

Joint Communiqué
of
The Third Asian Shipowners' Forum

(Adopted on May 10,1994)

Following up the 1st Forum in Tokyo in 1992 and the 2nd Forum in Seoul in 1993, the 3rd Asian Shipowners' Forum (ASF) was held in Beijing, China on the 10th of May, 1994 under the auspices of China Shipowners' Association. Those who participated in the Forum meetings were 71 top-ranking delegates from the major world shipping circles, representing eleven shipowners' associations in the Asian region, including those from Asean (represented by Singapore, the Philippines, Indonesia and Malaysia), Australia, China, Hong Kong, Japan, Korea, Taipei, China. The Forum held its plenary meeting and meetings of the "4-S" Committees. The Forum unanimously adopted this joint communiqué on the basis of the principles of equality and mutual benefit and the basic guidelines of co-existence, common prosperity and mutual development, reiterating the importance of mutual trust and cooperation among Asian shipowners.

1. The delegates of all member associations expressed full assent to and appreciation of the efforts made by the ASF in protecting the interest of Asian shipowners and in solving the major problems confronting them. The "4-S" Committees had done a lot of work to solve the problems of mutual concern, for which all delegates expressed, as in the past, their support and cooperation. The delegates reaffirmed the practice that the chairman of each committee, whenever necessary, will convene his committee meeting at least once between two Forum sessions and indicated that the achievements that had already gained should be maintained.

All delegates conveyed their appreciation of the participation in the Maritime Technology Conference in Melbourne last November by ASF delegation consisting of members from the shipowners' associations of Japan, Korea and China. The ASF delegation made a submission during the conference, elaborating the stance of ASF for the retention of the Australian anti-trust immunity act and achieved satisfactory results through their joint efforts, for which all the delegates expressed their appreciation and gratitude.

2. The delegates endorsed the encouraging outcome gained by the Stabilization of Trade Committee interim meeting in Tokyo last November. They unanimously agreed that the maintenance of the stabilization of trade and the creation of a healthy and sound environment for the industry are the basic requirements for shipowners to survive. The delegates stressed the importance of stabilization and realized the heavy tasks facing Asian shipowners for the development of the economy in Asia and the world as a whole.

Having taken a positive view over the guidelines stated in the fundamental report by the Chairman of the Stabilization of Trade Committee, the delegates carried out in-depth discussions and unanimously confirmed that the discussions and the agreements reached by all shipowners in the trade for stabilization are the right approach to the common goal and recommended that all Non-Participating Lines to such agreements should join them and to explore the ways to further strengthen their functions.

The unnecessarily restrictive provisions contained in the "Draft of a Commission Regulation (EC) on the application of Article 85(3) of the EC Treaty" caused well-justified serious concern of the members of ASF, as they might conflict with the established commercial customs and practices and cause adverse effect on the operation of liner shipping, especially regarding the following points. Therefore, the delegates agreed to make a submission of those ASF's common position on this matter to the European Commission as we already did

after the 2nd ASF in Seoul concerning the Australian Trade Practices Act Part X issue.

a. Technical Agreement: In any Regulation for consortia, "technical agreements" should be allowed to cover bona fide consortia falling within the definition given in Regulation 4056/86.

b. Market Share: It is not appropriate to withdraw the anti-trust immunity to certain shipping activities by imposing a market share restriction on the consortia, considering that the trends of the liner shipping nowadays is more likely to formulate such consortia-type cooperation among the carriers.

c. Initial and Notice Period: The proposed permissible duration and the length of notice for consortia agreements of 18 or 24 months (with a notice period of six months) is not appropriate in its application to the practices, considering the recent trends of cooperation among liner operators so as to rationalize the utilization of their assets for the longer period.

3. The delegates shared the view that the supply of qualified seamen and the enhancement of training of seafarers still remain a striking issue. Asian shipowners should exchange information on a broad basis and build up closer cooperation in solving the problems concerning recruitment and training of seafarers. They firmly believe that it is certainly beneficial to the shipowners of the ASF region if their members could actively share the seafarer training system, their quality improvement scheme and marine officer's skill, in particular those pertaining to automated ships. All shipowners having strong financial background are encouraged to make adequate investment in those countries and regions where there are facilities for professional training and ample human resources. The purpose is to support and assist those areas to train and reserve highly qualified seamen for shipowners in need of them.

4. All delegates agreed that to protect the environment of the seas and oceans, guarantee safety of ocean vessels and alleviate the imbalance between supply and demand of shipping, scrapping of surplus and sub-standard vessels remain an issue calling for continued attention and efforts. The delegates emphasized their firm commitment to the phasing out of sub-standard vessels and the proliferation and tightening of port state control on a global basis. The delegates agreed to seek the possibility of technical and financial assistance from the parties concerned in order to ensure sustainable development of the scrapping industry.

5. All delegates showed grave concern and anxiety over the problems pertaining to safe navigation. Presently all kinds of unsafe factors have become a serious threat to the safety of vessels and seamen on board. The delegates took a common stand and held unanimous view on the issue of safe navigation, reiterating the conviction that "piracy is the common enemy of mankind", as declared at the 2nd Forum.

The delegates strongly called on the relevant governments and IMO to take active, effective measures to rid the seas of all manifestations of piratical attacks and ensure safe navigation. All commercial vessels should enjoy the right of free navigation on the high seas and the right of innocent passage in the territorial waters of sovereignty states. All these rights should be protected by all littoral governments. Also, it is deemed necessary that governments should reinforce the management of their coastal fishing boats and small merchant ships, to have them strictly obey the rules of navigation at sea. Thus, collision at sea can be avoided.

6. Marine Insurance came up as an interesting subject for discussion during the session. In order to protect the interest of shipowners and promote the development of the marine insurance industry in Asian region, delegates agreed to establish an Insurance Committee and ASF recommended that the Hong Kong Shipowners Association act as chairman and the Philippines and Australia as vice chairmen.

7. The delegates showed interest in seeking ways and means of conducting dialogue with ASF's counterparts in the USA and Europe in an appropriate time in the future and agreed to make a submission on ASF's common position to the European Commission. As to the setting up of a permanent ASF office, all delegates agreed that this subject shall be deferred to the next ASF session.

8. Based on the principle laid down in the 1st ASF about the venue of ASF annual meetings, i.e. the meetings shall be held and hosted on a rotation basis by the countries and regions from north to south in geographical order, the 4th session of the ASF shall be held in Taipei, China, in May, 1995.

A handwritten signature in black ink, consisting of stylized Chinese characters, positioned above a horizontal line.

Chen Zhongbiao

Chairman of the 3rd Asian Shipowners' Forum

第三届亚洲船东论坛会议联合公报

(一九九四年五月十日通过)

第三届亚洲船东论坛会议由中国船东协会主办，于1994年5月10日至11日在中国北京举行。这是继1992年在日本东京召开的第一届会议、1993年在韩国汉城召开的第二届会议之后由亚洲地区航运界举办的又一次盛会。出席本届会议的有亚洲地区航运界主要船公司的71名高级代表，代表着亚洲地区的十一个船东协会，包括东盟（由新加坡、菲律宾、印度尼西亚和马来西亚代表）、澳大利亚、中国、香港、日本、韩国和中国台北。本届会议举行了全体会议和航线稳定、船员、拆船及安全航行等四个委员会的会议。本着共存、共荣、共同发展的基本方针和平等互利的原则，会议通过本联合公报，重申了通过对话加强本地区船东间的相互信任与合作的重要性。

一、全体与会代表对亚洲船东论坛会在维护亚洲船东利益，解决船公司所面临的重要问题上所做的努力，给予了充分的肯定和赞同。四个委员分别就解决具体问题做了大量的工作。全体代表表示，将一如既往，给予合作与支持。对于各委员会主席在两届论坛会之间根据需要至少召开一次各自委员会会议的作法，给予了肯定，并表示对取得的成绩应继续巩固下去。

第二届亚洲船东论坛会于1993年11月派出由日本、韩国及中国船东协会组成的代表团出席了在墨尔本召开的航海技术会议，阐述了亚洲船东论坛对保留澳大利亚反垄断豁免法的立场，并取得了积极的成果。与会代表对此表示赞赏，对代表团作出的努力表示感谢。

二、与会代表对航线稳定委员会去年11月在东京召开的会议表示赞赏，一致认为，保持航线的持续稳定，为航运界创造一个健康的竞争环境，是船公司赖以生存的基本条件。会议强调了稳定航线的重要

意义，并重申了亚洲船东对亚洲地区以至全世界的经济发展所肩负的重任。

代表们对航线稳定委员会主席所作基本情况报告中所阐述的原则持肯定态度。与会代表就航线稳定问题进行了深入的讨论，一致认为所进行的讨论以及经营同一航线的船东在稳定航线问题上所达成的协议，是朝着共同目标前进的正确途径。与会代表建议，所有尚未参加上述协议的成员应当参加，并就进一步加强上述协议作用问题进行探索。

欧共体委员会规则草案中所载关于适用欧共体条约第85(3)条问题的不必要的限制性条款，引起了亚洲船东论坛各成员理所当然的严重关切，因为这些条款与已经确立的商业习惯和常规相冲突，并对班轮运输特别是在下述各方面造成负面影响。对此，与会代表同意就亚洲船东论坛在这一问题上的共同立场，如同在汉城举行的论坛会之后，就澳大利亚贸易实践法第十部分所申述的那样，向欧洲委员会提出申述。

A. 技术协议：在任何班轮公会的规则中，应当允许“技术协议”包括第4056/86条规则所载定义范围内的善意行事的班轮公会集团。

B. 货载份额：在当前班轮运输经营中，考虑到承运人之间的合作更趋向于班轮公会的形式，所以，通过对公会集团实行强行分配货载份额而就其某些航运活动撤销反托拉斯法的豁免权，实属不当。

C. 班轮公会协定的有效期及通知时限：考虑到近期出现的在班轮经营人之间进行合作，以便在较长时间内合理地互相利用舱位这一趋势，上述规则草案中所提18个月或24个月的关于协定的有效期（附有

为期六个月的通知时限)一事,这在实际业务中是不妥的。

三、代表们共同认为,提供合格的船员、加强对船员的培训,仍是一个十分重要的课题。亚洲船东之间应广泛交流信息,在解决船员的招募与培训问题上加强合作。他们坚信,如果亚洲船东论坛的成员们能够积极交流船员培训办法以及提高船员素质的方案,特别是关于自动化船舶的办法和方案,肯定会有益于亚洲地区的船东。会议鼓励资金雄厚的船公司向有培训船员设施和充足船员来源的国家和地区投入适当的资金,其目的在于支持和协助这些地区为需要船员的船公司培训和储备高质量的、合格的船员。

四、与会代表认为,为保护海洋环境,确保船舶安全,缓解供求矛盾,拆解过剩的和不够标准的船舶仍是各船东应当为之继续努力的一项重要工作。与会代表强调其对逐步消除不够标准的船舶以及在全球范围内扩展及加强港口国管理制度一事,表示坚定的承诺。与会代表同意寻求向有关方面获取技术及资金援助的可能性,以便有助于保证拆船业的持续发展。

五、与会代表对安全航行方面存在的问题表示了严重的关切和不安。当前,海上各种不安全因素对船舶和船员的安全构成严重威胁。全体代表在安全航行问题上采取了共同立场,持有统一意见。会议重申了第二届论坛会上所宣称的“海盗是人类公敌”这一观点。代表们强烈呼吁有关政府和国际海事组织采取积极的、有效的措施以根除各种形式的海盗行为,确保船舶航行安全。所有商船都应享有在公海上航行的自由和在主权国家领海内的无害通过权,所有这些权利都应受到沿岸国政府的保护。会议认为,各国政府有必要加强对其沿海渔船及小型商船的管理,使其严格遵守海上航行规则,以便避免在海上发生碰撞事故。

六、海上保险对船公司至关重要。为了保护船公司的保险利益，促进亚洲地区船舶保险业的发展，与会代表同意建立保险委员会。会议建议香港船东协会任该委员会主席，菲律宾及澳大利亚船东协会任副主席。

七、与会代表对亚洲论坛在将来适当时机寻求与美国和欧洲的对口组织进行必要对话的途径，表示了兴趣，并就亚洲船东论坛的共同立场向欧洲委员会进行申述一事，表示同意。关于亚洲船东论坛是否应成立一个常设机构问题，与会代表同意留待下届会议审议。

八、根据第一届亚洲船东论坛会关于会议地点问题所确定的原则，即按地理位置由北向南，由所在国家或地区的船东协会轮流主办会议，第四届亚洲船东论坛会定于1995年5月在中国台北举行。



第三届亚洲船东论坛主席