

国际海事组织

INTERNATIONAL MARITIME ORGANIZATION

1972 年国际集装箱安全公约

INTERNATIONAL CONVENTION FOR
SAFE CONTAINERS, 1972

(1996 年修订本)



中国人民解放军海军司令部航海保证部

THE NAVIGATION GUARANTEE DEPARTMENT OF THE CHINESE NAVY HEADQUARTERS

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出版说明

“集装箱”是实现货物安全快捷运输的重要设备。自 20 世纪 50 年代以来,全世界港口与港口间的货物集装箱运输,港口与内陆货物集散的集装箱运输迅猛发展,随之集装箱制造业以及相对应的集装箱运输专用船舶和专用车辆制造业亦得到快速发展。由于集装箱在货物运输过程中应用广泛,需求量巨大,因此规范集装箱制造标准和检验程序是保证营运人员和货物安全的必要措施。1972 年,联合国与国际海事组织召集了联合会议,由国际海事组织与欧洲经济委员会合作起草《1972 年国际集装箱安全公约》,本公约统一规范了世界各国(或地区)通用集装箱的箱体规格尺寸、强度等各项安全指标以及箱体标识,同时还提出了严格的检验程序规则,使国际集装箱运输操作变得更加便利、安全。

《1972 年国际集装箱安全公约》自正式生效以来,已经过 1981 年、1983 年、1991 年、1993 年四次修订。

为了便于船舶集装箱运输人员熟悉并执行该规则,满足航海船舶按《国际海上人命安全公约》有关要求配备航海图书的需求。我们将国际海事组织的《1972 年国际集装箱安全公约》(经四次修订的最新文本)以中、英文对照形式出版。同时收录了这版公约的补篇(是修订并整合后的关于如何一致理解并执行此安全公约的建议,不属于公约本身的内容)等有关内容,供相关单位和人员参照使用。使用时如有疑问,应以英文原文为准。

编 者

2008 年 1 月

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1972 年国际集装箱安全公约

INTERNATIONAL CONVENTION FOR
SAFE CONTAINERS, 1972

International Convention for Safe Containers, 1972

Preamble

THE CONTRACTING PARTIES,

RECOGNIZING the need to maintain a high level of safety of human life in the handling, stacking and transporting of containers,

MINDFUL of the need to facilitate international container transport,

RECOGNIZING, in this context, the advantages of formalizing common international safety requirements,

CONSIDERING that this end may best be achieved by the conclusion of a convention,

HAVE DECIDED to formalize structural requirements to ensure safety in the handling, stacking and transporting of containers in the course of normal operations, and to this end

HAVE AGREED as follows:

Article I General obligation under the present Convention

The Contracting Parties undertake to give effect to the provisions of the present Convention and the annexes hereto, which shall constitute an integral part of the present Convention.

Article II Definitions

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For the purpose of the present Convention, unless expressly provided otherwise:

1 *Container* means an article of transport equipment:

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured and/or readily handled, having corner fittings for these purposes;
- (d) of a size such that the area enclosed by the four outer bottom corners is either:
 - (i) at least 14 m² (150sq ft) or
 - (ii) at least 7 m² (75sq ft) if it is fitted with top corner fittings.

The term *container* includes neither vehicles or packaging; however, containers when carried on chassis are included.

2 *Corner fittings* means an arrangement of apertures and faces at the top and/or bottom of a container for the purposes of handling, stacking and/or securing.

1972 年国际集装箱安全公约

前 言

缔约各国，

认识到在集装箱的装卸、堆码和运输过程中，高度保障人身安全的需要。

注意到便利集装箱国际运输的需要。

承认在这一方面制定国际共同的安全要求是有益的。

认为达到以上目的最好方法是缔结一个公约。

决定正式提出有关集装箱结构上的要求，以保证在正常营运过程中集装箱的装卸、堆码和运输的安全。为此目的，

达成如下协议：

第一条 本公约的一般义务

各缔约国保证实施本公约及其各项附件的规定，该附件应为本公约不可分割的一部分。

第二条 定义

在本公约内，除另有明确规定外：

1. “集装箱”是指一种运输设备：

- (a) 具有耐久性，因而其强度适合于重复使用；
- (b) 经专门设计，便于以一种或多种运输方式运输货物，而无需中途重装；
- (c) 为了系固和(或)便于装卸，设有角配件；
- (d) 四个外底角所围蔽的面积应为下列二者之一：
 - (i) 至少为 14m^2 (150sq ft)；
 - (ii) 如装有顶角配件，则至少为 7m^2 (75sq ft)；

“集装箱”一词既不包括车辆，也不包括包装；但是，集装箱在底盘车上运输时，则连同底盘车包括在内。

2. “角配件”是指为了装卸、堆码和(或)系固目的而在集装箱顶部和(或)底部上安装的一种表面有孔的支撑装置。

- 3 *Administration* means the Government of a Contracting Party under whose authority containers are approved.
- 4 *Approved* means approved by the Administration.
- 5 *Approval* means the decision by an Administration that a design type or a container is safe within the terms of the present Convention.
- 6 *International transport* means transport between points of departure and destination situated in the territory of two countries to at least one of which the present Convention applies. The present Convention shall also apply when part of a transport operation between two countries takes place in the territory of a country to which the present Convention applies.
- 7 *Cargo* means any goods, wares, merchandise and articles of every kind whatsoever carried in the containers.
- 8 *New container* means a container the construction of which was commenced on or after the date of entry into force of the present Convention.
- 9 *Existing container* means a container which is not a new container.
- 10 *Owner* means the owner as provided for under the national law of the Contracting Party or the lessee or bailee, if an agreement between the parties provides for the exercise of the owner's responsibility for maintenance and examination of the container by such lessee or bailee.
- 11 *Type of container* means the design type approved by the Administration.
- 12 *Type-series* container means any container manufactured in accordance with the approved design type.
- 13 *Prototype* means a container representative of those manufactured or to be manufactured in a design type series.
- 14 *Maximum operating gross weight or rating* or *R* means the maximum allowable combined weight of the container and its cargo.
- 15 *Tare weight* means the weight of the empty container including permanently affixed ancillary equipment.
- 16 *Maximum permissible payload* or *P* means the difference between maximum operating gross weight or rating and tare weight.

Article III Application

3

- 1 The present Convention applies to new and existing containers used in international transport, excluding containers specially designed for air transport.
- 2 Every new container shall be approved in accordance with the provisions either for type-testing or for individual testing as contained in annex I.
- 3 Every existing container shall be approved in accordance with the relevant provisions for approval of existing containers set out in annex I within five years from the date of entry into force of the present Convention.

Article IV Testing, inspection, approval and maintenance

- 1 For the enforcement of the provisions of annex I every Administration shall establish an effective procedure for the testing, inspection and approval of containers in accordance with the criteria established in the present Convention, provided, however, that an Administration may entrust such testing, inspection and approval to organizations duly authorized by it.
- 2 An Administration which entrusts such testing, inspection and approval to an organization shall inform the Secretary-General of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization") for communication to Contracting Parties.

3. “主管机关”是指有权批准集装箱的缔约国政府。
4. “获得批准”是指被主管机关批准。
5. “批准”是指主管机关作出的决定,即某种定型设计或某个集装箱在本公约条款范围内是安全的。
6. “国际运输”是指位于两个国家领土上的起运地和目的地之间的运输,本公约至少适用其中一国。两国间运输业务的一部分在一个适用本公约的国家领土内进行时,本公约也应适用。
7. “货物”是指用集装箱装运的任何物品、器皿、商品和各种物件。
8. “新集装箱”是指在本公约生效时或生效后开始制造的集装箱。
9. “现有集装箱”是指不属于新集装箱的集装箱。
10. “箱主”是指各缔约国国家法律规定的所有人或承租人或受托人,如双方有协议,该承租人或受托人将承担对集装箱的维修和检验的责任。
11. “集装箱的定型设计”是指经主管机关批准的定型设计。
12. “定型系列集装箱”是指按照批准的定型设计制造的任何集装箱。
13. “样箱”是指按定型设计系列制成或准备制造的具有代表性的集装箱。
14. “最大营运总重量或额定重量”或“R”是指集装箱和所装货物最大的允许总重量。
15. “皮重”是指集装箱空载的重量,包括加装的永久性辅助设备。
16. “最大允许载货重量”或“P”是指最大营运总重量或额定重量与皮重之间的差数。

第三条 适用

1. 本公约适用于国际运输中所使用的现有或新集装箱,但不包括为空运专门设计的集装箱。
2. 应根据附件一所要求的或是做定型试验或是做单个试验的规定来认可每一个新集装箱。
3. 每一现有集装箱应在本公约生效之日起五年内,按附件一所做出的有关现有集装箱批准的规定获得批准。

第四条 试验、检验、批准和维修

1. 为了使附件一中各项规定付诸实施,各主管机关应按本公约规定的标准,建立有效的集装箱试验、检验和批准程序。但主管机关也可委托给它正式授权的机构来进行这些试验、检验和批准工作。
2. 在主管机关将试验、检验和批准工作委托给一个机构时应通知政府间海事协商组织(现国际海事组织,以下简称“本组织”)秘书长以便转知各缔约国。

- 3 Application for approval may be made to the Administration of any Contracting Party.
- 4 Every container shall be maintained in a safe condition in accordance with the provisions of annex I.
- 5 If an approved container does not in fact comply with the requirements of annexes I and II the Administration concerned shall take such steps as it deems necessary to bring the container into compliance with such requirements or to withdraw the approval.

Article V Acceptance of approval

- 1 Approval under the authority of a Contracting Party, granted under the terms of the present Convention, shall be accepted by the other Contracting Parties for all purposes covered by the present Convention. It shall be regarded by the other Contracting Parties as having the same force as an approval issued by them.
- 2 A Contracting Party shall not impose any other structural safety requirements or tests on containers covered by the present Convention, provided, however, that nothing in the present Convention shall preclude the application of provisions of national regulations or legislation or of international agreements, prescribing additional structural safety requirements or tests for containers specially designed for the transport of dangerous goods, or for those features unique to containers carrying bulk liquids or for containers when carried by air. The term *dangerous goods* shall have that meaning assigned to it by international agreements.

Article VI Control

- 1 Every container which has been approved under article III shall be subject to control in the territory of the Contracting Parties by officers duly authorized by such Contracting Parties. This control shall be limited to verifying that the container carries a valid Safety Approval Plate as required by the present Convention, unless there is significant evidence for believing that the condition of the container is such as to create an obvious risk to safety. In that case the officer carrying out the control shall only exercise it in so far as it may be necessary to ensure that the container is restored to a safe condition before it continues in service.
- 2 Where the container appears to have become unsafe as a result of a defect which may have existed when the container was approved, the Administration responsible for that approval shall be informed by the Contracting Party which detected the defect.

Article VII Signature, ratification, acceptance, approval and accession

- 1 The present Convention shall be open for signature until 15 January 1973 at the Office of the United Nations at Geneva and subsequently from 1 February 1973 until 31 December 1973 inclusive at the Headquarters of the Organization at London by all States Members of the United Nations or Members of any of the specialized agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the present Convention.
- 2 The present Convention is subject to ratification, acceptance or approval by States which have signed it.
- 3 The present Convention shall remain open for accession by any State referred to in paragraph 1.
- 4 Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the Secretary-General").

3. 可向任何缔约国的主管机关申请批准。
4. 集装箱均应按照附件一中的各项规定,保持在安全状态。
5. 如获得批准的集装箱实际上达不到附件一和附件二的要求,有关主管机关应采取必要的措施,使之达到上述要求,或撤销批准。

第五条 接受批准

1. 根据本公约的条款,在某一缔约国授权下的批准,均应被其他缔约国在本公约所包括的范围内接受。同时也应被认为与他们自己作出的批准同样有效。
2. 对本公约中规定的集装箱,缔约国不得擅自对此提出任何其他安全结构和试验的要求。但本公约中的任何规定不得妨碍应用国家规章或法律或国际协定中的条款,对专门设计运输危险品或具有独特装置的运输散装液体货物的集装箱或空运的集装箱,在安全结构或试验方面提出补充要求。“危险品”一词应含有国际协定中赋予它的意义。

第六条 控制

1. 根据第三条获得批准的每个集装箱,应在缔约国领土内受该缔约国正式授权的官员的控制。这种控制仅限于证实集装箱上装有按本公约要求的有效的安全许可标牌,除非有重要证据证明该集装箱的现状对安全有明显的危险,在这种情况下,执行控制工作的官员所采取的必要行动,也仅限于保证集装箱在继续投入营运之前恢复到安全状态。
2. 当集装箱由于某种缺陷似乎危及安全,而这项缺陷在该集装箱获得批准时可能业已存在,应由发现这种缺陷的缔约国通知负责批准该集装箱的主管机关。

第七条 签字、批准、接受、核准和加入

1. 本公约于 1973 年 1 月 15 日以前在日内瓦联合国办事处开放,以供签字。自此以后与 1973 年 2 月 1 日至 1973 年 12 月 31 日止在伦敦“本组织”总部,对联合国所有会员国、任一专门机构的成员或国际原子能机构的成员国、国际法庭规约当事国以及联合国大会邀请其成为本公约缔约国的任何其他国家开放,以供签字。
2. 本公约需经其签字国的批准、接受或核准方可生效。
3. 本公约应对本条第一款中规定的国家继续开放,以便加入。
4. 批准、接受、核准或加入的文件应交存于“本组织”秘书长(以下简称“秘书长”)。

Article VII Entry into force

- 1 The present Convention shall enter into force twelve months from the date of the deposit of the tenth instrument of ratification, acceptance, approval or accession.
- 2 For each State ratifying, accepting, approving or acceding to the present Convention after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force twelve months after the date of the deposit by such State of its instrument of ratification, acceptance, approval or accession.
- 3 Any State which becomes a Party to the present Convention after the entry into force of an amendment shall, failing an expression of a different intention by that State,
 - (a) be considered as a Party to the Convention as amended; and
 - (b) be considered as a Party to the unamended Convention in relation to any Party to the Convention not bound by the amendment.

Article IX Procedure for amending any part or parts of the present Convention

- 1 The present Convention may be amended upon the proposal of a Contracting Party by any of the procedures specified in this article.
- 2 Amendment after consideration in the Organization:
 - (a) Upon the request of a Contracting Party, any amendment proposed by it to the present Convention shall be considered in the Organization. If adopted by a majority of two thirds of those present and voting in the Maritime Safety Committee of the Organization, to which all Contracting Parties shall have been invited to participate and vote, such amendment shall be communicated to all Members of the Organization and all Contracting Parties at least six months prior to its consideration by the Assembly of the Organization. Any Contracting Party which is not a Member of the Organization shall be entitled to participate and vote when the amendment is considered by the Assembly.
 - (b) If adopted by a two-thirds majority of those present and voting in the Assembly, and if such majority includes a two-thirds majority of the Contracting Parties present and voting, the amendment shall be communicated by the Secretary-General to all Contracting Parties for their acceptance.
 - (c) Such amendment shall come into force twelve months after the date on which it is accepted by two thirds of the Contracting Parties. The amendment shall come into force with respect to all Contracting Parties except those which, before it comes into force, make a declaration that they do not accept the amendment.

3 Amendment by a conference:

Upon the request of a Contracting Party, concurred in by at least one third of the Contracting Parties, a conference to which the States referred to in article VII shall be invited will be convened by the Secretary-General.

Article X Special procedure for amending the annexes

- 1 Any amendment to the annexes proposed by a Contracting Party shall be considered in the Organization at the request of that Party.

第八条 生效

1. 本公约应自第十份批准、接受、核准或加入文件交存之日起十二个月后生效。
2. 凡在第十份批准、接受、核准或加入文件交存后批准、接受、核准或加入本公约的国家,本公约应自该国的批准、接受、核准或加入文件交存之日起十二个月后生效。
3. 在一修正案生效后成为本公约缔约国的国家,如未提出异议,应当:
 - (a) 被视为是修改后的本公约的缔约国;
 - (b) 相对于不受修正案约束的公约缔约国而言,被视为是未经修改的本公约的缔约国。

第九条 本公约中某一部分的修改程序

1. 可根据缔约国的建议,按本条中规定的任一程序对本公约进行修改。
2. 经“本组织”审议后进行修改:
 - (a) 根据缔约国的要求,对本公约提出的任何修正案都应在“本组织”内予以审议。所有缔约国均应应邀参加“本组织”海上安全委员会会议并投票,如果在“本组织”海上安全委员会上经出席并投票的三分之二多数通过,该修正案最迟应在提交“本组织”大会审议前六个月通知所有“本组织”成员国和缔约国。在大会审议修正案时,任何非“本组织”成员的缔约国均有权参加和投票。
 - (b) 如经出席大会并投票的三分之二多数通过,且该多数又包括出席并投票的缔约国的三分之二多数,秘书长便应将该修正案通知所有缔约国,供他们接受。
 - (c) 该修正案应在三分之二缔约国接受之日起十二个月后生效。除在生效前发表声明不接受该修正案的缔约国外,该修正案对所有缔约国均生效。
3. 会议修改:

根据一个缔约国的要求,并经至少三分之一缔约国的同意,秘书长将召开会议并且应邀请第七条所列的国家出席。

第十条 修改附件的特定程序

1. 由一个缔约国提出对附件的任何修改,都应根据该缔约国的要求在“本组织”进行审议。

2 If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee of the Organization to which all Contracting Parties shall have been invited to participate and to vote, and if such majority includes a two-thirds majority of the Contracting Parties present and voting, such amendment shall be communicated by the Secretary-General to all Contracting Parties for their acceptance.

3 Such an amendment shall enter into force on a date to be determined by the Maritime Safety Committee at the time of its adoption unless, by a prior date determined by the Maritime Safety Committee at the same time, one fifth or five of the Contracting Parties, whichever number is less, notify the Secretary-General of their objection to the amendment. Determination by the Maritime Safety Committee of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting, which majority shall include a two-thirds majority of the Contracting Parties present and voting.

4 On entry into force any amendment shall, for all Contracting Parties which have not objected to the amendment, replace and supersede any previous provision to which the amendment refers; an objection made by a Contracting Party shall not be binding on other Contracting Parties as to acceptance of containers to which the present Convention applies.

5 The Secretary-General shall inform all Contracting Parties and Members of the Organization of any request and communication under this article and the date on which any amendment enters into force.

6 Where a proposed amendment to the annexes has been considered but not adopted by the Maritime Safety Committee, any Contracting Party may request the convening of a conference to which the States referred to in article VII shall be invited. Upon receipt of notification of concurrence by at least one third of the other Contracting Parties, such a conference shall be convened by the Secretary-General to consider amendments to the annexes.

Article XI Denunciation

1 Any Contracting Party may denounce the present Convention by effecting the deposit of an instrument with the Secretary-General. The denunciation shall take effect one year from the date of such deposit with the Secretary-General.

2 A Contracting Party which has communicated an objection to an amendment to the annexes may denounce the present Convention and such denunciation shall take effect on the date of entry into force of such an amendment.

Article XII Termination

The present Convention shall cease to be in force if the number of Contracting Parties is less than five for any period of twelve consecutive months.

Article XIII Settlement of disputes

1 Any dispute between two or more Contracting Parties concerning the interpretation or application of the present Convention which cannot be settled by negotiation or other means of settlement shall, at the request of one of them, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator and these two arbitrators shall appoint a third arbitrator, who shall be Chairman. If, three months after receipt of a request, one of the parties has failed to appoint an arbitrator or if the arbitrators have failed to elect the Chairman, any of the parties may request the Secretary-General to appoint an arbitrator or the Chairman of the arbitration tribunal.

2 The decision of the arbitration tribunal established under the provisions of paragraph 1 shall be binding on the parties to the dispute.

2. 所有缔约国均应被邀请出席“本组织”海上安全委员会并参加投票,如经所有出席和投票的三分之二多数通过,且该多数又包括出席并投票的缔约国的三分之二多数,秘书长便应将该修正案通知所有的缔约国,供他们接受。
3. 该修正案应在海上安全委员会通过时确定其生效日期,除非在海上安全委员会确定的某一先期日期之前有五分之一或五个缔约国(取其二者中较小者)通知秘书长他们反对该修正案。本款中关于由海上安全委员会决定的上述这些日期,都应经出席并投票的三分之二多数通过,且该多数又应包括出席并投票的缔约国的三分之二多数。
4. 对所有未对修正案提出反对意见的缔约国,修正案一旦生效,它将取代和废除修正案所涉及的任何先前规定;一个缔约国的反对不得约束其他缔约国对适用本公约的集装箱的接受。
5. 秘书长应将按本公约提出的任何要求和通知以及修正案生效日期通知给所有缔约国和“本组织”成员。
6. 如附件的修正案业经海上安全委员会审议,但未获通过,任何缔约国均可要求召开会议,第七条中所列的国家应被邀请出席。秘书长在接到至少有三分之一的其他缔约国同意上述要求的通知后应召开会议,审议该附件的修正案。

第十一条 退出

1. 任一缔约国经向秘书长交存文件后,可以退出本公约。退出本公约应自向秘书长交存该通知文件之日起一年后生效。
2. 凡已通知反对附件的修正案的缔约国均可退出本公约,这种退出应自该修正案生效之日起生效。

第十二条 终止

在任何连续的十二个月期间内,如缔约国的数目少于五个时,本公约应失效。

第十三条 解决争端

1. 两个或两个以上的缔约国之间对本公约的解释或实施方面的任何争端,如不能用谈判或其他的方法解决,经其中一个缔约国提出要求后,应提交由下述人员组成的仲裁庭,争端的每一方应指定一名仲裁人,然后双方仲裁人应指定一名做为主席的第三仲裁人。如果在接到要求后三个月内,双方中的一方未能指定一名仲裁人,或双方仲裁人未能选出主席,任何一方可以要求秘书长指定一名仲裁人或仲裁庭的主席。
2. 按第一款规定组成的仲裁庭的决定,应对争端的双方具有约束力。