

Off the Shelf:

The International Law of the Shipmaster by John A. C. Cartner, Richard P. Fiske and Tara S. Leiter (Informa, 2009)

TARA LEITER'S DESCRIPTION IN THE *MAREX* newsletter of her recently released legal treatise as a "ready reference tool and guide to shipmaster law" piqued my interest. And all under one cover! As anyone who has ever sailed knows, master mariners the world over have long sought just such an official, reliable explanation of the legal complexities faced each and every day.

To put her claims into context, consider this comparison: Twice a voyage, a ship's master is authorized by his owner to hire an expert in order to safely navigate his vessel into port. This expert, better known as a pilot, advises the master on the local nuances of their joint venture. Together, they avoid all obstacles, safely reach berth and discharge the cargo the master has been entrusted with. As someone who has sailed under the guidance of thousands of pilots, I cannot tell you how comforting that expertise is. Many times, sitting in that chair on the bridge, observing the pilot's skills, I found myself wishing there was a similar aid concerning knowledge of the laws of the waters we were currently sailing through.

As every "person in the center" recognizes, a coherent, timely source of law – a survey, if you will – of the multitude of jurisdictions captains find themselves within has long been impossible to obtain. That lack of legal knowledge was the shipmaster's Achilles' heel, for it was as much the master's duty to safely navigate the legal minefields as it was to avoid the rocks below the surface. Now, personal criminal liability has reared its ugly head, making an intimate knowledge of the law all the more critical. These days, ship's captains can no longer afford to look the other way, hoping for the best.

The International Law of the Shipmaster may have finally provided the master with a "pilot" to obtain "almost instant information and guidance for voyage and transit, cargo, engineering, medical, labor, weather, salvage, and conditions in port." Most importantly, Messrs. Cartner and Fiske and Ms. Leiter have provided the information in an easily referenced fashion for a

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rapid appraisal of the situation. Peace of mind for the ship's captain after all these years!

The authors have done an incredible job of making the previously unexplainable coherent to the ship's master and laymen, even providing maritime lawyers with a handy reference guide. But it is underway, in the very jaws of dilemma and decision, where *Shipmaster* will prove the most handy to the "old man," thereby saving his owner and underwriter considerable funds. By way of example, the three hypotheticals starting at page 126 offer factual situations commonly faced by a captain at sea, as well as ample proof of the authors' knowledge of the situations and intricate factual combinations that captains often face. (My only comment to the authors would be that they include more hypotheticals. Hopefully they will consider a second edition applying more "sea stories" in order to highlight the issues contained within the legal jigsaw puzzles that masters, time and time again, find themselves in.) Further, the authors have done so in a courageous fashion, unlike so many other legal treatises that offer help but almost universally fail because of their own fear of liability. Many lawyers/authors would have shied away from the positions taken regarding difficult areas of the law to define and ultimately predict. By their strong opinions, the authors have given the "person on the spot" something to fall back on and rely upon. Well done.

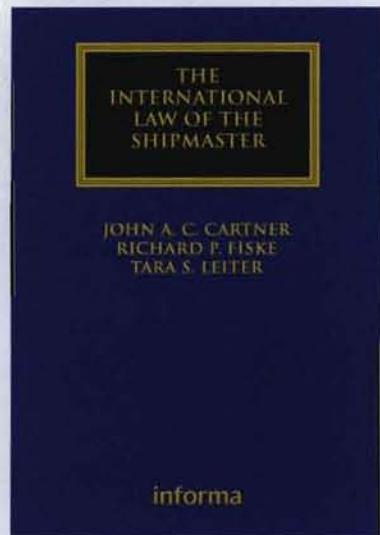
With this treatise, a master can now arm himself beforehand, not afterwards in a lawyer's office, with knowledge of the applicable laws while making innocent passage through territorial waters – the same way they utilize charts to navigate by. Talk about an aid to navigation! For this reason, *The International Law of the Shipmaster* should be considered as much a ship's bible as the *Rules of the Road* and *Bowditch on Navigation*. It is my opinion that unless this treatise is found on the bridge in the ship's library behind her two radars, the vessel is unseaworthy. Shipmaster should also be a part of each owner's, insurer's, cargo interest's, agent's, etc., library, not to mention every serious maritime law office in the world.

The opportunity to serve as master remains one of the most stressful and at the same time finest adventures any human being could ever hope to enjoy. Over time, the position has evolved until it now requires half-seafarer, half-lawyer for success. This book fills many of the gaps so as to aid the master in completing an uneventful voyage.

Following seas.

MarEx

Jeff Mudgett is co-founder and former editor of The Maritime Executive.



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