



Founded 1936

# Sidelights

June 2010

Vol. 40, No. 3

Published by the Council of American Master Mariners, Inc.

## **AGM & PDC Review**

**International Piracy,  
Shipboard Security,  
Crew Restrictions in Ports  
Challenges & Solutions**

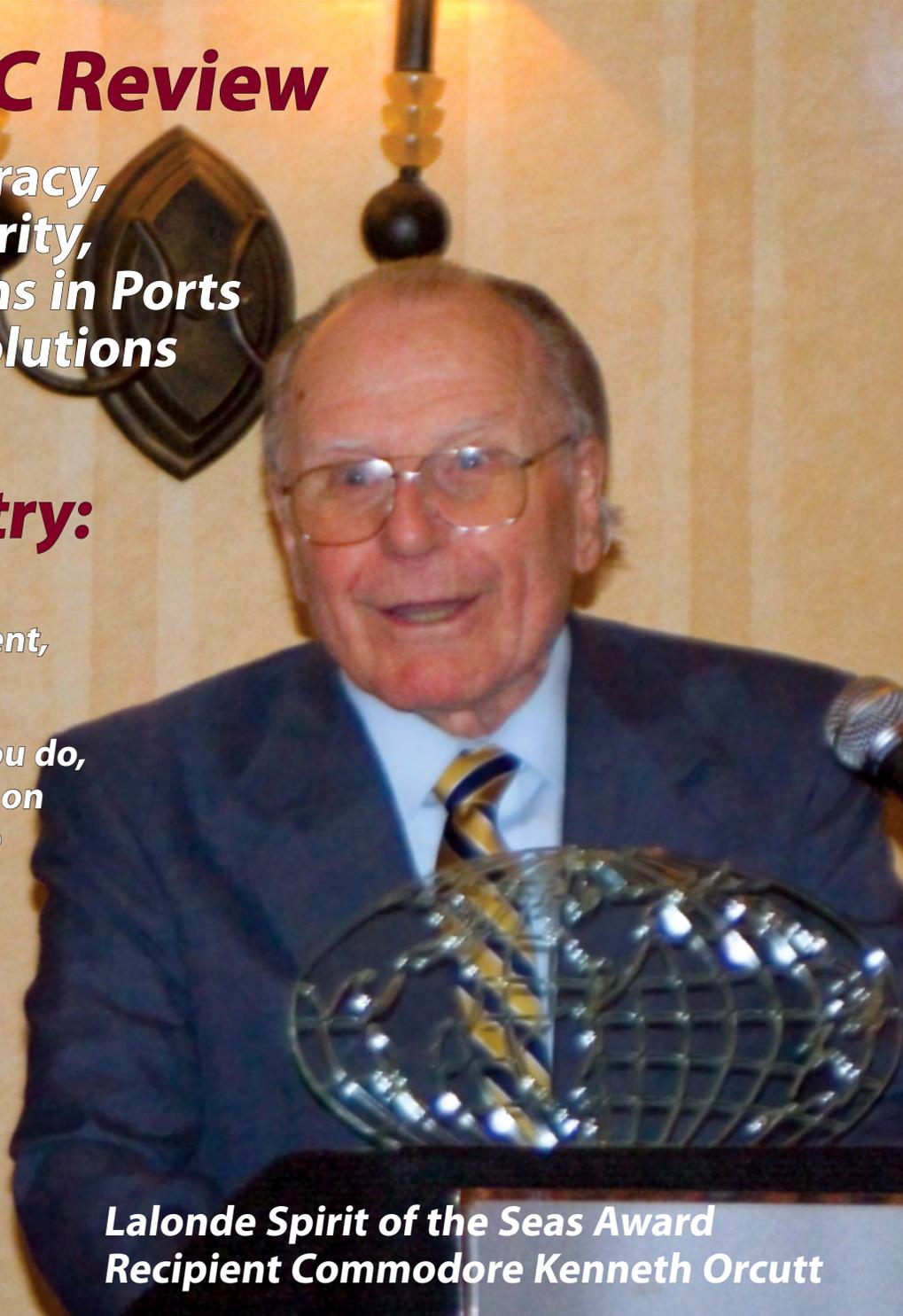
## **In the Industry:**

**AMVER Awards**

**The Master, Owner, Agent,  
Ship & the Bank**

**Case Law: Damned if you do,  
Damned if you don't on  
Compulsory Pilotage**

**Green Pilot Boats**



**Lalonde Spirit of the Seas Award  
Recipient Commodore Kenneth Orcutt**

*The Council of American Master Mariners is dedicated to supporting and strengthening the United States Merchant Marine and the position of the Master by fostering the exchange of maritime information and sharing our experience. We are committed to the promotion of nautical education, the improvement of training standards, and the support of the publication of professional literature. The Council monitors, comments, and takes positions on local, state, federal and international legislation and regulation that affect the Master.*

# The International Law of the Shipmaster

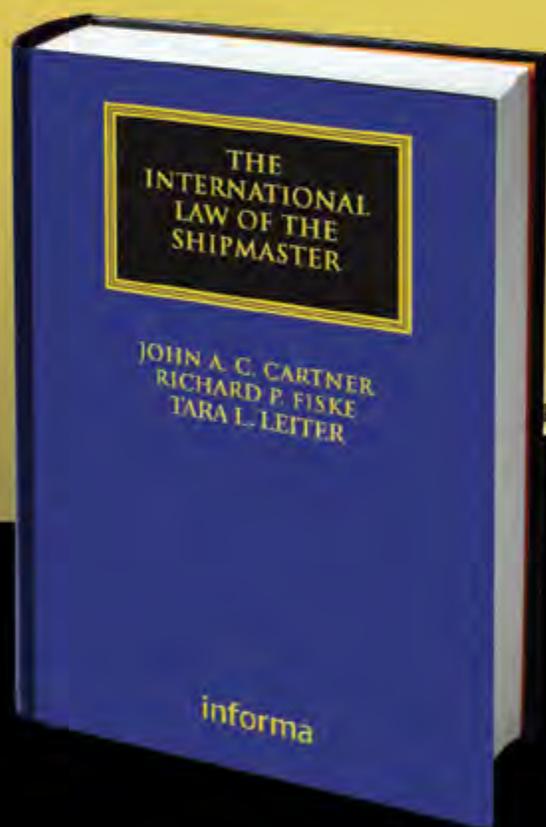
Part of the *Essential Maritime and Transport Library*

## Authors:

Dr. John A. C. Cartner

Richard P. Fiske

Tara L. Leiter



Endorsed by the Council of  
American Master Mariners.

[www.mastermariner.org](http://www.mastermariner.org)



**ISBN:** 978 184311 807 7

**Website:**

[www.shipmasterlaw.com](http://www.shipmasterlaw.com)

10% discount to CAMM members  
applied on order fulfilment if  
noted on order form.

# In This Issue



## ON THE COVER

2010 Lalonde *Spirit of the Seas* Award recipient Commodore Kenneth Orcutt

## SIDELIGHTS

4605 NW 139th Loop  
Vancouver, WA 98685  
360-574-9513  
sidelights@mastermariner.org

## EDITOR-IN-CHIEF

Capt. Tom Bradley

## SIDELIGHTS COMMITTEE

Capt. Tom Bradley  
Capt. Pete Booth  
Capt. C.E. "Chick" Gedney  
Capt. Ron Meizinger  
Capt. Klaus "Nick" Niem

## CONTRIBUTORS

Jerry Benyo	Cal Hunziker
Pete Booth	Rodger Mac Donald
Davyne Bradley	Angus McDonald
Tom Bradley	Brian Mathias
Dennis L. Bryant	Donald Moore, Jr.
Jim Calvesbert	Klaus Niem
John A. C. Cartner	Sinclair Oubre
Peter Chelemedos	Don Rose
Jackson Davis	Will Watson

## COPY EDITORS

Davyne Bradley	Cal Hunziker
Tom Bradley	Ron Meizinger
CE "Chick" Gedney	Klaus Niem

## DESIGN & LAYOUT

Davyne Bradley

## PRINTING

Layton Printing  
Philips Publishing Group

## ADVERTISING MANAGER & ADMIN

Mike Morris  
mike@rhppublishing.com  
206-284-8285

## TO SUBMIT MATERIAL

We welcome your articles, comments, illustrations and photographs. Please email or send your submissions to *Sidelights* Chair Capt. Tom Bradley at the above address. All submissions will be reviewed, but are not guaranteed to be published.

## PUBLICATION DEADLINES

Issue	Submission	Release
February	Jan. 5	Feb. 1
April	March 1	April 1
June	May 1	June 1
October	Sept. 1	Oct. 1
December	Nov. 1	Dec. 1

## View From the Bridge

5

President Captain Cal Hunziker highlights a few discussion points from Professional Development Conference and Annual General Meeting in Tampa and outlines actions CAMM will take over the next few months.



## In the Council

6

Dear <i>Sidelights</i> .....	6
New Members .....	6
Shoot'em or Teach'em.....	7

## PDC & AGM Coverage

8

Professional Development Conference:	
<i>Speakers</i> .....	10
Panel Discussion .....	13
Annual General Meeting	
State of CAMM Address .....	16
Chapter Reports .....	16
Positions and Resolutions.....	19
Gala Dinner	
Keynote Speaker Admiral Olson.....	20
Lalonde <i>Spirit of the Seas</i> Award.....	21



## In the Industry

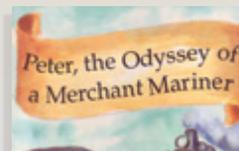
22

Pilot Boats:	
Green Pilot Boats from Kvichak .....	22
Lake Charles New Pilot Boats .....	23
162 Lives Saved at Sea: AMVER Awards.....	24
Damned if You Do, Damned if You Don't .....	25
The Master, Owner, Ship & the Bank.....	26
Book Reviews:	
<i>The International Law of the Shipmaster</i> ..	28
<i>Siezed!</i> .....	28
Investigation into Seafarer Criminalization ...	29

## In the Membership

30

<i>Peter: The Odyssey of a Merchant Mariner</i> .....	30
Making Diamonds.....	31



## International

32

IFSMA: Capt. Rodger MacDonald .....	32
Capt. Benyo's Report from EXCO .....	34
CMMC: National Master Jim Calvesbert.....	36
If It's Not Broke, Don't Fix It .....	37
A Trip Back in Time: SS <i>JOHN W. BROWN</i> .....	38

# The Council of American Master Mariners, Inc.



## **MAILING ADDRESS**

P.O. Box 5034  
Lynnwood, WA 98046-5034

## **NATIONAL OFFICERS**

**President**

**Captain Cal Hunziker**

capthunziker@mastermariner.org  
253-862-7493

**First Vice President**

**Captain Liz Clark**

captclark@mastermariner.org  
954-781-0183

**Second Vice President**

**Captain Vic Faulkner**

captfaulkner@mastermariner.org  
360-798-9530

**Treasurer and Secretary**

**Captain Donald Moore, Jr.**

captmoore@mastermariner.org  
425-775-2331

**North Atlantic Regional Vice President**

**Captain George Previll**

captprevill@mastermariner.org

**South Atlantic Regional Vice President**

**Captain Jerome Benyo**

captbenyo@mastermariner.org  
727-791-0313

**Gulf Regional Vice President**

**Captain Robert A. Phillips**

raphillips60@aol.com  
504-737-6619

**South Pacific Regional Vice President**

**Captain Klaus Niem**

captniem@mastermariner.org  
707-255-6567

**North Pacific Regional Vice President**

**Captain Carl Johannes**

captjohannes@mastermariner.org  
206-448-3433

**Immediate Past President**

**Captain Tom Bradley**

captbradley@mastermariner.org  
360-574-9513

## **APPOINTMENTS & CHAIRS**

**BOG at Large**

Captain Warren G. Leback

**Council Chaplain**

Fr. Sinclair Oubre

**Constitution and Bylaws**

**Committee Chair**

Captain Chick Gedney

**Membership Committee Chair**

Captain Liz Clark

**Master's Paperwork Reduction**

**Committee Chair**

Captain Warren Leback

**Positions Committee Chair**

Lyn McClelland

**Finance Oversight Committee**

Captain David Williams

Captain Gussie Roth

Captain Don Mercereau

## **North Atlantic Region**

### **NEW YORK / NEW JERSEY**

**Captain Glenn Strathearn, Contact**

973-403-8922

captstrathearn@mastermariner.org

**Captain George Previll, Contact**

973-763-7594

captprevill@mastermariner.org

**Mailing Address:** 449 Richmond Ave.

Maplewood, NJ 07040

### **BALTIMORE / WASHINGTON**

**Captain Joe Hartnett, President**

410-867-0556

capthartnett@mastermariner.org

Meetings at 1130 monthly, except June -

August. Steady date TBD. Pilot Maritime Center  
(3rd Floor) 3720 Dillon Street, Baltimore, MD.

**Mailing Address:** P.O. Box 700

Edgewater, MD 21037-0400

### **NORFOLK / HAMPTON ROADS / TIDEWATER**

**Chapter Inactive**

Anyone interesting in restarting this chapter,  
please contact National President Capt. Cal  
Hunziker.

## **Gulf Coast Region**

### **NEW ORLEANS**

**Captain Karl Jaskierny, President**

504-737-4849

Karljask@bellsou.net

Meetings at 1130 on the 2<sup>nd</sup> Thursday of each  
month, except July and August. Locations  
vary, please call for current meeting place.

**Mailing Address:** 9417 Roslyn Dr.

River Ridge, LA 70123-2048

### **MOBILE BAY**

**Captain Pete Booth, President**

850-456-2400

captbooth@mastermariner.org

Meetings on the 2<sup>nd</sup> Tuesday of each month

at 1330. Ryan's Grill, Buffet, & Bakery, 4439  
Rangeline Road, Mobile, Alabama.

**Mailing Address:** 615 Bayshore Drive #408

Pensacola, FL 32507-3565

### **HOUSTON**

**Captain Jack Lane, President**

409-744-2445

captlane@mastermariner.org

Meetings on the 1<sup>st</sup> Friday of each month.

TAMUG's Blue Room, Galveston, TX.

**Mailing Address:**

4620 Fairmont Pkwy, Suite 203

Pasadena, TX 77504

## **South Atlantic Region**

### **PORT EVERGLADES / MIAMI**

**Captain David Goff, President**

561-392-5476

captgoff@mastermariner.org

Meetings at 1200, the 3<sup>rd</sup> Wednesday of the  
month, except July and August. Location var-  
ies, so please call or check website for current  
location.

**Mailing Address:** 1106 S.W. 12<sup>th</sup> Road

Boca Raton, FL 33486

### **TAMPA BAY**

**Captain David H. Williams, President**

352-637-1464

captwilliams@mastermariner.org

Meetings at 1130 on the 2<sup>nd</sup> Tuesday of each  
month, except July, August and September.  
Columbia Restaurant, 7<sup>th</sup> Ave. and 22<sup>nd</sup> St.

**Mailing Address:** 1760 E. Littleton Ct.

Inverness, FL 34453

## **North Pacific Region**

### **SEATTLE / PACIFIC NORTHWEST**

**Captain Richard Klein, President**

425-746-6475

captklein@mastermariner.org

Meetings at 1130 on the 1<sup>st</sup> Thursday of each  
month. Rock Salt Steaks and Seafood, Lake  
Union, 1232 Westlake Ave. N, Seattle.

**Mailing Address:** PO Box 99392

Seattle, WA 98139

### **COLUMBIA RIVER**

**Captain Vic Faulkner, President**

360-798-9530

captfaulkner@mastermariner.org

Meetings are at 1200 on the 2<sup>nd</sup> Friday  
of each month. Red Lion Inn at the Quay  
Vancouver, WA.

**Mailing Address:** 121 Hazel Dell View

Castle Rock, WA 98611

## **South Pacific Region**

### **LOS ANGELES / LONG BEACH**

**Captain David Boatner, President**

805479-8461

captboatner@mastermariner.org

Meetings at 1200 on the 2<sup>nd</sup> Tuesday of each  
month, except August. Ante's Restaurant, 729  
S. Ante Perkov Way, San Pedro, CA.

**Mailing Address:** 533 N. Marine Ave

Wilmington, CA 90744-5527

### **SAN FRANCISCO BAY AREA**

**Captain Klaus Niem, President**

707-255-6567

captniem@mastermariner.org

Meetings on the 1<sup>st</sup> Tuesday of each month,  
11:30, Sinbad's Pier 2 Restaurant in San  
Francisco, south of Ferry Building.

**Mailing Address:** 4207 Chardonnay Ct.

Napa, CA 94558-2562

view

from  
the

# Bridge



Captain  
Cal Hunziker  
CAMM National  
President

I want to start off by congratulating the Tampa Bay chapter for putting on one of the best and most informative meetings that

taken over earlier in the week and was being shadowed by a Korean warship of the task force. The count for the week of the meeting was four ships attacked, three captured and one freed.

Our guest speaker on Friday night, Admiral Eric Olson, related to a very attentive gathering a scenario of what a ships crew could expect if captured. A detailed description of treatment by the pirates, and an even starker detail of what to expect if and when a rescue attempt is made. As Admiral Olson said, it won't be like you see on television. Keep your head down and hands visible, because the rescue team doesn't know who's who until its all over.

support in this matter.

On another note, longtime Commandant of the Coast Guard, Admiral Thad Allen is retiring and Vice Admiral Robert J. Papp has been appointed to take his place. CAMM is fortunate that the Baltimore/Washington DC chapter is again functioning and that its president, Captain Joe Hartnett has agreed to represent CAMM at the change of command ceremony. CAMM wishes Admiral Allen well in his retirement and we look forward to a long and mutually beneficial relationship with Admiral Papp during his tenure.

IMO has designated 2010 as the "Year of the Seafarer". If you are able, please attend a Maritime Day function in your area. LA/Long Beach will be holding a special ceremony at the Seaman's Memorial in San Pedro, Seattle/Tacoma will have a variety of functions throughout the third week of May and the annual ATOS award will be presented in Washington DC on the 18th. Our profession is going to sea, or supporting those that still do "go down to the sea in

I've attended as a member of CAMM. Those that follow have a new standard to live up to. Speaking of following, the 2011 PDC/AGM will be hosted by the Baltimore/Washington DC chapter and the 2012 meeting will be on the West Coast in Seattle, so start your planning accordingly.

The 2010 PDC on piracy and the following AGM are history, but not forgotten by those that attended. The presentations and panel discussion on piracy and the arming or protection of merchant ships was both informative and lively. The discussion concluded that the first choice was to have the navies of the maritime

nations protect shipping and the shipping lanes in the affected areas. Failing that, either hiring a private security force or arming the ships and training the crews. The major problem with the latter is the liability of not only the shipping company but the "shooter," should one of the pirates get shot attempting to board.

As the panel discussion continued, Will Watson, an associate member and long time friend of CAMM, let it be known that one of his vessels had been



Captain Cal Hunziker (center) with Gala Dinner Keynote Speaker Admiral Eric T. Olson and CAMM North Atlantic VP Capt. George Previll.

It came to the attention of CAMM leadership months ago that State Pilotage in Florida was under attack by foreign flag shipping companies, lead by the cruise industry. During the AGM meeting on Friday, a resolution to the Florida legislature was passed and given to the Florida Pilots Association to present to the legislature showing CAMM's support of State Pilotage. I have received communications from the Florida Pilots Association thanking CAMM for their

ships". There is no better way to educate our fellow citizens than to attend these type of functions or volunteer to explain your job to future seafarers, captains, and leaders of our industry.

Have a great summer, with following winds and gentle seas.

*Cal Hunziker*  
Captain Cal Hunziker

## Dear Sidelights

### Sidelights Improvements

As a former wire serviceman (AP), newspaperman, producer of a house organ for a major engineering firm and the holder of an M.A. in journalism from what was then perhaps the country's best journalism school, I would like to commend you on the remarkable improvement in *Sidelights*. I can appreciate the hard work that went into this remarkable upgrade.

It appears that we are rapidly achieving parity with the Nautical Institute's *Seaways*, if indeed we haven't already achieved it.

Your polished publication can't help but boost the sense of purpose and unity in our organization. I can envision the time when develop and sponsor production of professional papers and books aimed at enhancing our understanding of the maritime industry and its critical role in our society.

Please let me know if I can be of any assistance to you.  
Fair winds and following seas,  
Capt. W. R. Helton, #2836-R

### Where is the Captain?

Excellent Issue. I found the article "Where is the Captain?" by Captain Pete Booth #3063-R especially interesting. It called to my attention another well researched paper written by John Crosthwaite dealing with this subject titled *Duty, the Stern Daughter of the Voice of God -1895* William Wordsworth-1826. In sum, a story about the sinking of the *TITANIC* that could be titled "Where Was The Captain?"

John is a Kingspointer with extensive maritime experience. He serves presently as President of the American Export Association (AEA) and as a Docent at The Mariners Museum in Newport News. He also created at that museum an in-depth archive on the history of American Export Lines.

He keeps exceptionally well informed of what is going on in the maritime industry.

I think he would enjoy receiving a copy of the subject issue of *Sidelights*.

Regards,  
Captain George M. Marshall, #116-L

## New Members

Congratulations! You now have all the benefits of CAMM membership!

- 3279-A Captain **Mark L. Shafer** of San Rafeal, CA  
*USN (ret); former USMMA Kings Point Instructor; former VP Operations, Matson Navigation Company*  
Sponsored by Captain Pat Moloney #1829-R & Captain Klaus Niemi #2167-R
- 3280-R Captain **James P. Cleary** of Galveston, TX  
*Retired Master Mariner, Instructor at TAMUG*  
Sponsored by Captain Augusta Roth #3116-S & Captain Jack Lane #1164-S
- 3281-S Captain **James J. Cushman** of Everett, WA  
*USCG (ret); Maritime Consultant and Instructor at Pacific Maritime Institute*  
Sponsored by Captain Don Moore, Jr., #1351-L
- 3282-R Captain **Thomas A. Bagan** of Jacksonville, FL  
*Active Master, LMS Ship Management*  
Sponsored by Captain James Staples #2405-R
- 3283-A Captain **Allen L. Thompson** of Tampa, FL  
*USCG (ret.) Captain*  
Sponsored by Terry Jednaszewski #1516-R
- 3284-R Captain **Stephen F. Procida** of New Port Richey, FL  
*Active Master, Horizon Lines*  
Sponsored by Captain Ronald Meiczinger #1747-R
- 3285-RP Captain **Thomas Gibson** of Long Beach, MS  
*Active First Class Pilot, Mississippi Pilot Associations*  
Sponsored by Captain Peter Booth #3063-R

Sponsor 3 approved new members and be eligible to earn a free year's membership dues! Ask your Chapter President for more details. Membership applications are available online at [www.mastermariner.org](http://www.mastermariner.org) or request one from Capt. Liz Clark.

## BOB MAGEE Memorial Golf Tournament

Seattle CAMM-YMTA  
3<sup>rd</sup> Annual Golf Tournament

### Great Golf for a Good Cause

Named in honor of Bob's commitment, dedication and support for Youth Maritime Training Association (YMTA) and the Puget Sound Maritime Community. We are privileged to have Bob's name, and what it stood for, associated with the tournament. Proceeds benefit the YMTA, a non-profit organization that is helping bring young people into the maritime industry.

### We are Seeking Sponsors and Golfers of all Abilities

Weekend hackers and low handicappers welcome

Registration fee includes the round of golf, cart, driving range, drink coupons, and a buffet dinner.

### \$5,000 Hole-in-One Contest

Featured events include driving & putting contests, Accuracy Rewarded, awards dinner, auction, raffle and more.



September 2, 2010 • Mt. Si Golf Course  
35 miles east of Seattle

[www.mastermariner.org/golf](http://www.mastermariner.org/golf)

# We Can Shoot 'em, or We Can Teach 'em to Sail

*There continues to be much hand wringing from governments on how to protect ships in the Gulf of Aden and now in the Indian Ocean.*



by Father  
Sinclair Oubre  
CAMM Chaplain  
#3220-A

April has been an especially dangerous month for mariners in East Africa. Numerous ships have been attacked, some have been captured, and the

Capt. Michael Rawlins, who is a retired U.S. merchant mariner has had personal experiences with pirates while sailing in the South China Sea, and during his production of the documentary, *Porampo* in 2007. This documentary focused on the activities of pirates in the Malacca Straits. When the attack on the *MAERSK ALABAMA* finally brought the reality of piracy into America's livingrooms, Capt. Mike approached me with an idea and a passion: "Can't we do something to offer other opportunities for young Somali men?"

From that idea, the Somali Maritime Assistance Foundation was formed. You can view the initial web site at: <http://smaf.weebly.com/>.

Capt. Mike asked me to serve on the board of directors. In addition, he has gathered an international group men and women who share his concern and vision.

The Somali Maritime Assistance Foundation is in the final stages of applying for its nonprofit status. It has had discussions with Catholic Relief Services about the possibility of working through some of the refugee centers in the countries that border Somalia, and it has made initial contacts with flag states whose vessels may be potential places of placement.

There are certainly challenges. SMAF faces the usual nonprofit challenges of money and recognition. It also faces the real issue of who will issue seafarer identification documents to people who lack a central government. Finally, who will provide the billets for these entry level mariners during this major economic downturn?

For myself, I do not see Somali refugee camps as the new source of cheap, entry-level maritime labor. However, I do

believe that besides the stick, the maritime community can offer a few carrots. While it is employing the "Shoot'em" option, the maritime industry can also use a little of its resources to develop a "Teach'em" option. Then in at least a few refugee camps, a handful of young men can have a second option in their lives.

Instead of returning back to Mogadishu to join pirate forces, maybe for a few of them, they can learn a skill that will give them hope, and give sustenance to their families.

What I pray is that maritime leaders will not read this editorial, and focus on how Capt. Mike's dream is impossible, but rather to reflect and pray about what would be necessary to make it happen. ☆

*Editor's Note: If you use Twitter, you may find Maritime Security (<https://twitter.com/MaritimeSecure>) of interest. Based in the UK, it offers tweets regarding piracy, the socioeconomic reasons behind piracy as well as Maritime Legal implications regarding the defense of vessels and crews.*

## Apostleship of the Sea - United States of America

*The professional association of  
Catholic Mariners and the official  
Organization for Catholic Cruise  
Ship Priests and Maritime Ministers*



Please contact us if you are interested in becoming an AOS-USA member!

1500 Jefferson Drive  
Port Arthur, TX 77642  
[aosusa@sbcglobal.net](mailto:aosusa@sbcglobal.net)  
Voice: 409.985.4545

[www.aos-usa.org](http://www.aos-usa.org)

level of violence in these attacks continue to grow.

The two things that everyone seems to agree on are that piracy in the Gulf of Aden and the Indian Ocean will continue to be a plague for merchant mariners until a central government is reestablished in Somalia, and that there will not be a central government in Somalia any time soon.

So, discussions have focused on whether to try and stop attacks by the use of force. This force is exercised in two ways. First, naval resources can directly confront the pirates' skiffs and mother ships. Second, shipping companies can place well-trained military or security personnel on their vessels to provide sufficient protection. I call these the "Shoo'em" options.

However, there may be a third option that can be of some help to some Somali refugees, and have some symbolic value for shipping companies. That is developing avenues for Somali refugees in neighboring countries like Kenya, Ethiopia and Eritrea to have basic maritime training as entry level mariners, and be placed on flag of convenience vessels. As one curmudgeon quipped, "Heck, they already know how to use GPS better than most third mates."

# AGM & PDC

## ***Annual General Meeting Professional Development Conference***

April 21-23, 2010 • Tampa, FL  
Hilton Tampa Airport Westshore



*The 2010 CAMM National Annual General Meeting and Professional Development Conference unofficially opened with a social cocktail reception at the Hilton. For some it was an annual re-acquaintance ritual, for others, it was finally putting faces to numerous emails.*



*The theme Piracy and Shipboard Security carried throughout the two-day event. Speaker addresses were as much open forums as they were presentations. Discussions centered around sovereignty and prosecution, hardening of ships, the role of military and governments, following the money, what's being done, what's not being done, what could be done, challenges and possible solutions.*



*Criminalization was tied to security in regards to shore access, increasing demands and responsibilities placed on the Master, and how it all interacts together.*

*Above, Will Watson and Capt. Timothy Close;  
Capt. Janet Walsh, Capt. Klaus Niem,  
Capt. Fred Jones, Capt. Tom Bradley, Fr. Oubre*

*An evening social at the Columbia Restaurant relaxed us with authentic Cuban fare and a Flamenco Dance Performance.*



Hosted by  
**CAMM Tampa Bay • Celebrating 20 years!**



# *Thank You!*

### **CAMM Members**

*Your attendance and participation is essential to make CAMM a productive, professional organization.*

### **PDC Speakers and Piracy & Shipboard Security Panelists**

*Captain Tim Brown  
Captain John Cameron  
Captain John A. C. Cartner  
Captain Timothy M. Close  
Father Sinclair Oubre  
Mr. Joe Squarzini  
Mr. Will Watson*

### **Tampa Bay AGM & PDC Committee**

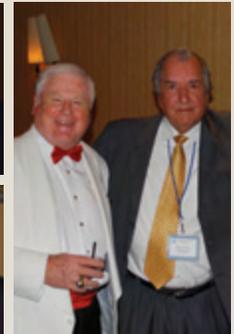
*Captain Dave Williams  
Captain Ron Meiczinger  
Captain Mike Michelson  
Captain Jerry Benyo  
Patricia Trieb  
Earlene Williams*

### **Sponsors**

*Andrew Triandafilou #2025-R  
Tampa Bay Pilots  
Master, Mates & Pilots  
American Maritime Officers  
The Marshall Islands Registry*

# REVIEW

Friday's business meeting focused on ideas to be more visible and viable the maritime community and to active working Masters. The day ended with the main social event, the Dinner Gala, headlined by Admiral Eric T. Olson, 8th commander of Special Operations Command and the man responsible for coordinating rescue efforts for the MAERSK ALABAMA crew.

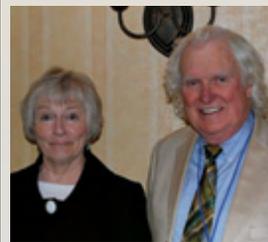


Above: Capt. Dave Williams and Colonel John Carney Jr.; Mrs. & Capt. Carl Johannes; Admiral Eric T. Olson.

Captain Dave Williams presented Colonel John T. Carney, Jr. with a donation to the Special Operations Warriors Foundation on behalf of CAMM and members.



USCG Sector Commander Captain Timothy Close and Captain Tom Bradley shake hands and share a laugh!



From Top: Capt. Cal Hunziker, Capt. Ron Meiczinger; Capt. Paul Hanley, Capt. Dick Klein, Capt. Don Moore, Jr.; Patricia Trieb, Tonka Lane; Capt. Liz Clark, Capt. Jack Lane; Capt. Don

Moore, Jr., Capt. Jerry Benyo; Mrs. & Capt. Joe O'Connor; Capt. David Scott and Alicia; Capt. Dave Boatner, Capt. Dave Williams; Capt. Capt. George Emil Pederson, Capt. Bob Holden. Photos by Davyne Bradley and Capt. Pete Booth.

## RAFFLE

4 lucky winners:

**\$1100**

Captain Larry Mack  
North Port, FL

**\$550**

RADM Paul Krinsky, USMS  
Waterford, ME

**\$275**

Captain Lars Lund  
Seelys Cove, NB, Canada

**\$275**

Captain Pasquale Nazzaro  
Palmyra, PA



After all was said, there's still much to be done. One thing's for certain, CAMM is now a step closer to real solutions for challenges faced by Masters today.



Capt. Mike Michelson and wife, Colonel Sheila Schrock



Capt. Dave and Earlene Williams



Capt. & Mrs. Don Mercereau

If you would like a disk with event photos, please send \$10 payable to CAMM.

## Father Sinclair Oubre: Gulf Coast Seafarer's Issues Conference

CAMM Chaplain #3220-A

Father Oubre explained how the conference came about. At a Gulf branch meeting for the Nautical Institute, Capt. Tom Hudson said what he's trying to do is find a lawyer who, when a facility won't let crew members off the ship, will sue the facilities for kidnapping. Having beaten his head against facilities since 2001, Fr. Oubre thought what an ingenious idea; litigating over the laws of kidnapping when you have a legal right to leave your vessel and someone locks you onboard! Afterwards, he went on to talk to Capt. Hudson.

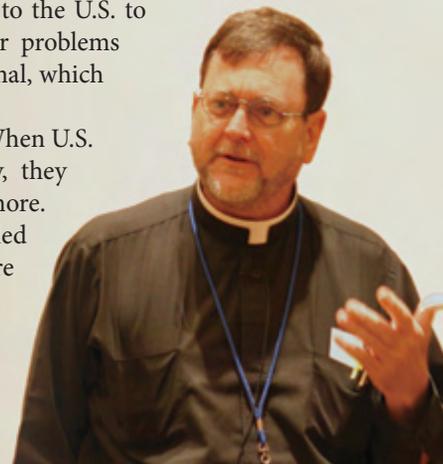
What came about, was that many of the organizations are talking individually, but there's no organized effort for a consistent, unified voice on a number of issues. Fr. Oubre, as a member of many different maritime organizations, helped work to bring them all together to put together statements and policies. They started off with shore access, which then lead into three criminalization issues.

Some progress is underway. Capt. Cook's AllCoast from October 2009 finally made it clear that the USCG does have the authority to tell facilities that mariners can walk on their property. That is a shift in the entire USCG; the USCG in many ports are still acting as if was 2003/2004 and had not moved forward. Recently at a SE Texas Waterway Advisory meeting for Facility Security Officers (FSO), FSOs were told to incorporate procedures for coordinating shore leave for seafarers or their plans won't be approved.

The Q&A period was longer than the presentation; Fr. Oubre fielded a handful of questions on the October 2009 AllCoast and the 29-Day rule. Problems arise when vessels call at various ports starting on the Atlantic coast and ending up in the Gulf Coast, and the D1 29-day visa started at the arrival in the first port. By the time they end up in the Gulf or the end of their time on board, they're at 28-30 days, and can't get ashore to fly home! If it results in a detention on their visas, it can be cause for denial at the 5-year renewal mark. Seafarers are criminalized simply for doing their work! The CBP did away with the crew list visa. To get around this, lightering crews can go out to international waters to reset their visas; other vessels go into Mexico (or send their crew on a charter), get their

visas stamped, then come back to the U.S. to start the 29 days again. Similar problems occur transiting the Panama Canal, which is not considered a Port of Call.

There's no double-standard. When U.S. crews go into another country, they flip their TWIC cards and are ashore. The insanity constantly battled is that some U.S. ports require American sailors to take an additional security awareness course to earn a port facility card for that port, and will not accept TWIC or MMC. ☆



## Dr. Capt. John A. C. Cartner Shipmaster Law

Principal Author, *The International Law of the Shipmaster*; CAMM #2574-R

Cartner drew chuckles when he said he'd try to cover International Shipmaster Law in 30 minutes. He started with history, going back to 1648 with ratification of treaties regarding sovereignty, leading up to the licensing process pushed by insurance companies in the 1830s, and into the 20th century when the reality of international law took hold in 1912, followed by the SOLAS conventions in 1914 and the formation and eventual ratification of the IMO. Every state who signed on to SOLAS and the IMO, by agreement, adopts the SOLAS conventions written as an enacted amendment and becomes part of domestic law. Most conventions deal with safety and labor.

In 2004, an understanding that the political system and the legal system were inseparable came into play, mainly for security reasons.

Currently, there are 175 IMO member states, each with its own maritime authority. The U.S. is the only industrialized state where the Coast Guard acts in two capacities: as law enforcement/military and as a civil regulatory organization. The interaction between law enforcement and trade can be difficult.

Cartner found while researching well-established Common Law cases dealing with Masters dating back to 1800, prob-

lems arise because frequently laws are so complex it's hard to understand what exactly the law is.

Trends he's noticed are that the maritime business and maritime law business are coming closer together to convergence. He gave examples including Masters' duties, firearms possession (some countries forbid, others require), shore leave access, and others. Another trend is that money talks, especially in the insurance business. Brought up in the Q&A session, creep laws, Cartner sees not as a trend but as something that is already here. He gave examples from the book *Three Felonies a Day*, where it is proposed that due to vague laws written by Congress, the average person commits three felonies every day. The U.S. Dept. of Justice has become very adept at taking old, antiquated laws and applying them across the board. Cartner said simple negligence and strict liability for criminalization in accidents and environmental cases comes down to public perception. Public perception is that the Master's the guy, and he doesn't see that changing anytime soon. The public needs someone to blame. The catalyst putting simple negligence in the forefront was the *EXXON VALDEZ* accident. ☆

# REVIEW



## Capt. John Cameron: Ideals and Challenges for Port Security

Consultant to the Charleston Pilots

In 2007, Capt. Cameron retired from the USCG as Captain of the Port, Charleston. He started as Marine Safety Inspector in the 1980s, and spent most of his career in marine safety. Cameron is now a permanent consultant on the Pilot's staff.

Cameron's job was to make clients competitive for future grants.

Congress in 2007, dictated grant monies be spent on getting agencies and facilities to work together in institutional collaboration. Grants covered 75% of funding until 2010; now funds are match-free. Grants are widely available, the staffing challenge is time to find and write grants. Cameron recommends 50% of funding come from grants.

Currently, Cameron oversees the Port Security Planning Team. Port Security is no longer ad-hoc, but a full-time job. He finds it very valuable to have a Master on his team.

Unlike Masters who work all around the world, his team found it was difficult for local shore-side people to know what the threats really are. He discovered local HAZMAT teams were not aware of which hazardous materials came through the port, to know what to expect and train for. Pilot stations often only had one person on duty during off-peak hours, no fences or security, yet they held all the valuable info as to what was coming and going in the port.

To figure out who's going to do what, he suggested a grid approach: prevention vs. response, safety vs. security, then place each agency in quadrants to appealing to their strengths

and interests. The USCG is the only one that fits right in the center.

Cameron stressed a comprehensive presence in the port. Uniquely in Charleston, every morning, there is a meeting between the county marine unit, state law enforcement intel, CBP, USCG, and a few others. They go through list of ships coming in, list of mariners/crew, and if anything suspicious (crew members on different ship than normal), then can decide if that ship needs to be boarded. They've found it easier to get local law enforcement on board if the decision was made locally. They've implemented various security and surveillance technology throughout the port and on pilot boats.

In closing, he stated that FSPs need to do what they're required to do – provide access (referring to ship part replacements, lifeboat inspections). There's a big, grandiose plan as to how this is all supposed to work, and we really have a long way to go to get there. The only way is if all the segments of the industry work together.

Capt. Cartner asked if there a plan to identify and deal with the unintended consequences with plans. As Port Captain, Cameron would solve problems as they go, but did not address them as a systemic problem. Now that he's on the other side, he sees the systemic problems that 9 years into it, still need to be addressed.

Capt. Boatner mentioned a long history of mariners not trusting the USCG; mariners are afraid to report suspicions due to fear of being arrested. Cameron responded that if you try and they ignore, then you have more in your court if the USCG tries to come back after you again. ☆

## Captain Timothy M. Close, USCG: Port Security

Sector St. Petersburg - Commander

The USCG created sectors 5-6 years ago, effectively combining marine safety offices and group functions. It gives the USCG better visibility about all operations taking place along waterways – on-shore, off-shore, and allows for much better coordination. On the positive side, he doesn't have to hold up ships, beg rides from pilots, and more. By overseeing all, he is the facilitator that coordinates the different teams and makes things happen. He's the one-stop shop for everything USCG. He's much better able to turn challenges into opportunities and believes going to Sectors in the USCG has been a good move.

When verifying vessel security plans and logs, they've had a much higher compliance rate with U.S. vessels from the very beginning. Some foreign vessels they've boarded have a VSP on a shelf, unopened, still in plastic wrap.

He would like to say they have resources to do security the way they want, but they don't, and he doesn't think anyone will ever be at that level. Close does recognize they hinder the flow of commerce when they conduct inspections and boardings for marine safety or security. They try to minimize the delay and clear off.

In the Q&A session, shore leave access was addressed once again. Close replied facilities tend to add overly restrictive additional restrictions than mandated. Close has had to tell facilities that they must let the seafarers pass through to shore. Some facilities will require escorts to pass through, but will then charge a high dollar amount for each escort. Cartner suggested suing for false imprisonment if a facility will not let seafarers off the vessel. ☆



# AGM & PDC

## Captain Timothy Brown: What I know about Piracy

IOMM&P International President and CAMM member #1494-R

Piracy is an ever-changing business and it's one hell of a business plan! — a statement re-iterated many times in both this discussion and others.

Piracy has changed in the last 20 years. Pirates used to sneak on board the vessel, rummage through a few containers, and take anything that appeared to have intrinsic value, and leave.

Piracy is a crime of opportunity. It knows no nationality, nor nationality of crews, nor configurations of ships. Brown believes the pirate's Modus Operandi is *see a ship, board a ship*. He feels this was clear when pirates boarded two vessels earlier this year, only after boarding to realize they were war ships.

Pirates are more brazen now than ever. Despite setbacks, pirates improved their success ratio from 40 out of 200 from last year to 40 out of 100 attempts this year. Pirates achieved this by venturing further out to sea, using mother ships.

Brown read a few excerpts from newspaper clippings on recent attacks and attempts at prosecution.

Ultimately, the final solution is to establish a working government in Somalia. Capt. Brown attended State Department meetings where it was discussed, but the challenge is putting together a multinational force to do it.

Success is escalating the costs of ransoms, and as CAMM member pointed out, what's to stop the crew from joining in with the pirates if the ransom is greater than the crew's collective salaries? The Executive Order on the Conflict in Somalia issued by the White House is worrisome. The unions feel by banning companies from paying ransoms, seafarers will become expendable. Cartner added that lawyers have determined the Order is a list of names, and payments to those persons can get you in trouble. Lawyers are confused because they

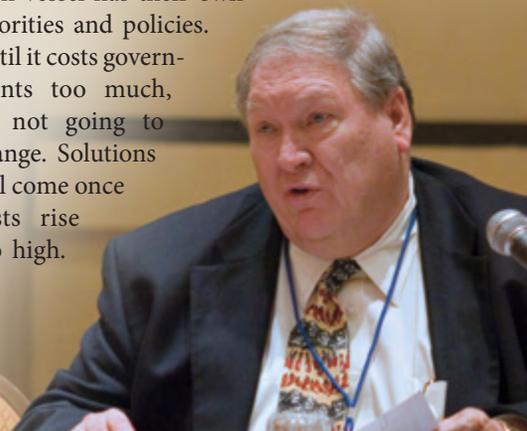
haven't been able to figure out the intent of the order; it appears to be economic; not aimed at reducing piracy.

Kenya agreed to hold prosecution hearings for piracy, but Kenyan courts are so overloaded they are not taking any more cases.

Another challenge is lack of coordination between flag states; the flag state of each vessel has their own priorities and policies.

Until it costs governments too much, it's not going to change. Solutions will come once costs rise too high.

☆



## Will Watson: Piracy and Governments

VP Maritime Security Council and CAMM member #3256-A

Pirates off Somalia have been very good at staying one step ahead of any steps put in place to interdict them. The intelligence community is proactive with support for Operation Atalanta run by EU NAVFOR. EU NAVFOR set up protected corridors for vessels transiting the Suez Canal to and from ports in eastern Africa.

Somali pirates have expanded their area of attack as far east as India, where they recently took a Marshall Islands flagged tanker owned and crewed by South Koreans. The large area makes it incredibly difficult for the Navies to be everywhere. The one incident where a Dutch warship was able to remove pirates after they had boarded was because the warship was near enough to respond. The crew citadeled themselves in safe room; the pirates were unable to take them hostage before the warship arrived.

Warships have not yet interdicted any vessel with pirates aboard who have taken hostages. Once hostages are taken, all warships do is shadow the vessel. A S. Korean warship tasked to the area shadowed the *SAMHO DREAM* all the way back to Somalia, where it's still sitting and controlled by pirates.

Piracy task forces are only committing to one year at a time. They want to see the industry do more, though he's not sure what more the industry really can do. Arming every vessel headed near the Indian Ocean poses a logistical nightmare to embark and disembark security teams when the countries in the areas entering the high risk zone do not allow transiting of

arms through their borders.

In early 2009, the UN formed a contact group with 32 member states and other organizations. They've assembled money to help pay for the detention and trial of pirates. The challenge is when the pirates do come to trial, often the officers and crew are at sea on the opposite side of the globe when the courts need them to testify. There's a growing move and push within that group to set up an international piracy tribunal, much like a war crimes tribunal, so all the weight of trying these pirates doesn't fall on Kenya and Seychelles. Western European navies are so restricted by various human rights laws, they have more of a catch-and-release policy. They throw the pirates' weapons in the water, put them on a skiff and send them to shore. The only time they take anyone into custody is if they actually catch them in the act.

There really is so little risk against the reward for the pirates. Until something really happens, it's going to keep going and they're going to up the ante. ☆



## Thursday's PDC Discussion Panel: *International Piracy & Shipboard Security*



Mr. Will Watson   Capt. Timothy Close   Capt. Tim Brown   Capt. John Cameron   Mr. Joe Squarzini   Capt. John A. C. Cartner

Capt. Dave Williams opened with a true tale about being ordered to break out arms, but then didn't load the gun, for fear of shooting himself in the foot!

### Topic: Arming of merchant crews and placing armed guards on board vessels

#### Mr. Will Watson

The U.S. Government stands in favor of arms aboard U.S. Ships; the crews are trained at state schools. Foreign flag ships become the challenge due to their broad make-up of crew and officers with not much camaraderie. Many owners are not arming vessels because crews are not sovereign and are easier to prosecute if an incident does occur. Decisions to arm vessels needs to be done on a ship by ship case, based on crew, cargo, itinerary, and the vessel itself.

#### Capt. Timothy Close

He agreed with Watson and added that merchant mariners already have enough responsibilities; arming and security should be additional persons. Recognizing that some countries have weapons trafficking provisions, the USCG is working with countries to smooth out those issues. Spain and Singapore do not allow weapons on board in their waters. He pointed out that 33 CFR authorizes the Master and crew of U.S.-Flag vessels to respond to piratical attacks to oppose and defend, and CFRs contain additional guidance up to and including deadly force.

#### Capt. Tim Brown

Capt. Brown added to the previous answers that when prosecuting, it's far easier to prosecute a security guard than military personnel when a pirate is shot and killed.

#### Capt. John Cameron

The business model pirates use thrives, how-

ever, if your business model is to use ships as weapons of terror, pirates have proven to terrorists that it is easy to get aboard ships. Cameron says it's just as easy off the U.S. Coast as it is on the coast of Somalia and gave an example of a piracy boarding off the U.S. East coast in 2006. He stressed we need to be attuned to how this threat is emerging. Arming local vessels in ports is in discussion for the Port of Charleston, but not arming pilots themselves. They have discussed arming the pilot boat operators because by state law, pilot boats are law enforcement assets of the state. Authorities are investigating making pilot boat operators constables.

#### Mr. Joe Squarzini

Squarzini stressed hardening the vessels and preparing the officers and crew to defend themselves. Lethal force is only a small part. 80-90% is not done lethally, but via water cannons, IDAD, sonic devices, and more. Typically, they train one officer and three crew members how to secure the ship. The whole purpose is to ward off the attack and *keep them off the boat*. Once pirates are on board, it's over. Naval forces take over. Pirate tactics are not to damage or sink the ship, but often to scare the crew off the deck to allow the pirates to board and take the bridge.

#### Capt. John A. C. Cartner

Cartner's points centered around sovereignty, as he discussed earlier. Cartner summarized an EU report where the use of private armed guards is discouraged. Small military teams are encouraged, due to uncertainty of insurance cover of vessel and persons involved. Insurance compa-

*Cont'd on next page >>>*

### The Panelists:

#### Mr. Will Watson

CAMM Member #3256-A  
Deputy of Maritime Affairs for the Marshall Islands,  
VP Maritime Security Council,  
UN's Contact Group on Piracy off the Coast of Somalia, member;  
U.S. State Department's Overseas Security Advisory Council's Maritime Working Group, member

**Capt. Timothy Close, USCG**  
Sector Commander,  
St. Petersburg

**Capt. Tim Brown**  
CAMM Member #1494-R  
Master Mariner  
IOMM&P President

**Capt. John Cameron**  
Consultant to the Charleston Pilots  
Former Captain of the Port (USCG ret.)

**Mr. Joe Squarzini**  
Castle Shipboard Security - Fort Lauderdale

**Capt. John A. C. Cartner**  
CAMM Member #2574-R  
Master Mariner  
Principal author,  
*The International Law of the Shipmaster*  
Private law firm in Wash DC



*Panel >>>Continued from page 13*

nies will not want to insure vessels with private, not sovereign, security personnel. In the UK, ransom is a private trade matter. The current executive order issued by the White House on April 13, 2010, muddies it. The UK has been dealing with pirates for centuries and has experience dealing with pirates. UK crews are not trained in arms as the crew has their seafaring duties to carry out.

**Squarzini** then added to his stance that he trains people to be effective; the crews aren't running around the vessel with arms; the arms are locked and the Master is the only one who can order the security team to unlock arms when the Master feels it is necessary. Agreements are made ahead of time with Master, owner, security teams, and other stakeholders as to when arms will be used. He agreed with Cameron that the next step from piracy is terrorism.

**Cartner's** rebuttal to Squarzini: LOST clearly defines piracy as a gain for profit, but does not define terrorism. Cartner says ships that "disappear" are often not acts of piracy, but rather criminal fraud. We're dealing with three things: piracy, criminal fraud, and terrorism; and need to deal with one at a time. Right now it's piracy in the forefront.

## Questions and Comments from the audience:

Capt. Klein, SPNW, asked if any MSC vessels with arms aboard have been attacked.

MSC Capt. David Scott explained the four different shades of grey when referring to military and civilian ships with regards to sovereignty:

- USS - military
- Military Sealift Command (MSC) – CIVMAR primary focus is USNS vessels, black/white hulls, full sovereign immunity, go port to port under diplomatic clearance. The crews themselves retain their own trained reaction force.
- Grey hulls like the Roth ships. They are public, contract operated union vessels like the Cape ships. They

retain full crewed reaction force of 5-man trained teams.

- Straight commercial vessels do not have diplomatic clearance. They face problems of having weapons on board because other sovereign nations where you can't pass.

Capt. Stapleton brought up Letters of Marquis again, that it is established law which give certain individuals sovereign immunity to get rid of pirates. **Cartner** explained the technical term is "Letter of Mark and Reprisal" and is the license of a sovereignty to private entities to act as a private Navy. He went into the history behind the law, and stressed that it was enacted at a time when the U.S. was a fledgling country and did not have a Navy to protect the merchant lanes, and at the time, was a perfectly logical solution. It is now considered guerrilla naval warfare. Letters of Mark and Reprisal have not been issued since 1848, and given current treaty structures and domestic laws, it would be very difficult to carry out. The implication in modern law of profound, Cartner's thought about it over the years; a result is that insurance companies would pull their cover.

Capt. Boatner referred back to the three sectors of piracy, terrorism and fraud. He feels the solution is a sovereign presence aboard each ship, but there is no governmental will to do it. **Close** then encouraged CAMM to explore putting military personnel on board and push for it. He thinks that debate would be welcome. The Navy has already said they aren't staffed for it. He says they're a lot already being done, and there's no argument that more can't be done. **Close** rebutted Brown's statement earlier today that the pirates can't tell a warship from a container ship or an oil tanker. This is a sophisticated enemy we're dealing with over a very large area. The incident with pirates boarding a Dutch warship was to test the Navy's responses. This indicates that the pirates are a lot more organized and talking amongst themselves than what we might think. We'd be fooled to think it's several small groups working independently. Putting U.S. Military on

U.S ships is one thing, but asking the rest of the world to do it with cross-national crews is another.

**Tim Brown** added we need multi-national force like UN to get involved.

**Carnter** added that to disrupt piracy, you need to disrupt the business model. Right now, piracy is not a big money issue for the U.S. government.

**Cameron** agreed that we must look at motivators and intent and not so much as methods to get aboard. Methods easily adapt to our defenses. The means of attack tend get simpler as we get more sophisticated.

**Watson** brought up the point that the lifeboats and safety equipment on board vessels are numbered to accommodate crew. To bring additional military on board, then operators need to add safety provisions to vessels to stay in compliance with IMO.

## Topic: Restricted Crew and Ports

**Watson** The requirement by the U.S. that 100%, every container, be scanned at point of embarkation overseas goes into effect very soon. The U.S. doesn't have facilities in our ports to do it, and neither do the other countries. Countries are getting tired of being dictated to by the U.S. and will pass laws in reciprocity. Since U.S. facilities restrict foreign seafarers in ports, by reciprocity, soon U.S. seafarers will be restricted in many world ports.

**Brown** felt he had already made his points on crew restriction this morning, and passed.

**Cameron** said crew restrictions operationally effects things in ports. At the Port of Charleston, to bypass overly strict facility restrictions, they've paid memberships to the fishing club next door, and use their docks to bring some seafarers ashore.

**Squarzini** passed on the subject.

**Cartner** added to Will Watson's remarks, and said it's the same kind of retaliatory positions seen in trade law and WTO.

### Questions and Comments from the audience:

Capt. Janet Walsh asked about the security of the TWIC cards and databases, especially in regards to wireless hacking, which led to a discussion with input from several attendees. To briefly summarize, the TWIC has substantial problems in that it is not secure and does not conform to federal data standards. The TWIC is not nationally recognized as identification, and in some foreign countries, ports will only accept the Seafarer's MMC and not even a passport. Close, with Cartner backing him, assured that all the portable scanners are hardwired, and data is updated when plugged into a hardwire source. They are not wireless for the reasons Capt. Walsh asked about. Close believes facilities with TWIC readers treat the data as they do paper data; it is deleted after 30 or 60 days and not stored into any central database. A pin number, known only to the card holder, is required to "unlock" the history on the card from the original TWIC application. Close did confirm there are problems with the scanners in beta testing, and none have been signed off for official use. Cameron said in Charleston, the Port Authority is concerned the TWIC doesn't fulfill the obligations to the terminal operator; the TWIC fulfills the requirement to know who is on your terminal and when, but not that the TWIC holder has a legitimate reason to be there. One card needs to be able to do both.

### Topic: International action to deal with pirates and their bases

**Watson** said insurance is a big complication with having armed teams on board. It used to be a strict prohibition, now it's taken on a case by case between owner, PMI, etc. Navies are becoming more aggressive and moving against mother ships; they have taken people off several and sunk arms and bases.

**Close** couldn't speak on the insurance aspect, but from a coordinated effort, great progress has been made in the last two years. There's combined

info sharing in the area, which didn't exist two years ago. Washington's tracking monies, gathering intelligence, and developing prosecution processes. The general consensus is that it's not going to get better until Somalia turns around, and that's not going to happen any time soon. Close is confident the prosecution processes will start soon and that we can't continue with the catch and release thinking much longer. He predicts we're going to see more aggressive action from militaries to match the pirates as they continue to get bolder.

**Brown** agreed with Watson's statement. More insurance claims means costs go up. Piracy is crime of opportunity. The insurance costs are going to fall on those ships who trade in the area all the time. Mitigating piracy is all that will work for now.

**Cameron** The insurance solution comes up on every evolution of safety issues, and he's never seen it work.

**Squarzini** Don't forget it's not only Somalia, but other countries, too. Officials in some countries are complicit with pirates.

**Cartner** quoted a House of Lords report that just came out in the UK about Gulf of Aden: *"The insurance industry must accept a greater degree of responsibility for promoting adherence to best practices for deterring piracy on shipping companies. We strongly urge the terms and conditions of insurance effectively reflect the need to discourage shipping companies from failing to follow recognized best practices."* This means trying to tie best practices to premiums.

### Questions and Comments from the audience:

Risk is great business for insurance companies. If you're looking for insurance companies to help, you're barking in the wrong place. An insurance representative was once quoted, *"there's never a bad risk, only a bad rate."*

**Watson** updated his statement to tie in with Capt. Close's. Interpol has set up working group for piracy issue to isolate, identify and track the money, using similar strategies as drug mon-

ies and illicit weapons. When asked why Interpol is not providing security, Watson explained that Interpol's charter is strictly as an investigatory agency and not enforcement.

**Cartner** says there are clear solutions on money laundering and terrorist cashflows. Agencies can interrupt flow of laundered funds. However, there is no funding to track the funds for piracy. There's not enough money involved to make it worthwhile.

**Squarzini** said insurance companies and Somalia are part of the problem, but we're attacking the wrong guy. You have to make the ship not a target. If pirates realize a ship is willing to defend itself, they're going to go on to another one. The solution has to be defend the ships and lessen the demand for the pirates. There will always be a business if they can get on a ship. Many of the ships are U.S. owned, but foreign flagged. The owners and operators must have a willingness to defend the boat.

**Close** agreed with the risk-reward analogy. For the pirates, there's not much risk, and reward's pretty good. The more risky we make it for them, then less the reward is going to seem. He gave an example of posting a security alarm sign on your front lawn, even if you don't actually have one.

Capt. Williams agreed, adding that security is making the other guy deal with what you could possibly do. Hardening of ships is a great place to start.

Capt. Scott repeated the five magic words, *"Keep them off the boat."* He agreed with many things said, and added there's a lot of different factions saying lots of different things and we're not going to get a satisfactory solution until unions, merchant mariners, and others involved are consistent across the board. Capt. Hunziker feels, unfortunately, that it will take another U.S. ship piracy or death of an American from piracy before any action is taken.

**Cartner** believes the next step may be piracy turning into terrorism in the Malacca Straits in Indonesia. Once Somali is settled, that's where it will move. ☆

# AGM & PDC

## STATE OF CAMM ADDRESS

### CAMM National President Captain Cal Hunziker

We've improved the State of CAMM this year. I'd like Capt. Hartnett to stand up. He's volunteered to restart the Baltimore chapter and has done an excellent job. In fact, he's going to be rewarded. We're going to have the next CAMM AGM in Baltimore!

We have 10 chapters at this time. We have two chapters that are inactive, or as inactive as they can get. No participation whatsoever. We do need to expand the membership. We have 700 dues-paying on the rolls right now; a little over 500 who have paid dues. You'll get a more detailed report when the Secretary / Treasurer makes his report later on.

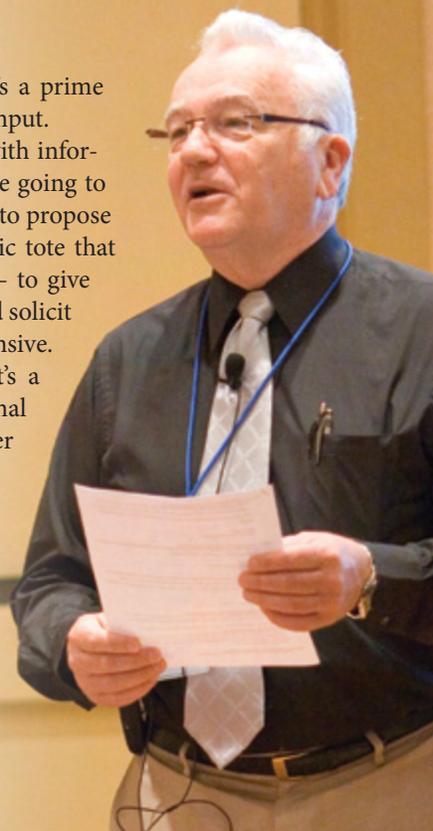
We need to become further involved with the maritime community. In talking with Will Watson the other day, there are plenty of opportunities for CAMM members to be on committees both in Washington DC and in their local ports, where they can offer their expertise. One of the glaring examples is here in the state of Florida, where their state pilotage commission is supposed to have ten members, but they only have three active members in their pilotage commission and no sea-going captains. If anyone from the state of Florida wants to get involved

in state politics and state business, there's a prime place for CAMM members to give some input.

We've had some problems in the past with information getting out to the chapters that are going to host the following AGM, and I would like to propose that we put together a package in a plastic tote that would contain material for the chapters – to give them a leg up on how to make contacts and solicit sponsors because these things are expensive. Just the audio equipment runs \$1500. It's a pretty big hit, especially when the National can only supply \$1500 to the local chapter to put on one of these things.

We're going to talk later on about a strategic plan for the organization. I urge you all here, if you haven't read it yet, to go through it and move to adopt that plan so we can move forward, expand CAMM, and make it an organization that's not only in your local harbors but also in Washington DC.

Thank you. ☆



### First Vice President

*Capt. Liz Clark*

Most of her business has been as chairman of the membership committee. Most of her communications with are Capt. Moore and Capt. Bradley. Now that she has better email access and more access to the web, she hopes to do more.

### Second Vice President

*Capt. Vic Faulkner*

Last year, he attended the Panama Canal Pilots reunion, and made a presentation from CAMM to include retired Panama Canal Pilots in a chapter of their own. 28 are already members of CAMM; they were receptive and wondered why they hadn't done it years ago! They established themselves in November by voting in a President, a VP, and Secretary/Treasurer. The Canal Pilots' proud safety record, experience, wisdom, and very thorough BLI records can be an asset to CAMM.

### Secretary/Treasurer

*Capt. Don Moore, Jr.*

After Galveston, CAMM had 1064 members on the rolls. The procedures used to contact members with dues in arrears proved successful; CAMM's been able to keep members on and collect approximately \$6000 worth of back dues. Unfortunately, 189 names were dropped from the active list for those who he's been unable to contact over the last several years. As a result, 888 members are now on the active list; 80 sailed as Masters in 2009. CAMM has accepted 33 new members and 223 members have not yet paid their 2010 dues.

Capt. Moore reported the current system with Capt. Liz Clark vetting all new applications works well.

Capt. Moore mentioned frustrations he's had with only partially filled data sheets returned from the dues invoices, in particular, regarding membership histories. We were reminded most of our

data was destroyed in 9/11, which were stored in offices a block away, and it's been a Herculean effort to rebuild that data.

Capt. Moore read off the financials and reported finances were sound.

He then read off names of members who had crossed the final bar and honored them with a moment of silence.

### 2010 Budget

*Capt. Don Moore, Jr.*

*Capt. Dave Williams*

After some clarification, Capt. Benyo's IFSMA travel expenses were increased to allow him to travel to the IFSMA AGA in Manila in June.

CAMM is satisfactorily under budget in each category. A possible budget item total expenditure change which may come up is *Sidelights*, and it all depends on a successful advertising campaign with *Sidelights*. We collected advertisements, though not as robust as

# REVIEW



Capt. Don Moore, Jr.



Capt. Liz Clark



Capt. Vic Faulkner



Capt. Dick Klein



Capt. Klaus Niem



Capt. Dave Boatner



Capt. Jack Lane

we thought, but as the year goes on, we will adjust the numbers based on advertising results.

## Seattle/Pacific NW

*Capt. Dick Klein, President*

SPNW's a very active chapter, averaging 15 members at each meeting, peaking at 53 for the annual meeting honoring the Maritime Person of the Year, Captain Andy Subcleff. They successfully activated a phone tree to boost attendance and are working on making CAMM more visible. SPNW members are attending local meetings of other organizations with similar purposes. They've discussed reciprocal memberships, bypassing dues fees.

They went on a well-attended field trip to the USCG facility for Sector Seattle. A Port Commissioner spoke at one meeting; they offered to provide her with bi-partisan information.

They're now planning their 3rd Annual Golf Tournament, renamed in honor of Bob Magee. The tournament benefits the Youth Maritime Training Association (YMTA), which aims to educate Jr. high and High School students about the maritime industry. SPNW is still looking for sponsors. The tournament raised \$5000 last year and \$3000 the first year. It's great exposure for CAMM. Often sponsors ask, *Who are you?* and after explaining who CAMM is and what CAMM does, sponsors are more than willing to donate. The link to register is on CAMM's website.

## Columbia River

*Capt. Vic Faulkner, President*

Columbia River meets monthly and with the inclusion of Columbia River Bar Pilots, their membership is now 28. They're looking into splitting meetings between Vancouver and Astoria to better accommodate the membership.

## San Francisco Bay Area

*Capt. Klaus Niem, President*

The SFBA Chapter is delighted to have 93 members and at recent meetings discussed the views regarding advancement for 2nd and 3rd Mates (members are against USCG proposal), the termination of LoranC, clean-up procedures for Suisan Bay, outdated charts and publications on foreign vessels, and noted that medical marijuana, legal in Calif., is not authorized by the DoT. SFBA will honor the Cal Maritime graduate with the highest GPA who intends to go to sea with a pair of binoculars this May. Capt. Niem has also promoted the maritime industry at local high school job fairs.

## LA/LB Chapter

*Capt. Dave Boatner, President*

LA/LB has 19 members and averages 10-14 people per meeting. Increasing membership is a challenge for them, and the reason they believe is because CAMM's not getting their message through to the serving shipmaster; CAMM's not relevant to them. The social model is not going to work. Masters have so many duties and so little time off. Capt. Boatner asked take a close look at organization to see how we can be relevant to shipmaster today. The LA/LB chapter feels the only reason a shipmaster today will join CAMM is 1.) they realize what we do through IFSMA and IMO, and 2.) if CAMM can do something about regulatory authorities in the U.S. to stop the unending increase in requirements being placed on the shipmaster. Masters are exhausted when they get off a tour; that has little to do with operating the vessel and everything to do with complying with arcane paperwork and regulations. This spurred an in-depth discussion about demands placed on the Master and tactics Capt. Hunziker

other chapters have used to try to sell CAMM to active Masters. Capt. Bradley reminded us of the "What CAMM Can do for You" campaign taken on a few years ago and that the BOG travel budget is for precisely this.

## Houston

*Capt. Jack Lane, President*

Capt. Lane, a CAMM member of 35 years, reflected on the evolution of CAMM from large social clubs to the more professional organization we strive to be today. The entire industry has changed, and CAMM with it. Houston's strategy to make CAMM and the chapter more viable is with professional guest speakers, moving meetings to TAMUG to include the cadet chapter and bring in younger members. The cadet chapter, now in its second year, coordinated by Capt. Gussie Roth, has about 10 cadets and their own by-laws. Discussions commenced as to how to keep these cadets on the CAMM membership roster after they graduate up until they obtain their Pilot or Master's license, and how local chapters can involve and support the cadets.

## NOLA

*Capt. Bob Phillips, Gulf Region VP*

New Orleans' chapter is alive with 41 members. They meet Sept - May and average 7-15 member and guests each meeting.

## Mobile Bay

*Capt. Pete Booth*

Capt. Booth reported 300+ people attended former chapter president Capt. Jerry Miller's funeral last winter. The chapter averages 12-16 members, meets monthly, averaging 12 with wives. Meetings are all social and there's not a lot going on. He met with Mark Robinson to figure out what they can do to re-invigorate things,

*Continued on next page >>>*



Capt. Bob Phillips



Capt. Pete Booth



Capt. Dave Williams



Capt. Dave Goff



Capt. Joe Hartnett



Capt. George Previll



Capt. Tom Bradley

## Chapters >>Cont'd from page 17

but unfortunately, not much came out of that meeting. Capt. Booth believes in CAMM and there's lots that can be done and found the morning discussions on membership and relevancy interesting.

### **Tampa Bay**

Capt. Dave Williams, President

Most of the chapter's activities in the last year have been preparing for these meetings. Capt. Williams advised Capt. Hartnett from Baltimore to get as big a committee as possible. Tampa's membership drives with tri-folds to AMO and MMP members in the area has proven successful. Capt. Terry Jednaszewski is working on signing up local Pilot's Association members into CAMM.

### **Port Everglades/Miami**

Capt. Dave Goff, President

The chapter has 35-40 members and averages 12-15 members each meeting. Membership remains steady, though fluctuates with snowbird seasons. The last meeting drew four potential new members, one a Kingspointer Engineer who just returned from

Afghanistan and gave them a presentation on rebuilding efforts. Another is a past-president of the International Shipmaster's Association (ISA). The ISA has a parallel purpose, but also includes limited license holders and others in the industry.

### **Baltimore/Washington DC**

Capt. Joe Hartnett, President

Last fall, Capt. Joe Hartnett (Tampa chapter founding member), amazed there was no active chapter north of Florida, volunteered to re-activate the chapter. He feels it important to have a presence in the DC area. The National chapter supplied rosters, lots of advice, and they now average 6-9 attendees per meetings. The meetings attracted a Master who now is an investigator with the NTSB. Capt. Hartnett and Will Watson made plans to meet with officials to put CAMM's name on the map in DC. The port sees many U.S. vessels come through; he proposed a "take your captain to lunch" scheme to recruit members, which was revised to "take lunch to your captain" after it was pointed out that many captains

may lose their jobs if they leave the vessel. So far they've donated money and talked the to local seaman's center about criminalization and crew restrictions in ports. They plan to become involved with a local maritime high school for at-risk students.

### **New York / New Jersey**

Capt. George Previll

Capt. Previll is a past President of the NY chapter, from a time when there were few chapters and 150 members attended the AGMs in the New York area. He has recruited Capt. Glenn Strathearn to help him restart the chapter. They plan to hold meetings in a central location, likely Manhattan, a transportation hub.

He requested documents from the previous NY chapter administration, which CAMM National has been unable to procure from former chapter leaders. Capt. Previll would like to say they could start today, but reality is that it will take some time to get organized.

Capt. Hunziker thanked Capt. Previll for attending UN meetings in NYC representing CAMM and IFSMA the past few years. ☆

## **New Business**

National Past President Capt. Tom Bradley presented a Strategic Plan and a Communications Plan, two years in the making. The plan acts as a guideline and puts together goals, objectives, and implementation strategies. He emphasized the plan is a living, breathing document, to be reviewed at a minimum annually, making changes as we go. Capt. Dave Williams added that strategy plans really do work, and to please include fund-raising and budget issues as part of the plan. The plans were adopted with the provision they be reviewed and updated annually.

Capt. Tom Stapleton suggested

strategies to reach out to cadets and active masters; content ideas for *Sidelights*, specifically to include interviews from active Masters about best practices and reviews of bridge software; and harnessing the wisdom and experience of retired members for legislative issues.

Capt. Don Mercereau requested CAMM National donate to the Special Ops Warrior Foundation, which was approved at an amount of \$500.

Capt. Hunziker appointed Capt. Jack Lane to develop a plan to keep the cadets involved in CAMM as they progress through their careers

and present it at the 2011 AGM.

Capt. Mark Buffington pointed out he was a CAMM member for 20 years before he attended any meeting, chapter or national, and suggested we sell CAMM as a support forum. Encourage Masters to go online or send an email to vent frustrations, and if they can make an occasional meeting, great, but not required.

Will Watson suggested sending a letter welcoming Admiral Bob Papp as the USCG Commandant and offer CAMM as a resource when developing rules on Merchant Mariners. ☆

## 2010 Renewed Positions

The following Positions were carried forward from previous years. The full text can be found on CAMM's website, [www.mastermariner.org/positions](http://www.mastermariner.org/positions)

- Criminalization of Shipmasters
- Ports of Refuge
- One-Man Bridge Watch
- Law of the Seas
- Witness Treatment by US Officials
- Contamination and Safety
- Support IFSMA's Fair Treatment of Seafarers
- Seafarers Biometric Cards
- ILO Maritime Labor Convention 186
- IFSMA's Position on Watch Stander's Fatigue
- IFSMA Advocates Task-Based Manning
- Seaman's Manslaughter Act
- US Coast Guard ownership of Merchant Mariner Credential (MMC) / License
- Vessel Documentation, Inspection & Mariner Credentialing
- IFSMA E-Navigation Comments
- International Piracy On the High Seas – Elimination of

## 2010 Adopted Positions

The following were moved from Views to Positions:

### USCG Changes to STCW 1995

OPPOSE proposed U.S. Coast Guard changes to STCW 1995 until after IMO STCW 2010 changes are adopted in June 2010 and the Code of Federal Regulations is revised in concurrence with those changes.

### Continue the Current Chief Mate Requirement for Advancement

OPPOSE Coast Guard's proposed regulations which would allow a third or second mate to progress to an unlimited master's license with only 36 months' service as a third or second mate, removing the requirement of six-months service as chief mate on unlimited tonnage vessels.

### USCG advancement to Chief Mate requirements

OPPOSE Coast Guard proposal to allow a third mate with only 12 months' service as an Officer in Charge of Navigational Watch (OICNW) to progress directly to chief mate unlimited tonnage.

### Gulf Coast Seafarers 2010 Conference

SUPPORT the four positions papers developed at the Seafarers 2010 Conference on March 10, 2010. These positions covered seafarers criminalization and rights issues: access to shore leave, Seafarers Manslaughter Act,

Criminalization of unintended pollution incidents and the 29-Day Rule.

## 2010 Views

The following was sent to committee for further specifics:

### Physical Guidelines for Merchant Mariners

OPPOSE changes in the form for physicals.

*Sent to committee to reword to include verbiage in line with the FAA., simplify the form, and occupational health dr to sign off and vote on as a position in 2011.*

## Resolution to the Florida State Legislature by The Council of American Master Mariners, Inc. in Support of Florida State Pilots

April 23, 2010  
For Immediate Release

**WHEREAS:** The Florida State Pilots and the State Pilotage system is under attack by foreign flagged and owned shipping companies, and

Whereas: said foreign flagged companies have as their prime directive profit over safety and the environment of the state, or any public waters or land, and

**WHEREAS:** said vessels operated by foreign flagged companies are getting ever larger and are more restricted in their ability to maneuver within the confined channels of the various ports within the State, and

**WHEREAS:** the Florida State Pilots are well trained to handle vessels of any size in confined spaces and channels under all conditions, and

**WHEREAS:** the Florida State Pilots have an exemplary safety record in the handling of vessels within the waters of the State, and

**Whereas:** the Florida State Pilots are citizens of the State of Florida and accountable to their fellow citizens in ensuring the safety, and the protection of the environment of the State, and

**WHEREAS:** the State Pilotage System has been working and has provided competent pilots to each district within the state since inception, and

**WHEREAS:** the protection of the State's waters, land, and citizens should never take a back seat to the profit of a foreign flagged vessel operator, therefore

**BE IT RESOLVED:** that The Council of American Master Mariners, Inc. support the State Pilots and the State Pilotage system in the State of Florida in the manner which it now exists, and implores the Legislature of the State of Florida to make no substantive changes to the State Pilotage Laws that are now in place.



## KEYNOTE SPEAKER

# ADMIRAL ERIC T. OLSON

8TH COMMANDER OF U.S. SPECIAL OPERATIONS COMMAND

**A**dmiral Olson, out of the typical, everyday camouflage and wearing a new “experimental” retro-looking khaki uniform for the first time, took the podium after CAMM National President Cal Hunziker’s introduction of the Admiral.

Admiral Eric T. Olson, Eighth Commander of U.S. Special Operations Command (USSOCOM), is headquartered at MacDill Air Force Base in Tampa, Florida. USSOCOM ensures the readiness of joint special operations forces and, as directed, conducts operations worldwide.

Admiral Olson opened his keynote speech thanking Colonel John T. Carney, Jr., for the support of the Special Operations Warrior Foundation and their support of the families, such as putting kids through school.

Admiral Olson explained Colonel Carney, Jr.’s role as a young officer in a pre-landing team for Desert 1 to rescue hostages in 1981 in Iran, testing sand and landing sites. The failure of this mission spurred the creation of the Admiral’s command post. The Admiral described the Special forces teams as “those who have the guts to try.”

Admiral Olson has never been assigned to a ship or as crew, and admitted his only maritime experience was two nights as a longshoreman. When he first received the invitation to address Master Mariners, he wasn’t sure what he could talk about. His interactions with Masters and Pilots have been good; he has respect for what we do, and joked he

felt like an in-law at a family reunion.

### Special Ops

Admiral Olson oversees 60,000 people in Special Ops; about one-third of which are career commandos. Special Ops trains Green Berets, Seals, Reconnaissance ground teams, remote area teams, Air Force Special Tactics teams, and more in advanced technology and language. The teams are regionally focused and are comfortable when confronted with risk and ambiguity. Their abilities make the Admiral both proud and humble.

Special Ops teams operate in 75 countries, mainly to train countries to deal with their own challenges.

### America’s Navies

Admiral Olson gave us a brief history of the Navy, quoting George Washington: “*It follows than as certain as that night succeeds the day, that without a decisive naval force we can do nothing definitive, and with it, everything honorable and glorious.*” The Admiral reiterated that the Nations’ Navies were formed to protect the Merchant fleets from piracy.

### Modern Piracy

“*Today’s pirates are not swash-buckling buccaneers.*” Admiral Olson said piracy is not just a naval problem, but is a land-based crime expanded to sea. The average Somali pirates are uneducated, 20-35 years old, and economically deprived. They depart in groups of four or five from well-armed bases in skiffs with speeds of 30 knots, and target vessels

with low boards sailing under 15 knots.

Globally, losses from piracy range from \$13-16 billion annually. The world’s shipping lanes are used by 50,000 ships per year; 30,000 in the Gulf of Aden alone. On April 13th, President Obama, showed the seriousness of piracy by issuing an executive order blocking property of certain persons contributing to the conflict in Somalia.

The Admiral reported that a Panama-Flag ship was attacked that week; and pirate ships have fired on U.S. Navy ships twice in the past month.

The Admiral is glad to see Masters addressing this subject. He stressed the importance of a well-rehearsed ship security plan and alert crew members. He reinforced ideas discussed on Thursday that ships need to be less desirable targets; pirates will move on to an easier target.

### MAERSK ALABAMA

The MAERSK ALABAMA was 240 miles out to sea when attacked on April 8, 2009. Seals often don’t ride on ships and boarded the destroyer USS BAINBRIDGE on Olson’s authority. Olson quoted the BAINBRIDGE crew describing the Seals as a “mixed bag of bad-assery.”

The Admiral went on to explain the procedure for what could have happened if seals boarded the ALABAMA. Seals swarm the vessel; methods are rough, quick, and not friendly. *Everyone* on board is a threat and is pressed and handcuffed. ☆

# REVIEW

## 2010 LALONDE SPIRIT OF THE SEAS COMMODORE KENNETH R. ORCUTT

The 2010 *Lalonde Spirit of the Seas Award* recipient is Commodore Kenneth R. Orcutt of Irvine, Ca., #1385-R, nominated by Capt. Tom Stapleton, #2328-R. Orcutt was born in Wittier, Ca. in 1925 and has lead a very rewarding life.

After graduating from Cal Maritime Academy in 1944 on the 18-month wartime schedule, he went to work for APL as third mate. After sailing for 6 months he sat for and received his 2nd Mate's license. After 6 months sailing as 2nd Mate, he earned his Chief Mate's license and immediately sailed as Chief Mate. Again, after another 6 months sailing, he got off and sat for his Master's ticket. After getting his master's license, APL sent him to Hong Kong as Port Captain at the ripe young age of 25. He later sailed as Master and spent 18 years with APL.

Commodore Orcutt then went to the Panama Canal and piloted there for the next 6 years. Bored with the canal routine day after day, he returned to sea sailing as Master for Seatrain Lines, which was later absorbed by Matson Navigation. He continued sailing Master for Matson, becoming their longest-serving Fleet Commodore until he retired in 1992.

Commodore Orcutt is a consummate professional because he has always explained and made clear his expectations as the Master of his ship. He ran a tight ship, always firm but fair and consistent in his demeanor and manner. He was an outstanding delegator, empowering and supporting his officers.

He was an early pioneer in the use of programmable calculators and personal computers in the maritime industry. He wrote his first shipboard programs in 1974 while master of the SS *TRANSONEIDA* for Matson Navigation. Using his programmable scientific calculator, the Commodore wrote numerous programs

for the maritime industry: celestial navigation programs, nautical almanac predictions, loran lines of position, shipboard management, vessel stability, crew lists, payroll, inventory, requisitions, and much more. Eventually he rewrote all the Hewlett-Packard navigation pack programs for his calculator. While sailing for Matson he mentored many young officers that sailed for him and developed important software for HP-97 and HP 85 navigation computers. Unlike today's maritime software that is written by non-mariners, Commodore Orcutt routinely would write programs and leave the computer/calculator on the bridge for a few days as he awaited user feedback to improve the product. It was not uncommon for him to take this information from these users and make the software modifications after spending long hours in his foxhole (office). The finished product was always user-friendly software for ships' officers. HP Computers offered him a full time programmer position but he declined, preferring to continue sailing.

After retiring from sea with 30 years as Master and 45 years in the Naval Reserve (retired with rank of Captain), he decided to build and fly his own stunt plane because his wife was already building her own plane. Both he and his wife Patricia are avid pilots and enjoyed flying.

Ken has always been a mentor to others and in 1995 founded the Mary Orcutt Memorial College Fund for disadvantaged high school students with at least a 3.0 grade average, to pay for their four years of college tuition.

We were fortunate to have both Ken and his lovely wife Patricia join us in Tampa to accept his *Lalonde Spirit of the Seas Award* and Capt. Phillips was honored to present it to him in person. **Well Done!** ☆



Captain Bob Philips presents Commodore Kenneth Orcutt with the *Lalonde Spirit of the Seas Award* for his outstanding accomplishments and contributions to the maritime community.



Capt. Tom Stapleton, with Commodore Orcutt and wife Patty.



HP85 Hewlett Packard's first personal computer (\$3,250 original price)



Admiral Olson congratulates the Commodore.

## Dutch Treat

written by engineers at  
Kvichak Marine Industries

The Netherlands has historically been one of busiest port countries in the world. Loodswezen is the Dutch pilot organization responsible for coordinating large ship arrivals and departures in the Netherlands. Loodswezen's large fleet of pilot boats is used to transfer pilots to and from large vessels at sea before entering or after leaving port. The large Port of Rotterdam is expanding through various land reclamation projects, and is very concerned with its overall environmental impact. Therefore all fleets operating within the port, including Loodswezen, have agreed to do everything possible to reduce their environmental impact.

In a continual effort to renew their fleet, Loodswezen went in search of a new high speed pilot boat class. Under their agreement with the port it would need to have the lowest exhaust emissions possible. Loodswezen decided Kvichak Marine Industries in Seattle, WA would build the boats. The design would come from naval architecture firm Camarc Design in the UK, which had also designed their current high speed pilot boats. Two, already very clean, Tier

II compliant Caterpillar ACERT C32 engines would power the boats. Diesel engine emissions reduction technology would come from Hug Engineering in Switzerland, supplied and serviced through Soottech in the Netherlands.

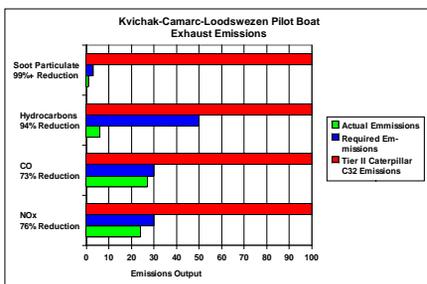
Today's state of the art technology for Diesel engine emission reduction combines Selective Catalytic Reduction (SCR) with a Diesel Particulate Filter (DPF). The SCR system injects a urea based mixture downstream of the engine exhaust outlets into the dry exhaust piping. With the aid of a catalyst the urea combines with nitrogen oxide (NO<sub>x</sub>) emissions and reduces them into nitrogen gas (N<sub>2</sub>) and water (H<sub>2</sub>O). The DPF collects the unburnt soot and with the addition of another catalyst takes the carbon monoxide (CO), hydrocarbons (HC), and particulate soot and converts these into carbon dioxide (CO<sub>2</sub>) and water (H<sub>2</sub>O). Normal running exhaust temperatures are high enough to achieve an almost complete burn of these captured soot particles. However incase of long periods of idling, a separate afterburner has been installed to periodically increase exhaust temperatures.

Kvichak's expertise in building complex highly engineered aluminum high speed boats is well known in the workboat industry. Hug Engineering has been designing and building SCR & DPF systems for more than a decade. Beginning in greenhouses, Hug Engineering has since expanded into mobile systems for trains and larger ships. Camarc Design

and Kvichak have built several successful high speed aluminum pilot boats, with still more in production. The integration of a SCR & DPF system has many design challenges for a shipyard. Kvichak worked closely with Camarc Design to modify their pilot boat to accommodate the additional components that make up an SCR & DPF system. This effort to put a mobile SCR & DPF system in a high speed aluminum pilot boat is the first of its kind and has been a welcome challenge for all companies. Maintaining the same operational effectiveness required Loodswezen to receive a pilot boat that would match their existing pilot boat speed of 28 knots. The first new pilot boat has already shown the capability to exceed 28 knots during initial sea trials in January 2010.

To test the system prior to final construction, a full scale mock up was built near Kvichak's production facilities. The same exact components that would go into the first production boat were used for the test: the engine, SCR & DPF components, and exhaust piping. Even the detail of simulating sea water cooling was used to be sure the final product would operate as promised. Compared to the already low emissions of the base engine, particulate soot will be reduced more than 99%, NO<sub>x</sub> reduced 76%, CO reduced 73%, and hydrocarbons reduced 94%. These excellent results were also confirmed during the commissioning of the first production boat.

*Continued on next page >>>*



## Lake Charles Pilots Takes Delivery of New Pilot Boat from Gladding-Hearn

SOMERSET, Mass.—March 31, 2010— The Lake Charles Pilots, which operates on the Calcasieu ship channel in southwestern Louisiana, has taken delivery of its third pilot boat from Gladding-Hearn Shipbuilding, Duclos Corporation.

According to Lake Charles pilot, Capt. Mike Miller, buying the new boat was prompted by an additional 400 LNG tankers traveling to terminals on the Calcasieu River. *“With all of this new traffic on the river, we wanted a stable boarding boat with a deep-V hull that can operate continuously to the outermost sea buoy, 30 miles off the coast. The sea conditions out there normally run three to five feet, but can often climb to ten feet,”* he said.

Featuring the C. Raymond Hunt-designed deep-V hull, the all-aluminum *CALCASIEU PASS PILOT* measures 75.8 feet over-all, with a 20.6-foot beam and a 6.8-foot draft. At the shear is a heavy-duty, 12-inch D rubber fender, in addition to tires on the boarding area.

With a top speed of 26 knots, the boat is powered by twin Cummins QSK38M diesel engines, each producing 1350 Bhp at 1900 rpm. Two Twin Disc MGX-6620A “Quick Shift” gear boxes turn 5-blade Bruntons propellers controlled by a Twin Disc EC-300 electronic control system at three stations. Electrical power comes from twin Onan 27kW gensets.

The launch has wide side decks, inverted front windows and roof win-

dows, and a roof-top boarding station. The pilothouse forward and the engine hatch aft, preferred by the Lake Charles pilots, provide excellent operator visibility of the boarding station and clear deck access to remove an engine hatch for major maintenance or engine removal.

The wheelhouse roof is equipped with a control station to improve communication between the operator and the boarding pilot. Recessed steps, built into the transom, lead to a rescue platform. A pipe davit, equipped with a self-tailing winch, is located alongside the aft control station for pilot rescue operations.

The air-conditioned wheelhouse and finished forecastle includes a fully-integrated navigation system, four Lebroc recliners, galley, enclosed head with shower, and three double staterooms. The double staterooms are mainly for use during hurricanes, when the pilots use their boats and the base of operations to keep relief efforts and river traffic flowing. Interior sound level in the wheelhouse is about 75 decibels.

For more information, contact Gladding-Hearn Shipbuilding, Duclos Corporation, PO Box 300, Somerset, MA 02726. ☆



### *Dutch >>> Continued from page 22*

This boat, built by Kvichak Marine, will give Loodswezen a head start on future emissions requirements. Most importantly it will allow Loodswezen to renew their fleet while still greatly reducing overall fleet emissions. This kind of successful new boat program benefits all parties, protects the environment, and sets the standard for future marine projects.

The first Loodswezen pilot boat is receiving finishing touches and will be transported to the Netherlands by way of a larger cargo ship. It is set to go into service in the spring of 2010. The second and third boats of the class, already under construction, will soon follow in subsequent months. ☆

**HARBORLIGHTS**  
HARBORLIGHTS

**Eagle Trenton**  
Offtime: 5/13/2010 20:55  
Lloyds: 9250907  
MMSI: 563393000  
Speed: 0.1 Knots  
Heading: 319 Degrees  
Type: TNK  
Status: Moored  
Sea -> Houston Fuel Oil

From	To	Type	Gross	Draft	Length	Beam	Lloyds	Status	Off Time	Tag
272	OT3	TNK	56225	18.11	784	118	9247955			LLL
577	NCH	GEN	1090	18.07	161	46	9357509			S

**www.HarborLights.net • For a Free Trial, Call (713) 678-4300**

## US ships, mariners saved 162 lives at sea during 2009



by Will Watson  
#3256-A

*Mariners from 490 U.S. vessels were honored on May 18th in Washington, DC at the annual AMVER awards ceremony that was held at the*

National Press Club. Held in conjunction with the National Maritime Day observance, the annual AMVER awards salute ships and

eight months pregnant and a 12-year-old child. The crew used the pilot ladder to embark the passengers and crew and then shared limited resources by rationing food and water and sharing some of their own clothing for three days until weather conditions allowed the survivors to be landed ashore.

Not all diversions end in spectacular rescues but AMVER participants respond to all calls anyway as did the *HORIZON DISCOVERY* which responded to the call of a ship on fire some 30 miles west of Great Inagua Island in the

on-scene value is nonetheless valuable. On May 5th, 2009, the *DOLE EUROPA* was diverted to assist with a medical evacuation from a recreational sailboat some 150 miles north of Puerto Rico. After arriving at the boat's location, the Dole ship was unable to lower its small boat because of heavy seas, but stayed on scene and provided a lee so that the USCG helicopter could lower a basket and rescue swimmer to recover the survivor.

These are just a few of the many rescues that occurred last year ... and in previous years. The genesis of the AMVER system

seafarers participating in the voluntary lifesaving program operated under the auspices of the US Coast Guard.

While participation awards were given to 490 vessels, 17 ships received special praise for diverting from their planned course to assist in at-sea rescues that are credited for saving 162 lives during 2009.

One such rescue occurred on January 10, 2009, when the *OVERSEAS PRIMAR*, a 25,368 gross ton tanker managed by OSG Ship Management, received a call requesting assistance with a search and rescue operation. The U.S. owned and Marshall Islands-flagged ship diverted course to assist a sinking ship that reportedly had 40 persons aboard. On arriving at the rescue scene in the Mediterranean near Malta, the tanker crew found the distressed vessel that actually had 162 persons aboard – many of them Somali migrants including a woman who was



*Even before the annual AMVER awards in May, rescuer vessels were receiving honors. Pictured here, Bill Gallagher, president of International Registries, Inc. (left), together with Theo Xenakoudis, managing director, IRI Piraeus, presents Captain George Dienis, managing director and chief operating officer of OSG Ship Management (GR) Ltd. with a certificate of commendation for the rescue of 162 persons by the *OVERSEAS PRIMAR* in the Mediterranean on January 11, 2009.*

ultimately finds its roots in the *RMS TITANIC* disaster in 1912 when passing ships were unaware of the massive passenger liner's situation. But it wasn't until 1958 when modern communications and computer systems were emerging that the Atlantic Merchant Vessel Emergency Reporting (AMVER) System was formed. Today, there are over 19,000 vessels enrolled in the AMVER network representing hundreds of countries. On any given day there are over 3,700 vessels available to divert and

assist in a distress situation.

Caribbean. As it turned out, the vessel in question had been observed clearing its stacks by another watchstander who sounded the alarm.

And while not every responding vessel participates directly in a rescue, their

This year's awards ceremony was sponsored by IHS-Fairplay, Lockheed-Martin, Blank Rome, NAMMA/NAMEPA and Inmarsat. ☆

# Damned if you do – Damned if you don't

## *A recent decision of the Federal Court of Australia Strong Wise Limited v. Esso Australia Resources –*



by Captain  
Dennis L. Bryant  
Independent  
Maritime Consultant

highlights the dilemma and second-guessing frequently encountered by masters. On December 13, 2008, the container ship APL SYDNEY, commanded by Capt. Xu, the ship's anchor had fouled the pipeline. The pilot directed various slow-speed maneuvers, which resulted in dragging, bending, and eventually rupturing the pipeline. The ship and its owner were then sued for damages by the owner of the pipeline and others.

In his decision, the judge expressed great sympathy for the predicament into which the master had been placed. The judge noted that, even when pilotage is compulsory, the law treats the pilot as a servant of the shipowner, who is responsible for the acts of and damages caused by the pilot. The decision states:

*I am satisfied that the pilot's departure from the bridge before the ship had been brought up to anchor, particularly in the prevailing conditions, was a breach of his obligation to undertake the compulsory pilotage of the ship. Unless she had been brought up to anchor, the ship was still required to be under pilotage. If anything went wrong with the anchoring, as it did in this case, the master would be in the invidious position of potentially breaching the compulsory pilotage requirements of the Port of Melbourne were he to use the engines to manoeuvre the ship or attempt to re-anchor her. That position was exacerbated because the pilot directed the anchoring to be south west of the pipeline, a valuable and potentially dangerous infrastructure resource in the port, in a gale where the wind would blow the ship towards the pipeline if she were not brought up to anchor. That is just the position in which Capt Xu was placed, contributed to by the conduct of the pilot and later by the port authorities.*

The court noted that, in an area of

compulsory pilotage, a master "will be cautious before deliberately overriding a port State's harbour or passage control authority's direction for the legitimate fear that he or she could be arrested and jailed, however reasonable or necessary the overriding manoeuvre was." The government authorities have a concomitant responsibility in unusual circumstances to pay proper regard to reasonable requests from masters for deviations from general rules.

Nevertheless, the court ultimately determined the actions of the master to be wrong, making the ship and its owner liable for damages. The court stated: "Difficult as it was for him, Capt. Xu should have ignored the refusal of harbour control at 15:07 to allow him to move the ship... His primary responsibility was to ensure the safety of his ship, her crew and cargo, and to prevent the anchor damaging the pipeline. I do not accept that he was absolved of his right and duty to exercise that responsibility by the unhelpful refusal of harbour control to give its permission." Subsequently, the court summarized its perspective thusly: "While it is possible to sympathise (as I do) with his dilemma in having to defy harbour control in a foreign port and to risk criminal prosecution for having done so, Capt Xu should have begun heaving the anchor at 15:01."

The law and maritime tradition place a great deal of responsibility on the master of a vessel. They also afford the master with considerable authority. As this case highlights, though, there is a gap between the extent to the master's authority and the extent of his or her responsibility. The law and the courts should work to minimize that gap, rather than just wringing their hands. ☆

was arriving in the Port of Melbourne, where pilotage is compulsory.

The weather was bad and getting worse. The pilot boarded while the ship was offshore and brought it to the outer anchorage to await a berth. He directed that the ship anchor in an area north of another anchored vessel and south of a gas pipeline that crossed the waterway generally from east to west. The pilot departed the ship before it was anchored.

The master anchored the ship in accordance with the pilot's instructions, but soon noticed that the gale-force winds were causing the anchor to drag, with the ship drifting down on the pipeline. The master radioed the Port of Melbourne Authority's harbor control and sought permission to heave anchor and to re-anchor further away from the pipeline.

Harbor control, after an unexplained 24-minute delay, denied the request because no pilot was on board. The master explained that the maneuver was necessary and was not complicated. Harbor control repeated its refusal to authorize the maneuver and directed the pilot to rejoin the ship. Due to the heavy weather, it took the pilot approximately 45 minutes to get back aboard. By that time,

## The Master, the Owner, the Agent, the Ship and the Bank

*Have you ever thought about what your relationship with the owner really is in law? As in all things in maritime law, the answer is a resounding and emphatic "it depends."*

by Captain  
John A. C. Cartner  
#2574-R  
International  
Maritime Lawyer

### Employment

In general, the master is an employee at will in the common law. That means that he can be fired at the will of the owner with no reason and for no cause. In some flag states such as Liberia and Panama he cannot do much at all if he gets the message while ashore "We feel you are not happy with us..." At sea the master has a duty at law to continue to prosecute the voyage until a proper relief can be made. As a professional duty, the master of course should give every assistance to the oncoming master. It usually was not his fault, after all, that you were fired. If you have a collective bargaining contract agreement things will vary according to the contract and your contractual rights which the labor organization should help you enforce.

### I Want to Come Down and See My Ship

The telephone message arrives that the owner (or he who stands in his shoes such as the charterer) wants to pay a visit to you. May you deny him permission aboard? Yes, but only if he will constitute a danger to the vessel or the cargo or the people aboard and near the ship and the environment which could be affected by the ship.

The master in law has five principal duties. He must, to the best of his abil-

ity, protect the people, the ship and the cargo and the environment and he must prudently prosecute the voyage as the owner's agent. You must carefully consider the request in light of all those factors. If you are loading benzene on a hot day in Houston with rumbling clouds on the horizon and taking all precautions, the owner's mere presence may not be of concern to you, however it should be. The owner may risk his own safety and those of your officers, vessel and crew should he perform some act – even inadvertently – creating a danger. He is a person and you are responsible for his safety. He thus may be denied the visit on your legal duties and on your professional judgment. Of course one should also be politic about things lest your common law employment not be as secure tomorrow as it is today.

### Hard Right the Helm!

The owner wants a cheap passage to Europe with you. After all, he did get a cabin with his name on it. He's not a bad sort although he runs a tight-fisted company. You do not have weather routing, for example and you have the legal bare minimum in navigational safety equipment. About the longitude of Iceland in the North Atlantic you are in weather. You have been topside for 24 hours in your chair maneuvering and are now proceeding slow ahead to keep her into the wind and sea. Now as we well know, all these things happen at 3:00 am in the driving rain and the owner, being no exception to the rule, appears on the bridge wildly gesticulating and shouting to the helmsman "Hard right the helm!"

which you immediately countermand. You then, without further comment to the owner, call the mate and send the lookout ordinary from the wing to help in assisting the owner to his stateroom. The mate advises the owner that it is your order that he not leave except for meals until you see him. You have a good mate here.

How can all this be? Your duty in law is to protect the people, the ship and the cargo and the environment and to prosecute prudently the voyage. The owner's interference with your duty cannot be allowed, even if it is by him, because your duty even supersedes your contractual duty to him as his agent. Moreover, you have now exercised your right as master to be bailee pro tem or bailee for the time being of the vessel. The baileeship is pro tem because you in some situations may not be a bailee during the course of employment. Except for the fluid nature of your baileeship, this is identically the situation as when you take your suit to the dry cleaners on Monday. The drycleaner promises to return them Thursday and to perform his contract to clean them. The important point is that he is the bailee of your suit and you are the bailor. That state in law exists when you cannot get your property while the baileeship of the drycleaner is in effect even though you have title of ownership to it. Here, the owner has title but you have possession and all those duties in law. When you pay for the dry-cleaned suit the cleaner's baileeship ends formally. Again, politic behavior is important, however, you really have no choice in law but to exclude the owner.

## I Am in Ique-Ique and There Is No Money

You are running a charter for a one-ship company in the ore trades. Well, it is a job. The charterer gives you advances in cash and gets reimbursed by the owner. The owner has stated that in no circumstances will he advance any money and, anyway, you have tried to find him for three days because the fisc is dwindling rapidly. You are in Ique-Ique. The charterer has disappeared, too. You are getting nervous. You go to the agent who tells you that he has not talked to the owner in months and the only way he is attending the ship is in the hopes of being paid when he sends the bill. He has always been paid in the past. He will advance you no money, however and he also tells you that the charterer has not retained him or any other agent in Ique-Ique and that he is putting himself at risk financially and legally here and now. He suggests you seek local legal counsel

to exercise your inherent powers as an agent of necessity. What is your status? You are still a common law employee, shaky as that seems to be getting. You are also, as above, the bailee pro tem because, in this circumstance you cannot find your owner and principal to exercise your duties in law. You do not have title, however as owner. Local counsel – which you pay for – tells you that you may approach the bank and pledge the ship in a transaction of bottomry where you act for the owner under the agency of necessity and may use the title of the ship as if it were yours to raise the money. You negotiate a loan which is the legal liability of the owner – not you – and pay the legal and bank fees from the loan. As soon as you get the money your status becomes also one of being a constructive trustee of the money for the owner. So, you now have the money to pay the bills, you remain bailee pro tem until you hear from the owner and you

are a constructive trustee of the money. That last state requires you to be prudent and to account for every peso of it and not to wrongfully use it. Your agency of necessity ended, however as soon as you signed the loan document for the owner, although it might arise again with the way this trip is going. ☆

© John A. C. Cartner 2010, all rights reserved. John A. C. Cartner is the principal author of *The International Law of the Shipmaster* (2009) London: Informa, (with R.P. Fiske, T. L. Leiter) [www.shipmasterlaw.com](http://www.shipmasterlaw.com). He has an unrestricted and endorsed master's certificate (U.S.A.). His law practice focuses on the law of the shipmaster worldwide. He may be also reached at 202 429 2500. No legal, taxation or engineering advice is given in this column and it should not be read it as giving it. Should you need legal assistance and advice consult with a competent legal practitioner in this area of the law.

## MOPS Defends Much More Than Your U.S.C.G. License

Since 1935, the MOPS License Insurance Program has protected the licenses, livelihoods and professional reputations of thousands of U.S.C.G. licensed ship masters. And now we offer our over 75 years of experience—and a significant discount—to CAMM members. Get the MOPS network of America's finest maritime attorneys working for you.

Please call toll-free  
**(800) 782-8902 ext. 3302 or 3608**  
or visit  
[www.mopsmarinelicenseinsurance.com](http://www.mopsmarinelicenseinsurance.com)  
for a free quote.



*We Protect Your License, Your Living...And Your Reputation.*  
370 West Park Avenue, P.O. Box 9004, Long Beach, NY 11561

## INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, ILA/AFL-CIO

- ◇ Professional mariners
- ◇ State-of-the-art training
- ◇ A dynamic voice for the merchant marine



***Proudly serving in peace  
and war since 1880***

**Timothy A. Brown**  
International  
President

**Don Marcus**  
International  
Secretary-Treasurer

700 Maritime Boulevard, Suite B  
Linthicum Heights, MD 21090-1953  
410-850-8700 [www.bridgedeck.org](http://www.bridgedeck.org)

## The International Law of the Shipmaster

*Reviewed by Vince Reuter, J.D., LL.M.*

If you buy one book this year for your professional library it should be *The International Law of the Shipmaster* by John A. C. Cartner, R. P. Fiske and T. Leiter [www.shipmasterlaw.com]. I am not alone in my enthusiasm for this remarkable book. Another reviewer even called it 'awesome,' an adjective rarely – if ever – used for a law book.

The law of the shipmaster is complex in many ways. It is international in scope but it also is represented in every maritime state. There are doctrines of law most states follow, but they are not identical in practice. To have comprehensively covered the laws of the shipmaster in 176 states of the IMO as well as the non-member states would be a task enough in the last third of the book, but the authors do more. The first part of the book relates the international law and all its complexity to the shipmaster in a readable and readily searchable form. The second part then looks at the doctrines of law governing the shipmaster in both civil law states and common law states. The most remarkable thing about the book is that it makes sense the way it is organized and written – which for a law book is indeed awesome!

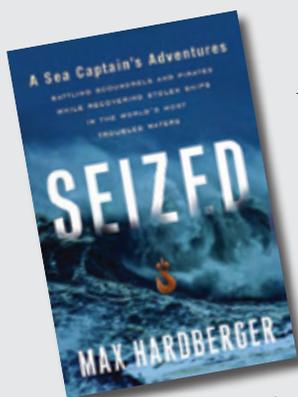
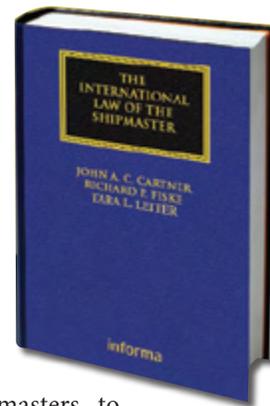
I especially appreciated the thought-

ful analyses – always well referenced – which the authors put forth on the master-owner relationship, the master-cargo relationship and the master-vessel relationship. The master is not immune to suit or criminal charge although in some circumstances he may limit his liability. Hence, the book serves as an eye-opener as to how much liability the modern master assumes merely by stepping aboard in command and how thin is his protection. This state of affairs becomes especially important in matters of criminalization when combined with civil suits. One chapter of the book deals with the peculiarities – and inconsistencies and paradoxes and often wrong-headed thinking – of the security culture and its organs of state security in the United States and its abuse of masters and seafarer of every flag. For this chapter alone, the book is well worth the purchase price.

I found that I could pick up the book, open it anywhere and find something interesting. Did you know, for example, who the first person to bear the title Captain was in England? Were you aware that at least one state has in its constitution that the master may suppress mutiny and disorder by any means at his disposal and has the duty to do so? Did

you know that in some situations the master is not covered by the doctrine of limitation of liability? Some states require masters to carry small arms with them on voyages. Other states by law grant the master a rank in the government hierarchy. If you do not know when you can exclude the owner from what you are doing, read this book because it will tell you in very carefully analyzed detail.

The principal author, John A. C. Cartner, is a regular member of the Council of American Master Mariners. Richard P. Fiske is a retired naval Captain whose last posting was as Supervisor of Salvage. Tara L. Leiter received her law training at the IMO law school in Malta. Each is quite qualified to write and the group has produced a book which should be of great interest and utility to every master, owner, government agency, vendor, crewing agency, union, financier, insurer, pilot or anyone else who has business with the shipmaster in the oceanic trades. I heartily and enthusiastically recommend the book. You will use it regularly and frequently. ☆



*Reviewed by Rick Spilman*  
*The Old Salt Blog*

Max Hardberger's *Seized, a Sea Captains Adventures – Battling Scoundrels and Pirates while Recovering Stolen Ships in the World's Most Troubled Waters* is a fascinating account of one man's remarkable career and personal journey. In addition to working professionally as a crop-duster,

school teacher, lawyer, and ship's captain,

Max Hardberger developed the rather unusual specialty of returning stolen property, very large stolen property. He steals back ships wrongly seized in foreign ports and returns them

to their owners.

There is a cliché that petty thieves steal with guns while the big thieves steal with pens. Hardberger's career as a "ship extractor" began when as captain of the bulk carrier, *NARUDA*, which had just discharged a cargo of rice in Haiti, a claim was filed against the ship for a short discharge. The claim was false and even if valid, should have been filed against shipper and not the ship. Nevertheless an unscrupulous merchant, paying off a corrupt judge in a third world port, just might have succeeded in stealing the ship. With guile, stealth, liquor for the guards, and a bit of bribery, Captain Hardberger succeeded in slipping the ship out of Cap Haitian. It was the beginning of a highly varied career as a ship thief.

In *Seized*, Captain Hardberger describes sneaking ships out

# An Investigation into the Criminalization of Seafarers

by Capt. Brian Mathias

Criminalization of seafarers is an issue of importance not only to seafarers, but to the world in general. The reasons for this are many and go beyond the scope of this article. However a few are listed here:

- 1) It infringes on seafarers basic rights as under international law, the laws of the Flag State apply to a ship regardless of the location of the ship.
- 2) The world merchant fleet carries more than 80% of world trade, and disruption to the fleet could prove catastrophic. Notwithstanding this fact, frequent cases of criminalization of seafarers prove that scant respect is shown to this industry.
- 3) The fear of criminalization and loss of reputation may lead to problems with recruiting quality seafarers in the future.

Pollution incidents at sea draw enormous publicity, resulting in both local and political pressure. As in any other walk of life, there are elements within the seafaring profession who intentionally indulge in criminal behaviour. These cases are not condoned and those involved need to be prosecuted as per

the law.

In some cases however, the seafarer is blameless where pollution is caused under force majeure circumstances. Yet, the polyglot nature of crew and the convoluted web of ownership and registry cause problems in identifying who exactly to blame. Inevitably the media focus is on the master and senior officers, and they are made scapegoats. With varying laws in different jurisdictions, seafarers are not given basic fair treatment or equality as per the law and due process and basic human rights are almost never applied. Due to the fragmented nature of the industry and the globalized sourcing of crew, seafarers cannot form a cohesive union. In fact, globalization is frequently used as a tool by employers in order to keep crew alienated, and thus unable to bargain or defend themselves effectively.

International treaties that govern ship generated pollution such as MARPOL are not taken into account, and have been openly contravened by various countries' law enforcement bodies when seafarers have been jailed prior to a proper trial. The principle of 'actus non facit reum nisi mens sit rea' meaning 'only a guilty mind makes an act criminal' is effectively completely ignored when we have in existence draconian laws such as the 'Perben

II' in France and the 'EU Ship Source Pollution Directive' in the European Union. The EU Directive 2005/35 and the accompanying Framework Decision 2005/667 laws impose criminal sanctions for ship source oil pollution and are a reflection of the blame culture that exists today. ☆

*The author is now conducting a research project into the criminalization of seafarers. A questionnaire to survey your opinion on unfair treatment and criminalization of the seafarer has been created. Your responses are highly valued and will be used as input to the academic research project which aims to investigate the consequences and impact of unfair treatment and criminalization of seafarers on the shipping industry. It further aims to identify constraints of policy and provide recommendations on the protection of seafarers' welfare. The questionnaire is posted on CAMM's website and must be submitted by June 15.*

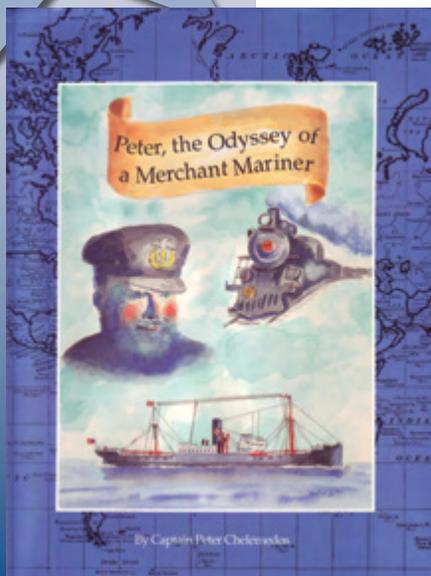
*Capt. Brian Mathias has been at sea since 1988 and is a serving master mariner presently on a sabbatical. He is based at the University of Plymouth Business School where he is reading for an MS in International Shipping.*

of Venezuela, Haiti, Trinidad, Belgium, Honduras, Mexico and Greece, as well as flying forty seven crop dusters out of East Germany. In the process he had to cope with corrupt officials, the Russian mob, political unrest, and a mixed bag of scoundrels, pirates and con men.

He describes the difficulty of sneaking a ship out of port. Most ships have diesel engines which can make a lot of noise in the dead of night when trying to slip out of a port unnoticed. In one case, Captain Hardberger merely slipped the lines and let the ship drift out with the wind and current to a waiting tug. In another case, he arranged for a very noisy party at a neighboring waterfront warehouse to mask the sound of the ship's engines starting up. The range of trickery, diversions and deceptions used to extract ships from ports around the world is highly entertaining.

What makes this memoir something more than a group of sea stories loosely strung together is that we also follow Captain Hardberger's personal journey. This includes the highs and lows, from his passing the California bar exam to become an attorney (after completing a law school correspondence course,) to the end of his marriage and the tragic loss of a daughter to heart disease. The memoir ends in the aftermath of Hurricane Katrina where he has lost most of his worldly possessions while still in mourning over his daughter's death. Nevertheless, it is clear that he will carry on. There is still work to be done and just possibly more ships to save.

*Seized, a Sea Captains Adventures - Battling Scoundrels and Pirates while Recovering Stolen Ships in the World's Most Troubled Waters* is a gripping story of real-life adventure. A highly enjoyable read. ☆



by Captain  
Peter Chelemedos  
#1671-R

## Peter, the Odyssey of a Merchant Mariner

Chapter 2: Tucson  
February - April 1938

I had twelve cents, a camera and a mandolin to my name when I landed in Tucson in early February 1938. Harry Ruser, the friend I had made on the train the previous year, was no longer there, having gone back north on business. On my birthday, I found a job at the Six-Four Messenger Service under the name of James Patrick Royal, having a good idea that the usual “three-state alarm” had been put out for me from home. I did have a few bad moments when Mrs. Stallings, my employer, sent me after a Social Security card. But I applied for the card with my right name, and only gave Mrs. Stallings the number.

I was Messenger Number Nine. The Mexican boys who worked there dubbed me “Numero Nuevo” and that is what I was called for the two months I worked there. They loaned me a bike that belonged to one of the night-shift messengers, so it wasn't long before I learned the town pretty well. But I couldn't do much on my income of three dollars or so per week, depending on how many errands I had run.

Sleep? Yes, once in a while, whenever I could find a corner to crawl into where I was sure the cop on the beat wouldn't find me on the roof of the Kings Cafeteria under the air conditioning unit, or in a car at the back corner of

a used car lot in which I found a blanket. Sometimes, when I had a quarter left over from my payday dinner, I rented a bed at the local YMCA dorm and made the most of the comfort it offered. Other nights I would go over to the Coney Island lunchroom and wash dishes until two in the morning for what I could get to eat there. At two, I went to the newspaper plant and took out ten papers to sell on the streets to what early morning customers I could find. Until the last day I was there, I never thought to take them out to the all-night roadhouses outside of town to sell to the motorists there. So I wasn't what one could call a success at that job. It did give me a dime for a glass of milk and a doughnut to breakfast on every other day, though.

Once in a while, I would splurge twenty cents and get a whole meal at a Chinese restaurant, usually frankfurters and rice, but with soup, tea and bread included. When I had the twenty cents, that is.

One night, I doubled-shifted because the other boys were participating in some school activity. I was given a call to deliver a package from the drugstore on the corner out to the fancy El Conquistador Hotel, which entailed a short cut across a patch of desert. The amount to collect for the package was nine dollars, ninety-seven cents and eight mills (tax tokens). The hotel clerk wouldn't allow me to deliver it personally, instead passing it to one of the bellboys. He gave me a ten-dollar bill and said, “Give me the two pennies. You can keep the two mills change.” Talk about tips!?

Bathing? Well, there was an irrigation ditch out on the west side of town, and

sometimes I could get a remnant of soap from the YMCA or from a gas station. But I couldn't wash my clothes, not even a change of socks, so no one knew the difference when I did bathe. Once in a while, I would use the showers and swimming pool at the YMCA, but without clean socks there always seemed to be a “something” in the air which neither I nor anyone else appreciated.

After a couple of months of this, I got to falling asleep occasionally while riding on the bike and had a couple of near accidents. One day, I had a call to deliver a rush package from one branch of a chain drugstore to another two blocks down Congress Street. I was riding down the middle of the street in the abandoned streetcar tracks alongside a string of cars. In the middle of the next block, a large truck turned out of the alley on my left and headed right at me head on. I dodged between the moving cars on my right and rode between them and the parked cars at the curb, and was alongside of one as it made a right turn at the next corner. The driver saw me just in time and stopped. I passed in front of him, turned to wave thanks, and nearly ran into the policeman directing traffic at the corner.

The policeman gave me a ticket for “Speeding, Reckless Riding, and No Brakes on a Bicycle,” and ordered me to go to night court. I sat in the courtroom listening to the fifty-dollar fines or thirty days in jail being meted out to various wayward drivers, all the while holding my breath in fear that the one dollar I had in my pocket would not be enough, and that someone would put me



together with the “three-state alarm” that I was almost sure was out for me.

The judge called me up and read the ticket: “Speeding, reckless riding and no brakes. This is pretty serious, son. How do you plead, guilty or not guilty?”

I answered, “Judge, you didn’t read the whole ticket.”

“What? There’s more?” He looked at the ticket more closely and read, “On a bicycle??”

“Yes, sir.”

“Well, this really is serious, son, but since this is the first one like this I’ve seen in this court, I don’t know just what to do with it. I’ll tell you what. I’ll just put it in my top drawer here and think about it and if you come in here with another one like it, I’ll have something in mind.”

I managed to save up five dollars and, taking advantage of an ad in the paper, bought my own bike. When I saw the bike I understood why it was only worth five bucks, if that much. But if balanced right and not pushed too hard on the pedals and chain, it would run and still stay together. Now that I had my own bike, I started thinking of the open road again. The road from Tucson to Lordsburg, New Mexico, was across a flat desert according to the map I looked at. I figured that I could ride my bike during the full moon-lit nights and rest during the heat of the day, so I started out. About ten miles out into the desert, the chain broke a link. I hadn’t thought to bring any spare links, as my main concern was the nearly threadbare tires. I started walking along, pushing the bike, when a pickup truck came along and gave me a ride the rest of the way to the New Mexico border.

The driver did not want to carry me across the state line, as the Lindbergh Law was being used as a prosecuting device by the local law enforcement officers of the day. (The Lindbergh Law, passed after the kidnapping of the Lindbergh baby, made it illegal to transport a minor across a state line.) I understood, so I started walking again until I reached a restaurant where I got breakfast. I couldn’t get any chain links there, and it was still many miles to

Lordsburg. I walked east for a while in the early morning cool, looking for a spot to get out of the rapidly warming sun. There was little traffic on the road, but about eleven o’clock a driver headed west stopped to ask if I needed help. I told him my problem, so he tied the bike on the back of his car and drove me all the way back to Tucson.

When I found a part and got the bike

fixed again, I got a job delivering Easter telegrams for Western Union to pick up a bit more change. I collected a whole dollar for the week’s work, and sold the bike back to the pawnshop where I had purchased it. The man gave me four dollars for it.

I headed for the freight yards again. ☆

## Making diamonds

**When faced with pending disaster, put a piece of coal between your buns**

*By Capt. Jackson Davis #1644-R*

I am sure every one reading can relate to these events. How many diamonds could you have made in your sea going career?

Captain Alan Dugall related an incident that occurred sailing down the Mississippi river. He was Master on a empty tanker, when approaching heading up river was a small pusher tug with two barges. It was to be a starboard to starboard passing. The tug suddenly decided to go port to port. It passed out of sight under the ship’s bow. Then after it seemed like forever it appeared off the port bow.

Alan asked the pilot if this happened often. He replied, “yes.” “How do you stand it?” asked Alan. I couldn’t if I was responsible.

One time I was sailing down the Mississippi after discharging a load of crude oil at the salt mines. Tanks full of fumes. The river makes more than a ninety degree turn to the right at the piers of the port of New Orleans. The pilot did not allow room for the side wash of the ship. We were rapidly being set towards all the ships and barges lining the piers. He ran out on the port wing and started shouting orders to the wheel house. Hard right then hard left and hard right, more speed, etc. I was standing in the doorway playing mister cool to make sure orders were carried out. But my shirt was wet from arm pit to belt and a severe pain in my chest. I might have made some diamonds that

day; I will never forget the pilot’s name.

When I was a chief petty officer running a harbor tug, I was returning an oil barge from a carrier on the far side of North Island about midnight. The barge stuck out well in front of the tug’s bow. Suddenly, a fifty-foot motor launch with about fifty sailors appeared from around the island and a huge shout came from all the sailors. The boat coxswain went hard right. The boat disappeared under the bow of the barge, then appeared moments later. I could have made diamonds that night. I requested future running lights for barges the very next morning.

Entering the southwest channel to go up the Mississippi River, I slowed the engine down and was immediately answered by the pop off valves from the boilers making massive noises. Arco tankers had wheel house control of the engine speeds.

We were approaching shallow water. My next thought was to start running in circles as we were running out of deep water; I could be making diamonds at this time. A pilot boat came racing along side and the pilot raced up into the wheel house and ordered us to proceed up the river. The pop off valves were still making so much noise we could just barely hear him. Fortunately the engineers got control and later told me they had to hand control the boiler feed the rest of the way up the river. The auto control had stuck wide open. ☆

## News from IFSMA



by Captain  
Rodger MacDonald  
Secretary-General  
IFSMA

loss of eleven offshore workers is a tragedy in itself but in this case the direct result of the pollution will affect so many of our seafaring colleagues and their families as well as all the local inhabitants around the Gulf of Mexico. We hope and pray for an early solution to the problem.

### Piracy

The latest report from the International Maritime Bureau (IMB) which is part of the International Chamber of Commerce indicates that attacks by Somali pirates on shipping off the Horn of Africa for the first quarter of this year have dropped substantially from the same period in 2009. According to ICC IMB, Somali pirates were responsible for 35 of the 67 piracy incidents reported worldwide during this period, down from 102 attacks last year. The organization, which monitors direct criminal activity aimed at shipping around the world, attributed this drop to the action that has been taken over the last few months by the international naval flotilla that has gathered in the waters off East Africa to deal with the problem.

However, the report also attributes the growing range at which attacks are

occurring to this success, and urges those nations participating to continue their efforts to deal with pirate 'mother ships' which allow these wider-ranging predations.

The ICC IMB also praised the efforts of the Indonesian government for successfully reducing the threat of piracy in their waters. Throughout the 1980s and '90s these areas had been among the world's most dangerous, but initiatives implemented since 2003 have seen violent incidents drop and most reported crimes are now low-level thefts.

### Dealing with pirates who are caught

We understand that eleven suspected pirates have been flown to the United States to stand trial in alleged attacks on U.S. naval vessels off the coast of Africa. The suspects are expected to appear in court in Norfolk, Va., and have been held on U.S. ships for weeks off Somalia's pirate-infested coast and nearby regions as officials worked to determine whether and where they could be prosecuted and prepare legal charges against them.

The transfer of the case to a U.S. court comes amid discussions about setting up an international court to prosecute piracy suspects, which some nations have been reluctant to do. Some pirates have been released after capture because no nation could be found to try them.

The question of piracy prosecutions is part of a broader United Nations policy debate over policy on Somalia, which has been without a government since 1991 and has become a haven for al-Qaeda-linked terrorists as well as pirates.

### Perhaps a different approach

A different approach to dealing with piracy was discussed with Robert Haywood who visited IFSMA to explain the three step approach to piracy advocated by the Oceans beyond Piracy

Project which has been launched to develop viable, cost effective low violence solutions to the gaps in the current legal framework that allows piracy to exist.

Step one is to define intent to commit piracy through equipment laws. This considers how historic laws such as Equipment Laws from the Slave Trade set the precedent and that if a vessel is equipped to carry out piracy then it has the intent to commit piracy.

Step two is to determine strong venues to prosecute detainees and step three is to have task naval fleets to sweep the seas to detain suspected pirate vessels and crews that meet the equipment standard.

### Recommendations for Entering Enclosed Spaces Aboard Ships

Those who attended our last AGA in Brazil will remember that our first resolution noted with great concern the continuous trend of fatalities and injuries among seafarers in relationship to enclosed spaces. The International Maritime Organization recognizes the hazards of enclosed space entry and made an Assembly Resolution A.864(20) 'Recommendations for Entering Enclosed Spaces Aboard Ships'. However IMO have recently produced statistics that show that since the Resolution was adopted there have been 101 reported enclosed space incidents causing 93 deaths and 96 injuries.

IFSMA have expressed concern at the IMO STCW and sub-committees and the sub-committee on dangerous goods, solid cargoes and containers (DG). We endorse the concerns expressed by the DG sub-committee.

- Lack of knowledge, training and understanding of the dangers of entering enclosed spaces;
- Current training is considered as

*Continued on next page >>>*

## Norwegian E-navigation User Needs Survey

Conducted by the Norwegian Coastal Administration, Maritime Safety Department

Background: The purpose of the survey was to help bring mariners and shore operators' experiences and views into the e-navigation studies. Many findings in the survey strengthen the findings from other surveys and the e-navigation user needs as they are written now. However, there were also a few issues that have not yet been captured in relation to e-navigation.

Norway conducted a survey of maritime user needs in relation to e-navigation during October and November 2009.

The questionnaire used in this survey was slightly adapted from the questionnaire used in the German survey that was the basis for the German input to NAV55: NAV55/11/3 and NAV55/INF.9 Development of an E-navigation implementation Plan. In total, 575 responses were received in the period up to November 21st. Of these, 486 were mariners and 72 were ashore operators. The majority of respondents were Norwegians or associated with Norwegian ship owners, but some respondents were from Sweden.

The mariner respondents have their primary experience from a large variety of types of ships ranging from cruise ships, tankers, cargo vessels, offshore supply vessels, fishing vessels and HSC. Each of the operational areas of coastal, regional, international, and global oceanic areas are represented by at least a

third of mariner respondents.

Around half of the ashore respondents represent vessel traffic centers, maritime rescue centers, coastal radio stations and harbors. The remaining half possesses much maritime experience but currently fill various shore based administrative positions with ship owners and government agencies. More than two-thirds of the respondents have more than 10 years experience and less than 71% of the respondents consider visual and radar positioning as sufficient backup for GNSS (in favor and rather in favor taken together). More than half of the respondents (56%) chose to be in favor or rather in favor of an additional terrestrial navigation system as a backup.

Also radar and visual is considered a good backup for GNSS there is also a significant portion, that a terrestrial navigation-system is needed as a backup.

### Communication technology

90% of respondents are in favor or rather in favor of satellite broadband as a means of communications in maritime communications.

Other communication systems are pointed to in comments, like Iridium for use in polar areas, VHF voice and VHF-data link. Also range limitations for Wi-Fi and mobile is commented on, along with issues regarding high cost, narrow bandwidth, lacking reliability and blind sectors for broadband satellite.

This would indicate that there is a clear expectation that high-capacity communications will be needed and that satellite based broadband technology will be part of a communications infrastructure for e-navigation.

### Other comments

The respondents contributed many comments and suggestions in their feedbacks.

To a large degree these reflect lack of user friendliness in equipment, technical complexity and a too large flow of information. Reliability of equipment and of AIS-data in particular is also forwarded by a number of respondents.

The need to employ electronic maritime publications including frequent automatic ties like, for example, VTS is suggested.

Voice communications, like VHF, is pointed as the quickest and most effective means of communications between ships and ship/shore as compared typing text-messages.

More frequent updates and stricter requirements for updating electronic charts.

The ships MMSI should be automatically fed from AIS-targets into the VHF in order to more quickly be able to initiate communications with a selected ship. 🌐

*MacDonald >>>Continued from page 32*

inadequate and that both safe entry into, and safe rescue from, enclosed space drills were not being carried out;

- Personal Protective Equipment (PPE) or rescue equipment not being used, not available, of inappropriate type, improperly used, or in disrepair;
- Inadequate or non-existent signage;
- Inadequate or non-existent identifi-

cation of enclosed spaces on board;

- Inadequacies in Safety Management Systems; and
- Poor management commitment and oversight.

It may be too late to add improved training for the current STCW review, but the industry must collectively make every effort to deal with the concerns stated by the DG sub-committee.

### Our Next AGA

Just to remind you all that IFSMA's next Annual General Assembly will be in Manila on the 17th and 18th June prior to the STCW Diplomatic conference. We will also be holding a Forum on the 26th June in Manila "2010 – the Year of the Seafarer". You are welcome to attend these meetings, just let the IFSMA secretariat know. 🌐

## Report from EXCO Meeting



by  
Captain Jerry Benyo  
IFSMA Vice President  
CAMM SE Region VP  
#773-R

The last meeting I went to with IFSMA was an Executive Committee (EXCO) meeting held in Lignieres-Sonneille, Southern France. All EXCO mem-

bers were present, with the exception of Ptr Osichansky of Russia.

There will be some changes to the EXCO after the Annual General Assembly (AGA) in Manilla in June. Three of the VPs will not be running for re-election and there is a proposal to change the Secretariat to one full-time person from the three part-time people. I oppose changing the Secretariat and let them know. It is my belief the IFSMA works fine, and is economical with three part-time people; a Secretary-General, his assistant, and a secretary. For example, with one Secretary-General, the staff costs will rise from £45,000 to £90,000, and the association budget will go from £65,000 to £120,000 annually and dues will rise £15 per member. Given the economy and tight budgets, rising dues is something I don't think is necessary. VP Bjørn Haave, Norway, agreed with me. This will be discussed further at the next EXCO meeting.

### STW and Safe Manning levels

IFSMA President Christer Lindvall (Sweden) stated we have been asking for a tool to see whether the tasks on board need more people, or if some of the

tasks can be transferred ashore. This is important, as any current Master is well aware. He was reminded of the paragraph IFSMA had been able to include at IMO: *"The Administration should consider the circumstances very carefully before deciding the minimum safe manning document to allow less than three qualified officers in charge of the navigational watch while taking into account all the principles for establishing safe manning."*

### Priacy

VP Willi Wittig (Germany) requested clarification of the MUSC organization, which Secretary General Roger MacDonald (UK) provided. The MUSC is promoting arms on board vessels. He added that the VDKS members had been asked about the carriage of arms on board; the result was a preference for no arms on board. Note this still seems to be the European attitude for the most part. The attitude of IFSMA seems to be: raise your hand, get captured, get ransomed, and get home.

I requested a copy of the ITF Petition on Piracy. It appears this is still in the drafting state. There was a discussion about carrying armed guards on board.

At a recent Tampa CAMM luncheon it was pointed out to me that Maersk has changed their attitude on this subject.

### Administrative

The Hon. Treasurer Rodger MacDonald distributed the profit and loss statement for 2009 and explained the figures presented. A budget for 2011 will be prepared for presentation to the next EXCO meeting and the AGA. He reminded that Bjørn Haave was the auditor and that the 2009 accounts would be finalized during

April.

He also provided a draft budget for the year 2012 that included provision for a full time Secretary General. This step if taken will more or less double the cost of IFSMA operations. The cost of producing the annual review is expected to be in the range of £8000 and it is expected to be recovered with advert revenue.

Assistant Secretary-General Paul Owen reports that two newsletters have been produced since the last EXCO meet and distributed. Christer Lindvall commented on the Annual Review said he felt it was disappointing last year; this year we could increase the distribution considerably in Manila with the STCW conference and the IFSMA Seminar. The "Introduction to IFSMA" should be added to the beginning.

VP Bjørn Haave (Norway) commented that he felt the Newsletter and other publications should be distributed electronically, and all Associations should be encouraged to include them on their own websites. This makes sense to me.

### Other Matters

VP Bjørn Haave (Norway) stated the Norwegian Government had commended IFSMA for its work on ICE Navigation. Roger MacDonald said he was not in favor of cruise ships in Antarctica.

EXCO discussed insurance for members. This coverage is meant for licensed maritime officers to protect themselves and their assets from liabilities inherent to their duties. Marine Insurance Consultants Intl. Ltd, UK, supplied scenarios of how it would work in a situation similar to the *ZIM MEXICO III* with the Seaman's Manslaughter Act. Christer Lindvall stated that any insurance offered



must be a good product and offered on an individual basis. Further discussion will take place at the next EXCO meeting.

### AGA in Manilla

The AGA will be held at the Century Park Hotel, located close to the Congress Hall, where the STW Diplomatic Conference will be held. There will be an EXCO meeting on 16 June, the AGA meetings on 17-18 June, and then another EXCO meeting on the morning of Saturday, 19 June in Manilla. I plan on attending from 15 to 19 June in Manilla to take in the two EXCO meets and the AGA. The annual AGA dinner is to be

Thursday evening, 17 June 2010.

The draft AGA agenda is expected shortly. Elections will be held after various reports have been adopted on the first day and before the presentation of the Papers begin. It was agreed that nominations should be clearly stated before the AGA. I will continue to run for ISFMA VP; the VPs who will not be running again are Mark Dickinson (UK), Patrick Vigneron-Larosa (France), and Ptr Osichansky (Russia). The President, Deputy President, and the other VPs will continue.

The 37th AGA for IFSMA in 2011 is expected to be Halifax, Nova Scotia. 🌐

## International Marine Medical Association launched

The International Maritime Medical Association (IMMA) was launched in January 2010. It is a not for profit trade organization, founded in response to a global need for a central focal point for the maritime industry to get answers to medical or health-related issues. It is located at the Baltic Exchange in London.

Its mission is to represent the interests of the interests of maritime medical sector at the highest governmental and non-governmental levels to ensure its voice is heard and the actions of its stakeholders understood when vital decisions concerning the regulation and operation of the sector are being formulated.

Another goal is to eliminate all the duplication ship owners/managers and P&I Clubs perform when certifying pre-employment medical examination (PEME) facilities, medical provider and ancillary medical services.

IMMA has a board of nine directors, is

incorporated in England with offices in the Baltic Exchange in London under the Presidency of Michael Van Hall, who is also president of Gezellig, Inc. and formerly president of Van Hall Health, Inc. and managing director Maritime Sector at Health Systems International, Indiana, has been elected as the association's first president. He said "Seafarer health has become such a crucial issue as concern over the seafarer shortage problem impacts on lengthening sea-time, longer working hours and less relaxation time. Conversely, crew managers and ship owners are finding it hard to balance the demands for higher operational output from their seagoing workforce with the needs for a healthy and contented crew base. And that is before we consider the insurance implications of rising health costs in a sector that suffers from lack of understanding and empathetic regulatory structure. 🌐

## IFSMA Resolutions

### 1/09 Enclosed Spaces

At STW Sub-Committee meets we supported Cook Islands delegation in their request for training.

### 2/09-E\_NAV

The command seminar for 2011 will concentrate on this subject.

### 3/09 Regular Revisions of STCW Completed.

### 4/09 Hours of work and rest

Continuing to work on this.

### 5/09-EU to Block Vote

We are making some headway on this.

## Papers to be presented at the 36th AGA

- 1) World Wide Manning Shortage  
*Ashok Bansal*
- 2) MUSC paper on Piracy Training  
*Mark Hankey*
- 3) When will Seafarers Finally be freed of asbestos?  
*Marcel van den Broek*
- 4) Missed Opportunities from STW  
*Sudir Subhedar*
- 5) Japan's Marine Met Info Services and Safety at Sea  
*Japan Captains' Association*
- 6) Tanker Management Self Assessment (TMSA)  
*ACCOM*
- 7) Criminalisation and Tanker Recruitment  
*Intertanko*
- 8) Casualties at Sea and the Insurance Problem  
*Captain Andrew Malpass*
- 9) EU NAFVFOR to be invited to speak on Piracy
- 10) General statement to remind Masters of their responsibilities



## Company of Master Mariners of Canada

*The Company of Master Mariners of Canada is a professional association for those qualified to command. It was established to encourage and maintain high and honourable standards within the nautical profession, further the efficiency of the Sea Service, and uphold the status, dignity and prestige of Master Mariners.*



by Captain  
Jim Calvesbert  
CMMC National  
Master

### From the Master's Desk

The last short period has seen a number of changes in the marine world: major oil pollution in the Gulf of Mexico; an up-swung in charter

rates; and, a stronger outlook for new building. However, some things have not changed: piracy; the criminalization of seafarers; and, the lack of recognition of what we, as past and present seafarers, have learned and accomplished with our years of experience.

Most of those issues have received adequate coverage in other media but, it is the last issue which I would like to remark upon here. It is "2010: The Year of the Seafarer" – IMO has recognized that, but has anyone else?

A recent discussion with some other members of "The Company" brought to light two important points: the increase in education, as opposed to training, for today's officers, and secondly, the ISM Code which appears to be almost counterintuitive to education. Let me speak more about that thought.

Officer training programs in Canada are regulated by Transport Canada, Ship Safety Branch and the requirements are improving to the point that some programs are now recognized by the issuance of an under-graduate degree. The experience gained while reaching the Master Mariner level is recognized by many universities as meeting the prerequisites for direct entry into a gradu-

ate (Masters) level degree program. The older Extra Master certificate of competency was widely recognized as being equivalent to a specialized Master of Business Administration degree. Now let's look at the ISM Code.

The ISM Code was instituted with the best of intentions in light of incidents such as the Herald of Free Enterprise capsizing. The original intent was to ensure that necessary precautions against accidents were taken and that certain aids to the officer, such as policy, procedures, and checklists were available to assist in decision-making. This is similar to the ISO system with a major difference: when an issue becomes critical ashore, the Board of Directors can meet to resolve the issue; when the world is upside down at sea, a quick decision is required and if you have to consult policies, procedures, and work processes you

will probably not make a decision or you won't make it in time. The concern that I have with ISM is that it has become so complicated that officers may lose the incentive to use their initiative and apply the knowledge that they have gained through experience. Another thought that I recently read was that the ISM Code was a means of permitting personnel from countries without the benefits of our educational system to assume positions of higher authority. Perhaps it is time to review the ISM Code and, more importantly, the application of it so that officers have the opportunity to assume a strong leadership role again.

Let's make the slogan "2010: The Year of the Seafarer" a statement of fact by getting more involved with our regulatory bodies and sharing our knowledge and expertise. 🍁

---

## Pirates on the Receiving End — at Last!

*Excerpted from the Foghorn, the Maritimes Division newsletter*

The international anti-piracy patrol has determined that being Mr. Nice Guy (catch and release) is not the way to go. The policy now is to hunt down and destroy the mother ships. The mother ships are tracked from Somalia and when outside the fishing grounds they are taken and sunk with the pirate crews (oops, alleged pirate crews) landed on the Somali coast. They will be handed over to the Kenyan or Seychelles authorities for trial if there is enough evidence

for a conviction. Convoys, reporting to the patrol (which a third of the 25,000 vessels that transited the area last year failed to do) and taking proscribed precautions are also being advocated by the authorities.

It has been estimated that the cost to the shipping industry over piracy is \$ 100 million US a year, excluding increased insurance costs. There are reported to be 1,500 alleged pirates working in seven groups for 'owners' in Kenya, Dubai and Lebanon. [Are shares traded?] 🍁



## If it's not broken, Don't fix it!

*If a piece of machinery is working fine, look after it and maintain it. HOWEVER, if it's not broken, for goodness sakes, do not try to fix it.*



by Captain  
Don Rose  
CMMC Vancouver  
Divisional Master

engine coupled to a Lufkin reduction gear. The crew complement consisted of master, engineer, first mate, second mate and one cookdeckhand. I was sailing first mate.

On top of the reduction gear, an air compressor was mounted driven by two belts from one of the clutches. Whenever the main engine was running with the reduction gear engaged in ahead or astern the belts from the clutch drove the air compressor. This tug like most had a considerable amount of pneumatic equipment, therefore maintaining sufficient air pressure was critical. The compressor was equipped with a relief valve that allowed it to pump air back into the atmosphere once air in the tanks reached the prescribed pressure. The back up to this was another compressor driven by an electric motor that automatically came on once the air pressure went below a preset level. In the past, there had been a number of problems with the compressor driven from the reduction gear. It had been working fine since the last repair that had been over two months ago.

We were crossing Georgia Straits towing two empty chip barges from Harmac to the North Arm of the Fraser River. The time was 03:00 and we were a little over half way between Entrance Island and the North Arm Jetty. The wind had increased from light to SW 20 gusting to 25, the seas were building and the forecast predicted more to come.

The tug ROSARIO STRAIGHTS was seventy-one feet long and powered by a 765 hp Caterpillar

The engineer returned to the wheel house after doing a routine check in the engine room. He asked if we could shut the main engine down so the air compressor driven off the reduction gear could be disconnected. My immediate response was NO #\$\$@& WAY. I then explained the weather situation plus the fact that we had two barges in tow therefore whatever was wrong with the compressor it would have to wait until we arrived at destination. He continued to argue that it was necessary that the compressor be disconnected because he wanted to work on it. I continued to tell him with the use of some colourful expletives that I was not going to shut the engine down under these conditions. He then said that since I was being so stubborn and belligerent he was going to go ask the captain. I then said if you think I'm being nasty think what the captain will be like when you wake him up with a stupid request like this. I then assured him that once we were secure at destination, the captain would let him shut down the main engine as long as he wanted. He then agreed that this was a better plan.

On arrival at the tie up in the North Arm of the Fraser River the barges were secured at the Inner Light Scow Berths. The weather forecast had changed and was now predicting conditions to improve. We ran the tug light to Celtic Shell Oil dock, where we refuelled and disconnected the air compressor. The engineer could now do what ever he wanted to it while we were underway.

With a full load of fuel and water and the weather improving we departed the North Arm with two barge loads of chips for Harmac. Prior to arrival, dispatch advised that after we delivered our loads at Harmac we were to take an empty

chipper to Chemainus, then return to Harmac with a load.

On arrival at Harmac the engineer asked the captain if he could again shut down the main engine in order to connect up the compressor. The captain advised him, there was just enough time to make the tide in Dodd Narrows, therefore, he could not do it now. However, on arrival in Chemainus he would be able to shut down the main engine and reconnect the compressor. At this time the rest of the crew was not aware of this conversation.

I had just returned to the tug from tying up the loads when the signal bell on the winch rang four times which meant "wanted forward." I went forward and as I entered the wheel house the captain ordered me to go to the engine room and check on the engineer. As I entered the engine room a screwdriver went flying across as if it was fired from a gun. The engineer went to where it landed, picked it up and proceeded back to the compressor. Just then the gear went into neutral so he proceeded to pop on the last belt. Since the gear only paused three seconds in neutral he did not get the screwdriver clear and again it was ripped out of his hand and flew across the engine room. Since this was the last belt, he then started putting the guard over them and indicated to me that he was finished. Needless to say I was shocked at this performance because at this time I believed it was done with the captain's approval.

When I returned on deck we were about to connect our towline to the empty, so I assisted the crew in doing so. Once connected to our barge and away from the dock we slipped out approximately two hundred feet of tow line after

*Continued on page 39 >>>*



## Company of Master Mariners of Canada

*The Company of Master Mariners of Canada is a professional association for those qualified to command. It was established to encourage and maintain high and honourable standards within the nautical profession, further the efficiency of the Sea Service, and uphold the status, dignity and prestige of Master Mariners.*

### A Trip Back in Time



by Captain  
Angus McDonald  
CMMC  
National Councillor

*“Let go the head-line,”* said the Chief Mate, Mister Maier, echoing the order from the bridge. I threw turns off the bitts, veered some slack then,

aided by willing hands, took the hawser to the drum-end where Ralph laid on the turns required to bring it up over the for’d chocks and home. This hiss and clank of the steam windlass, driven by Fritz, brought back memories.

We of the focstle-head gang had done to stations soon after securing No. 3 derricks vertically, clamped in their collars on the cross-trees. The derrick guys had been tightened up and secured in ship-shape fashion. The securing of No. 3 hatch was really a re-enactment of what used to be common-place on freighters. The hatch beams were lifted by the derricks rigged in union purchase and slotted into the coaming barracks. The heavy wooden hatch-boards were manually hefted into position then, we drew on the three heavy tarpaulins and snugged them down around the coaming before securing them with steel flat bars and wooden wedges hammered in tight. Finally, the transverse locking bars were in place. It was the way things were done when preparing a freighter for sea fifty years ago, yea, a hundred years ago.

There was a fine drizzle as the ship eased away from her dock in the Port of Baltimore and we were glad of the shelter provided by the gun platform. We had flaked down the lines and “Chippy” was standing by the windlass with anchors ready – in case. To starboard was the island on which stood the restored Fort McHenry its ancient guns trained as

they had been over 200 years ago when engaged by a British warship. It was here and then that the words were written for *The Star Spangled Banner*, national anthem of the U.S.A. Here and now, a Canadian and former “Brit”, I find myself serving under that banner on the American ship – both of us, historical relics.

I served as a cadet aboard one of the two hundred Liberty ships leased to Britain by the United States. We called them “SAM boats” as the name of each had the prefix “SAM” which, it was thought, stood for Standard American Merchantman or, maybe, for “Uncle Sam”. The S.S. *JOHN W. BROWN*, built in Baltimore in 1942 was putting to sea again in June 1995. Last year she had put into my home port, Halifax, a former convoy assembly port, which welcomed her and her crew. All hands enjoyed their first “foreign” port in the *BROWN*. This year I had signed Articles as Able Bodied Seaman for the trip to Boston. I appreciated my being granted the identical cabin as the one I had on the *SAMPHIRE* fifty years before and shared it with a very fine shipmate, Herk, a former Chief Mate now acting as Purser. My career had taken a cycle; I started at the bottom and that’s about where I was finishing up. Not quite though; an A.B. is a respectable rating whereas, a cadet is the “lowest form of animal life”. At least, that’s what they told me when I was one.

There was some hard physical work but I enjoyed the change and the challenge. Above all I enjoyed the camaraderie of my shipmates, most of whom were contemporaries, many had served on Liberty ships during WWII. Imagine a crew of Grandpas, not to forget a few Grannies – bless ‘em all! *“The happiest bunch*

*of senior citizens with the biggest toy in the world,”* as a Halifax pilot remarked when he had the thrill of his life, piloting into port a Liberty in light ship condition. The yarns told over “chow” in the messroom were legends or just good old-fashioned seamen’s rough humour. She was a good feeder too, thanks to John, Roy and his Gorgeous Galley Girls. *“A ship sails on its stomach,”* someone once said and if the grub’s not up to scratch there’s trouble. Compliments not just to the chef but to the entire cuisine crew; it’s a major responsibility they have. Our “sky-pilot” Ray, set us a good example in humility at the sink, dish-washing, an essential job few people enjoy. Messman Ted, never still, kept things moving and light-hearted with creative comments characteristically delivered – dead-pan.

My “limey” Liberty didn’t feed so well. The survivors of a U.S. convoy casualty when a “limey” ship loomed over their lifeboat, hollered up something about their having escaped violent death from the Germans they did not wish to be starved to death by the British, so would prefer to wait for an American ship to come along.

I really enjoyed the Boston cruise when we took about 350 passengers to sea for six hours, fed them well and entertained them with a band playing 1940’s music and re-enactors, in WW II uniforms showing naval and army equipment used then. They even staged a mock air attack by two restored WWII





fighter aircraft. The veteran U.S. Navy Armed Guard were at “action stations” but their anti-aircraft guns had been “spiked” by government decree, perhaps in case the ship might be seized by hostile subversives and Baltimore held hostage. Chaplain Ray Reno made the passengers think about the serious side of seafaring in war-time with his solemn memorial service, made the more poignant by the casting of a wreath upon the waters by a spruced-up “Blackie”, smartly dressed and sporting his gongs.

Fifty-three years previously with fellow survivors from a British ship, I was rescued due to the vigilance of an American gun crew who spotted our red sail. I remember being impressed by the discipline showed by the Armed Guard on the old Standard Oil tanker S.S. *BALTIC* which picked us up. Our own DEMS gun crew, under a Royal Navy Leading Seaman, tended to be somewhat laid back when on lookout duty. Scantily clad when picked up we were generously offered items of clothing besides being fed as never before. The hospitality of our rescuers was even extended to some nice introductions when we made port. The *BALTIC* had been a few times in Montevideo and social connections had been made.

It was good to get back to sea again. What I found so impressive was that my contemporaries, many of whom had left the sea after the War, had retained all the old skills in seamanship, navigation, radio communications, the complexities of catering for a big crew and perhaps most impressive of all, was the ability to run that old steam propulsion plant and its auxiliaries which provided our essential services. It was nostalgic being in that clean and well-run engine room, learning about the boilers from water-tender Wally Franklin (with whom I shared a love for that engineer’s poem, Kipling’s *McAndrew’s Hymn*) and watching the wiper’s sleight-of-hand as he checked the cross-heads for heat. I remembered getting a bucket of water from the hotwell tank for my clothes washing on a ship without running water and rationed to a bucket per day.

I am most grateful to the entire Ship’s

Company for the warm welcome accorded me, tolerance too over things I had forgotten. For each and every one of my “senior” shipmates I wish Good Health and Spirit (preferably a double) to enjoy more years on the *JOHN W. BROWN*. I admire the enthusiasm and the skills of our younger shipmates. May they be able to maintain her as a live ship, the fitting memorial she is to the shipbuilders and seafarers of the 1940’s, whose labour and sacrifice provided the “liberty” option in Patrick Henry’s prophetic statement. It was a privilege to be a part of your friendly crew *JOHN W. BROWN*, each mem-

*Broken >>>Continued from page 37*

which I returned to the wheel house to continue the rest of my watch.

After I took over the con, I commented to the captain that I was not impressed with how he had allowed the engineer to put the belts back on the compressor. He immediately informed me that what the engineer had done was not with his knowledge or permission. He then made me aware of their previous conversation and that he had sent me to check on the engineer because he suspected that he would do something stupid like that.

The engineer entered the wheel house and the captain immediately started reprimanding him for his totally unsafe work practice. He was also reprimanded for disobeying a direct order. At first, the engineer tried to defend his actions claiming that both compressors should be on line. The captain stated that since we had operated quite well with one compressor at times for several days, a few more hours would be OK. The engineer then admitted that he was wrong and accepted his reprimand.

To break the tension I instinctively asked the engineer what had been wrong with the compressor. His reply was “nothing wrong.” In the past we had a number of problems with it. However, it had worked quite well for sometime now and he wanted to see why it had not broken down lately. If looks could kill, he would have died on the spot, with the look the captain gave him.

Just as we were entering Dodd Narrows, the smoke alarm for the engine

room started sounding. Fortunately, the captain was in the wheel house so he took over the con while the engineer and I went to check out the engine room. We cautiously entered the engine room because we believed there could be a fire there. On entering the engine room, there was not a great amount of smoke just enough to be noticeable and set off the alarm. Around the area of the compressor and reduction gear were fragments of the drive belts. The smoke was rapidly dissipating as there was no longer a source. The air compressor was extremely hot to the touch and we were also able to tell that it was seized. I pulled the dipstick out to check the oil in its base and it showed nothing. On seeing this, the engineer immediately poured some oil into the base. Unfortunately it was to late.

*Capt. Angus McDonald FNI, is a Past National Master, Company of Master Mariners of Canada and volunteer seaman aboard the SS JOHN BROWN, owned, maintained and operated by Project Liberty Ship, Baltimore, MD.*

When we returned on deck the captain asked what the problem was. I told him that the air compressor seized. When he asked if we knew the reason, the engineer said he could not understand why because it had checked out OK.

Nobody asked me if there was oil in the base so I never volunteered any information. It was not my responsibility and I was not going to have to do any explaining, so I avoided talking about it.

A few days later we went into the ship yard and the air compressor was replaced. My assumption is that when the engineer took it apart and put it back together he forgot to put oil in it.

I think he learned from this experience that if it’s not broke, don’t fix it. 🍁

Law offices of  
**TABAK, MELLUSI & SHISHA LLP**  
Admiralty and Maritime Law Offices



Maritime Personal Injury & Jones Act  
Cruise Ship Claims  
Longshore Workers Comp Act  
Coast Guard  
NTSB Hearings  
Defense Base Act

**TABAK, MELLUSI & SHISHA LLP**  
Admiralty and Maritime Law Offices

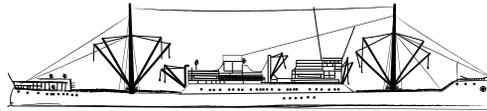
29 Broadway Suite 2311  
New York, NY 10006-3212

212-962-1590  
1-800-962-1590

[www.DefenseBaseTeam.com](http://www.DefenseBaseTeam.com)  
[www.SeaLawyers.com](http://www.SeaLawyers.com)

Ralph J. Mellusi Esq.

Jacob Shisha Esq.



**R. J. MELLUSI & COMPANY**

29 Broadway Suite 2311  
New York, NY 10006-3212

212-962-1590  
1-800-962-1590

[www.MarineLicenseInsurance.com](http://www.MarineLicenseInsurance.com)



**MOPS Agent**  
**License Insurance for**  
**Pilots, Masters, and Engineers**

***Your License is your Living — Insure It!***