



ECO-SUD est une association apolitique ouverte à ceux qui ont à cœur la protection de l'environnement. Ses objectifs sont les suivants : Défendre toute espèce et tout site menacés de destruction ou de dommage sur le territoire mauricien.

Protéger l'environnement.  
Conscientiser le public aux problèmes écologiques. Promouvoir l'équilibre entre développement et protection de l'environnement.

106 Avenue des Carangues,  
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Tel : (230) 631 19 94

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### **Press release**

#### **MV Wakashio - Why are the parties liable hiding?**

Three years ago, the M.V Wakashio grounded on the Mauritian reefs causing a disastrous oil spill and an environmental catastrophe on an unprecedented scale in the small island of Mauritius. This oil spill caused substantial prejudice to the lagoon and the coast of the south-east region of Mauritius, and to its fauna and flora. It resulted in the closure of the access to the lagoon and to the coastal areas affected by the oil spill, with fishing and tourism activities grinding to a halt for more than a year. Eco-Sud, as well as thousands of victims of the oil spill, including local fishermen and business communities, are claiming compensation from the parties responsible for the oil spill, namely: (i) the owner of the vessel, Okiyo Maritime Corp (a Panama company headquartered in Japan), Nagashiki Shipping Co Ltd (the parent company of Okiyo incorporated in Japan), the charterer of the vessel, Mitsui O.S.K Lines, Ltd (a company incorporated in Japan) and The Japan Shipowners Mutual Protection and Indemnity Association, the Insurer of Okiyo Maritime Corp and of Nagashiki.

Eco-Sud is now ready to file its *Plaint With Summons* claiming compensation in the Supreme Court of Mauritius. Once filed in court, its *Plaint* must be validly 'served' on the defendants, so that the defendants can be legally represented in court in these legal actions. If the defendants have not given an express mandate to a representative in Mauritius to accept service of the victims' *Plaint*, Eco-Sud and all other plaintiffs are required by law to serve their *Plaint* at the address of the defendants outside of Mauritius, in accordance with the law



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of the place where the defendant is incorporated. The process of serving each of these Plaint in Japan is extremely burdensome and expensive, requiring among other, that the Plaint and all other documents be translated into Japanese (about 40 pages for Eco-Sud), and that a letter be obtained from the Mauritius Ministry of Foreign Affairs whereby the State of Mauritius accepts to guarantee to refund to the State of Japan the cost of executing the request for service on these parties in Japan. This request for service must go through the Japanese Embassy in Mauritius and is likely going to take several months. To make matters worse, the cost of service, translation and legal fees cannot be recovered by the victims before the Mauritius courts.

Eco-Sud has attempted to effect service on Okiyo and its insurer, The Japan Shipowners Mutual Protection and Indemnity Association, in Mauritius, but in vain. While Okiyo has initiated legal proceedings before the Mauritius Supreme Court, in which it seeks to limit its overall liability arising out of the oil spill, Okiyo is refusing to give to its Attorney or other representative in Mauritius mandate to accept service of the victims' Plaints. Similarly, while The Japan Shipowners Mutual Protection and Indemnity Association has a representative in Mauritius who is mandated to accept documents on its behalf, the insurer is refusing to give this representative mandate to accept service of the Plaints in Mauritius. As for Mitsui OSK Lines, Ltd, despite having set up a charitable trust to provide some, albeit, limited financial help to NGOs and others, it has conveniently not appointed an official representative in Mauritius to represent it.

Eco-Sud denounces Okiyo Maritime Corp, Nagashiki Shipping Co Ltd, Mitsui O.S.K Lines, Ltd and the Japan Shipowners Mutual Protection and Indemnity Association for what is a clear attempt to avoid liability for the prejudice they have caused to the environment and to the victims of the oil spill.

The conduct of these big corporations involved in the very lucrative maritime industry, is totally unacceptable and shameful. Some of them have said or have attempted to give the impression for the past 3 years that they would right the wrong committed, in accordance with the law. The time has now come for them to walk that talk.



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Eco-Sud therefore, hereby formally requests, Okiyo Maritime Corp, Nagashiki Shipping Co Ltd, Mitsui O.S.K Lines, Ltd and The Japan Shipowners Mutual Protection and Indemnity Association, to formally appoint a representative in Mauritius to accept service of the Complaint With Summons of the victims of the Wakashio oil spill, including Eco-Sud.

Eco-Sud has been for the past 3 years at the forefront of numerous actions aimed at mitigating the impact of the Wakashio oil spill on the environment and on the livelihood of those who were affected by it. Eco-Sud will step up its complaint taking it to the streets and to international forums, if this becomes necessary.

Any representative formally mandated to accept service of Eco-Sud's Complaint With Summons on behalf of any of the entities cited in this communiqué may contact Eco-Sud at the following email address: [ [info@ecosud.mu](mailto:info@ecosud.mu) ]

The voices of the victims of the Wakashio must be heard beyond the borders of our small island. We will circulate a petition in support of our request shortly. Stay tuned!

