

Gulf Coast Mariners Association



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USING U.S. NEAR-COASTAL LICENSES IN FOREIGN WATERS

For many years, American mariners who were issued near coastal licenses understood that they could operate a vessel within the size limits of their license within 200 miles of any U.S. coast but also within 200 miles of any coast in the world. Traveling beyond 200 miles required an Ocean license that, in turn, required proficiency in celestial navigation.

With the arrival of STCW-95 the situation changed. If you operate off the coast of a foreign country, that sovereign country must specifically recognize whether a U.S. near coastal license is permissible in their waters.

The Coast Guard contacted a number of foreign governments on this matter but has received only a limited number of replies (refer to the Init. Ltr. Column).

GCMA received a reply dated June 11, 2002 from an inquiry to the Coast Guard stating in part: In response to your request for information about the status of foreign countries, I have enclosed a copy of the computer tracking file for the contacts with foreign governments in regards (sic) the recognition of U.S. near coastal licenses. As you see, the responses to date have been few. Where additional information was requested, that information has been provided. Until we have a commitment from the other country, we are uncertain as to what certification they will require for operation within their near coastal waters. When a sufficient number of replies have been received, we will publish a listing. Until that list is published, information about a specific country is available by calling Lieutenant Junior Grade Aaron Demo, telephone 202-493-1049.

PERTINENT STCW REGULATIONS

Regulation I/3

Principles governing near-coastal voyages

1. Any Party defining near-coastal voyages for the purpose of the Convention shall not impose training, experience or certification requirements on the seafarers serving on board the ships entitled to fly the flag of another Party and engaged on such voyages in a manner resulting in more stringent requirements for such seafarers than for seafarers serving on board ships entitled to fly its own flag. In no case shall any such Party impose requirements in respect of seafarers serving on board ships entitled to fly the flag of another Party in excess of those of the Convention in respect of ships not engaged on near-coastal voyages.
2. With respect to ships entitled to fly the flag of a Party regularly engaged on near-coastal voyages off the coast of another Party, the Party whose flag the ship is entitled to fly shall prescribe training, experience and certification requirements for seafarers serving on such ships at least equal to those of the Party off whose coast the ship is engaged, provided that they do not exceed the requirements of the Convention in respect of ships not engaged on near-coastal voyages. Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by a Party and enters waters not covered by that definition shall fulfill the appropriate competency requirements of the Convention.
3. A Party may afford a ship which is entitled to fly its flag the benefits of the near-coastal voyage provisions of the Convention when it is regularly engaged off the coast of a non-Party on near-coastal voyages as defined by the Party.
4. Parties defining near-coastal voyages, in accordance with the requirements of this regulation, shall communicate to the Secretary-General, in conformity with the requirements of regulation 1/7, the details of the provisions adopted.
5. Nothing in this regulation shall, in any way, limit the jurisdiction of any State, whether or not a Party to the Convention.

PERTINENT STCW GUIDANCE

Section B-I/3

Guidance regarding near-coastal voyages

1. When a Party defines near-coastal voyages, *inter alia*, for the purposes of applying variations to the subjects listed in column 2 of the standard of competence tables contained in chapters 11 and III of part A of the Code, for the issue of certificates valid for service in ships entitled to fly the flag of that Party and engaged on such voyages, account should be taken of the following

factors, bearing in mind the effect on the safety of all ships and on the marine environment.

- .1 the type of ship and the trade in which it is engaged;
- .2 the gross tonnage of the ship and the power in kW of the main propulsion machinery;
- .3 the nature and length of the voyages;
- .4 the maximum distance from a port of refuge;
- .5 the adequacy of the coverage and accuracy of navigational position-fixing devices;
- .6 the weather conditions normally prevailing in the near-coastal voyage area;

.7 the provision of shipboard and coastal communication facilities for search and rescue

2. A Party which includes voyages off another Party's coast within the limits of its near-coastal voyage definition may enter into a bilateral agreement with the Party concerned.
3. It is not intended that ships engaged on near-coastal voyages should extend their voyages world-wide, under the excuse that they are navigating constantly within the limits of designated near-coastal voyages of neighbouring Parties.

Tracking Spreadsheet for the NC issue

<u>Country</u>	<u>Init Ltr</u>	<u>Reply ltr?</u>	<u>NC Lic?</u>	<u>Geog limit</u>	<u>Nation's opinion</u>
Angola	Yes				
Antarctica *					
Argentina	Yes				
Australia	Yes				
Bahrain	Yes				
Belgium	Yes				
Brazil *	Yes	Yes			Wants more info
Brunei	Yes				
Cameroon	Yes				
Congo	Yes				
Denmark	Yes				
Dominican Republic	Yes				
Equatorial Guinea	No address				
Egypt *	Yes				
Faukland Islands	UK				
France	Yes				
Gabon	Yes				
Ghana	Yes	Yes			Accepts present system
Greece	Yes				
Guatemala	Yes				
Haiti	Yes				
India *	Yes				
Indonesia *	Yes				
Ireland	Yes	Yes			Is fine with it if reciprocity.
Italy	Yes				
Ivory Coast	Yes				
Malaysia	Yes				
Mexico *	Yes				
Netherlands	Yes	Yes			Wants more info
Nigeria *	Yes	Yes			Wants more info
Norway	Yes	Yes			Wants more info
Oman	Yes				
Qatar	Yes				
Saudi Arabia	Yes				
Scotland	UK				
Singapore *	Yes	Yes			Wants more info
South Africa	Yes	Yes			Hesitant to rec NC licenses
Spain *	Yes	Yes			Under review
Thailand	Yes				
Trinidad *	Yes				
UAE	Yes				
United Kingdom	Yes				
Venezuala *	Yes				
Vietnam	Yes				
Yemen	Yes				

* Asterisk denotes countries where U.S. flagged vessels are currently operating