

COAST GUARD



Membership Magazine January, 2025

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FOR OUR MEMBERS WHO OWN BOATS & YACHTS

The Legal Issues of Carrying Weapons for Self-Defense on Yachts or Boats on U. S. Coastal Waters, Intercostal Waterways, or Any Lake Maintained by the US Army Corps of Engineers. Recent news items and an everyday question asked by SDF members about law enforcement and laws in regards to the carrying of self-defense weapons, specifically firearms, on sailboats, yachts and other seaworthy craft capable of entering international waters. Legal authorities are regularly asked what the legal implications are and what laws and accepted rules are in place for this.

So, what is the answer? It is complicated. Legally, it's far easier not to have a firearm on your boat. That's just how it is. Sadly, many legal issues we might take for granted as Americans are nonexistent or so confused as to be generally ignored once a vessel enters international waters.

To understand the legalities surrounding firearms carriage on seagoing vessels, either sailing or motor yachts, we have to first look at United States Coast Guard law; Then state-specific law; Then maritime law; Then we have to look at international law; Then national laws; Like I said, it's complicated.

COAST GUARD BOARDING'S AND YOUR FOURTH AMENDMENT RIGHTS

When it comes to Coast Guard boarding's, you don't have any rights. The US Coast Guard can board your boat any time they want, and look anywhere they want, without probable cause or a warrant. They can do this on the open sea, or while you're asleep aboard in your marina at midnight. They can look through your bedsheets, in your lockers, in your bilges, in your jewelry box, or in your pockets. They can do it carrying just their side-arms, or they can do it carrying assault rifles. They can be polite about it or they can be rude. If you're an avid boater you can expect to be boarded every year or two.



MARITIME LAW:

We will begin with the overarching law of the ocean referred to as Maritime Law (also called Admiralty Law, the Law of the Sea, etc.). Our modern international maritime law is rooted in United Nations agreements, which themselves are largely made up of generally accepted rules of the sea that were created by tradition over time. Specifically, we're talking about the United National Convention on the Law of the Sea.

On the open ocean, in international waters (defined as anything beyond 12 miles from the nearest coastal point of a nation, but more clearly as anything beyond 24 miles of the nearest coast) the law to be enforced on the boat is the law of the boat's flag of origin. In other words, a vessel flying a United States flag of stars and stripes or other recognized U.S. maritime flag (e.g. the Yacht ensign) are subject to the laws of the United States. Legally this means that the ship is registered to the country whose flag it flies and carries paperwork to that effect. So merely flying the flag of a nation on a boat is not necessarily indicative of that ship's true nation of origin or registration (if any).

Thus, a vessel flying the American flag (legally) in international waters may carry any firearm allowed by U.S. federal law as well as legal ammunition to go with it. This, however, is only true in international waters. Obviously, a ship must go to port sometime.

INTERNATIONAL LAW:

The short of it is that a vessel entering the protected waters (coast) of a nation becomes subject to the laws of that nation once it does so. By law, the protected (or "owned") coastline of the nation begins at 12 miles from the nearest coastal point. In practice, it can extend as far as 24 miles from that nearest land point, with the interim 12 miles being a sort of contended zone that may or may not be upheld by international court. Most captains operate on the 24-mile rule of thumb.



So, for an American vessel entering the coastal waters of Mexico, the vessel, despite the U.S. flag, is now subject to the laws of Mexico. Currently, those laws prohibit firearms except by special permit and with some exemptions (such as the ship's emergency flare gun).

NATIONAL LAW:

At this point, obviously, knowledge of the laws of the areas you'll be sailing to and from as well as all points between is important and is what makes things so very complex. A firearm may be legal in one area, but you may pass through other areas where it's illegal in order to get there. A good example is on our other coast up north, where travelers from the U.S. mainland to Alaska pass through Canadian jurisdiction and thus must declare weapons on board or face harsh consequences if caught.

In some places, all that is required is a registry of the firearms and ammunition on board and certification (subject to inspection) that those weapons are safely locked away. In other places, no provision is given for the carriage of firearms at all. In still others, only specific types of arms are allowed.

Every country you visit on your cruise will not be tolerant of guns. All will require you to declare them upon entry, and some will require you to turn them over to the authorities while you are in the country. Some even require you to account for every round of ammunition. Some countries require you to clear in and out of customs at each port of call. That means you are constantly turning in and picking up your guns.

Some countries allow you to keep a gun on board, if you have a secure gun locker that customs can seal with tape. I cannot define a "secure gun locker."

Of course, you could lie on the customs form and not declare your gun. Now you have an illegal firearm, in a country whose gun laws you do not know. Even if you were in a situation where you had a legal right to use the gun, you may have forfeited that right by smuggling the gun into the country.

If you are sailing in the Caribbean, you will be sailing to many countries with a Spanish (not Anglo Saxon) heritage. Guns are a macho thing. Customs agents like them. If you are required to check your guns, you will very likely find that they have been taken out for a little target practice when you get them back; if you get them back.

Many experienced cruisers advise that you disable your firearm, in the presence of the authorities, prior to handing them over for "safekeeping". Ask for a receipt.

If you wish to bring firearms into any country, inquire at the country's embassy or consulate about the permit required. Some countries impose a stiff prison term for importing illegal firearms.

Returning US citizens do not require an import permit for firearms they have taken out of the country; however, this previous export must be proven by registering the firearms before departure with either customs or the ATF.

The Department of State urges American citizens to take responsibility for their own personal security while traveling overseas. American travelers should exercise caution and are strongly encouraged to register either online or at the Consular Annex of the U.S. Embassy prior to or immediately upon your arrival.

CONCLUSIONS:

So, putting all of this together, you can see that the laws surrounding firearms on seaworthy vessels are very complex. There are some ways around some of them and no way around others. This is why, for the most part, yachts plying international ports often carry no weapons beyond their flare guns or employ non-lethal, accepted weapons such as water cannons or the like as these are generally accepted without restriction in most parts of the world. The SDF recommends you leave your firearms at home.



