



INTERNATIONAL CONFERENCE ON
SAFETY OF LIFE AT SEA, 1974 -
Agenda item 7

IMCO

CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION FOR THE
SAFETY OF LIFE AT SEA, 1974

Comments on proposed amendments to Articles of the
1960 Safety Convention

Submitted by Indonesia

The following are comments on and proposed alterations to the draft Articles of the Convention, as submitted to the Conference under document SOLAS/CONF/4:

1. The principal objective of the 1974 Safety of Life at Sea Conference has been fully understood by Indonesia.
2. Nevertheless, Indonesia is of the opinion that in principle any agreement concluded in an international conference in the form of a Convention or any other legally binding instrument should be as far as possible universally acceptable and effectively implementable.
3. The fact is that a great number of conventions concluded in several conferences convened by IMCO and amendments thereto are as yet not in force, or cannot be fully implemented by most countries, due to the various problems and implications in particular to be faced by most of the developing countries which were not appropriately taken into account at the time of adoption of the conventions and amendments.
4. In view of the foregoing, Indonesia believes that:
 - (a) In line with the International Development Strategy on Shipping Matters as contained in the United Nations Second Development Decade,

Indonesia as one of the developing countries has been steadily developing and improving its national fleet in order to meet the national needs of sea transportation for domestic (inter-insular) and international sea-borne trade.

- (b) The improvement involves the quantity and the quality of Indonesian vessels in the sense of increasing the number or units of vessels and to increase the quality or the seaworthiness of the vessels so as to meet at least the minimum standard of the international technical and safety requirements.
- (c) In doing so, various problems have been encountered by Indonesia especially relating to financial, technical and economical aspects. For example, the use of the highly technical and costly equipment required for ships engaged in international voyages to some extent raise many difficulties.

On the other hand technological developments including shipping technology proceed so rapidly that the existing gap between the developed and the developing countries will be ever widening if appropriate measures are not taken.

- (d) As an example of such a measure should be seen the extension of time claimed by developing countries in order to enable them to catch up with the technological development and to minimize the existing gap, so as to be able to implement the minimum international standard concerning marine safety requirements or provisions which are normally set forth in international marine safety conventions.

5. Based on the above mentioned considerations, the Indonesian position with due regard to the main objective of the conference, will be the following:

- (a) to safeguard the national interest or concern as far as possible in view of the general condition of the Indonesian merchant fleet and financial ability;

- (b) to maintain the balance of interest between the developed, which are mostly classified as "the ship-owning countries", and the developing countries, which are commonly categorized as "the ship-using or cargo generating countries" in the IMCO forum;
- (c) to support any effort to enlarge the membership and participation in the various organs within IMCO, such as: Council, the Maritime Safety Committee, the subsidiary bodies, etc.

6. With regard to the revision of and proposed amendments to some Articles and various Regulations, Indonesia is in favour of and fully supports the views or suggestions which are based on the following principles:

- (a) Members of the Organization, whether or not Contracting Governments or Parties to the Convention, should be given more say or rights in adopting and accepting a convention or the amendments thereto;
- (b) all members of the Organization, whether or not Contracting Governments, shall be entitled to participate and vote in the proceedings of the Maritime Safety Committee, in view of the proposed re-functioning of the Maritime Safety Committee with new authority and the increased membership of the Organization;
- (c) to maintain the "explicit amendment procedures", since these procedures are in line with the internal legal process followed by most countries;
- (d) the provision or concept of "amendment of an important nature" should be as far as possible rejected, because it is contrary to the principle of the effect relative to treaties and violates the sovereign rights of States;
- (e) to provide sufficient period of time in determining conditions for coming into force of a convention or the amendments thereto, and to adjust the requirements taking into account among others the increased tonnage of merchant ships and the increased membership of the Organization since 1960;
- (f) no distinction should be made in the acceptance of the amendments whether to Articles, Annexes or Appendices of the Convention;

- (g) to avoid any interference in matters or activities within the national jurisdiction of a sovereign State.

Taking the above mentioned principles into consideration, Indonesia proposes therefore draft texts for Article IX and Article XI as follows*:

Article IX

Amendment

1. The present Convention may be amended by any of the procedures specified in the following paragraphs.
2. Amendments after consideration by the Organization:
 - (a) any amendments proposed by a Contracting Government shall be submitted to the Organization and circulated by it to all Members of the Organization and all Contracting Governments at least six months prior to its consideration;
 - (b) any amendment proposed and circulated as above shall be submitted to the Maritime Safety Committee of the Organization for consideration;
 - (c) Members of the Organization and all Contracting Governments shall be entitled to participate and vote in the proceedings of the Maritime Safety Committee.
 - (d) amendments shall be adopted by a two-thirds majority of those present and voting in the proceedings of the Maritime Safety Committee, including two-thirds of the Contracting Governments, in accordance with sub-paragraph (c) above.
 - (e) If adopted in accordance with sub-paragraph (d) above, amendments shall be communicated by the Organization to all Contracting Governments for acceptance;

* Differences with the draft text in SOLAS/CONF/4 or with the text of the 1960 Safety Convention are underlined.

- (f) any amendment communicated to Contracting Governments for their acceptance under sub-paragraph (e) above shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment or those which notify the Organization that their express approval will be necessary before the amendment enters into force for them, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.
3. Amendment by a Conference:
- (a) Upon the request of a Contracting Government concurred in by at least one-third of the Contracting Governments, the Organization shall convene a Conference of the Members of the Organization and Contracting Governments to consider amendments to the present Convention.
- (b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting including two-thirds of the Contracting Governments, shall be communicated by the Organization to all Contracting Governments for their acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph 2(f) above.
4. Unless expressly provided otherwise, any amendment to the present Convention made under this Article, which relates to the structure of a ship, shall apply only to ships the keel of which is laid or which is at a similar stage of construction, on or after the date on which the amendment comes into force.
5. The Organization shall inform all Contracting Governments of any amendments which enter into force under this Article, together with the date on which each such amendment enters into force.
6. Any declaration of acceptance, of express approval or of objection to an amendment under this Article shall be notified in writing to the Organization. The latter shall bring such notifications and the date of its receipt to the notice of the Contracting Governments.

Article XIComing into Force

- (a) The present Convention shall come into force twelve months after the date on which not less than one-third of the Members of the Organization, including fifteen countries each with not less than two millions gross tons of shipping, have deposited their acceptance in accordance with Article X.
- (b) Notwithstanding the provisions in sub-paragraph (a) above, the present Convention shall not enter into force before 1 January 1980.
- (c) The Organization shall inform all Governments which have signed or accepted the present Convention of the date on which it comes into force.
- (d) Acceptances deposited after the date on which the present Convention comes into force shall take effect three months after the date of their deposit.
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