

LEGISLATION DRAFTING PROJECT

MERCHANT SHIPPING (AMENDMENT) ACT
NO.OF 2002

[A LEGISLATION TO INTRODUCE THE SALVAGE CONVENTION, 1989
WITH SUITABLE AMENDMENTS]

A LEGISLATION DRAFTING PROJECT SUBMITTED IN PARTIAL
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EXPLANATORY NOTE

A LEGISLATION TO INTRODUCE THE SALVAGE CONVENTION

1989

History of Salvage Law

In 1852, the British Colonial rulers introduced a law titled “INTRODUCTION OF LAW OF ENGLAND”(CIVIL LAW) Ordinance No.5 of 1852. Section 2 of this Ordinance sought to introduce the English law “as would be administered in England in the like case at the corresponding period...” to all contracts or questions arising in relation to ships, and to the property therein, and to the owners thereof, the behaviour of the master and mariners and their respective rights duties and liabilities relating to:

- the carriage of passengers and goods by ships,
- stoppage in transitu,
- freight, demurrage, salvage, average, collision between ships,
- bills of lading, and
- generally to all maritime matters.

Nine years later, in 1861, there was enacted by the Governor of Ceylon, Ordinance No. 5 of 1861- “An Ordinance Relating to Wrecks, Sea Casualties and Salvage”. This law continued almost a century until the same was repealed and replaced by Merchant Shipping Act No 7 of 1953 in which statute Part VI dealt with wrecks and salvage. Sri Lanka (then Ceylon) was not a party to the Salvage Convention of 1910 and the above legislation was based on the English law that prevailed in England at the relevant times.

Existing Legal Provisions

In 1971, replacing the 1953 Act, the Merchant Shipping Act No 52 of 1971 was enacted to amend and consolidate the law relating to merchant shipping in Sri

Lanka (then Ceylon). Part IX of the Merchant Shipping Act¹ contains provisions relating to “Wreck and Salvage”. However the subject of salvage is dealt with from sections 251 to 264 of the said Act. These provisions deal with the salvage of life as well as cargo. The Admiralty Court (High Court of Colombo) is vested with the jurisdiction to deal with all disputes relating to salvage.

Admiralty Jurisdiction Act No. 40 of 1983 grants the jurisdiction to the Admiralty Court to deal with any question or claim in the nature of salvage.

The original statute, *INTRODUCTION OF LAW OF ENGLAND (CIVIL LAW) Ordinance No.5 of 1852* is still operative and should be kept operative for several other factors relating to the commercial law of the country. However, as a result of the operation of the said Ordinance, English Law as applied in England is still applicable when the local legislation does not provide for certain situations. Therefore, when the law relating to salvage in Sri Lanka does not provide an answer to any particular issue, the English Law is resorted to. This has led to several serious issues such as applicability of international conventions which have not been ratified by Sri Lanka but by the United Kingdom.

Need for a new legislation

The provisions contained therein and the law applicable (English common law), specially with regard to the master’s authority to conclude salvage contracts materially differ from the provisions of the Salvage Convention, 1989. Further, the new Convention deals in a comprehensive manner, with the duties of the salvor and of the owner and the master whereas the Merchant Shipping Act of Sri Lanka is silent on these issues. Another important feature found in the said Convention is the special compensation regime to encourage the preservation of the marine environment. The provisions of the Merchant Shipping Act of Sri Lanka do not cover the marine environmental aspect of salvage operations

¹ Sections 224 to 265.

whereas the Salvage Convention, 1989 contains important provisions with regard to the protection of the maritime environment.

The anomalies that have arisen in the use of the Lloyds Open Form by the salvors due to inconsistencies found in the law, would also be resolved when the Salvage Convention of 1989 is incorporated in to law.

Explanation on the draft text of the law

Sri Lanka is not a signatory to the Salvage Convention of 1989 nor was it ratified up to date. Therefore the Salvage Convention, 1989 was considered only as a model law in preparing this draft. Further, the ratification of the Convention is a matter for the executive branch of the Government and therefore, leaving room for such ratification in the future, the entire Convention has been added as a schedule to the draft legislation.

Part IX of the Merchant Shipping Act No 52 of 1971 deals with “Wreck and Salvage”. For reasons unknown, the provisions with regard to salvage of life and property have been included under Chapter 6 of Part IX, which is titled “Offences in respect of Wreck”. In the proposed legislation a new chapter is created as “Chapter 6A – Salvage of Cargo” and is placed soon after section 251 of the said Act. Section 224 of the said Act is amended to read “Salvage services” to “Salvage operations” in order to avoid use of different terminology in the Convention and the said Act.

Sri Lanka Ports Authority provides an efficient salvage service to all vessels. However due to employment of outside salvors, cargo owners of Sri Lanka specially, for government cargo, have to incur heavy expenditure for salvage services. Therefore as a precaution, section 251C is included which is a permitted reservation under the Convention.

Article 10 of the Convention requires the States to adopt measures necessary to enforce the duty to render assistance. A new provision is not necessary as duty to render assistance is recognised along with penal sanctions in the event of breach of such duty in section 202 of the said Act.

Article 13 (2) of the Salvage convention, 1989 allows to introduce national legislation to provide payment of reward by the vessel or any one of the property interests. However, since there is a settled case law in Sri Lanka on this area, it is intended not to disturb the *status quo*.

The issue of making reservation in accordance with Article 30 of the Salvage Convention, 1989 does not arise as the Convention was treated as a model law for the purposes of this legislation. In any event, Article 30(1) (a) and (b) would have no application to Sri Lanka as there are no inland waters suitable for navigation. The Constitution of the Democratic Socialist Republic of Sri Lanka guarantees equality before law and equal protection before law.² Thus it is not possible to make reservations in terms of Article 30(1) (c) of the said Convention. Article 30(1) (d) provides for making a reservation of the application of the Salvage Convention, 1989 with regard to maritime cultural property of prehistoric, archaeological or historic interest and is situated on the sea bed. At present there is no law in Sri Lanka covering such property and therefore provisions of this law would be applied with regard to salvage operations for property envisaged in Article 30(1)(d).

Finally, the effect of English law will be taken off from the subject of salvage of cargo by the final section of this draft. This would give the stability and certainty to the law of salvage.

² Article 12.

Merchant Shipping (Amendment)
Act, No..... of 2002

AN ACT TO AMEND THE MERCHANT SHIPPING ACT,
NO. 52 OF 1971

WHEREAS, at the International Conference on Salvage held at the International Maritime Organization, London, the Plenary of the Conference on 28th April 1989, 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 and being 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, approved unanimously certain rules relating to Salvage at Sea:

And whereas it is expedient that the said rules so adopted as set out in the Schedule to this Act shall be given the force of law:

And whereas it is necessary to amend the provisions of Part IX of the Merchant Shipping Act No. 52 of 1971 in order to give the force of law to the rules relating to Salvage at Sea as are contained in the Schedule to this Act:

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

1. This Act may be cited as the Merchant Shipping (Amendment) Act, No.....of 2002

2. (1) The provisions of this Act shall come into operation on such a

Short Title

Date of operation

date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as the “appointed date”).

Interpretation

3. Section 224 of the Merchant Shipping Act No. 52 of 1971 (hereinafter referred to as the “principal enactment”) is hereby

amended by the

substitution of the words “salvage includes all expenses properly

incurred by a salvor in the performance of salvage services”, by the

words “salvage includes all expenses properly incurred by a salvor in

the performance of salvage operations”.

Repeal of sections 252 to 256 and sections 263 and 264 and Insertion of new Chapter 6A.

Scope of application

4. Sections 252, 253, 254, 255, 256, 263 and 264 of the principal enactment are hereby repealed and the following new Chapter and sections are hereby inserted immediately after section 251 of the principal enactment and shall have the effect as “Chapter 6A - Salvage of Cargo” and section 251A, 251B, 251C, 251D, 251E and 251F of the principal enactment:-

Chapter 6A – Salvage of Cargo

251A (1) The provisions of the rules as set out in Schedule 1 A to

this Act shall have the force of law.

(2) Nothing in subsection (1) above shall affect any rights or liabilities arising out of any salvage operations commenced before the appointed date.

Master's authority to conclude contracts

251B. Where any vessel is wrecked, stranded or in distress at any place in or outside Sri Lankan waters and services are rendered ;

Jurisdiction

- (a) by any person assisting the vessel or saving the cargo or apparel of the vessel or any part thereof; or
- (b) by any person (other than the receiver of wrecks) in saving any wreck,

there shall be payable to the salvor by the owner of the vessel, cargo, apparel or wreck a reasonable amount of salvage reward, to be determined in case of dispute in the manner set out in this Chapter.

Provisions of Chapter 6A to prevail.

251C. Notwithstanding the provisions contained in Article 6 of Schedule

1A, the master shall have no authority to conclude contracts for salvage operations on behalf of the owner of the property on board the vessel if such vessel is within the administrative limits of the port of discharge at the time the vessel is in danger.

Application of Civil Law Ordinance No.5 of 1852.

251D Disputes as to the amount of salvage reward, whether of life or property and whether rendered within or outside Sri Lanka waters arising between the salvor and the owner of any vessel, cargo, apparel, wreck shall, if not settled by agreement, arbitration or otherwise, be determined by the High Court of Sri Lanka exercising the admiralty jurisdiction in terms of the Admiralty Jurisdiction Act No 40 of 1983.

251E. Any reference to the word “tribunal” in the rules of Schedule 1A to this Act shall mean the High Court of Sri Lanka exercising the admiralty jurisdiction in terms of the Admiralty Jurisdiction Act No 40 of 1983.

251F. In the event of any inconsistency between the provisions of this Chapter and the provisions of the principal enactment, the provisions of this Chapter shall prevail.

5. Section two of the INTRODUCTION OF THE LAW OF ENGLAND ORDINANCE No 5 of 1852 (as amended) shall have no application to the provisions of Chapter 6A of Part IX of the Merchant Shipping Act

No. 52 of 1971.

Schedule 1A

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

Platforms 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 seabed 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 salvaged 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 salvaged 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 salvaging 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 salvaged 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 salvaged 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 salvaging 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 salvaged 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 salvaged 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 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 is maritime cultural property of prehistoric, archaeological or historic interest and is situated on the seabed.

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 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.