



We will work together for our goals

YASUMI MORITA
President
All-Japan Seamen's Union



JSU President Morita

Happy New Year to members who spent New Year's Day at sea while on duty and at home with their families after long intervals.

In 2019, we suffered from severe natural disasters one after another here in Japan, including typhoons Faxai and Hagibis. We express our deepest condolences to those who lost their lives in and most heartfelt sympathy to those who suffered damage from those and other disasters. We strongly hope they will return to their former state as soon as possible.

On May 1, 2019, the new Emperor ascended the throne, launching a new era, Reiwa. It was a major milestone year for Japan. In 1921, the predecessor of the All Japan Seamen's union, the Japan Seamen's Union, was established. In two years, therefore, we will celebrate our centennial anniversary.

Without extinguishing the flame of the labor union movements that our senior members have conducted over time, we

will even enlarge it in the Reiwa Era. To this end, I will take the initiative in having our three top executives and the Central Executive Board Committee unite other executives as well as our shop stewards and work-site union members. We will tightly cooperate with members of Zenkoku Kaiyu Fujin-kai, an association of seafarers' wives, to push forward enforcement activities.

In the Heisei Era, there were natural disasters and various other events in Japan and around the world, but it was a peaceful era for Japan, as we were not involved in

any wars.

Although we have entered the new era of Reiwa, however, there have been several cases in which the safety of seafarers could be endangered, such as the attack on a tanker owned by a Japanese enterprise near the Strait of Hormuz.

The JSU has always been seeking eternal peace at sea, believing in our pledge that seafarers are never involved in a war again. We will continue to conduct activities to seek world peace and the ocean of peace without demolishing what we have done.

We, seafarers, are faced with a mountain of challenges. Securing and developing successors is one of the most important challenges.

In Japan, a maritime nation surrounded by sea on all of its four sides, seafarers engaged in the shipping and fishery industries are responsible for maintaining and even developing the Japanese economy and underpinning the lives of Japanese citizens by transporting goods and passengers at sea, constantly supplying fishing resources and so forth.

However, the decline in the number of seafarers is showing no sign of hitting bottom, although it is slowing down. As such, it is

an urgent issue to address to secure and cultivate Japanese seafarer successors.

For securing and growing seafarer successors, the government of Japan is primarily responsible. However, the shipping and fishery industries also need to take as much responsibility and make relevant efforts to secure and develop successors who can bear the future of the industries.

For the shipping and fishery businesses, it is an extremely important challenge to secure and cultivate bearers of their futures, but including earmarking necessary budgets, we would like Tokyo first to take responsibility in addressing it.

To constantly and effectively secure and develop Japanese seafarers, it is necessary not only to acquire necessary budgets, but also to have more institutes, training vessels and instructors to provide seafarer education. To maintain Japan's high-quality seafarer education and even upgrade it, the government, academia, labor and management must mobilize all available resources, and the maritime industry must unite as one to take all possible actions. As a labor union for seafarers, we at the JSU

will serve our roles.

As for specific efforts to secure and train successors, to better promote the sea and the occupation of being a seafarer, we will let people gain on-board experiences, do beach seine fishing and organize many other events. We will, this way, encourage people to become familiar with the ocean and vessels while they are still children to increase the number of children who want to become seafarers in the future.

In respect to challenges facing our bureaus, in the international affairs sector, the safety of seafarers and ships is still endangered by the piracy attacks and other problems taking place in various waters in the world and the incident in which a Japanese vessel was attacked last year near the Strait of Hormuz.

There is still a mountain of many other challenges to tackle. Domestically, we need to increase the number of students accepted at seafarer academies and maintain ferry and passenger services. In the fishery business, it is necessary to built new fishing boats and crack down on international illegal fishing activities.

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Coronavirus contingency plan needed in container shipping

Shippers cannot afford to ignore the worldwide health crisis

Exporters and importers have to deal with issues in the real world and need to activate some contingency plans as the coronavirus effects spread.

The changes caused by the health crisis cover critical areas of supply chains, inventory, transport and costs. Given China's dominant role in global manufacturing and supply chains, these changes will affect a very high number of companies involved in international commerce.

The box on the right is Dreyry's current take on the changes, events and risks that every shipper should take into account.

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Most large companies have contingency plans to respond to potential disruptions in their supply chains. US West Coast ports have been shut down for more than a week in the past, so there is some

experience of this type of logistics gridlock. Current thinking in China is that Chinese factories will not resume full production for another 3-4 weeks which, if confirmed, will have a major impact. It seems that these large companies are going to have to decide soon whether to activate these contingency plans if they do not want to run out of parts for production or retail inventory for sales.

Shippers should watch very closely how long the current freeze of the Chinese transport system continues and should work with their carriers and providers to identify remedial measures. There is a role for proactive forwarders and 3PLs here. Carriers have increased the number of sailings cancelled in February. On the Asia-North Europe route, there will be 19 cancelled sailings

this February, up from 12 last February, according to the Dreyry Container Forecaster. Expect the ocean carriers to run "extra sailings" to cope with the upwards swings in volumes, once the pipelines reopen.

With luck, the spread of the virus will stop and the quarantine measures in China will be ended in the next few weeks or months.

But what measures can shippers take in the meantime, given the uncertainty?

There is an immediate issue concerning the annual tenders for 2020/21 transpacific contracts. Many US shippers have just launched their tenders and we know that some providers' tender quotation staff in China are unable to respond to requests for some tenders in time due to the health crisis.

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Negative effect of the coronavirus crisis on international logistics	Status
Factories in China shut and supply chains frozen for another week after Chinese New Year	Confirmed
Carriers cancel more sailings to Europe and North America	Confirmed
Airlines reduce air cargo capacity from China	Confirmed
Ports and Chinese customs closed for longer, carrier offices in China closed or staff working from home	Confirmed
Containers held in port or at factories beyond free time	Confirmed
Carriers waive part of detention and demurrage penalties in China for 1 week	Confirmed
Companies and governments impose international travel restrictions	Confirmed
Chinese factories will not resume full production for another 3-4 weeks	Likely
Inventory run-down issues in destination countries	Likely
Empty container shortages in Europe and North America	Likely
Ocean carriers and ports dependent on Chinese box trade will incur heavy under-utilization and losses in February	Likely
Transpacific contract bids delayed by carrier office closures	Likely
Swings in Chinese export and import volumes happen due to disruptions of supply chains	Likely
Chinese container volume fall in first quarter 2020	Possible
Swings in freight rates and new carrier charges happen due to empty container shortages	Possible

Source: Dreyry Supply Chain Advisors

In 2020, I'll remain true to myself

Actress Kaoru Yumi

Japanese actress KAORU YUMI was born in Kyoto and joined the famous Nishino Ballet Troupe while still in junior high school.

It was during her ballet lessons there that she quickly caught the keen eye of the troupe's founder, Kozo Nishino. And at only 15, she was dramatically promoted to singing and dancing on a TV show that Mr. Nishino worked as a producer and choreographer. Then she got her big break overnight, when soon after that, she made her silver-screen debut in *Yoruno Bara wo Kese*, playing opposite the late, great Yujiro Ishihara. Mr. Ishihara, whose elder brother is the former governor of Tokyo, Shintaro, was impressed by her performance on the Nishino-helmed TV program, and wanted to work on a movie together.

Since making her debut as a singer, Ms. Yumi has remained active on TV, on stage and in movies. She has won two Golden Arrow Awards, which until 2008 were presented by members of the Japanese Magazine Publishers Association honoring the best in Japanese media. For 25 years from 1986, she regularly acted in *Mito Komon*, a popular period drama on Tokyo Broadcasting System Television (TBS). Ms. Yumi has also garnered international recognition, winning awards at music festivals in Chile and in Venice, Italy. In March 2019, she released a new CD, entitled *Jewel Box*, her first in 37 years. In her private life, she is a fourth-grade master in aikido.

In May 2019, Ms. Yumi published a book on breathing techniques that anyone can do anywhere, even on board ships, where crewmembers tend to become inactive during long deployments at sea. The *JSU Maritime Journal* is introducing the Nishino Breathing Method in a series.

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The successful actress regularly practices the Nishino Breathing Method, which can help people stay healthy and young, while demonstrating to have other positive effects. The *JSU Maritime Journal* recently had the pleasure of interviewing her.

Crossing into the New Year with Nishino Breathing Method practitioners

MARITIME JOURNAL (MJ): First off, we'd like to wish you a Happy New Year. Did you practice the Nishino Breathing Method exercises even on the first day of 2020? How do you spend New Year holidays?

KAORU YUMI: Under the supervision of Mr. Kozo Nishino, I spend New Year's Eve and New Year's Day performing exercises with other Nishino Breathing Method practitioners. Through Mr. Nishino's invitation, I begin practicing with them on New Year's Eve. And as soon as the clock strikes midnight, we

wish each other, Happy New Year!, and we make a toast with saké and enjoy delicious food.

I think that about 100 disciples gather. There are people from different walks of life, including famous musicians and artists, as well as presidents of corporations and physicians. These practices help me spend the New Year comfortably.

MJ: You never fail to practice the Nishino Breathing Method even on the New Year's Day.

KY: Practicing the Nishino Breathing Method is just a part of my life. I just add a little awareness to my regular aspirations. The foundation of the Nishino Breathing Method is *sokushin* breathing. Practicing it, your body becomes rejuvenated at the cellular level, and you can reproduce young cells. With people nowadays leading hectic lives, being pressed for time, their bodies become tense under stress and other factors. As such, breathing for many becomes insufficient, done with their shoulders and/or through their chest. When your body is relaxed at the cellular level by practicing the Nishino Breathing Method, your muscles become loose and relaxed, and your body organs will work better, too. Then your digestion and breathing improves, and you can enjoy a better body balance.

Practice every day Nishino Breathing Method!

MJ: Reading your book on the Nishino Breathing Method, I have learned that it is an exercise for health that can be done even in a cabin of a ship. I, myself, do it in my room while enjoying listening to music. Where do you follow your routines?

YUMI: As soon as I wake up in the morning, I practice the *sokushin* breathing method on my bed. This way, I relax the parts of my body that have become tense while I was sleeping. Just by doing this, I can reduce swelling and help my stomach feel great and my mind clear. Circulation throughout my body is improved.

After I practice *sokushin* breathing for about 10 minutes, I move on to my living room, and then begin the Nishino Breathing Method, first with *Karin*, and then I do *Tenyu*, *Enten*, *Tensho*, *Gyoun* and *Muhen*. It takes me about 20 minutes. This refreshes my body, making me feel that, "I will spend today actively and pleasantly!"

MJ: Is it important to continue to do it every day?

YUMI: Yes, but, if you're pressed for time, you shouldn't try to rush it. It's important to make the time to do it properly. This way, you feel more comfortable, heating up your entire body



'Practicing Nishino Breathing Method is just a part of my life.'

and breaking a sweat. This is because your body warms up from your internal organs even though you aren't doing any strenuous exercises.

Secret of Ms. Yumi's diet: well-balanced meals

MJ: Practicing the Nishino Breathing Method, do you actually achieve the effects?

YUMI: My skin has become silky smooth. As my internal organs have been working better, I've been better enjoying meals. I don't count calories or have dietary restrictions. The Nishino Breathing Method helps me refine my physical conditioning function. This way, my body tells me what is good for it, even if I don't think of it with my head or have control over what I eat. As long as I enjoy eating what my body craves for, therefore, I eat a nutritionally well-balanced diet and don't gain weight. As my stomach is full when my body is satisfied, I never overeat.

MJ: What do you usually eat?

YUMI: I eat meat, poultry, fish and

vegetables in a good balance. I use a lot of ingredients in my miso soup. I eat a lot of natto, fruit and yogurt, too. I love to eat yogurt with roasted soybean flour, honey and olive oil. I sometimes add blueberries. The other day, I tried to dice sweet-stewed chestnuts that I had been given as a gift and mixed them [with yogurt]. It was nice.

By ship, travel to countries which I've already been

MJ: I was relieved to learn that you have never been seasick. I've also heard that you have a dream of traveling the world, playing the accordion. Are there places that you want to go to by ship?

YUMI: I once boarded a ship in Cote d'Azur in southern France on a set of a movie. It was rough weather that day, and the cameraman and the other staff members all became severely seasick. I was the only one who didn't get seasick at all.

I've been to many countries, but always by plane. So I would like to see other countries from the ocean on board a vessel. Spain, Mexico, France, Chile, New York, Los Angeles, St. Petersburg

and Australia. I want to travel to these countries by ship some day. I feel a bottomless presence of the ocean. It's like one's mother. But in times of a storm [or other natural disasters], I sometimes feel fear. In the end, however, I feel a nostalgia and consolation from the sea. I really love it.

Singing songs and playing the accordion, I would like to visit many countries, and sing songs in their native languages. I can learn foreign languages, and it seems fun to become friends with people from different countries. The more difficult things become, the more eagerly I would love to overcome them.

I've played on board a vessel. I sang and danced on stage, but the vessel was rolling, it was slightly different from what I normally do. As I just released my new album, *Jewel Box*, I would like to try again [to sing and dance] on stage on board a ship.



'I want to see many countries from the ocean on board a vessel.'

Once you board a ship, you cannot leave it easily, as you need to spend a certain amount of time there before you are off duty. I, therefore, think it's appropriate when you have to concentrate on something. I want to work hard once on board a vessel to read books, study foreign languages and practice new songs.

How beginners can practice Nishino Breathing Method

MJ: I myself practice the Nishino Breathing Method, too, but when doing *Tenyu*, I cannot breathe long enough. I can't spend as much as two minutes. Is there a hack for someone like me?

YUMI: As you will get used to it slowly, continue to do it without becoming impatient. It is important not to overdo it. You can take breaths until you get used to it. Carefully follow the routine of sokushin breathing, imagining that a big tree draws up water from its roots and delivers it to its leaves. When you repeat it, you will be able to comfortably take breaths.

This *sokushin* breathing method is easy to do in a car, on an airplane and, needless to say, on board a ship. I never fail to follow my routines even when I am on the go. I hope that everyone will try to practice it on board ships at their pace.

There's a practitioner, who came to the Nishino Institute, using a cane. But after completing a breathing method class, this person was able to go downstairs without using a cane. Practicing the Nishino Breathing Method, I myself realize a burst of power. I really feel the breathing method is inevitable for living a healthy life.

MJ: You are always lively and young, eager to take on many new challenges.



'I never go against trends of the times, climates or changes in circumstance; I do accept them naturally. But I never lose myself.'

Before concluding this interview, would you tell me your personal motto?

YUMI: My motto is the words that I learned from St. Seigyoku Takatsukasa of the Zenkoji Temple. They translate to something like, "Follow the stream, and control it". My father told me a similar thing.

I never go against trends of the times, climates or changes in circumstance; I do accept them naturally. But I never lose myself. My father advised me to firmly hold on to my personal beliefs, become a master of the stream and then control it.

At first, my father disapproved of me going into show business. "The show business is a very hard world," he said. "If you really wanted to enter it, you can never be half-hearted." I remember that he did not come to see me perform on the stage until I had already been in

show business for 25 years. "Make much of teamwork, and never go against the stream," he also said. "But if there is a crucial opportunity, do your best." I would like to spend this year, the year 2020, accepting various changes, but never losing myself.

MJ: I hope that you will stay active in 2020. Thank you very much for allowing us today's interview.

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Shipping not immune from coronavirus outbreak

Port safety measures, quarantines and force majeure declarations from Chinese entities main concerns

With China in virtual lockdown and the rest of the world on high alert for identifying and reacting quickly to signs of novel coronavirus, shipping faces disruption on an unprecedented scale.

First reported in late December 2019, the virus originated from the inland city of Wuhan, the capital of the Hubei province, China, but quickly spread nationally and then internationally, prompting the World Health Organization to declare the outbreak as a Public Health Emergency of International Concern (PHEIC) on January 30.

Ince's Wai Yue Loh, Kimarie Cheang and Cindy Wang expect a "significant degree" of business interruption from the coronavirus and report that they are already starting to see declarations of force majeure from Chinese entities involved in international shipping and trade.

Hill Dickinson's Beth Bradley and John Agapitos have warned

the shipping industry to prepare to face the same issues that arose in previous severe disease outbreaks, such as with other coronaviruses or Ebola, should the issue escalate. While Reed Smith's shipping lawyers say that it is reasonable to anticipate delays as a consequence of the coronavirus outbreak which may impact charterparties, bills of lading, shipbuilding contracts, and ship sale and purchase agreements, among other documents.

Port safety

A number of important contractual issues need to be considered by ship operators, charterers and brokers. For example, how safe is the planned load or discharge port? Hill Dickinson points out that under a charterparty, charterers are obliged to nominate a safe port and that risks to the crew may render a port unsafe even where there is no risk of real damage to the ship. "Consequently, a contagious

disease may legally make a port unsafe," says Hill Dickinson. However, the lawyer adds that at present the virus is not at a stage where it may render a port unsafe, and that the severity of the outbreak would need to escalate significantly before owners could reasonably refuse to call at scheduled or nominated ports on the basis of the ports being unsafe.

Ince acknowledges that the 'safe port' position will have to be assessed on a case-by-case basis, adding that while the WHO has declared the outbreak as a PHEIC, it has at the same time recommended that no travel or trade restriction be imposed.

"Determining the 'unsafety' of an affected port may prove difficult and will depend on the facts, bearing in mind the evolving situation. If an owner refuses to follow a charterer's order without sufficient grounds, the charterer may in principle be entitled to claim damages

and potentially even to terminate the contract if the owner's conduct can be said to be repudiatory or renunciatory," said Ince.

Clyde adds that if a port becomes "unsafe" after nomination, charterers are under an obligation to nominate an alternative port. "Similarly, if the vessel is at a port which becomes unsafe while the vessel is there, but the danger may be avoided by leaving, the charterers may be obliged to order the vessel to depart."

Lockdown

A second consideration relates to the quarantine and how that will impact on off-hire, laytime and demurrage. A recent case of the new coronavirus identified in Singapore involved a person who had served on board a cargo vessel. The vessel was isolated at anchorage and went through a process of disinfection. "If a member of the crew is unwell or is suspected of carrying the vi-

rus, this could lead to deviation and/or quarantine," notes Clyde.

For vessels on time charter, the owner will be responsible for quarantining any crew member that becomes infected. Where the illness results from following a charterer's order then the

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VOICES from SEAFARERS



C/M Ronel G. Nazareno and some crew of MV FORTUNE BAY

Keeping us up to date of the maritime news and advisories has helped us strengthen our working conditions. We're glad to see these ship visitations would progress in a round year end.



C/M Fernando B. Perez Jr. and some crew of MV ANGELIC ZEPHYR

The current information brought by JSU had boosted our morale and living conditions. Since the explanation of our CBA's was vivid, we had kindly asked the representatives of JSU to come again.



C/E Dario T. Trajano and some crew of MV TOHMISAN MARU

Our knowledge of the ship's agreement and retirement system has widened with the aid of the JSU staff. We hope this kind of union activity will continue to cope with the present seafarers' needs and welfares. Wishing everybody of more fair winds and power to all.



Capt. Arwin C. Galon and crew of MV AMAZING SALUTE

As crewmembers of MV Amazing Salute, we adhere to the principle of working with additional exercises. In appreciation of the JSU visitations, we are glad to share this picture.



3/O Richelle G. Gascon and some crew of MV ASIAN NAGA

We are grateful to the staff of JSU who had extended their hands in checking our living and working conditions on board. Thank you!!



Capt. Cho Win and crew of MV MAPLE OCEAN

MV Maple Ocean officers and crew are pleased to announce their appreciation to the JSU staff ship visitation. Being on board JSU ship, we've known our rights and benefits as members of a well-known seafarers' union.

Shipping not immune: From page 3

owner may be able to claim any costs of repatriation, medical expenses and related costs from the charterer, but this will depend on the terms of the charter and the allocation of risk that they provide for. The position under a voyage charter is anticipated to be similar to that in relation to deviation for the purpose of saving life.

However, Ince points out a wrinkle in the situation where a ship arrives in port and the symptoms of the virus are discovered on board at that time or before arrival at the port and/or quarantine restrictions are in place affecting whether the ship will be able to obtain free pratique. "This may affect whether valid notice of readiness (NOR) can be tendered if it prevents loading or discharging as the case may be," said Ince. "Laytime will not start to run until such time as a valid NOR can be tendered and an owner will bear the risk of such delay. The quarantine of crew will also usually be an exception to laytime running."

Both time and voyage charters generally incorporate the Hague-Visby Rules and/or US COGSA,

which exempt owners from loss or damage caused by quarantine restrictions.

Force majeure

A third consideration is what the declaration of force majeure means in practical terms. Ince believes that given the recent declaration by the WHO, force majeure provisions are likely to be "increasingly relied upon and invoked by an affected party". Indeed, the China Council for the Promotion of International Trade (CCPIT) has announced that it will offer "force majeure certificates" to businesses in China affected by the outbreak.

However, whether a party can successfully invoke force majeure and/or rely on the CCPIT certificates, will depend on the governing law of the contract and the terms of the relevant clause, according to Ince.

"As a matter of English law, force majeure is a creature of contract," it says. "Generally, a party who seeks to rely on a force majeure clause bears the burden of demonstrating the following:

- It could not perform its obligations due to the relevant event.
- The inability to perform was beyond its control.
- There were no reasonable steps the party could have taken to avoid the event or its consequences."

Hill Dickinson believes that it unlikely that any given situation will fall within the scope of a force majeure clause unless the wording of the clause is quite broadly drafted.

"However, if the outbreak escalates in the future and/or travel bans are imposed, questions of whether it amounts to a force majeure event may come to the fore."

If the contract or charter does not contain a force majeure clause, the doctrine of frustration may come into play. Clyde says: "Frustration occurs where there is an event which makes the contract or charter either impossible to perform or its performance radically different, through no fault of either party. In those circumstances, the contract or charter is automatically terminated."

That said, frustration is less straightforward to establish and will require very serious and significant events to be triggered, for example, a lengthy, indefinite delay.

In summary, Ince's Loh, Cheang and Wang "strongly recommend" that existing contracts be reviewed to identify any potential risks and exposures arising from the developing situation and that any new contracts entered into should incorporate express and clearly drafted provisions to allocate potential risks as appropriate between the parties concerned.

Inclusion of and/or reference to the BIMCO Infectious or Contagious Disease Clause in charterparties could help to clarify the parties' respective rights and obligations when a vessel encounters the outbreak or aftermath of a disease, adds Clyde's Lum and Clayton. However, that clause is only intended to be triggered in the most serious of cases and will only take effect upon the onset of extreme illness. (Source: *Baltic Exchange*)

Greetings: From page 1

We at the JSU will stage all possible union activities for the industry to elevate the status of seafarers, make the occupation of being a seafarer more attractive and have relevant policies realized, no matter what situations and circumstances seafarers are placed in.

Before concluding my New Year greetings, I would like to pray that JSU members will all remain healthy in 2020, and that all of the ships for which they work will be operated safely.

Coronavirus Plan: From page 1

Will face-to-face negotiation meetings even be possible in March, if the virus continues and new travel restrictions from China are introduced?

Drewry does the bid administration for a number of BCOs and, in our opinion, there is a high risk that transpacific contract bids will be delayed by carrier office closures and possibly travel restrictions.

The contingency plan for this? Ask your carriers to extend your rates under your current contract by a month and send a revised bid schedule. (Source: *Drewry*)