

## Pirate Problem Hard to Solve

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Not that long ago, the mention of pirates would have conjured images of swashbuckling scoundrels sailing under billowing sails and the Jolly Roger. More recently, the images are likely to be of groups of men in motorized fishing boats off the coast of Africa. The discrepancy might lead some to think of piracy as a historical relic that is just now making a resurgence. Not so, says Martin Davies, professor of maritime law at Tulane University.



"Piracy has never gone away. It's a fairly common phenomenon, and always has been," says Martin Davies, director of the Tulane Maritime Law Center. (Photo by Paula Burch-Celentano)

"Piracy has never gone away," says Davies, director of the [Tulane Maritime Law Center](#). "It's a fairly common phenomenon and always has been."

While acts of piracy have continued to plague the high seas, the United States has not considered piracy a priority in some time. That changed this year when Somali pirates boarded a U.S. cargo ship, the *Maersk Alabama*, in April.

"I don't think the United States had much interest in taking action to protect shipping until a U.S.-flagged ship was taken," Davies says. "I think that changed their attitude."

A change in attitude is clear. After Navy Seal snipers killed all but one of the pirates on the *Maersk Alabama*, the U.S. government brought the sole survivor, 18-year-old Abduwali Abdukhadir Muse, to New York to face federal charges. While the laws Muse is accused of violating have been on the books for some time, he has the dubious distinction of being the first pirate to stand trial in the modern age.

"The first piracy legislation was in 1790, and it's been virtually unchanged since 1819," says Davies. "This is the first prosecution of a pirate in over 100 years, and the first prosecution of a foreign pirate in maybe 200 years."

This month, Davies participated in a Piracy and Counter-Piracy Workshop at the National Intelligence Council in Herndon, Va., where he and colleagues made presentations on current piracy issues and held policy discussions. He admits there may be some problems using laws that have gone untouched in almost a century, but says he doesn't foresee any major changes to piracy laws in the near future.

"Updating the law is not a major concern because the pirates don't really give a damn about the condition of the laws," Davies says. "Coming up with an effective way to put a stop to the practice is a different thing."

Davies says it is unlikely the U.S. will be able to shut down the Somali pirates for a number of reasons. First and foremost is the fact that the traditional livelihood for most of these men is fishing, which is no longer a viable option.

"One of the reasons these people are doing this is because the fishing grounds they used to depend on are now unprotected, and Chinese and Russian factory vessels vacuuming up all the fish there," Davies says.

Additionally, Davies doubts that any other nation will be extraditing pirates to be prosecuted and imprisoned on their soil.

"One of the concerns countries have is if you pick the pirates up and put them in jail, then when the time comes to let them go, they're going to apply for asylum," says Davies. "The British have made it pretty clear that they won't prosecute for that reason."

In response to these attacks, ships are now being protected by armed private security contractors, a move Davies calls a “really bad idea.”

“A more broad-thinking response would be to take away the incentive to do it. The problem is if you return the fishing grounds you're going to have to persuade them to go back to fishing. I imagine piracy is much more profitable.”