the withdrawal shall take effect on such later date.  
Article 31 Denunciation  
    1 This Convention may be denounced by any State Party at any time  
after the expiry of one year from the date on which this Convention enters  
into force for that State.  
    2 Denunciation shall be effected by the deposit of an instrument of  
denunciation with the Secretary-General.  
    3 A denunciation shall take effect one year, or such longer period as  
may be specified in the instrument of denunciation, after the receipt of  
the instrument of denunciation by the Secretary-General.  
Article 32 Revision and amendment  
    1 A conference for the purpose of revising or amending this Convention  
may be convened by the Organization.  
    2 The Secretary-General shall convene a conference of the States  
Parties to this Convention for revising or amending the Convention, at the  
request of eight States Parties, or one fourth of the States Parties,  
whichever is the higher figure.  
    3 Any consent to be bound by this Convention expressed after the date  
of entry into force of an amendment to this Convention shall be deemed to  
apply to the Convention as amended.  
Article 33 Depositary  
    1 This Convention shall be deposited with the Secretary-General.  
    2 The Secretary-General shall:  
        (a) inform all States which have signed this Convention or acceded  
thereto, and all Members of the Organization, of:  
            (i) each new signature or deposit of an instrument of  
ratification, acceptance, approval or accession together with the date  
thereof;  
            (ii) the date of the entry into force of this Convention;  
            (iii) the deposit of any instrument of denunciation of this  
Convention together with the date on which it is received and the date on  
which the denunciation takes effect;  
            (iv) any amendment adopted in conformity with Article 32;  
            (v) the receipt of any reservation, declaration or  
notification made under this Convention;  
        (b) transmit certified true copies of this Convention to all  
States which have signed this Convention or acceded thereto.  
    3 As soon as this Convention enters into force, a certified true copy  
thereof shall be transmitted by the Depositary to the Secretary-General of  
the United Nations for registration and publication in accordance with  
Article 102 of the Charter of the United Nations.  
Article 34 Languages  
    This Convention is established in a single original in the Arabic,  
Chinese, English,  French, Russian and Spanish languages, each text being  
equally authentic.  
    IN WITNESS WHEREOF the undersigned being duly authorized by their  
respective Governments for that purpose have signed this Convention.  
    DONE AT LONDON this twenty-eighth day of April one thousand nine  
hundred and eighty-nine.  
       
     Attachment 1: COMMON UNDERSTANDING CONCERNING ARTICLES 13 AND 14OFTHE INTERNATIONAL CONVENTION ON SALVAGE, 1989  
  
    It is the common understanding of the Conference that, in fixing a  
reward under Article 13 and assessing special compensation under Article  
14 of the International Convention on Salvage,  1989 the tribunal is under  
no duty to fix a reward under Article 13 up to the maximum salved value of  
the vessel and other property before assessing the special compensation to  
be paid under Article 14.  
       
     Attachment 2: RESOLUTION REQUESTING THE AMENDMENT OF THE YORK-ANTWERP RULES, 1974  
  
    THE INTERNATIONAL CONFERENCE ON SALVAGE, 1989,  
    HAVING ADOPTED the International Convention on Salvage, 1989,  
    CONSIDERING that payments made pursuant to Article 14 are not intended  
to be allowed in general average,  
    REQUESTS the Secretary-General of the International Maritime  
Organization to take the appropriate steps in order to ensure speedy  
amendment of the York-Antwerp Rules, 1974, to ensure that special  
compensation paid under Article 14 is not subject to general average.  
       
     Attachment 3: RESOLUTION ON INTERNATIONAL CO-OPERATION FOR THEIMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON SALVAGE, 1989  
  
    THE INTERNATIONAL CONFERENCE ON SALVAGE, 1989,  
    IN ADOPTING the International Convention on Salvage, 1989 (hereinafter  
referred to as "The Convention"),  
    CONSIDERING IT DESIRABLE that as many States as possible should become  
Parties to the Convention,  
    RECOGNIZING that the entry into force of the Convention will represent  
an important additional factor for the protection of the marine  
environment,  
    CONSIDERING that the international publicizing and wide implementation  
of the Convention is of the utmost importance for the attainment of its  
objectives,  
I. RECOMMENDS:  
    (a) that the Organization promote public awareness of the Convention  
through the holding of seminars, courses or symposia;  
    (b) that training institutions created under the auspices of the  
Organization include the study of the Convention in their corresponding  
courses of study.  
II. REQUESTS:  
    (a) Member States to transmit to the Organization the text of the  
laws, orders, decrees,  regulations and other instruments that they  
promulgate concerning the various matters falling within the scope of  
application of the Convention;  
    (b) Member States, in consultation with the Organization, to promote  
the giving of help to those States requesting technical assistance for the  
drafting of laws, orders, decrees,  regulations and other instruments  
necessary for the implementation of the Convention;  and  
    (c) the Organization to notify Member States of any communication it  
may receive under paragraph II (a).