

due regard for its reduced mandate, to consist of 1 member, for a period of 10 months from the date of adoption of this resolution;

5. *Calls upon* all States, including Liberia, to cooperate fully with the Panel of Experts in all aspects of its mandate;

6. *Recalls* that responsibility for controlling the circulation of small arms within the territory of Liberia and between Liberia and neighbouring States rests with the relevant governmental authorities in accordance with the Economic Community of West African States Convention on Small Arms and Light Weapons of 2006;

7. *Urges* the Government of Liberia to prioritize and expedite the adoption and implementation of appropriate arms and ammunition management legislation and take other necessary and appropriate steps to establish the necessary legal and administrative framework to combat the illicit trafficking of arms and ammunition;

8. *Affirms* that it will be prepared to adjust the measures contained in this resolution, including by re-imposing or strengthening measures, as well as modifying, suspending or lifting measures, as may be needed at any time in light of the stability of Liberia and the subregion;

9. *Decides* to remain actively seized of the matter.

第 34/2016 號行政長官公告

中華人民共和國於二零零五年六月十七日以照會通知國際海事組織秘書長，一九六九年十一月二十九日訂於布魯塞爾的《國際干預公海油污事故公約》（下稱“公約”）適用於澳門特別行政區；

國際海事組織秘書長於二零零五年六月三十日以照會確認公約自二零零五年六月二十四日起適用於澳門特別行政區；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈上指公約的中文及英文文本。

二零一六年四月二十八日發佈。

行政長官 崔世安

Aviso do Chefe do Executivo n.º 34/2016

Considerando que a República Popular da China, por nota datada de 17 de Junho de 2005, notificou o Secretário-Geral da Organização Marítima Internacional sobre a aplicação na Região Administrativa Especial de Macau da Convenção Internacional sobre a Intervenção em Alto Mar em Caso de Acidente que Provoque ou Possa Vir a Provocar a Poluição por Hidrocarbonetos, concluída em Bruxelas em 29 de Novembro de 1969, adiante designada por Convenção;

Considerando igualmente que o Secretário-Geral da Organização Marítima Internacional, por nota datada de 30 de Junho de 2005, confirmou que a Convenção é aplicável na Região Administrativa Especial de Macau desde 24 de Junho de 2005;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a referida Convenção nos seus textos em línguas chinesa e inglesa.

Promulgado em 28 de Abril de 2016.

O Chefe do Executivo, *Chui Sai On*.

國際干預公海油污事故公約

本公約各締約國，

意識到有必要保護其國民的利益，免於遭受海上事故引起的海上和沿岸油污危險的嚴重後果，

確信在這種情況下，為保護上述利益在公海上採取特別措施是必要的，並且這些措施並不影響公海自由原則，

現經商定如下：

第一條

1. 本公約各締約國，在發生海上事故或與之有關的行為之後，如能有根據地預計到會造成很大的有害後果，則可在公海上採取必要的措施，以防止、減輕或消除對其沿岸海區或有關利益產生嚴重的和緊急的油污危險或油污威脅。

2. 對於軍艦或其他屬於國家所有或經營的，且當時為政府使用，僅從事非商業性服務的船舶，不能根據本公約採取措施。

第二條

在本公約範圍內：

1. “海上事故”是指船舶碰撞、擱淺或其他航行事故，或是在船上或船舶外部發生對船舶或貨物造成物質損失或緊急威脅的事件。

2. “船舶”是指：

(1) 在海上航行的任何類型的船舶，和

(2) 任何船艇，但為勘探和開發海床、洋底和底土資源的設備或裝置除外；

3. “油”是指原油、燃料油、柴油和潤滑油。

4. “有關利益”是指直接受到海上事故影響或威脅的沿岸國的利益，例如：

(1) 在海岸、港口或河口處的活動，包括構成有關人們基本謀生手段的漁業活動；

(2) 有關地區的旅遊景點；

(3) 沿岸居民的健康與有關地區的福利，包括保護海洋生物資源和野生物。

5. “本組織”是指政府間海事協商組織。

第三條

沿岸國根據第一條行使採取措施的權利時，應依照下列各項規定：

(1) 在採取任何措施之前，沿岸國應與受到海上事故影響的其他國家進行協商，特別是與船旗國進行協商；

(2) 沿岸國應儘速將擬採取的措施，通知它所知道的或在協商期間得知的估計其利益會受到這些措施影響的任何自然人或法人。沿岸國應考慮他們提出的任何意見；

(3) 在採取任何措施以前，沿岸國可與沒有利害關係的專家們進行協商，這些專家應從本組織保存的名單中選出；

(4) 倘遇有須立即採取措施的非常緊急情況，沿岸國可不須事先通知或協商，或不繼續已開始的協商，就採取為緊急情況所必需的措施；

(5) 在採取這種措施之前和在執行過程中，沿岸國應儘最大努力避免任何生命危險，並對遇險人員提供他們需要的幫助，以及在適當情況下，提供遣返船員的便利，而不是製造障礙；

(6) 按第一條規定已經採取的措施，應儘速通知有關的各國和已知的有關自然人和法人，並通知本組織秘書長。

第四條

1. 在本組織監督之下，應設立並保存一份本公約第三條所述的專家名單，本組織還應制訂出與此有關的必要和適當的規章，包括所需專業資格的規定。

2. 對名單的提名可由本組織成員國和本公約各締約國提出。對專家的報酬應根據他們的工作，由請他們服務的國家支付。

第五條

1. 沿岸國根據第一條所採取的措施，應與實際造成的損害或似將發生的損害相適應。

2. 所採取的措施，不應超出為達到第一條所指目的而必須採取的措施的限度，並在達到此目的後立即停止行動；這些措施不應不必要地干涉有關船旗國、第三國以及有關自然人或法人的權利和利益。

3. 在考慮各項措施是否與損害相適應時，須注意到：

(1) 倘不採取上述措施，那末緊迫的損害範圍和可能性如何；

(2) 採取上述措施可能產生的效果；

(3) 由於採取上述措施可能引起損失的範圍。

第六條

任何一個締約國，由於採取違反本公約規定的措施而使他方遭受損失時，應對其超出為第一條目的所必須採取的措施限度而引起的損失，負賠償責任。

第七條

除另有特殊規定外，本公約的任何條款不得妨礙任何其他可適用的權利、責任、特權和豁免，也不剝奪任何一方或任何有利害關係的自然人或法人採用其他的補償辦法。

第八條

1. 締約國之間的任何爭議，如對於根據第一條所採取的措施是否違反本公約的規定，是否有責任按照第六條支付賠償，以及對這種賠償的數額問題，如果在有關締約國之間，或在採取措施的一方與要求賠償的自然人或法人之間，不能通過協商取得解決，而各方又不能用其他方法達成協議，則應按本公約附件的各項規定，在任何有關一方要求之下，提請調解，倘調解不成，則提請仲裁。

2. 採取措施的一方，不得僅僅以根據當地法院的法律對補償辦法尚未議定為理由，拒絕按照前款規定提請調解或仲裁。

第九條

1. 本公約開放供簽署至 1970 年 12 月 31 日，此後繼續開放。供加入。

2. 聯合國的成員國，或任何專門機構或國際原子能機構的成員國，或國際法院規約的當事國，可以按照下述辦法成為本公約的參加國：

(1) 簽署，並未對批准、接受或核准作出保留；

(2) 簽署，並對批准、接受或核准作出保留，隨後予以批准、接受或核准；或

(3) 加入。

第十條

1. 批准、接受、核准或加入，應以正式文件送交本組織秘書長收存方為有效。

2. 在本公約的修正案對現有各締約國生效之後，或在修正案對上述各締約國生效所需各項手續已告完成之後，任何交存的批准、接受、核准或加入的文件，應被認為是適用於已經修正的公約。

第十一條

1. 本公約應自有十五個國家的政府已簽字並對批准、接受或核准無保留，或已將批准、接受、核准或加入的文件送交本組織秘書長收存之後第九十天起生效。

2. 對於以後批准、接受、核准或加入的每一國家，本公約應自該國交存相應文件之後第九十天起生效。

第十二條

1. 任何締約國可以在本公約對該國生效之後隨時聲明退出本公約。

2. 聲明退出本公約應以文件送交本組織秘書長收存方為有效。

3. 聲明退出本公約，應在向本組織秘書長交存文件一年之後，或在文件中載明的較長期限之後生效。

第十三條

1. 託管某一領土的聯合國，或負責某一領土國際關係的本公約任何締約國，應儘早與該領土當局協商或採取其他適當的措施，使本公約適用於該領土，並可隨時書面通知本組織秘書長，聲明本公約擴大適用於該領土。

2. 自收到通知之日起或自通知中指定之日起，本公約即開始擴大適用於通知中所述領土。

3. 聯合國或任何締約國可根據本條第 1 款提出聲明，自本公約擴大適用於任何領土之日起，隨時書面通知本組織秘書長，聲明本公約停止擴大適用於通知中所述領土。

4. 自本組織秘書長收到上述通知之日起一年後，或通知中指定的較長期限以後，本公約應停止擴大適用於通知中所述的任何領土。

第十四條

1. 為了對本公約進行修正或修改，本組織可以召開會議。

2. 經不少於三分之一的締約國提出要求，本組織應召開修正或修改本公約的會議。

第十五條

1. 本公約應送交本組織秘書長收存。

2. 本組織秘書長應當：

(1) 將下列情況通知所有簽署或加入本公約的國家：

① 每一新的簽署或交存文件及其日期；

② 交存退出本公約的任何文件及其交存日期；

③ 按照第十三條第 1 款本公約對任何領土的擴大適用，以及按照該條第 4 款停止上述擴大適用，並分別說明本公約擴大適用或停止擴大適用的日期。

(2) 將本公約核證無誤的副本分送給所有簽署和加入本公約的國家。

第十六條

本公約一經生效，本組織秘書長應根據聯合國憲章第 102 條將本公約的文本送交聯合國秘書處，進行登記和公佈。

第十七條

本公約正本一份，用英文和法文寫成，兩種文本具有同等效力。應備有俄文和西班牙文的官方譯本，並與簽署的正本一起保存。

經各國政府正式授權的下列各代表，特簽署本公約，以昭信守。

1969 年 11 月 29 日訂於布魯塞爾。

附則

第一章

調解

第一條

如有關各方未作出其他決定，調解程序應按本章各條規則進行。

第二條

1. 經某一方根據本公約第八條向另一方提出要求，應設立一個調解委員會。

2. 某一方提出的調解要求，應包括對案情的說明以及所有證明文件。

3. 當調解程序已在兩方之間開始進行，如有任何其他一方由於同一措施使其國民或財產受到影響，或該方是曾採取類似措施的沿岸國，它可以用書面通知原開始調解的雙方，加入調解，但原開始調解中的任一方反對這種加入時除外。

第三條

1. 調解委員會由三名成員組成：一名由採取措施的沿岸國指定，一名由其國民或財產受到這種措施影響的國家指定，第三名由前述二名成員商定，並應作為調解委員會主席。

2. 調解員應按下述第四條規定的程序從事先擬定的名單中選出。

3. 如果自收到調解要求之日起六十天內，被要求一方未能將應由它負責選定的調解員通知爭議的另一方，或自調解委員會的第二名成員指定之日起三十天內，前兩名調解員未能通過共同協商指定調解委員會主席，則本組織秘書長應在任一方的請求之下，在三十天內進行所需的提名。按此提名的調解委員會的成員應從前款規定的名單中選定。

4. 不論用何種方法提名，調解委員會主席在任何情況下均不應是或曾經是原調解雙方任何一方的國民。

第四條

1. 上述第三條規定的名單應包括由各締約國指定的有資格的人員，並應由本組織保持最新名單。每一締約國可指定四人列入名單，該四人不一定需要是該國國民。任期應為六年，並可連任。

2. 如遇名單內的人員有死亡或辭職，應允許原提名此人的一方指派接替人任完此人餘下的任期。

第五條

1. 如雙方沒有其他協議，調解委員會應制定它自己的調解程序，使之在所有情況下均允許公平的申訴。在調查時，除雙方另有一致決定外委員會應遵循 1907 年 10 月 18 日關於和平解決國際爭端海牙公約第三章的各項規定。

2. 雙方應由代理人代表出席調解委員會，代理人的職責是充當該方和委員會之間的中間人。每方還可取得為此目的而由其指派的顧問和專家的協助，並可要求聽取該方認為一切證人有用的證詞。

3. 該委員會有權要求各方的代理人，顧問和專家作出解釋，同樣，當該委員會認為需要時，也可以要求經有關政府同意的任何人作出解釋。

第六條

如雙方沒有其他協議，調解委員會的決定應以多數表決通過。委員會除非其全體成員在場，否則不得對爭議的實質性問題作出宣判。

第七條

各方應對調解委員會的工作給予方便，特別是根據它們的法律，盡其所能：

(1) 向該委員會提供必要的文件和資料。

(2) 使委員會能進入雙方的領土，詢問證人或專家，以及查訪現場。

第八條

調解委員會的任務是澄清爭議事項，通過調查或其他辦法收集一切有關的信息資料，並盡力使各方取得和解。案件經過審理之後，該委員會應向各方分送一份它認為是適合於案情的建議書，並規定一個不超過九十天的期限，在此期限內各方應表明是否接受該建議書。

第九條

在建議書中應陳述理由。如果該建議書不能全部地或部分地代表該委員會的一致意見，則任一調解員有權提出單獨的意見。

第十條

如果建議書通知各方九十天之後，而任何一方均未通知另一方表示接受該建議書，即認為是調解不成功。又如在上述第三條第 3 款規定的期限內未能建立調解委員會；或者雙方未能另外達成協議時，在調解委員會主席被委任之日起一年內，委員會未能發出建議書，應同樣認為是調解不成功。

第十一條

1. 該委員會的每一成員的工作應獲得報酬，這項報酬由雙方議定，並由各方按相等的比例分攤。
2. 委員會工作中所需要的雜項費用也應以同樣方式分攤。

第十二條

爭議各方在調解期間可隨時經過協商決定採取解決爭端的其他方法。

第二章

仲裁

第十三條

1. 除雙方另有決定外，仲裁程序應按照本章所訂規則進行。
2. 如調解不成功，只能在調解宣告失敗後一百八十天內提出仲裁要求。

第十四條

仲裁庭由三名成員組成：一名由採取措施的沿岸國指定，一名由其國民或財產受到上述措施影響的國家指定，另一名由前述二名成員通過協商指定，並應擔任仲裁庭主席。

第十五條

1. 如在第二名仲裁員指定之後六十天期滿時，尚未能指定仲裁庭主席，則本組織秘書長根據任一方的請求，應在另一個六十天的期限內，按照上述第四條的規定，從事先擬定的合格人員名單中進行這種指定。這項名單應與公約第四條規定的專家名單分開，也應與本附則第四條規定的調解員名單分開。同一人員的名字可以同時在調解員名單和仲裁員名單上出現，但是，已擔任爭議調解員的人員不要再選為同一案件的仲裁員。

2. 如在接到請求之日起六十天內，雙方中的任何一方尚未指定應由它負責指定的仲裁庭成員，另一方可直接報告本組織秘書長，秘書長得在六十天內指定仲裁庭主席，該主席應從本條第 1 款規定的名單中選定。

3. 仲裁庭主席經指定後，他應要求未提供仲裁員的一方用同樣方式與條件指定仲裁員。如該方仍未作出必要的指定，仲裁庭主席得請求本組織秘書長按前款規定的方式與條件加以指定。

4. 按本條規定指定的仲裁庭主席，除經對方或雙方同意外，不得是或曾經是任何有關一方的國民。

5. 如某一方負責指定的仲裁員遇有死亡或需要補缺時，該方應自該仲裁員死亡或需要補缺之日起六十天內指定一名接替人。如果該方未進行指定，則該項仲裁得在其餘的仲裁員審理下進行。如仲裁庭主席死亡或需要補缺，則應按上述第十四條指定一名接替人。如果仲裁庭成員未能在該仲裁庭主席死亡或需要補缺之日起六十天內取得協議，則按本條的各項規定指定其替代人。

第十六條

當仲裁已在兩方之間開始進行，如有任何其他一方由於同一措施使其國民或財產受到影響，或該方是曾採取類似措施的沿岸國，它可以書面通知原進行仲裁的雙方，加入仲裁程序，但原仲裁中的任一方反對這種加入時除外。

第十七條

根據本附則各條規定設立的仲裁庭，應制訂出它自己的程序規則。

第十八條

1. 仲裁庭關於仲裁程序和開庭地點的決定，以及對任何爭議事項的裁決，應由其成員投票的多數通過；如各方負責指派的仲裁庭某一成員缺席或棄權，不能構成仲裁庭作出裁決的阻礙。票數相等時，主席應投決定性一票。

2. 各方應對仲裁庭的工作給予方便，特別是根據它們的法律，儘一切可能做到：

(1) 向該仲裁庭提供必要的文件和信息；

(2) 使仲裁庭能進入雙方的領土，詢問證人和專家，以及查訪現場。

3. 一方缺席或不履行義務，不能構成對仲裁的阻礙。

第十九條

1. 仲裁庭的裁決書應陳述理由。裁決書具有最終效力，不得上訴。各方應立即按照裁決書執行。

2. 雙方在解釋和執行裁決書中可能發生的任何爭議，可由任一方提交作出該裁決的原仲裁庭判定，倘該仲裁庭已不存在，可提交為此目的按原仲裁庭同樣方式設立的另一仲裁庭來判定。

INTERNATIONAL CONVENTION RELATING TO
INTERVENTION ON THE HIGH SEAS IN
CASES OF OIL POLLUTION CASUALTIES

The States Parties to the present Convention,

CONSCIOUS of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

CONVINCED that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

HAVE AGREED as follows:

ARTICLE I

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used,

for the time being, only on government
non-commercial service.

ARTICLE II

For the purposes of the present Convention:

1. "maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;
2. "ship" means:
 - (a) any sea-going vessel of any type whatsoever, and
 - (b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;
3. "oil" means crude oil, fuel oil, diesel oil and lubricating oil;
4. "related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:
 - (a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;
 - (b) tourist attractions of the area concerned;
 - (c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE III

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

- (a) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;
- (b) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;
- (c) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;
- (d) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;

- (e) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;
- (f) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

ARTICLE IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.
2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

ARTICLE V

1. Measures taken by the coastal State in accordance with Article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of:

- (a) the extent and probability of imminent damage if those measures are not taken; and
- (b) the likelihood of those measures being effective; and
- (c) the extent of the damage which may be caused by such measures.

ARTICLE VI

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

ARTICLE VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

ARTICLE VIII

1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own courts have not been exhausted.

ARTICLE IX

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval;

- (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval;
- or
- (c) accession.

ARTICLE X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

ARTICLE XI

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.
2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

ARTICLE XII

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

ARTICLE XIII

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.
2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.
3. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any

territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

ARTICLE XIV

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

ARTICLE XV

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to the Convention of:

(i) each new signature or deposit of instrument together with the date thereof;

- (ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;
 - (iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;
- (b) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

ARTICLE XVI

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XVII

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

ANNEX

CHAPTER I

CONCILIATION

ARTICLE 1

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this Chapter.

ARTICLE 2

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of Article VIII of the Convention.

2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.

3. If a procedure has been initiated between two Parties, any other Party the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.

2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.

3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairmen of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

ARTICLE 4

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

ARTICLE 5

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

ARTICLE 6

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

ARTICLE 7

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

- (a) provide the Commission with the necessary documents and information;
- (b) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

ARTICLE 8

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

ARTICLE 9

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

ARTICLE 10

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the

recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Article 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

ARTICLE 11

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the Parties which shall each contribute an equal proportion.

2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

ARTICLE 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

CHAPTER II

ARBITRATION

ARTICLE 13

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this Chapter.

2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

ARTICLE 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

ARTICLE 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.

2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present Article.

3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

ARTICLE 16

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by

giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 17

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

ARTICLE 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(a) provide the Tribunal with the necessary documents and information;

(b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

ARTICLE 19

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

二零一六年四月二十八日於行政長官辦公室

Gabinete do Chefe do Executivo, aos 28 de Abril de 2016. —

辦公室主任 柯嵐 A Chefe do Gabinete, *O Lam*.