

Press Release

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For immediate release

CALL FOR CHANGES TO SOLAS TO SUPPRESS PIRACY AT SEA

Prominent UK and US maritime lawyer and maritime author Dr John A.C. Cartner is calling on the International Maritime Organization (IMO) to enact changes to the Safety at Life at Sea Convention (SOLAS) to combat the continuing problem of piracy facing the global merchant fleet by allowing ships to carry armed guards. Piracy is a growing phenomenon with 1,181 seafarers captured and eight killed in 2010.

According to Dr Cartner, managing member of Washington-based law firm Cartner & Fiske LLC, under SOLAS and other laws it is a ship master's doctrinal duty to protect the lives of those aboard his ship, but that he may not currently lawfully do this with private armed guards. As pirates endanger the lives of persons aboard ships, SOLAS should be amended under the tacit acceptance procedure of the Convention to give limited transactional immunity to the shipowner and master placing armed guards aboard their vessels to protect the lives of those aboard. The tacit acceptance procedure facilitates a quick and simple modification to keep pace with rapidly-evolving technology in shipping, but can also be used to deal with pirates.

Dr Cartner, who is himself an unrestricted master mariner who has commanded tankers and container vessels, says:

"A vote of IMO members can pass a change to SOLAS which would give limited transactional immunity to any person who in good faith injures a putative pirate to protect the lives aboard. This person would be immune from prosecution by any state party or civil suit in any jurisdiction by the injured or his personal representative if the injury occurs in an area declared by the IMO Secretary General to be one known to be frequented by pirates. The language would cover any party including owners, managers, operators, insurers, armed guards and their hiring entities, masters and officers and ratings."

He adds:

"I urge shipowners and other stakeholders to bring pressure to bear on IMO to enact these changes. It is an inexpensive and simple move for the IMO to make. Armed guards carried on ships will substantially suppress piracy. Whilst naval forces and their marines are immune from criminal prosecutions for their acts unless they step outside their perimeters of duties, armed private guards killing or injuring a pirate

are currently committing a crime under flag state laws and the master is an accomplices or abettor to this crime. A contract cannot waive this criminal liability and an owner agreeing to a contract where armed guards kill a pirate is perhaps premeditating. Any case for self defence is argued before a court and not prior to the act. It is clear that naval forces face too huge a challenge to successfully defeat piracy singlehandedly and that the carriage of armed guards aboard merchant vessels is the only practical solution to this problem. The IMO's act would serve to immediately suppress piracy in those regions designated by the Secretary General as zones for concern. ”

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Notes to editors

CARTNER & FISKE, LLC / SHIPMASTERLAW is a Washington based law firm practicing maritime and law in the admiralty jurisdiction internationally; International financial law; the law of the shipmaster; Law of the Sea; arbitral law; trade law; the law of experts, the law of weapons import, export and transit; transborder crimes, transborder frauds, money-laundering, extradition; Foreign Corrupt Practices Act; Insurance liability defense, cargo claims, charterparties and bills of lading, letters of credit; Voyage Legal Planning [TM] services; commercial litigation; Freedom of Information Act (FOIA)litigation.

Dr. John A. C. Cartner practices maritime law in the USA and internationally. He is designated Proctor in Admiralty by the Maritime Law Association of the United States and is member of other state maritime law associations. He is licensed to practice in the District of Columbia an is enrolled by the Law Society of England and Wales.

Naval Architecture and Marine Engineering

He is chartered as a naval architect (U.K.) and similarly registered in the E.U. (Eur. Ing.). He is a Registered European Engineer (Eur. Ing) and an elected Fellow of the Society of Naval Architects and Marine Engineers (U.S.A.); the Royal Institute of Naval Architects (U.K.), and the Institute of Marine Engineering Science and Technology (U.K.). Dr. Cartner founded and chaired for ten years, after employment in and working with similar firms, a full-service naval architecture and marine engineering practice dealing with both warships and commercial vessels.

Maritime Law Practice

As a practicing maritime lawyer, Dr. Cartner has tried cases in the admiralty jurisdiction and has argued orally before a state supreme court in the United States. He has been involved in ICC arbitration

internationally. He is experienced in matters in the E.U., the U.K., Latin America, Commonwealth states and elsewhere as well as in the United States.

Shipmaster

Dr. Cartner has had several commands of oceanic tank and container vessels and is a current licensee of the U. S. Coast Guard as Master of Steam and Motor Vessels of any Gross Tons upon Oceans with endorsements including STCW. He was involved in naval control of shipping policy matters as a reserve naval officer and was master under charter supporting the U.S. Navy fleet and master of container and of tank vessels in the North Atlantic and North Pacific commercially.

Author

He has been published in learned, engineering and maritime journals and is the principal author, with Richard P. Fiske and Tara L. Leiter, of *The International Law of the Shipmaster* (800 pp., 2009, Lloyd's of London Press/Informa) and is co-author with Christian W. J. Cartner and Richard P. Fiske of *Defending against Pirates: The International Law of Small Arms, Armed Guards and Privateering*.