



Somali Pirates : An Excuse to Ratify LOST?

Although the details of the struggle are still sketchy, various news organizations have reported that the Americans used fire hoses and strength of numbers to overpower one or more of the pirates. The fight resulted in a standoff, with several pirates holding the ship's captain, Richard Phillips of Underhill, Vermont, and the crew holding one of the pirates. The crew and pirates negotiated a deal that involved an exchange of prisoners and the pirates using one of the ship's lifeboats to depart, since they had scuttled their speedboat when boarding the cargo ship. However, the pirates reneged on the deal and took Capt. Phillips hostage with them aboard the lifeboat.



The *USS Bainbridge*, a destroyer, arrived on the scene this morning, where the lifeboat with the pirates and Capt. Phillips is still floating near the *Maersk Alabama*. We hope this high seas drama ends with Capt. Phillips safely returned to his ship. But what to do about the escalating problem of piracy, not only around the Horn of Africa but in the busy Strait of Malacca and other troubled waters as well?

The LOST "Solution"

Our globalist-minded policy elites have the solution, of course: more empowerment of the United Nations. If you haven't already heard of the LOST prescription for piracy, you soon will. Ratification of the UN Law Of the Sea Treaty (LOST, also called UNCLOS, for UN Convention on the Law of the Sea) is a "top priority" for the new Obama administration, according to Secretary of State Hillary Clinton. [The push for ratifying LOST](#) heretofore has relied largely on environmental propaganda: LOST is "essential" for global cooperation to save the whales, the seals, the polar bears, the penguins, the plankton, the icebergs ... (pick the endangered critter or object de jour). However, the age-old scourge of piracy has always been a back-up argument. Articles 100-107 and Article 110 of the UN Law Of the Sea Treaty deal with piracy.

The administration of George W. Bush broke with past Republican opposition to LOST and strongly endorsed the convention, which would dangerously undermine national sovereignty and transfer vast new powers to the United Nations to control and/or regulate virtually all human activity on, over, or under the oceans, including the seabed, coastal areas, and inland waterways (rivers, streams, and lakes) that empty into the oceans.

Shortly before leaving office, the Bush State Department issued statements supporting UN peacekeeping and LOST as a remedies for the Somali pirate problem. In a December 17, 2008 "Fact Sheet" entitled "[United States Actions on Somalia Piracy](#)," the Bush State Department declared:

The United States remains deeply concerned by the continuing threat of piracy in the Horn of Africa and its impact on commercial shipping ... and overall stability in the region.... The United



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States believes that a proper United Nations supported peacekeeping mission is necessary to combat piracy in the Horn of Africa.

The document goes on to say:

The United States, along with the international community, continues to use the legal framework provided by international treaties for addressing piracy. The UN Convention on Law of the Sea (UNCLOS) gives authorities the power to arrest or deter pirates on the high seas.

And, furthermore:

The United States recognizes piracy is a symptom of the lack of stability, security, economic development, and rule of law on the ground. Addressing these deficits in Somalia. Therefore, the United States recognizes the need for the deployment of a United Nations peacekeeping operation.

Then, on January 14, one week before handing over the reins of government to the new Obama administration, the Bush State Department issued a new [fact sheet](#) stating:

Pursuant to United Nations Security Council Resolution 1851, the Contact Group on Piracy off the Coast of Somalia (CGPCS) was established on January 14, 2009 to facilitate discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia. The CGPCS will report its progress periodically to the UN Security Council.

The Contact Group notes “with deep concern that piracy off the coast of Somalia grew significantly in 2008, and that attacks on shipping vessels can be expected to increase without enhanced international efforts.”

So, what will this UN Contact Group, of which the United States is a member, do about Somali piracy? Again, the State Department informs us:

As an international cooperation mechanism created pursuant to Security Council resolution 1851 to act as a point of contact between and among states, regional and international organizations on aspects of combating piracy and armed robbery at sea off Somalia’s coast, the CGPCS will inform the UN Security Council on a regular basis of the progress of its activities, including through providing relevant information to the UN Secretary General for possible incorporation into his periodic reports to the Council.

But here’s where it gets to the crux of the matter:

The CGPCS calls on state parties to implement their obligations under relevant treaties and applicable international law, *including in particular the UN Convention on the Law of the Sea with respect to suppressing piracy....* [Emphasis added.]

How will LOST assist in “suppressing piracy”? It won’t. In fact, it will cripple any effective U.S. action by binding us down with “international law” — as defined and interpreted by anti-American forces in the UN and their allies in our media and our government.

Article 110 of LOST, for instance, states: “The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own State or of a third State.”

So, if the pirates slip their speedboats into the territorial waters of Somalia, Kenya, or Ethiopia, they’re home free. Their pirate bases are likewise protected.



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Luckily, the infant U.S. republic was not burdened with the UN or LOST when the Barbary Pirates were the scourge of the Mediterranean. The great European sea powers — Britain, France, Spain, Holland, Portugal — paid tribute to the murderous brigands and slavers of Tripoli. So did America, until our new nation finally said, "Enough!" — and built its own navy and sent a force to deal with the villains. The intrepid exploits of Commodore Edward Prebel, Lieutenant Stephen Decatur, Consul William Eaton, Lieutenant Presley O'Bannon, and Captain William Bainbridge are legendary. Against incredible odds, and against difficulties far greater than those we face today from the Somali pirates, they triumphed — without sacrificing U.S. sovereignty and independence of action to a global authority.

Admiral Lord Horatio Nelson, the most eminent naval hero of the time, praised Decatur's raid on Tripoli as "the most bold and daring act of the age."

Pope Pius VII effusively praised Preble's attacks on the pirates, saying the American offensive "had done more for the cause of Christianity than the most powerful nations of Christendom have done for ages."

The inspiring story of America's earliest experience in dealing with piracy on the high seas is brilliantly told by Thomas Jewett, in an online article entitled, "[Terrorism In Early America: The U.S. Wages War Against The Barbary States to End International Blackmail and Terrorism](#)." The present generation of Americans should read this stirring and instructive chronicle of the good sense and heroism of our forebears in dealing with international criminals. The captain and crew of the Maersk Alabama appear to be imbued with some of the same sense and courage; they didn't wait for a UN resolution or a LOST tribunal to tell them that it was OK to resist their captors. We need some of that good sense and courage in the halls of Congress, in the White House, and the State Department.

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