



ASIAN SHIPOWNERS FORUM

SHIP INSURANCE AND LIABILITY COMMITTEE

c/o Hong Kong Shipowners Association

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JOINT STATEMENT

13th April 2010

The 15th Interim meeting of the Asian Shipowners Forum (ASF) Ship Insurance and Liability Committee was held in Hong Kong on Tuesday, 13th April 2010.

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 Shipowners' Associations (FASA), as represented by delegates from the shipowner associations of Indonesia, Malaysia, and Singapore.

The meeting was preceded by a half-day seminar on The Rotterdam Rules, attended by the delegates to the meeting as well as by members of the Hong Kong Shipowners Association, the Hong Kong Maritime Law Association and the Hong Kong Shippers Council.

The Committee discussed the Rotterdam Rules, in particular the several areas of concern that have been expressed by shipowners and shippers. While the Committee was of the opinion that widespread ratification of the Rules would provide global consistency, which is desirable, it acknowledged that there remain some aspects of the Rules that shipowners continue to feel uncomfortable with. Members agreed to continue to further study the Rules with their governments.

The Regulation of the People's Republic of China on the Prevention and Control of Marine Pollution from ships has been causing concern amongst the international maritime community, for the reason that, although the Regulation came into force on 1st March 2010, no implementing code or regulations have yet been developed. The Committee noted that some ASF members had been in touch with the authorities in the PRC, and had been assured that until the implementing codes had been published, full enforcement of the Regulation would be postponed.

The Committee expressed its deep concern over the wide scope of the proposed United States sanctions against the exportation of refined petroleum products to Iran. The potential regulations would seem to indicate that all domestic and foreign entities that might be involved in shipping such cargoes to Iran, or even insuring or reinsuring the cargo or ships, could be subject to the sanctions. While the sanctions would be through domestic legislation, the effect of the sanctions would have international effect. The Committee is of the strong opinion that legislation that would seek to affect the international community should only be promulgated through the United Nations, and encourages all Governments to express their concern at the proposed unilateral action by the United States.

The Committee once again expressed its 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 recklessness, criminal intent or obvious fault involved. There would seem to be many incidents where the only fault of the seafarers 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 being assumed guilty until proven innocent.

The next meeting of the Committee will be held in Hong Kong on 25th May 2010, just before the 19th 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 8 Shipowner Associations in the Asian region, being those from Australia, China, Chinese Taipei, Hong Kong, India, 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.