



JSU rallies against FOC ships, POC

92nd campaign held at ports across Japan on Sept. 10-12; group targets Kotoku Kaiun

The All Japan Seamen's Union (JSU) held a nationwide campaign against flag-of-convenience (FOC) ships and ports of convenience (POCs) at many ports across Japan on Sept. 10-12, 2013.

On Sept. 9, seafarers and dockworkers joined forces to stage a protest against Kotoku Kaiun Co. Ltd. on Hakata-jima in Imabari, Ehime Prefecture, demanding that the local carrier sign relevant International Transport Workers' Federation (ITF) agreements.

The JSU distributed leaflets to inform neighborhood residents of the protest rally. Holding a preparatory meeting, the union confirmed that it would carry out its plan on the protest. A total of 18 seamen and port and harbor workers joined the rally, involved in various activities, such as marching on and calling at Kotoku Kaiun headquarters and driving a campaign car.

JSU calls out Kotoku Kaiun president at head office

A group of five negotiators went to the head office of Kotoku Kaiun and attempted to reach the company's president on an intercom. A male employee answered and told the JSU members, "The president is not here, and on a business trip. If you want to say something [to the president], I will record it." The negotiators pointed out the issues of wind-

ing up accommodation ladders and making crewmembers provide unlash on board mainline vessels. They also asked Kotoku Kaiun to conclude relevant ITF agreements. However, the company refused dialog with the negotiators.

The 18 protesters began their rally at 8:50 a.m. at the terminal for ferries bound for Miyakubo, visited the head office of Kotoku Kaiun and arrived at Murakami Hide Shipbuilding Co. Ltd. They returned to Kotoku Kaiun; the residence of the company's president, which had once been the line's headquarters; and finally reached the Port of Hakata's ferry terminal, covering a total distance of about two kilometers.

At the same time, the protesters drove the campaign car to inform local residents of several issues relating to Kotoku Kaiun. "The JSU and the All Japan Dockworkers' Union (JDU) have come to Hakata-jima to correct unfair and unreasonable acts performed by Kotoku Kaiun, and acts [that the carrier] commits to seamen," they said in a statement of protest. "Kotoku Kaiun brings powerful pressure on seamen working onboard ships that it owns and manages to carry out many unjustifiable acts, including violating their right to organize." "We have a strong resentment [to Kotoku Kaiun] as [the carrier] competes [with others] in abhorrently unfair situations without signing ITF agreements that are interna-



JSU members, above, rally and voice their grievances against Kotoku Kaiun.

The protesters pay a visit to the head office of the carrier in hopes of speaking with the president for negotiations.



tional and social labor standards," they added. "We can no longer wink at and leave [the situation as it is without doing anything]."

The protesters also yelled and voiced discontent, saying, "Kotoku Kaiun must respect seamen's human rights and conclude ITF agreements."

1st action week under MLC aimed to check conditions, inform crew

The ITF held its third maritime action week of the year in East Asia—and the first such campaign since the Maritime Labor Convention 2006 (MLC), the seafarers' "bill of rights", came into force last month.

The action week took place from Sept. 9-13 and saw ITF inspectors and activists from maritime unions in Japan, Russia, South Korea and Taiwan visit ships to check on conditions for seafarers, particularly on flag of convenience vessels. Like the two earlier action weeks in the region this year, the aim was to secure ITF agreements on board

vessels not yet covered by them, and pursue specific complaints and concerns.

It was the first such ITF maritime action week to take place against the backdrop of the new regulations from the International Labor Organization that set minimum standards for those working at sea.

ITF Japan coordinator Fusao Ohori commented that one aim of the campaign was to explain what the MLC meant for the seafarers visited. "We know that seafarers who are suffering difficulties are eager to know their rights and how to resolve problems using its com-

plaint procedures."

In initial reports on the campaign from Russia's Far East, the ITF found MLC statements of compliance on board most ships visited in Vladivostok. Campaigners visited 13 vessels in the port during the week, obtaining back pay amounting to USD14,500 and agreements to pay wages totaling USD46,755 owed to 11 ex-crew members.

In the port of Plastun, the crew of *Captain Kang* began pursuing complaints under the MLC for lack of pay for three months and poor food. In a further case, the Seafarers Union of Russia request-

ed that the Greek-owned, Marshall Island-flagged *Nikator* be detained in Nakhoda because the 21 Filipino-crew did not have individual employment contracts. The ITF is now pursuing the signing of ITF agreements on board this vessel as well as *Khudozhnik Tsyganov*, which was in Nakhodka with a crew of 15 Russians.

ITF inspector Petr Osichansky also reports that the campaign raised great interest in the MLC from participants in the fishery congress held in Vladivostok during the week, as well as maritime educational institutes.

In South Korea, campaigners visited 23 ships, and also found that most had MLC statements, although ITF coordinator HK Kim commented that there is "still a way to go for real implementation in practice."

Inspectors reported increasing complaints from crew members from Myanmar. In one case, on *Daesan Gas*, they complained of overworking, unfair job loading and poor provisions. When the inspector told the master that such practice was not acceptable, he confirmed that it would not happen again. (Source: ITF Seafarers)

ITF to challenge Panama over MLC cadet coverage

The Panama flag is heading for a clash with unions over its recent note informing shipowners that cadets are not covered by the minimum welfare and labor standards as set out under the recently enforced Maritime Labor Convention (MLC) 2006.

In Merchant Marine Notice 265, the Panama Maritime Authority (PMA) listed cadets among 12 different job descriptions that should not be considered as “seafarers” under MLC 2006.

The PMA defines a cadet as “an aspiring merchant marine officer, whose training programme includes the improvement of academic and professional skills, as well as the formation of attitudes and behaviours under the observance and strict compliance of rules and regulations and existing orders”.

Panama is the world’s largest ship register and unions fear that its decision may mean hundreds of cadets serving under its flag could be denied the protection of internationally agreed minimum working conditions and standards for seafarers.

The MLC, which was agreed in 2006 and came into force last month, is known as the seafarer’s bill of rights and brings together all the legislation covering seafarer welfare and working conditions into one convention.

Unions also fear the PMA’s decision may make a seafaring career less attractive and come as a blow to attempts to boost cadetships and train more officers to solve the industry’s skills shortage.

The issue has been taken up by UK-based officers’ union Nautilus International, which has asked the International Transport Workers’ Federation (ITF) to

make a formal complaint to the International Labor Organization.

The move is set to become the first serious challenge of a state’s interpretation of MLC 2006.

However, cadets are not the only job description with which the ITF may differ with flag states over MLC 2006.

It is widely accepted that categories such as pilots, armed guards, surveyors and port workers should not be included under the convention, but the question of whether to include some other shore-based technical professions, where an extended period of employment takes place onboard, may prove to be more contentious.

Other forms of employment not considered as a “seafarer” by Panama that unions are likely to dispute include superintendents, technical staff working on offshore drilling platforms and specialist offshore technicians whose

work is not part of the routine operation of the ship.

Panama’s decision not to include cadets as seafarers also reveals the wide-ranging differences in the interpretation of the MLC 2006 by national and flag-of-convenience (FOC) ship registers.

In the UK, the Department of Transport, for example, clearly states that under its interpretation, “cadets and trainee seafarers are seafarers as defined in the Convention”.

The Marshall Islands, the world’s third-largest flag and an open register, also includes cadets as seafarers.

Panama was generally viewed as being supportive of MLC 2006. It was one of the first nations to ratify it and its backing was seen as crucial to the convention coming into force. The ITF has also been campaigning for ships that do not have a wage agreement in place, as required

under the convention, to be detained.

Within a month of MLC coming into force, two ships have been held by port-state control, according to the ITF.

The Transmed-controlled, 84,094-dwt *Lia M* (built 2013) was detained in Canada earlier this month, while the 2,700-dwt supply ship *Atlantic Carrier* (built 1974) was detained in Denmark. Neither had a wage agreement in place.

ITF seafarer’s section head Dave Heindel said: “It’s great to see the MLC in action.

“These were serious infringements and remedial action has been swiftly taken.

“These detentions should be a wake-up call to shipowners who are not complying with the MLC and a further reminder to those countries who haven’t yet ratified of why they need to.” (Source: *Tradewinds*)

MLC bite for rights already leaving mark

The long-awaited Maritime Labor Convention 2006 (MLC) (the seafarers’ “bill of rights”), which came into force on Aug. 20, is already taking effect in improving conditions for those who work at sea. The MLC lays down minimum standards and conditions for crew members.

Canada was the first country to detain a vessel under the new provisions, set by the International Labor Organization. The Panama-flagged bulk carrier *Hydra Warrior* was detained in Sept-Isles, Quebec on Aug. 22 for the lack of an employment agreement with crew and paying wages below the MLC agreed minimum.

Canada also detained a further vessel in Quebec on Sept. 7, the Greek-owned, Cyprus-flagged *Lia M*, because of lack of employment contracts and unpaid wages and poor conditions for crew, including refusal for a crew member to see a doctor.

In Denmark, the *Atlantic Carrier* was detained for lack of employment contracts for crew, and in Novorossiysk, Russia, the Moldovan-flagged *Husseyin Akil* was also detained for this reason – contracts had only been issued to the two Turkish crew members and not to the six Indians on board; the non-compliance was discovered after the crew had approached the ITF for help with the payment of back wages due.

ITF welcomed the detentions as proving the new convention’s potential. ITF seafarers’ section chair Dave Heindel commented: “It’s great to see the MLC in action. These detentions should be a wake-up call to shipowners who are not complying with the MLC, and a further reminder to those countries who haven’t yet ratified of why they need to.” (Source: *ITF Seafarers*)

ITF stresses agreement role, proper signatories

As port State Control inspections begin to take a closer look at the contracts of seafarers, the ITF has moved to remind the industry that ITF Agreements are only those that are approved by the ITF, and that they only apply to ships flying a Flag of Convenience (FOC).

According to the union, ITF Agreements are signed by a maritime union and shipping company, either the beneficial owner or the operator or the manager of the ship. The union must be affiliated to the ITF.

The signatory union is normally from the country where the beneficial shipping company of the ship is based. Often, the union(s) of the crew’s home nation(s) also takes part in the negotiations. This is to ensure that the agreement takes into account any national laws and customs and so that the crewmembers are able to become members of their national union.

Occasionally the ITF will sign an agreement directly with the shipowner.

If you are covered by an ITF Agreement, but there is not an ITF affiliated union in your home country, the ITF will represent you in matters to the employer.

An ITF Agreement comprises of the following:

Special Agreement – This is the legally binding document that

binds the employer to the relevant ITF approved Collective Bargaining Agreement (CBA). It states which CBA applies, it gives the details of the ship covered and it states the dates the agreement is valid from/to. It states the shipowner obligations and it also states the legal right of ITF representatives to access and inspect the vessel for compliance with the agreement. Click the link to see an example of a Special Agreement.

Collective Bargaining Agreement (CBA) – This is the document which details all the terms and conditions of the crew employed on the ship. It specifies entitlements such as pay (in the form of a wage scale), working hours, etc. Use the links below, or click on the related documents on the right of this screen, to see the texts of various ITF Collective Bargaining Agreements.

Individual employment contracts – These are the contracts which link individual crew members to the ITF Agreement and relevant CBA. They list the details of the seafarer, the employer, the vessel and they state the terms and conditions of the CBA that apply to that particular crew member. So, for example, if he/she is an AB it will give the basic pay, guaranteed overtime, overtime rate, leave pay

and subsistence allowance that apply to an AB. There should be 4 copies of the Seaman’s Employment Contract: one for the seafarer to keep for his/her own records; one for the ship’s file; one for ITF London; and one for the company’s file. Click on the link to see an example of a individual employment contract.

When a ship owner signs an ITF agreement, they undertake to:

- Apply the CBA’s relevant employment conditions laid out in the CBA;
- Incorporate those employment conditions into individual employment contracts and into the ship’s articles;
- Ensure there is appropriate insurance to cover the company against all liabilities in the relevant ITF Agreement;
- Accurately record working hours;
- Provide the ITF with a current crew list;
- Pay union membership fees to the signatory union or the ITF Special Seafarers’ Department; and
- Pay the ITF Welfare Fund contributions.

ITF Agreements fall into three main categories:

Standard Agreement – The ITF Standard Agreement is normally signed as a result of industrial action or if a company is found to

have broken a previous agreement. It is the most costly agreement for the ship owner. Click on the link to see the ITF Standard Agreement.

Total Crew Cost (TCC) Agreement – The ITF TCC Agreement is the most common type of ITF Agreement. Most affiliated unions use the ITF Uniform TCC Agreement. There are several other types of TCC agreement, all ITF approved, which have been adopted by different affiliated unions worldwide. While they may vary slightly (mainly due to the requirements of their national legislation) they are all based on the ITF Uniform TCC and meet with established ITF minimum standards. Click on the link to see an example of the ITF Uniform TCC Agreement.

International Bargaining Forum (IBF) Agreement – IBF Agreements are only available to ship owners that are members of one of the ship owners’ associations that sit alongside the ITF in the International Bargaining Forum (IBF). IBF Agreements vary in content but all fulfil minimum criteria. Employers negotiate their own IBF Agreement with the local union, normally once a year. Click on the link to see an example of the IBF Framework TCC Agreement. (Source: *Shiptalk*)

Abandonment cases up, but not as bad as in past recessions

While the number of cases of seafarer abandonment have risen as some shipowners struggle to survive the downturn, the figures are not as bad as unions had feared they would be, according to the International Transport Workers Federation (ITF).

“I would say the numbers of stranded seafarers has gone up but I would say not anywhere near what we saw as the potential for the problem,” Stephen Cotton, act-

ing secretary general for the ITF, told Seatrade Global in an interview.

This year has seen a number of high profile cases of abandonment in particular involving Taiwanese shipowner Today Makes Tomorrow (TMT) including a case in April where the Singapore Maritime Officers Union managed to recover \$300,000 in unpaid wages for the crew of the *C Whale*.

However, despite such cases

overall the issue is not as severe as it was in previous recessions. Cotton put this down mainly to two factors, first that banks have been less willing than in the past to call in bad debts, and second unlike previous recessions there have not been cases of a whole company going down and leaving hundreds of ships stranded across the globe.

He noted that the banks were increasingly taking ships over

themselves, handing management over to a third party manager, keeping the crew on and trading the vessel. “They keep it with the ITF, we have had quite a lot of discussions behind the scenes,” Cotton explained.

The newly minted Maritime Labor Convention (MLC) requires owners to have insurance cover for abandonment but it only covers repatriation costs not unpaid wages. (Source: *Seatrade Global*)

VOICES from SEAFARERS



Capt. Gregorio V. M. Castillo and Crew of M/V SHIN SUMA

On behalf of my officers and crew, I am grateful to the JSU staff for visiting our ship and distributing welfare goods to us. The JSU staff discussed union activities and policies to its members. Thank you for supporting us and looking forward to seeing you again.



Capt. Roland M. Regalado and Crew of M/V SUIREI MARU

Sport activities on board the ship could improve every member's workmanship and teamwork. On this field, we acknowledge the strong support of the JSU thru our welfare's concern as well as with our living condition.



C/E Silvestre T. Lozarita Jr. and Crew of M/V BALTIMORE HIGHWAY

We applaud JSU's ship visitation while our ship was berthed at Yokohama port to load cars and other vehicles. JSU staff explained briefly the importance of being a member of this union and the benefits that we can avail.



Filipino crewmembers of M/V GRAND MARK
Thank you for your regular visitation. We hope the JSU will strongly negotiate with the ships' companies for the implementation of internet broadband connection. If some companies provide broadband connec-

tion to their ships, why not require all JSU member vessels to have this privilege?



Capt. Jovito M. Espiritu and Crew of M/V CAPE MAPLE

With the implementations of MLC 2006, the seafarers' bill of rights, working and living conditions on board will be improved. Thanks to the JSU's ship visitation, our queries regarding welfare and benefits for members were answered.



C/O Segundo B. Ando and Crew of M/V RAIJU

JSU staff visited our ship and discussed the latest information regarding shipping industry. Thanks for your untiring support and we hope that this union could negotiate for the implementation of broadband internet connection to the vessels under the JSU.



Capt. Reynante M. Quintos and Crew of MV ZAMBALES

Thank you very much for visiting during our short call to Kobe. We are very hopeful that MLC will improve the welfare of seafarers on board ships.



Capt. Edwin S. Almirez, Crew of M/V JP CARETTA

At present, we are grateful to our company for providing us free email access to communicate with our families and looking forward to the implementations of broadband Wi-Fi internet connection, now that the MLC 2006 came into force.



Capt. Maximino P. Suyat and Crew of M/V CAPE MAGNOLIA

Our gratitude to the JSU staff for visiting our ship and disseminating news. Union staff explained the procedures on where to apply for Retirement Pay of AMOSUP CBA members, known as Provident Fund (PF) and the Retirement Pay Plan (RPP) for the PSU CA members. Mabuhay!!!



C/O Esrael Florencio Jo Torres and Crew of M/V ZEUS LEADER

Our company provide us with free Wi-Fi connection onboard, but in ports, we always rent a modem for further Wi-Fi connection, to communicate well with our families using webcam on Skype. We're thankful to our company for providing internet, allowing us to text on FB and emails to our loved ones anytime.



Capt. Epifanio B. Saguil and Crew of M/V KEY MISSION

The information given by the JSU staff had contributed to our knowledge of the union in relation to the benefits of the members. Throughout their visitation, our doubt over the retirement system was cleared with satisfaction. Have an applause and more power.



Capt. Silvino M. Galorio and Crew of MV MORNING ORCHID

Thank you very much for the visitation made to us in Kobe, Japan. The topics discussed to us are very informative especially our privileges as member of JSU-AMOSUP. We hope that FREE INTERNET ACCESS will be included in our 2014 CBA.

JSU Retirement Pay Plan, Provident Fund

What you get depends on JSU agreement covering your vessels

Since the publication of an article in the July 1, 2005 (Vol. 2 No. 4) edition of JSU Maritime Journal on the Retirement Pay Plan (RPP), there have been a lot of misinterpretations and views from JSU's Non-Domiciled Special Members, particularly among the Filipino seafarer members, on how to avail this RPP. The verbal exchange of incorrect information about the RPP over the ships' VHF and at seamen's meeting places on world-wide trade routes had changed its true meaning and purpose, as far as the opinion of most members is considered.

Some of the JSU Special Members who had read this previous issue had concluded and thought that the JSU Membership Fee (or Union Dues) of US\$40 is refundable as Retirement Pay. As we all know, being a JSU Non-domicile Special Member, one has an ob-

ligation to pay US\$40 as union dues, which are allocated to the operational expenses of the union. In transparency, every amount is spent wisely by the Union to make sure the members can receive the necessary benefits and welfares they need. For each and everyone's concern and information, this amount is not refundable as Retirement Pay of any kind.

Retirement pay depends on the type of JSU Agreements that cov-

er the vessels on which you served. The amount of US\$80 for every officer and US\$50 for every rating that were deducted monthly goes to the Provident Fund or Retirement Pay Plan. Those vessels covered by the IBF JSU/AMOSUP-IMMAJ CBA and JSU/AMOSUP Advanced CBA with Japanese Flag, members' retirement should be based to the JSU-AMOSUP Provident Fund. Any member who ought to retire may

apply to the AMOSUP for the Provident Fund and no other retirement benefit is available from the JSU. If the vessels were covered by the JSU/PSU Advanced CA for Japanese Flag, the US\$50 allotted for retirement pay is already included in your monthly wages and no other retirement pay will be received from the JSU. If the vessels were covered by the IBF JSU/PSU-IMMAJ CA and/or IBF JSU-IMMAJ CA,

members are entitled to the JSU Retirement Pay Plan (RPP). In applying for the retirement pay, members' application should be sent to the JSU Office in Tokyo, Japan through postal mail. Filipinos who are applying for their retirement pay can get an application at the Philippine Seafarers' Union (PSU) offices in the Philippines or by email from the JSU office in Tokyo. Email address: retirement_pay_plan@jsu.jp

An RPP member can receive retirement pay when they reach the age of 50 after retiring from sea service permanently or if the member is no longer able to work as a seafarer because of injury, illness or death.

Again, JSU-AMOSUP members are not included in the RPP.

For more information about the Retirement Pay Plan, please email to retirement_pay_plan@jsu.jp with your inquiries.

JSU NON-DOMICILED SPECIAL MEMBER'S RETIREMENT SYSTEM			
Item No.	Kinds of Ship Agreements	Kinds of RP	Where to Apply
1	IBF JSU/AMOSUP IMMAJ CBA	Provident Fund	AMOSUP office (Manila)
2	IBF JSU/PSU IMMAJ CA	Retirement Pay Plan	PSU office (Q.C., Phils)/JSU office (Tokyo)
3	IBF JSU IMMAJ CA	Retirement Pay Plan	JSU office (Tokyo)
4	JSU/AMOSUP Advanced CBA (Japanese Flag)	Provident Fund	AMOSUP office (Manila)
5	JSU/PSU Advanced CA (Japanese Flag)	Retirement Pay Plan	No need to apply; paid monthly on board
6	JSU Advanced CA (Japanese Flag)	Retirement Pay Plan	No need to apply; paid monthly on board

ITF warns seafarers to be wary of recruitment scam over email

The ITF is advising seafarers to be on the lookout for possible fraudulent "recruitment" activity, in which unsuspecting individuals are tricked into sending money to "companies" that look as if they are genuinely offering work. Criminal gangs seem to be especially targeting East European seafarers looking for postings and registered on jobseekers' websites.

In a recent case, a Ukrainian chief officer got an email purporting to be from the UK branch of the Dutch shipping company Vroon. He was asked to deposit money totaling USD7,421 into a fund to cover visa and other services, which would be returned when he arrived to work in the UK. After he transferred this money he received nothing further from

the fake company and heard no more from them.

A spokesperson from the genuine Vroon company, which was approached by the victim of the scam, said, "The message is simple...never pay recruitment, visa or travel fees and always check the bona fides of unsolicited emails."

The ITF has issued advice on looking out for recruitment scams at http://www.itfseafarers.org/job_scams.cfm and advises seafarers to go to their trade union or the ITF if they have doubts about such approaches: "Above all remember that you shouldn't have to pay for work at sea and that if anything about a job looks wrong ... you should stay well away from it." (Source: ITF Seafarers)

'The message is simple...never pay recruitment, visa or travel fees and always check the bona fides of unsolicited emails.'

Australia to begin enforcing MLC certification in a year

Ships without a required declaration of maritime labor compliance will be detained less than a year from now in Australia, port state control has warned.

Pointing out that the declaration is required under the new ILO Maritime Labor Convention, an Australian Maritime Safety Authority spokeswoman told Fairplay: "Vessels have 12 months to get their certification."

"In the absence of certification, AMSA will conduct an in-depth inspection to confirm MLC is complied with," she added yesterday. "From 20 August 2014, any vessel without MLC certification is likely going to be detained."

In another regulations development, the private pilotage company Australian Reef Pilots last week said it would provide ship audits in port of departure

for vessels coming to Australia.

"Most of our clients are overseas, so we have representatives in India, Japan, Korea and China," general manager Alan Maffina told Fairplay.

"In my travels overseas, our clients have been asking have you some sort of system so we can vet our ships to make sure they are up to standards before they get detained in Australia," he said.

"We like to be recognised as guardians as the reef," he added. "This is another little area where we can help by sending ships that are in good nick."

AMSA detained 199 ships last year, noted Maffina, who added: "Most were held for a few days, but several were tied up for more than a week, and one was kept idle for 47 days while its faults were fixed." (Source: Fairplay)

UK government boosts armory in high-risk waters

Maritime chief says leaders still tackling need for 'greater transparency' on rules

The British government has boosted the tactic of maintaining armories in high-risk waters.

But Caroline Billingham, the UK's maritime transport chief, said yesterday that the coalition government was still tackling the need for "greater transparency" on rules and addressing the risks involved with such armouries – even though licenses for them have been granted since July.

She was speaking at the Security in Complex Environments discussion, held as part of London International Shipping Week at the Houses of Parliament.

Jerome Paolini, chairman of Sovereign Global, which assists governments with implementing sovereign programmes in security and civilian sectors, agreed that problems included a lack of transparency and the

criteria required for floating armories.

He gave an example of a floating armory in the Red Sea that is under UK license: if sold to another country, that facility would still be technically approved by the UK, he noted.

He recommended three requirements for such armories: flag state approval; an end-user certificate for arms on board,

with the UK government to be provided with a live account of the arms stock list; and weapons to be under 24-hour flag state guard.

Paolini also noted that such armories had increased in the Red Sea high-risk area and "have a role in regions where governments and states are unstable. They are needed in those regions." (Source: Fairplay)

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