

ANTI-PIRACY LAW IN THE YEAR OF THE OCEAN: PROBLEMS AND OPPORTUNITY

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The 20th century has provided an unparalleled occasion for the explosion of maritime violence. Piracy continues to be with us and contemporary masters, shippers and crew need also keep a “weather eye” for political extremists and ecoterrorists, smuggling violence and anonymous mines, telephoned threats and other abuses using new cutting-edge technology. Truly, the forces of maritime crime have never had it so good.

This is an appropriate, if perhaps unexpected, coda to a centennium which featured pirate expert Philip Gosse’s optimistic assertion that “[t]he end of piracy, after centuries, was brought about by public feeling, backed up by the steam-engine and telegraph.”² Gosse’s report of the crime’s

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1. DR. SAMUEL PYEATT MENEFEЕ, TRENDS IN MARITIME VIOLENCE 5 (1996) [Special Report from Jane’s Intelligence Review and Jane’s Sentinel].

2. Philip Gosse, *Pirates and Piracy*, 17 ENCYCLOPEDIA BRITANNICA 951, 952 (1964).

demise was, alas, premature; 1997 saw 247 attacks³ recorded by the I.C.C. International Maritime Bureau's Piracy Reporting Centre, while 1998, the "Year of the Ocean," has suffered 126 incidents through September 30th.⁴ As the landfall of a new millenium approaches, it seems particularly appropriate to take soundings and sightings on the continuing problem of piracy. While this survey is abbreviated in nature, it is hoped that it will point the way to more positive responses to maritime crimes.

I. PROBLEMS IN DEFINING PIRACY

Definitional problems date back at least as far as the American Civil War, when the Union deemed operations undertaken by Confederate naval sympathizers to be "piratical" in nature.⁵ The 20th century has seen similar controversies over German U-Boat attacks in World War I,⁶ Soviet Bloc charges concerning Republic of China naval activities in the China Seas region,⁷ and competing characterizations of incidents such as the seizure of the *Santa Maria*,⁸ the *Mayaguez*,⁹ and the *Achille Lauro*.¹⁰ In

3. I.C.C. INTERNATIONAL MARITIME BUREAU, PIRACY AND ARMED ROBBERY AGAINST SHIPS: ANNUAL REPORT: 1ST JANUARY-31ST DECEMBER 1997, at 2 (while the figure given in the report is 229, this number was augmented by accounts received in the following year). See also I.C.C. INTERNATIONAL MARITIME BUREAU, PIRACY AND ARMED ROBBERY AGAINST SHIPS: REPORT PERIOD 1 JANUARY-30 SEPTEMBER 1998, at 3 (Oct. 1998).

4. I.C.C. INTERNATIONAL MARITIME BUREAU (Oct. 1998), *supra* note 3, at 2.

5. See Samuel Pyeatt Menefee, *Piracy, Terrorism, and the Insurgent Passenger: A Historical and Legal Perspective*, MARITIME TERRORISM AND INTERNATIONAL LAW 43, at 47-54 (Natalino Ronzitti ed., 1990).

6. See MENELEE, *supra* note 1, at 6; C.J. COLOMBOS, THE INTERNATIONAL LAW OF THE SEA 404-05 (5th ed. 1962); *The German-American Submarine Controversy*, THE ROUND TABLE 493-534 (June 1916).

7. See SAMUEL PYEATT MENELEE, CONTEMPORARY PIRACY AND INTERNATIONAL LAW 9-13 (1995); MENELEE, *supra* note 1, at 56.

8. See Menefee, *supra* note 5, at 56-58. See also Samuel P. Menefee, *Terrorism at Sea: The Historical Development of an International Legal Response*, VIOLENCE AT SEA: A REVIEW OF TERRORISM, ACTS OF WAR AND PIRACY, AND COUNTERMEASURES TO PREVENT TERRORISM 191, at 198-201 (Eric F. Ellen ed., 1987). Books discussing this takeover include HENRIQUE GALVÃO, *SANTA MARIA: MY CRUSADE FOR PORTUGAL* (1961); HENRY A. ZEIGER, *THE SEIZING OF THE SANTA MARIA* (1961). BETH DAY, *PASSAGE PERILOUS* (1962); WARREN ROGERS, JR., *THE FLOATING REVOLUTION* (1962).

9. See MENELEE, *supra* note 1, at 63-64. This incident is treated in depth in ROY ROWAN, *THE FOUR DAYS OF THE MAYAGUEZ* (1975).

10. See generally Menefee, *supra* note 5, at 58-61. See also *supra* note 5, for the other articles in MARITIME TERRORISM, *supra* note 5; George Constantinople, *Toward a Definition of Piracy. The Achille Lauro Incident*, 26 VA. J. INT'L L. 723 (1985) [note]; J.P. Pacrazio, *L'affaire de l'Achille Lauro et le droit international*, 31 ANN. FRANCAISE DE DROIT INT'L 221 (1985); Malvina Halberstam, *Terrorism on the High Seas: The Achille Lauro, Piracy and the IMO Convention on Maritime Safety*, 82 AM. J. INT'L L. 269 (1988); Christopher Joyner, *Suppression*

addition to these spats over possible "political piracies," the effects of decolonization and the multiplication of non-western legal viewpoints have resulted in attempts to recharacterize many activities historically designated as piracy,¹¹ along with a general reluctance to apply what is viewed as a pejorative term to contemporary marine attacks. Examples of the latter include the refusal of several Nigerian academics to define robberies in their national waters as piracy (instead having recourse to the international definition of the crime found in the Convention on the High Seas and the Convention on the Law of the Sea),¹² and the campaign by Indonesian and Malaysian officials to characterize many local attacks as "armed robberies" or "robbery at sea."¹³ Finally, there are questions over emerging criminal behavior. Are maritime terrorist activities piracy?¹⁴ Is ecoterrorism, when it occurs in a marine context?¹⁵

There has been much debate over the language of Article 101 (a) of the Convention on the Law of the Sea (largely embodying the terminology of Article 15 of the Convention on the High Seas). Three major areas of argument have been (1) the requirement of "private ends,"¹⁶ (2) what has been termed the "one-ship, two-ship dilemma,"¹⁷ and (3) jurisdictional considerations.¹⁸ The "private ends" requirement appears to exclude attacks by maritime terrorists and arguably, environmental extremists, from being piracies, because of their "public nature."¹⁹ Some, however, have

of Terrorism on the High Seas: The 1988 IMO Convention on the Safety of Maritime Navigation, 19 ISRAEL Y.B. HUM. RTS. 343 (1989); C. DE RISIO, L'ODISSEA SEGRETA DELL'ACHILLE LAURO (1985); F. GERARDI, ACHILLE LAURO—OPERAZIONE SALVEZZA (1986); GERARDO DE ROSA, TERRORISMO FORZA 10 (1987); ANTONIO CASSESE, TERRORISM, POLITICS AND LAW: THE ACHILLE LAURO AFFAIR (1989).

11. See SULTAN MUHAMMAD AL-QASIMI, *THE MYTH OF ARAB PIRACY IN THE GULF* (1986).

12. See generally R.A. AKINDELE AND M.A. VOGT, EDS., *SMUGGLING AND COASTAL PIRACY IN NIGERIA: PROCEEDINGS ON A WORKSHOP* (1983).

13. See IMO DOC MSC 63/17/2/Add 1, Annex 1; MENEFEE, *supra* note 7, at 57.

14. See generally Menefee, *supra* note 5; Halberstam, *supra* note 10.

15. See Samuel Pyeatt Menefee, *The Case of the Castle John, or Greenbeard the Pirate?: Environmentalism, Piracy and the Development of International Law*, 24 CAL. W. INT'L L. REV. 1-16 (1993).

16. See Samuel Pyeatt Menefee, *The New "Jamaica Discipline": Problems with Piracy, Maritime Terrorism and the 1982 Convention on the Law of the Sea*, 6 CONN. J. INT'L L. 127, at 142-44 (1990).

17. See Menefee, *supra* note 16, at 144.

18. *Id.* at 145-47.

19. See P.W. Birnie, *Piracy Past, Present and Future*, in, PIRACY AT SEA 131, 140 (Eric Ellen ed. 1989); Samuel Pyeatt Menefee, *Scourges of the Sea: Piracy and Violent Maritime Crime*, 1 MAR. POL'Y REP. 13, at 15 (1989); Constantinople, *supra* note 10, at 744, 749.

opined that public and non-private ends are not necessarily synonymous;²⁰ that many terrorist attacks veer into the area of common crime,²¹; and that actions undertaken by environmentalists may be considered private in nature. Greenpeace, for example, when engaged in anti-dumping protests, was found guilty of piracy under international law by the decision of a Belgian court.²² According to Article 101(a) of the Convention on the Law of the Sea, piratical acts must be directed "(i) on the high seas against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State"²³ The generally accepted reading is that this excludes crew seizures or passenger takeovers of vessels *per ipse*, from the concept of piracy, as only a single ship would be involved in such cases.²⁴ A counter-argument, however, is possible; Article 101(a)(ii) states that the crime be against "a ship, aircraft, persons or property" (there is no mention of "another") if the location is "outside the jurisdiction of any State." The high seas is unarguably such a place. Therefore, the requirement of the presence of two vessels for a piracy to occur is unnecessary.²⁵ A fourth, and largely undiscussed, problem relates to the first part of the definition, holding that piracy may only consist of "illegal

20. See Menefee, *supra* note 5, at 60; 2 D.P. O'CONNELL, THE INTERNATIONAL LAW OF THE SEA 970 (1989); S.P. Menefee, *The Achille Lauro and Similar Incidents as Piracy: Two Arguments*, in PIRACY AT SEA, *supra* note 19, at 179-80; Menefee, *supra* note 16, at 143.

21. The . . . problem occurs if a "political act" falls outside the definition's requirements of "private ends." But an act . . . is hardly deemed "political," simply because the proprietor so-characterizes it. Nor is it logical that a person once labeled an "insurgent" could never commit actions "for private ends." As Chief Justice Cockburn notes in *In re Tivnan*: "it is not because persons assume the character of belligerents that they can protect themselves from the consequences of an act really piratical." Similarly, an act may have *both* a political and a private nature. What appears to be needed, therefore, is a balancing test, in which actions are *strictly* weighed against political objectives. This was the rationale used to deny the political nature of the robbery in the *Philo Parsons*. At the same time, if a political organization repudiates insurgents, as did the Confederacy in the *Gerrity* and *Chesapeake* cases, and the P.L.O. in the *Achille Lauro*, that too should have a bearing as to whether "private ends" should be deemed to exist. Finally, whenever a "third party attack" occurs, one should be able to realistically question the motives of its perpetrators. Nor should the fulcrum of the decision be the mind of the terrorist; it should be the mind of the judge weighing the facts.

Menefee, *supra* note 5, at 60.

22. See Menefee, *supra* note 15, at 1-16; MENEFEE *supra* note 1, at 26.

23. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, Montego Bay, Dec. 10, 1982 [hereinafter CLOS], art. 101(a).

24. See Menefee, *supra* note 5, at 60.

25. *Id.*

acts of violence or detention, or any act of depredation."²⁶ A multiple number of actions involving physical force or [keeping under] restraint or custody is thus necessary, suggesting the need for a *pattern* of abuse rather than an isolated incident, for piracy to have occurred.²⁷ A *single* act of plunder or robbery, however, would be enough to invoke the definition. While sneak theft is arguably outside this coverage, any taking of property by violence or intimidation directly from a person or in his immediate presence would presumably be included. No pattern of practice is thus required.²⁸

One result of these controversies has been the soft-peddling of the definition of piracy in favor of an act-specific approach, as in the 1988 IMO Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the related Protocol dealing with fixed platforms.²⁹ This is similar to the agreements reached against aerial hijacking, which avoided clashing definitions of what constitutes terrorism.³⁰ While the IMO Convention was a result of the *Achille Lauro* attack, its coverage is broad enough to include piracy as well as maritime terrorist incidents.³¹

On a national level, defining the crime of piracy is even more convoluted. While scholars remain split as to whether the 1958 and 1982 Convention codified the law on the subject, or whether other crimes

26. CLOS, *supra* note 23, art. 101(a) (emphasis added). An additional consideration is "whether 'illegal acts' are to be determined under *national* or *international* law. The former could produce discrepancies in enforcement, while the latter might restrict the statute's coverage." Menefee, *supra* note 15, at 4.

27. *The Oxford English Dictionary* defines "violence," *inter alia*, as "1. The exercise of physical force so as to inflict injury on, or cause damage to, persons or property; actions or conduct characterized by this; treatment or usage tending to cause bodily injury or forcibly interfering with personal freedom." 12 THE OXFORD ENGLISH DICTIONARY: BEING A CORRECTED RE-ISSUE WITH AN INTRODUCTION, SUPPLEMENT, AND BIBLIOGRAPHY OF A NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES FOUNDED MAINLY ON THE MATERIALS COLLECTED BY THE PHILOLOGICAL SOCIETY 221 (1933) [hereinafter THE OXFORD ENGLISH DICTIONARY]. "Detention" includes "1. Keeping in custody or confinement; arrest" and "4. A keeping from going on or proceeding; hindrance to progress; compulsory delay." 3 THE OXFORD ENGLISH DICTIONARY 266 (1933).

28. Depredation is "[t]he action of making a prey of; plundering, pillaging, ravaging," including "spoilation and robbery." 4 THE OXFORD ENGLISH DICTIONARY 219 (1933).

29. See CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, Rome, March 10, 1988; PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF, ROME, March 10, 1988; MENELEE, *supra* note 7, at 46-47; Tullio Treves, *The Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation*, in MARITIME TERROISM, *supra* note 5, 69, at 70, 71.

30. See Treves, *supra* note 29, at 70, 71; MENELEE, *supra* note 7, at 46.

31. See MENELEE, *supra* note 7, at 47.

continue to constitute piracy under customary international law,³² there is no doubt that municipal definitions of the crime cast a wider net, and are therefore, less homogenous in nature. Here, it is not a question of differing interpretations, but rather one of differing definitions. To further compound the problem, many piracy laws including those of the United States were not drafted contemporaneously, but represent a patchwork of responses to problems, which arose over time.³³ They therefore lack comprehensive coverage as well as a consistent approach to the crime.³⁴

II. PROBLEMS IN ESTABLISHING JURISDICTION OVER THE CRIME OF PIRACY

Although less obvious, an equally severe problem for piracy law has been jurisdiction. A comparison of the 1988 Convention on the High Seas with its 1982 successor reveals the almost complete retention of wording from the former convention, probably due to a desire not to reopen yet another argument from the ILC and UNCLOS I debates.³⁵ Ironically, this does not mean that there have been no major changes; Indeed, the result of the 1982 Convention has clearly been to move the majority of maritime crimes under national jurisdiction. This was accomplished through the recognition of wider territorial seas, inclusion of the concept of archipelagic waters, and establishment of exclusive economic zones (EEZ's).³⁶ In the case of EEZ's, according to Article 58(2), the piracy provisions "and other pertinent parts of international law apply . . . in so far as they are not incompatible with . . . [Part V]."³⁷ However, according to 58(3):

32. See Menefee, *supra* note 5, at 61 ("It is no more reasonable to argue that piracy is exclusively defined by the Convention than it would be to claim that those nations who are not party to the *Convention* do not therefore recognize piracy *jure gentium*. State practice is the key here. While it is true that one nation's characterization of insurgents as pirates has not always been recognized by others, it does not follow that it *may not* be so recognized, or that such a characterization is necessarily municipal rather than international in nature"); 2 O'CONNELL, *supra* note 20, at 970 ("Article 15 is one of the least successful essays in codification of the Law of the Sea, and the question is open whether it is comprehensive so as to preclude reliance upon customary international . . . law . . .").

33. See Samuel Pyeatt Menefee, "Yo Heave Ho!": *Updating America's Piracy Laws*, 21 CAL. W. INT'L L. REV. 151, 175 (1990); Working Party on Piracy, Maritime Law Association Committee on the International Law of the Sea, *Report of the Working Party on Piracy, Maritime Law Association Committee on the International Law of the Sea* [hereinafter Report of the Working Party] at 2 (Nov. 4, 1992).

34. See Menefee, *supra* note 33, at 160-61, 169, 175-76.

35. See MENEFE, *supra* note 1, at 7-8. For a more in-depth review of the work of UNCLOS III on this subject; see MENEFE, *supra* note 7, at 31-35.

36. See Menefee, *supra* note 16, at 146. See also Thomas A. Clingan, Jr. *The Law of Piracy*, PIRACY AT SEA, *supra* note 19, at 170; Birnie, *supra* note 19, at 141.

37. CLOS, *supra* note 23, art. 58 (2).

[i]n exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law insofar as they are not incompatible with this Part.³⁸

It has been estimated that the shift in the 1982 Convention throws upwards of 85-93% of all piracies into the jurisdiction of the coastal states.³⁹ To the degree that Article 58(3) controls, Coastal State laws or agreements with Coastal States take on a prime importance in the struggle against piracy. The growing recognition of this shift is reflected recent articles and speeches dealing with the problem of foreign naval intervention in Coastal State waters.⁴⁰

III. POLITICAL PROBLEMS INVOLVING PIRACY

On a pragmatic level, contemporary laws concerning piracy face a number of political hurdles. Here, problems are more difficult to demonstrate, because of their non-textual nature, but they are equally real. At least three major fallacies have disrupted attempts to adequately respond to the crime. The historical fallacy emphasizes earlier forms of piracy, suitably modified by film and fiction, over more recent developments. The marine criminal researcher is often put in a "Catch-22" situation "playing up" the skull-and-bones, Blackbeard, walking-the-plank aspect of the problem appears the only way to attract attention, but the media then inexplicably concentrates on this to the exclusion of anything else. By overemphasizing history, focus is lost, and the problem of contemporary piracy is by and large ignored.

Of equal impact is the NIMBY fallacy. This holds that piracy, while it *does* exist, couldn't occur anywhere around *here*. It is a problem associated with turgid rivers, mangrove cays, or exotic straits, rather than with

38. CLOS, *supra* note 23, art. 58 (3).

39. Birnie, *supra* note 19, at 141. See also S.P. Menefee, *Forward* [sic], INTERNATIONAL MARITIME BUREAU, A THIRD REPORT INTO THE INCIDENCE OF PIRACY AND ARMED ROBBERY FROM MERCHANT SHIPS [ii] (Oct. 1985).

40. See Barry Hart Dubner, *Human Rights and Environmental Disaster--Two Problems That Defy the "Norms" of the International Law of Sea Piracy*, 23 SYRACUSE J. INT'L L. 1 (1997); Samuel Pyeatt Menefee, *Possible Foreign Naval Intervention In Cases of Piracy in International and Coastal Waters* (speech delivered at Conference of the I.C.C.-International Maritime Bureau ["Third International Meeting on Piracy and Phantom Ships"] on June 1, 1998); Samuel Pyeatt Menefee, *Modification of the Law of the Sea Convention and Other International Strategies to Allow for the Use of Armed Forces Against Pirates* (speech delivered at Conference of the I.C.C.-International Maritime Bureau ["Third International Meeting on Piracy and Phantom Ships"], on June 2, 1998).

thriving ports or well-traveled trade routes. Nineteenth century Malay depredations or robberies in the China Sea are well known, but how many can boast equal familiarity with the activities of the Charlton Street Gang, a group of post-Civil War New York river pirates?⁴¹ The problem of modern piracy is similarly "passed" by western countries to their third-world counterparts, who themselves then seek to define the practice away. Both, in fact, are guilty of ignoring reality. States spend their time externalizing or debating the concept rather than concentrating on eradication of the underlying problem.

A third complication is the international fallacy, which holds that any solution to the crime of piracy must necessarily involve a multilateral response. This is not to say that international cooperation has no role to play, but rather, that by overemphasizing its effect, we put the cart before the horse. In the forty years since 1958, the only major case which has apparently been brought under the piracy provisions of the Convention on the High Seas or of the Convention on the Law of the Sea was the Belgian action against Greenpeace.⁴² (It is true that the United States tried to justify its response against the *Achille Lauro* hijackers through use of this language, but this argument did not meet with universal acceptance.)⁴³ The international crime of piracy has not featured prominently in discussions surrounding the new International Criminal Court,⁴⁴ the United Nations generally avoids the subject of piracy,⁴⁵ while the IMO has bent over backwards not to offend its member nations when discussing maritime crime.⁴⁶ Added to this has been the ceding of authority to Coastal States, though the operation of the 1982 Convention, over most of the region in which pirates operate. And yet people still expect an "international" response!

41. See CARL SIFAKIS, *THE ENCYCLOPEDIA OF AMERICAN CRIME* 139-40 (1982).

42. See M.S. WADY TANKER, M.S. SIRIUS N.V. MABECO, N.V. PARFIN v. 1 J. Castle 2 Ned. Stichting SIRIUS, E.A., 20 EUR. TRANS. L. 536 (June 12, 1985); CASTLE JOHN AND NEDERLANDSE STICHTING SIRIUS V. NV MARJLO AND NV PARFIN, 77 INT'L L.R. 537 (Dec. 19, 1986); Menefee, *supra* note 15.

43. See generally *supra* note 10.

44. Steve Garber, Lesle Sadat Wexler, John Washburn, Jelena Pejic, Jamison Selby Borek, *The International Criminal Court and The Aftermath of the Rome Diplomatic Conference*. Discussion Panel at the American Branch of the International Law Association International Law Weekend (Nov. 13, 1998).

45. "State piracy," in which States are accused of piratical acts, seems to be the major exception.

46. As indicated, for example, by the IMO's gingerly handling of piratical incidents reported from the South China Sea. See MENEFEЕ, *supra* note 7, at 57-60.

IV. ANTI-PIRACY LAW: THE OPPORTUNITY FOR STATE-CENTERED SOLUTIONS

Having considered the problems facing current anti-piracy law, what then are the solutions? First, it seems clear that municipal legislation is the true fulcrum for the problem, and that much of the weakness of anti-piracy responses may be traced to the lack of attention paid to domestic piracy law. In the case of the United States, for example, the last major provision was added in 1847, and the patchy nature of coverage makes serious revision overdue.⁴⁷ As the Notes to 18 U.S.C. § 81 states:

In the light of far-reaching developments in the field of international law and foreign relations, the law of piracy is deemed to require a fundamental reconsideration and complete restatement, perhaps resulting in drastic changes by way of modification and expansion It is recommended . . . that at some opportune time in the near future, the subject of piracy be entirely researched and the law bearing on it modified and restated in accordance with the needs of the times.⁴⁸

The Maritime Law Association of the United States has recently risen to this challenge, and has expressed its support for a draft code, which treats the problem of modern piracy in a comprehensive manner.⁴⁹ Hopefully, this is the beginning of a dialogue between international

47. See Menefee, *supra* note 33, at 158, 169, 175; *Report of the Working Party*, *supra* note 33, at 2.

48. 18 U.S.C. § 81 (1988) (Historical and Revision Notes).

49. See Harry E. Gerhardt and Samuel Pyeatt Menefee, *Revising the United States Laws on Piracy* (speech delivered at Conference of the Mariners' Museum ["Modern Piracy: New Methods for an Old Trade"] on November 14, 1997); *Report of the Working Party*, *supra* note 33; Working Party on Piracy, Maritime Law Association Committee on the International Law of the Sea, *Second Report of the Working Party on Piracy*, [Maritime Law Association Committee on the International Law of the Sea (May 6, 1993)]; letter from S.P. Menefee to Doug Bennett of 3 Aug. 1994 ["Third Report of the Working Party on Piracy of the Maritime Law Association's Committee and [sic; on] the International Law of the Sea"] (May 3, 1994); Working Party on Piracy, Maritime Law Association Committee on the International Law of the Sea, *Fourth Report of the Working Party on Piracy of the Maritime Law Association's Committee on the International Law of the Sea*; Working Party on Piracy, Maritime Law Association Committee on the International Law of the Sea, "Sixth [sic; Fifth] Report of the Working Party on Piracy"; *Sixth Report of the Working Party on Piracy*; Working Party on Piracy, Maritime Law Association Committee on the International Law of the Sea, *Seventh Report of the Working Party on Piracy Maritime Law Association Committee on the International Law of the Sea* (April 26, 1997); Working Party on Piracy, Maritime Law Association Committee on the International Law of the Sea, *Ninth Report of the Maritime Law Association Committee on the International Law of the Sea's Working Party on Piracy* [hereinafter Ninth Report of the Working Party] (April 22, 1998).

lawyers, admiralty proctors, and other affected parties, which will eventually result in the revision of our piracy statutes.

Perhaps more importantly, action is also taking place on the international level, although here again municipal law remains the focus. The Comité Maritime International (CMI) is sponsoring a Joint International Working Group on Uniformity of the Law of Piracy, chaired by CMI Vice President Frank Wiswall, which is considering ways in which municipal laws can be revised to emphasize shared values in the fight against piracy. Several IGO's and NGO's are involved with this work, and it is hoped that the final report, which is due out in the year 2001 at the start of the new millennium, will provide a 21st century basis for state-centered solutions of this problem.⁵⁰

50. See *Ninth Report of the Working Party*, *supra* note 49, at 1. At least one other State, Sri Lanka, is also currently revising its law on the subject. See PROPOSED LAW AND PROCEDURAL REFORMS TO CONTROL AND ERADICATE PIRACY: FINAL REPORT & DRAFT LEGISLATION.