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THE FIREARMS SAFETY TRAINING PROGRAM AT MASSACHUSETTS MARITIME ACADEMY AND ENHANCEMENT OF SAFETY IN MARITIME TRANSPORT

Qi, Chen

Massachusetts Maritime Academy
USA

Abstract. Since the spring term of 2009, the Center for Maritime and Professional Training of the Massachusetts Maritime Academy (MMA) has been conducting a Firearms Safety Training Program. The program has evolved into a course that is designed to be a proactive measure to impart MMA students with a basic knowledge and proficiency in the use of firearms. The class has been well received by faculties, students and administrators at the academy, especially after April of 2009 when the seized Maersk Alabama off the Somalian coast was successfully rescued, and courageous Captain Richard Phillips instantly became a national hero. It so happens that Captain Richard Phillips was a graduate of the academy in 1979. The critical issue was once more heatedly debated within the academy, as well as in the maritime industry and the country: how to enhance the safety in the maritime transport, and whether merchant mariners should carry firearms to defend themselves in case of attack.

The paper aims to present the discrepancies between the laws in the USA that allow civilian mariners to carry guns with permits and weapon registrations in American and international waters, and the practice that virtually no shipping companies provide weapons to their own crews, preferring instead to employ professional guards. The paper examines the hurdles and concerns that prevent shipping companies from equipping their vessels with weapons in the USA, particularly after the passing of the Coast Guard Authorization Act in 2010 and then makes comparisons to cases of other countries.

The study will certainly shed light on the issues facing the maritime industry urgently--what maritime institutions and international organizations like IMO can do to enhance the safety and security of maritime transport. The research will also help Massachusetts Maritime Academy optimize the setup and content of the Firearms Safety Training program and better prepare MMA cadets in possible future assignments with the companies like the U.S. Military Sealift Command.

Key words: enhancing safety in maritime industry, maritime education and training, research in MET

***Corresponding author**

Phone: 1-508-830-5000 ext. 2274
e-mail: qchen@maritime.edu

1 INTRODUCTION

Since the spring term of 2009, the Center for Maritime and Professional Training of the Massachusetts Maritime Academy (MMA) has been conducting a Firearms Safety Training Program. The program has evolved into a course that is designed to be a proactive measure to impart MMA students with a basic knowledge and proficiency in the use of firearms. The class has been well received by faculties, students and administrators at the academy, especially after April of 2009 when the seized Maersk Alabama off the Somalian coast was successfully rescued, and courageous Captain Richard Phillips instantly became a national hero. It so happens that Captain Richard Phillips was a graduate of the academy in 1979. The critical issue was once more heatedly debated within the academy, as well as in the maritime industry and the country: how to enhance the safety in the maritime transport, and whether merchant mariners should carry firearms to defend themselves in case of attack.

The paper aims to present the discrepancies between the laws in the USA that allow civilian mariners to carry guns with permits and weapon registrations in American and international waters, and the practice that virtually no shipping companies provide weapons to their own crews, preferring instead to employ professional guards. The paper examines the hurdles and concerns that prevent shipping companies from equipping their vessels with weapons in the USA, particularly after the passing of the Coast Guard Authorization Act in 2010 and then makes comparisons to cases of other countries. The paper also explains the call for US federal officials to work through the International Maritime Organization (IMO) to seek agreements establishing similar legal protections of seamen for foreign waters.

The paper is structured as follows: Section II presents the laws and regulations in regards to carrying firearms in commercial ships in the USA, and looks into the reasons behind the fact that almost no companies allow crew to bear guns on board vessels. Section III explains the Firearms Safety Training Program at MMA. Section IV offers a conclusion.

2 DISCREPANCIES BETWEEN LAWS IN USA AND THE PRACTICE OF MARITIME COMPANIES

Based on the second amendment to the United States Constitution that protects the right of the American people to bear arms, the relative freedom to carry guns extends to civilian mariners in American and international waters. Commercial shipping mariners can bring "defense materials" aboard their vessels

so long as they previously obtain the permission of the owner or master of the vessel, and register the weapons under the US Department of State's International Traffic in Arms Regulation (ITAR). However, almost no shipping company allows crew members to carry firearms on board vessels.

2.1 Laws for carrying firearms in commercial shipping

It is the law of the ship's flag of origin that is enforced on commercial ships when the ships enter international waters. In other words, a vessel flying the United States flag of stars and stripes or any other recognized U.S. maritime flag are subject to the laws of the United States. The international waters are 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. Thus a vessel flying the American flag in international waters may carry any firearm allowed by U.S. federal law as well as legal ammunition to go with it as long as they have the permission from US authorities.

Obviously, a ship must go to port sometime. Then knowledge of the laws of the areas you'll be going 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.

Inside USA, there might be some state-specific laws regulating firearms abroad. Firearms must be declared on entry. All military-type firearms (greater than .22), machine guns, pistols, revolvers, ammunition, as well as flick knives and knuckledusters are prohibited imports, and will be sealed on board or taken into custody at the first port of entry. Arrangements can be made to transport them to the port of departure if sufficient notice is given of that port and the date of departure. Sporting rifles and shotguns may be kept on board if a permit is obtained from the police law changes as you leave and enter each states' jurisdiction. The firearms laws here in Florida, for example, are far more lax than are the laws in New York. While enforcement may be more or less lax along the way as well, the law is the only thing that can be truly counted on when moving from one jurisdiction to the next.

2.2 The Practical Obstacles in equipping vessels with weapons

In practice, however, almost no shipping companies provide weapons to their own crews, except ship cap-

tains, preferring to hire professional guards. There are many hurdles and difficulties to carry firearms abroad vessels. The most commonly cited ones are liability, different regulations by countries for vessels entering their ports, and potential dangers involved when crew members get access to weapons.

The biggest concern of shipping companies is the liability when they consider to arm the crews with weapons. Ship owners believe few merchant sailors have combat training and because pirates with deep pockets from ransom payments will always be able to buy larger weapons than ship owners in any maritime arms race. Also, mariners can face charges if they incur damage or injury through their use, an especially shaky situation when in foreign waters.

Section 912 of the Coast Guard Authorization Act of 2010 removes liability for monetary damages for injury or death caused by the use of force to defend a U.S.-flag vessel against acts of piracy if the force was used consistent with "Standard Rules for the Use of Force for Self-Defense of Vessels of the United States". However, the worry over liability still is lingering in the mind of shipping companies.

Because a commercial vessel might stop in a dozen countries during a voyage, it would be hard for it to carry weapons if any port along the route forbade that. In fact, almost all the countries have more or less strict restrictions on carrying weapons aboard, and to change those regulations in each country would be difficult, if not impossible. For instance, an American vessel entering the coastal waters of Mexico, the vessel, despite the U.S. flag, is now subject to the laws of Mexico.

International regulation of shipping has shifted heavily away from the countries that register vessels and toward the local and national governments at the ships' ports of call. This has made it even more complicated to come up with common international standards, because so many countries are involved. Table 1 offers more details of laws and rules by country as the following.

In addition, there is the potential dangers imposed on crew members when firearms are allowed abroad. Captain John Dooley at MMA, who has over thirty years of experience on the sea and twenty years as captain, explained to me that crewmembers are not trained in using weapons and they are overloaded with their seamen's job already. Also the ship captains may not have access to the backgrounds or criminal histories of his or her seafarers, and providing a weapon to a mariner with a felony would be a criminal act and could imperil the crew. There might also be the worries that crewmembers might use weapons to solve their personal dispute on board.

3 THE FIREARMS SAFETY TRAINING COURSE AT MMA

The Basic Firearms Safety Training Program has been conducted by the Center for Maritime and Professional Training at MMA since April of 2009. It has been increasingly popular after April of 2009 when the seized Maersk Alabama off the Somalian coast was successfully rescued and Captain Richard Phillips,

Table 1 Firearms regulations by country

Countries	Laws and regulations
Australia	Firearms must be declared on entry. All military-type firearms (greater than .22) are prohibited imports, and will be sealed on board or taken into custody at the first port of entry. Arrangements can be made to transport them to the port of departure if sufficient notice is given of that port and the date of departure.
Canada	Firearms are strictly controlled. As of January 1, 2001, visitors bringing firearms into Canada, or planning to borrow and use firearms while in Canada, are required to declare the firearms in writing using a Non-Resident Firearm Declaration form.
France	As a rule, firearms which have no legitimate sporting or recreational use are not permitted entry into France.
Egypt	A list of firearms, with their type and details, must be handed to the authorities on arrival.
India	Certain firearms and weapons are prohibited, and those permitted require a Possession License. All arms and ammunition will be sealed by customs and treated as bonded goods onboard the vessel.
Italy	Firearms must be declared on arrival. The penalty for non-declaration is imprisonment.
Mexico	Vessels entering Mexican waters with firearms or ammunition on board must have a permit previously issued by the Mexican Embassy, or a Mexican consulate. Violations have resulted in arrests, convictions, and long prison sentences.
South Africa:	Firearms will be sealed by customs on board if this is possible. Otherwise firearms will be removed and bonded until departure.
Spain	Firearms must be declared.
United Kingdom	Firearms and ammunition, including gas pistols and similar weapons, may not be imported.

Source: May, Firearms Regulation by Country, http://www.thecoastalpassage.com/guns_aboard.html

MMA alumni of 1979, was greatly applauded for his heroic action. The story was also circulated that while being held in a small lifeboat with three pirates, Captain Phillips could have gotten hold of an AK-47. Because Captain Phillips did not know where the safe was, he let a self-saving opportunity go. The subsequent nation-wide debate over weapons on board and safety enhancement in maritime transport further stimulated the desire of MMA cadets to take the class.

3.1 Course Purpose

The goal of the Basic Firearms Safety Course is to teach the basic knowledge and skills, and to explain the attitude necessary for the safe handling and storage of firearms in the home. In this course, students will receive the NRA's Home Firearm Safety handbook, pamphlets on safety and terminology, and lessons on the rules of safe gun handling, identifying and unloading various firearms, ammunition, cleaning, and storage. Students will also get hands-on experience with the most common types of handguns, rifles and shotguns. In order to satisfy the additional training requirements particular to the State of Massachusetts, Massachusetts laws pertaining to permit application, firearms storage and transportation rules will also be covered.

Captain Lima, the academic dean and the instructor of the class, explained the purpose of the course, which was to "let the students be familiar with the firearms and feel comfortable using them. If they got into a situation when weapons were put in their hands, they would know what to do with them." Also "each year

we have some students go to the company like US Military Sealift Command, they will be required to go through one week of training to learn how to fire guns."

Table 3 shows the number of cadets went to join the military upon graduation, including US Navy, from year of 2012 to the years of 2014.

The Military Sealift Command is the transportation provider for the Department of Defense with the responsibility of providing strategic sealift and ocean shipping for US Navy and other government agencies. MSC has been the biggest employer of MMA cadets for years. Table 4 shows the cadets who got hired by Military Sealift Command from 2013 to 2015.

3.2 Course setup

The class generally runs for six hours, and over the course of two consecutive evenings. It requires the registered students to be 21 years or older and class cap is fifteen. At this point, the class is offered six times a year: three times in the fall semester, in September, October and November, and three times in the spring semester, in March, May and June respectively.

4 CONCLUSION

Though it is still a heated debated issue whether to allow firearms aboard on merchant vessels, both sides agree that it is crucial to enhance the safety in maritime transport. The Firearms Safety Training Program is certainly set up to achieve that goal—to improve the security in shipping around the world.

Table 3 The cadets go to join the military upon graduation 2012-2014

Year	2012	2013	2014
Number of cadets going to Military	7 out of 206	2 Out of 208	9 Out of 231

Data source: Professional and Career Development Office at MMA

Table 4 The cadets hired by Military Sealift Command upon graduation 2013-2015

Year	2013	2014	2015
Number of cadets going to Military	25 out of 208	13 Out of 231	23 Out of more than 200

Data source: Professional and Career Development Office at MMA

Table 5 Cadets Enrollment in the Firearms Safety Training class (2012-2015)

Year	2012	2013	2014	2015 (half year)
Enrollment	42	34	63	28

Data source: The Center for Maritime and Professional Training at MMA

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