





Some Recent Developments in Japanese Maritime Law

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Compulsory P&I Insurance to the ocean-going vessels entering Japanese Ports

- As from 1st March, 2005 all ocean-going vessels entering Japanese Ports;
 - have P&I Insurance
 - carry a Certificate of Insurance issued by the Japanese Government
 - report the status of insurance before entering



Compulsory P&I Insurance to the ocean-going vessels entering Japanese Ports

- This scheme is similar to CLC Certificate of Tankers.
- This scheme introduces such a scheme to non-tankers.
- Also liability rules on bunker-oil pollution damage has been amended.

P&I Insurance

- all ocean-going non-tanker vessels(100 tons or over)
- P&I Insurance should cover ;
 - damage caused by bunker-oil pollution
 - expenses of removing a shipwreck

Amount : As from 1st August 2006, 1996 Protocol of LLMC 1976



Liability Rules on Bunker-Oil Pollution Damage

- strict liability
- shipowners and charterers : jointly and severally liable

Background (1)

- Survey on P&I Insurance
 - North-Korean vessels: 2.8 % (38 /1,344)
 - Russian vessels: 15 %
 - Cambodian vessels: 32 %

Average: 73 %

Background (2)

- Abandoned Shipwreck in Japan
 - 10 vessels:
 - all un-insured (P&I), and
 - impossible to communicate with
 - ship owners
 - 1989-2003
 - 12 vessels removed by local authorities

Background (3)

- Stranding of North-Korean ship in Hitachi Port in 2002
 - un-insured (P&I)
 - Ship owner has not removed the wreck.

Local Authority was obliged to remove, with cost of us\$ 6 million.

Background (4)

- International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001
 - non-tankers
 - strict liability
 - owner, bare-boat charterer, manager and operator: jointly and severally liable
 - compulsory P&I Insurance (direct claims)

- Compulsory P&I Insurance
 - Japan, U.S, Canada, Australia
 - European Union ("Erika III package")
- ▶▶ Toward a unified convention on Compulsory Insurance !!



Passenger Liability in Japan

- As of 1st August 2006,
Japan abolished limitation of liability
of carriers for claims of loss of life or
personal injury of passenger of a ship.

Background (1)

- Athens Convention relating to the Carriage of Passengers and Their Luggage by Sea, 1974
 - 1976 Protocol
 - 1990 Protocol (not entered into force)
 - 2002 Protocol : SDR 400,000(us\$ 530,000)
(not entered into force)

Background (2)

- Movement in Japan

Before 1st August, 2006

Coastal vessels: not allowed to limit

Ocean-going vessels: allowed to limit

under LLMC 1976,

but carriers voluntarily waived their
right to limit.

Background (3)

- Air carriage (Japan)
 - 1982: voluntarily waived limitation in the domestic flights
 - 1985: Jumbo-Jet crash in Japan, 520 people died.
 - 1992: voluntarily waived limitation in the international flights



- Air carriage

1995 : IATA Inter-Carrier Agreement on Passenger Liability

1999: Montreal Convention (waived limitation for claims of passenger injury/death.)

2003: - entered into force (Japan is a member.).



- Thank you for listening !!

IUMI Tokyo Conference
(19th September, 2006)