



## **ASIAN SHIPOWNERS FORUM SHIP INSURANCE AND LIABILITY COMMITTEE**

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### **JOINT STATEMENT**

1<sup>st</sup> April 2009

The 14<sup>th</sup> Interim meeting of the Asian Shipowners Forum (ASF) Ship Insurance and Liability Committee was held in Hong Kong on Wednesday, 1<sup>st</sup> April 2009.

Attending the meeting were the Secretary-General of the ASF and delegates representing the shipowner associations of China, Chinese Taipei, Hong Kong, Japan, and the Federation of ASEAN Shipowner Associations (FASA), as represented by delegates from the shipowner associations of Indonesia, the Philippines, Singapore and Vietnam.

The Committee expresses its continued deep concern at the treatment of seafarers who are unfortunately involved in maritime accidents. While recognising that local legal procedures must be followed, the Committee is concerned that seafarers who are involved in accidents are being treated as criminals as a response to and to satisfy public concern about the effects of the incident, even when it is clear that there has been no criminal intent or obvious fault. There would seem to be many such incidents, where the only fault of the seafarer would appear to be in the wrong place at the wrong time. The Committee urges all Governments, particularly those in the developed world, to reconsider the harm they are doing both to the recruitment of future seafarers as well as to the reputation of their legal systems by politicising such incidents and treating seafarers with little regard for their human rights and as being guilty until proven innocent.

The Committee noted that the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers met in Geneva 2<sup>nd</sup> to 6<sup>th</sup> March 2009, and discussed the draft text resulting from that meeting of the two proposals for amendments to the Maritime Labour Convention, 2006 (MLC, 2006) in respect of the 'Provision of Financial Security in case of Abandoned Seafarers' and 'Treatment of Contractual Claims; Financial Security'. The Committee congratulates the Expert Working Group on the outcome of the meeting, and urges the IMO Legal Committee and the ILO Governing Body to accept the amendments as written, so that they can be incorporated in the MLC, 2006, at the earliest possible opportunity after the Convention has achieved entry into force.

This Committee has, in the past, commented widely on the various EU Draft Directives, but has not seen an equivalent level of contribution from Asian governments. Taking note of the reports of recent comments made by Mr. Shigeru Ito, Director General of the Maritime Bureau of Japan's Ministry of Land, Infrastructure, Transport and Tourism (MLIT), and Mr. Oh Kong-gyun, Chief Executive of the Korea Register and Chairman of the International Association of Classification Societies, both of whom support a more active 'Asian Voice' on maritime issues at the governmental level, the Committee urges Asian governments to form a regional body in

order to consider and comment on legislation proposed at the regional level, particularly that being proposed by Europe and the United States.

The Committee notes that the IMO records that at the end of February 2009 37 States representing more than 75% of the world fleet had now ratified the Bunkers Convention 2001. This is a major increase in ratifications made when the Convention came into force on 21<sup>st</sup> November 2008, which greatly assists the industry in obtaining the necessary certification for compliance with the Convention. The Committee, however, is concerned that there are some States that continue to insist on hard copies, either hand signed or with signatures in electronic image format, of the certificates of financial responsibility ("blue cards") for this and all other such Conventions. The Committee urges all States to accept blue cards issued by the International Group clubs in electronic form, in order to ensure that shipowners can obtain their State certificates swiftly and efficiently and to reduce the administrative burden on both States and the IG clubs.

The next meeting of the Committee will be held in Tainan on 25<sup>th</sup> May 2009, just before the 18<sup>th</sup> annual meeting of the Asian Shipowners Forum.

For more information, please contact the Secretary of the Committee, Arthur Bowring, at the contact address shown in the header.

*Editor's note:*

*The Asian Shipowners Forum consists of 7 Shipowner Associations in the Asian region, being those from Australia, China, Chinese Taipei, Hong Kong, Japan, Korea and the Federation of ASEAN Shipowners Associations (FASA), which comprises the Shipowner Associations of Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam. The Secretariat of the ASF is located in Singapore. The aims of the ASF are to promote the interests of Asian shipowners and operators. Between annual ASF meetings, ongoing work is carried out by five "S" Committees; the Shipping Economics Review Committee, the Seafarers Committee, the Ship Recycling Committee, the Safe Navigation and Environment Committee, and the Ship Insurance and Liability Committee. It has been estimated that ASF Owners and Managers control and operate around 50% of the world's cargo carrying fleet.*