

# 2011 Position Statements



April 29, 2011

## Criminalization of Shipmasters

OPPOSE the arrest and detention of shipmasters and crew in the wake of a maritime incident. SUPPORT IFSMA position calling on the USCG, IMO, ICS and other international bodies to cease actions which may result in false imprisonment without trial.

## Ports of Refuge

SUPPORT a requirement that Port States permit ships in distress to have access to a nearby port of refuge, as approved by the Master, rather than forcing such a ship out to sea.

## One-Man Bridge Watch

OPPOSE one-man bridge watch in effect in some commercial fleets. SUPPORT amendment to international regulations requiring an additional bridge watch stander for vessels of 1600 gross tons and larger.

## UN Convention on Law of the Seas (UNCLOS)

OPPOSE U.S. ratification of the UN Convention on the Law of the Seas (UNCLOS) Treaty, which would give important domestic powers to an international authority based in Brussels. Specifically oppose provisions which would result in American ship masters accused of offenses at sea being tried by an international court in Europe, and conducted without the benefit and protection guaranteed by the Constitution of the United States.

## Witness Treatment by US Officials

OPPOSE detention of crew of violating ships for the purpose of serving as material witness(es) for an unreasonable period of time, causing loss of liberty, wages, and proper due process. "Unreasonable period of time" is defined in this instance as exceeding the 29-day period after which a D-1 visa would expire, leaving the crew member(s) unable to move about freely in this country.

## Contamination and Safety

SUPPORT efforts of all regulatory agencies to detect and hold accountable all substandard vessels of all flags and registries which contaminate US waters through discharge of oil, contaminated water, sludge, sewage, etc. Ships infested with roaches, rats and other vermin having insufficient fresh water for crew needs, and lacking basic safety and sanitation conditions should not be permitted to operate in US waters.

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## **Support IFSMA's Fair Treatment of Seafarers**

SUPPORT the recommendations of an ILO/IMO Working Group on the Fair Treatment of Seafarers, to develop internationally accepted guidelines for addressing actions against and criminalization of seafarers. SUPPORT the IFSMA proposal modeled on the 1991 IMO guidelines on oil pollution.

## **Seafarers Biometric Cards**

SUPPORT U.S. adoption of ILO Convention 185 for Seafarers Biometric Cards.

## **ILO Maritime Labor Convention 2006**

SUPPORT ILO Maritime Labor Convention (MLC) 2006 to eliminate sub-standard shipping with respect to maritime labor. MLC 2006 lays down stringent rules regarding working conditions and requests proof of compliance from ships. Port State control officers have the power to fine and detain ships which do not abide by the "Seafarers' Bill of Rights". SUPPORT the two-thirds majority vote of member states for adoption of the "Seafarers' Bill of Rights" and urges U.S. adoption of this doctrine.

## **IFSMA's Position on Watch Stander's Fatigue**

SUPPORT IFSMA position on Watch Stander Fatigue and the idea of establishing a minimum rest period to improve safety.

## **IFSMA Advocates Task-Based Manning**

SUPPORT IFSMA position that minimum manning levels established by Flag States be "task-based", taking into consideration ship type and trading pattern.

## **Seaman's Manslaughter Act**

SUPPORT changing the Seaman's Manslaughter Act to require a higher standard of proof than simple negligence.

## **US Coast Guard ownership of Merchant Mariner Credential (MMC) / License**

OPPOSE Coast Guard position that the agency owns the new Merchant Mariner Credential (MMC)/License issued to a seaman and can revoke or recall at any time without cause as set forth in the Code of Federal Regulations. CAMM contends that the credential is the property of the user, and that it is to be surrendered to the Coast Guard only after due process. CAMM supports changing the CFRs to that affect.

## **Vessel Documentation, Inspection & Mariner Credentialing**

SUPPORT the transfer of vessel documentation, vessel inspection and mariner credentialing from Department of Homeland Security to Department of Transportation. This change would align US maritime policy with that of other seafaring nations.

## **IFSMA E-Navigation Comments**

SUPPORT IFSMA Working Group recommendation that watch standers participate in the design and development of E-NAV equipment and that watch standers, rather than technicians, operate said equipment on the bridge.

## **International Piracy On the High Seas – Elimination of**

SUPPORT the UN resolution adopted Dec 17, 2008 and urge the militaries of the world to work to defeat piracy wherever it occurs. CAMM asserts that it is the responsibility of the US Government to provide the force protection necessary to ensure the safety of life and property aboard US-Flag vessels.

## **Under-qualified Promotions**

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.

## **Physical Guidelines for Merchant Mariners**

OPPOSE new changes in the form required for physical exams for merchant mariners. The form should be simplified, made to conform to requirements used by the Federal Aviation Administration to qualify aircraft pilots, and acceptable if signed off by a qualified medical provider.

## **Lifeboat Safety**

SUPPORT IFSMA's position on developing industry standards for design study, stability, and fall-preventer devices for on-load release hooks for lifeboats. CAMM further supports standardization of lifeboat controls and operations, including procedures for launching and retrieving the lifeboats.

## **Recognition of Foreign licenses, STCW certificates, and endorsements on US Vessels**

OPPOSE any expansion of the language of CFR 46 USC 8103 (b)(3) to cover any vessel other than the limited vessels sited therein. Furthermore, that any foreign seafarer, holding a foreign license, certificate, or document, that is to be employed on a U.S. flagged vessel be required to meet the same standards of certification and security check as a U.S. seafarer who would be employed in that position.

*Please refer to full text in a [press release by CAMM](#) and submitted to the USCG via [regulations.gov](#).*