



THE ROMÉO
DALLAIRE



**CHILD
SOLDIERS**
INITIATIVE



**DALHOUSIE
UNIVERSITY**

Children in Marine Piracy: Our Work in 2013

Masthead

© First Edition January 2014

The Roméo Dallaire Child Soldiers Initiative

Centre for Foreign Policy Studies
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Acknowledgments

The Roméo Dallaire Child Soldiers Initiative's work on child maritime piracy has been aided and encouraged by a number of deeply valued partner organisations and individuals. These include:

- The Dalhousie Marine Piracy Project (DMPP)
- CFB Halifax (Stadacona) and the Canadian Armed Forces
- The Canadian Forces Maritime Warfare Centre
- 9 Bedford Row
- The TK Foundation
- Dalhousie University's Office of the President

The Dallaire Initiative is profoundly grateful for the support of these important partners and wishes to solicit their continued involvement throughout the coming year.

The Dallaire Initiative would also like to thank each of the various experts and professionals who attended its October roundtable event. These include:

- Lt. Cdr. David Brennan, Division Commander (Canadian Armed Forces)
- Peter Cook and CEO, Founder (SAMI)
- Dr. Lucia Fanning, Principal Investigator (Dalhousie Marine Piracy Project)
- Jim Gray, Programme Manager (Oceans Beyond Piracy)
- Kendra Gregson, Senior Advisor for Child Protection (UNICEF)
- David Hammond, Barrister (9 Bedford Row/100 Series RUF)
- PO1 Doug Lennips, Senior Boarding Party Instructor (Canadian Armed Forces)
- Lt. George MacLean, Boarding Party Officer (Canadian Armed Forces)
- Capt. Dennis Mandsager (Ret'd.), Professor (US Naval War College/Sanremo Handbook)
- Andrew Mwangura, Director (Seafarers' Assistance Programme)
- Dr. Donna Nincic, Director (ABS School of Maritime Policy and Management)
- Dr. Gregory Noone, Director (Fairmont State University National Security and Intelligence Programme)
- Lt. Cdr. Matt Phillips, Legal Advisor (MSCHOA)
- Lt. Cdr. Darin Reeves, JAG (Canadian Armed Forces)
- Mark Sloan, Team Leader (Dalhousie Marine Piracy Project)
- Frederick Tait, Tactician (Canadian Armed Forces)
- Capt. Angus Topshee, Base Commander (Canadian Armed Forces)
- B. Gen. (Ret'd.) Ken Watkin, Former JAG (Canadian Armed Forces)
- Hugh Williamson, Project Manager (Dalhousie Marine Piracy Project)
- Cdr. Ian Wood, Defence Fellow (Dalhousie University/Canadian Armed Forces)

Lastly, the Dallaire Initiative would like to thank Mr. Peter Cook, Mrs. Kendra Gregson, Mr. David Hammond, Dr. Gregory Noone and B. Gen. (Ret'd.) Ken Watkin for their specific contributions to this report.

About the Dallaire Initiative



Retired Lt. Gen. Roméo Dallaire, former force commander of the UN peace operation deployed during the Rwandan genocide, established the Roméo Dallaire Child Soldiers Initiative in 2007. Its mission is to develop new strategies and tactics for eradicating the recruitment and use of child soldiers worldwide.

To achieve this important objective, the Dallaire Initiative conducts programming on three fronts:

1. It pursues rigorous, innovative research at a world-class university;
2. It engages in high-level advocacy to promote universal adherence to all international conventions that prohibit the use of children in war;
3. It delivers scenario-based, prevention-oriented training to security sector actors.

In every aspect of its programming, the Dallaire Initiative seeks to collaborate with concerned governments, security sector actors, academics, humanitarians and communities. In particular, its unique approach to working with military, police, prison personnel and private security operators – many of whom are the first point of contact for child soldiers outside of their armed force or group – is both groundbreaking and critical to the interruption of children's recruitment.

“Its unique approach to working with military, police, prison personnel and private security operators – many of whom are the first point of contact for child soldiers outside of their armed force or group – is both groundbreaking and critical to the interruption of children's recruitment.”

In 2012, the United Nations Institute for Training and Research (UNITAR) appointed the Dallaire Initiative as its subject matter expert for all issues pertaining to child soldiers. It is also an associate member of Watchlist, a supporting entity of the 100 Series Rules on the Use of Force (RUF) and an integral part of the newly inaugurated Institute for Children and Youth in Challenging Contexts (CYCC) at Dalhousie University.

Origin of the Dallaire Initiative's Child Maritime Piracy Programme

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In early 2012, the Dalhousie Marine Piracy Project (DMPP) launched a broad, three-part study to explore the causes and consequences of contemporary maritime piracy. The purpose of the investigation was to identify and develop heretofore unconsidered strategies for combating piracy around the world. The socio-economic component of this survey was drafted by Dr. Shelly Whitman, Executive Director of the Dallaire Initiative.

Once collated, the DMPP's research was then validated in July 2012, at a global, three-day conference that drew together a diverse spectrum of maritime practitioners and experts. All attendant participants affirmed that piracy continues to cost the international community billions of dollars every year, despite heavy preventative investments by the security and shipping industries. As such, compelling alternatives are in exceptionally high demand.

In particular, it was suggested that the specific problem of children's involvement in piratical activity could

serve as a practical "entry point" into the general problem of piracy worldwide – insofar as children are of fundamental concern to all affected stakeholders. As an integral supporting partner of the DMPP conference, the Dallaire Initiative formulated a theory: if the international community were able to effectively enforce a prohibition on the use of children for criminal, piratical purposes, it would substantially contribute to the prevention of piracy as a whole.

In December 2012, the Dallaire Initiative produced a first-of-its-kind report, drawing attention to the constellation of challenges surrounding the issue of child maritime piracy. Therein, it was noted that there are presently no legal instruments in place to prescribe the proper handling of captured child pirates. Likewise, naval and private security personnel currently receive no formal training to prepare for interactions with children at sea. These marked gaps are contributing to the entrenchment of an unproductive "catch-and-release" strategy – a practice that likely incentivises children's recruitment and use – as well as to children's inappropriate incarceration alongside adults.



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UN Convention on the Law of the Sea UNCLOS Definition of Piracy

According to the UN Convention on the Law of the Sea (UNCLOS),

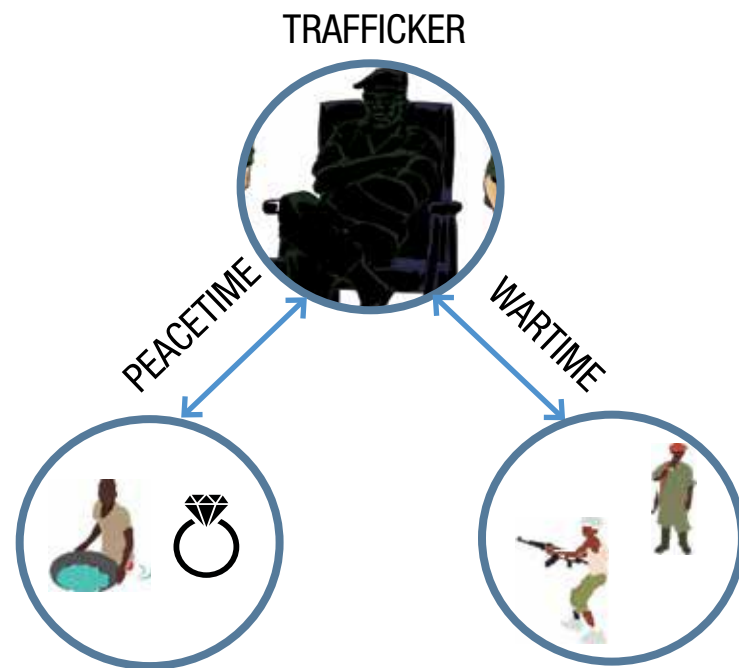
“Piracy consists of any of the following acts:

- a. Any illegal acts of violence or detention, or of any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - i. On the high seas, against another ship or aircraft, or against person 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;
- b. Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- c. Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).”

In its own work, the Dallaire Initiative adheres to a definition of child piracy that has been adapted from the Paris Principles concerning child soldiers:

“A child pirate is any person below 18 years of age who is or who has been recruited or used by a pirate group in any capacity, including but not limited to children – boys and girls – used as gunmen in boarding parties, hostage guards, negotiators, ship captains, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in kinetic criminal engagements.

Rationale for the Dallaire Initiative's Child Maritime Piracy Programme



have al-Shabaab in Somalia.

The metamorphosis likely works both ways. For instance, if an armed group were to evacuate from a coastal village, it would be quite conceivable for a child soldier who was formerly within its ranks to become a child pirate. This would be especially plausible if said former child soldier has been stigmatised and shunned by his or her erstwhile community. Within such contexts, criminality at sea may be one's only viable mode of survival.

This interplay illustrates why the Dallaire Initiative elected to continue its work on child maritime piracy, even after the DMPP's initial research project had concluded. By providing security sector actors with the necessary tools to combat child maritime piracy during peacetime, the Dallaire Initiative is indirectly helping to eradicate the possibility of children's recruitment during war.

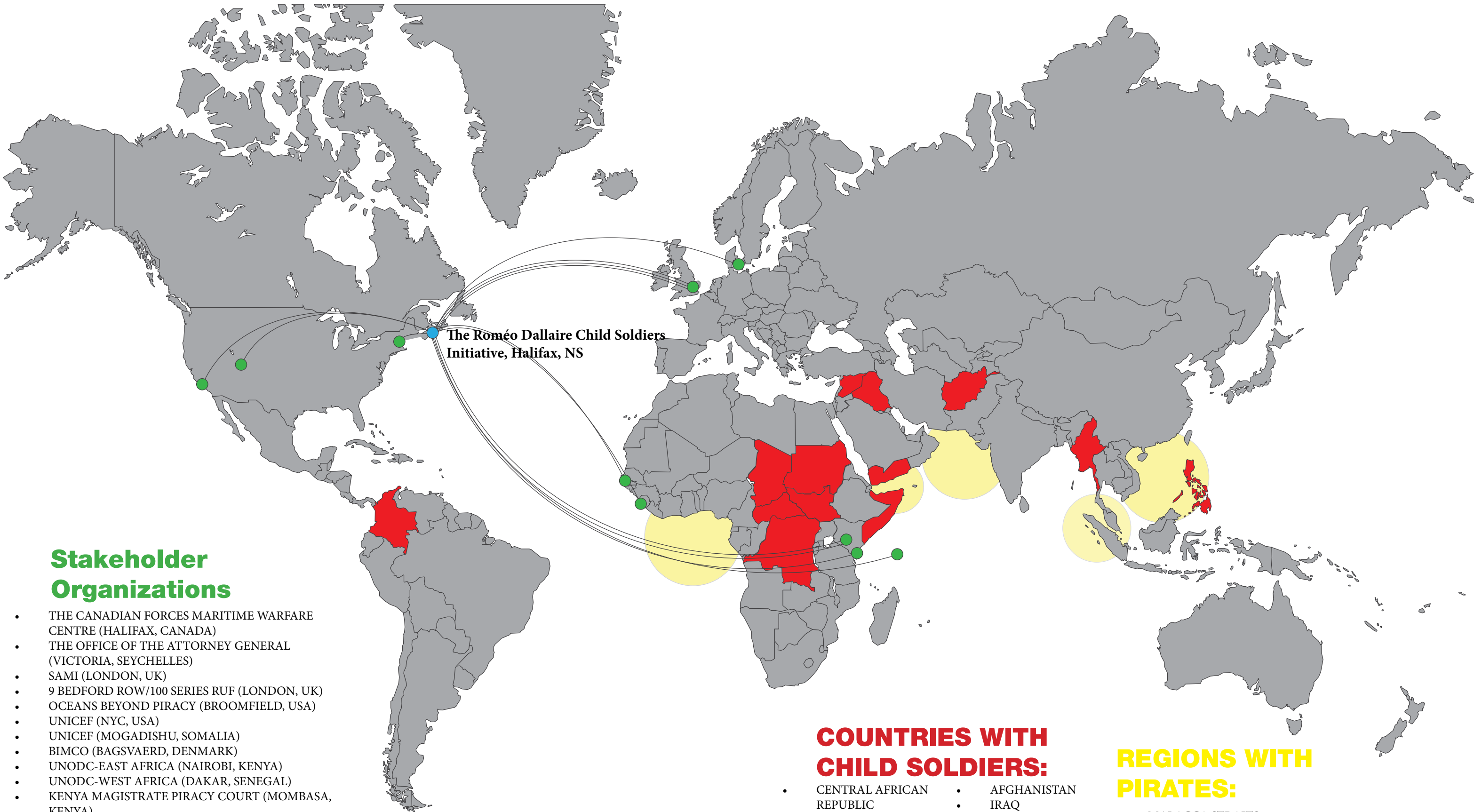
Whilst conducting parallel research on the nexus between child trafficking and child soldiering, the Dallaire Initiative put forth a bold hypothesis: children involved in criminal activities during times of peace are at markedly higher risk of being recruited during times of war. This is not to say that children – including child pirates – are invariably trafficked into criminality; indeed, peer pressure and socioeconomic desperation may induce a child to “voluntarily” participate in criminal acts. Yet once a child has entered the criminal sphere, the ease with which he or she might subsequently transition to an armed group may well increase.

This dynamic makes intuitive sense. All of the various characteristics that render a child vulnerable to criminality – such as poverty, orphanhood, displacement, political instability and poor access to quality education – will also render him or her vulnerable to recruitment by armed forces or groups. Moreover, the skills that a child labourer, prostitute, gang member or pirate might acquire during peacetime are of profound strategic and tactical value to unscrupulous adult commanders. Indeed, as opportunity costs shift when a weak state slips into armed conflict, a child pirate could very easily be induced to become a child soldier. The Tamil Tigers of Sri Lanka realised this when they incorporated children into the ranks of their naval wing (the Sea Tigers), as

“Children involved in criminal activities during times of peace are at markedly higher risk of being recruited during times of war.”



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Stakeholder Organizations

- THE CANADIAN FORCES MARITIME WARFARE CENTRE (HALIFAX, CANADA)
- THE OFFICE OF THE ATTORNEY GENERAL (VICTORIA, SEYCHELLES)
- SAMI (LONDON, UK)
- 9 BEDFORD ROW/100 SERIES RUF (LONDON, UK)
- OCEANS BEYOND PIRACY (BROOMFIELD, USA)
- UNICEF (NYC, USA)
- UNICEF (MOGADISHU, SOMALIA)
- BIMCO (BAGSVAERD, DENMARK)
- UNODC-EAST AFRICA (NAIROBI, KENYA)
- UNODC-WEST AFRICA (DAKAR, SENEGAL)
- KENYA MAGISTRATE PIRACY COURT (MOMBASA, KENYA)
- EUNAVFOR (MIDDLESEX, UK)
- ABS SCHOOL OF MARITIME POLICY AND MANAGEMENT (VALLEJO, USA)
- GOVERNMENT OF SIERRA LEONE (FREETOWN, SIERRALEONE)

COUNTRIES WITH CHILD SOLDIERS:

- | | |
|--------------------------------|---------------|
| • CENTRAL AFRICAN REPUBLIC | • AFGHANISTAN |
| • CHAD | • IRAQ |
| • DEMOCRATIC REPUBLIC OF CONGO | • SYRIA |
| • SOMALIA | • YEMEN |
| • SOUTH SUDAN | • COLOMBIA |
| • SUDAN | • MYANMAR |
| | • PHILIPPINES |

REGIONS WITH PIRATES:

- MALACCA STRAITS
- SOUTH CHINA SEA
- GULF OF ADEN
- GULF OF GUINEA
- ARABIAN SEA
- INDIAN OCEAN



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The Creation of Rules of Engagement (ROE)

Throughout 2013, the Dallaire Initiative oversaw the development of draft rules of engagement (ROE) for naval interactions with child pirates at sea. This work was accomplished in partnership with the DMPP and with significant subject matter input from the Canadian Forces Maritime Warfare Centre (CFMWC).

The proposed set of ROE were themselves based upon the menu of options put forth in the seminal Sanremo Handbook on Rules of Engagement. This compendium – which “...sets out suggested ROE for a number of selected environments and tasks, [as well as] procedures for approving and implementing ROE in single service, joint or multinational operations” – has become one of the world’s foremost tools for the creation of multilateral training exercises, war games and operations.

Among other things, the Dallaire Initiative’s ROE were intended to provide clarity concerning the comprehensive applicability of security sector actors’ RUF. Indeed, if naval ROE do not make explicit reference to children as a potential threat (as is presently the case), security sector actors may second-guess the universal relevance of their RUF whenever use of force against children has been authorised. This hesitation could potentially impede a security sector actor from reacting in self-defence, even when a child pirate presents an otherwise clear and lethal threat. In turn, such doubt can result in both physical and psychological endangerment for the security sector actor and the child pirate alike. On the other hand, if a security sector actor overreacts in an engagement with a child pirate, strongly negative physical, psychological and legal consequences may also result. This conclusion is corroborated by work that the Dallaire Initiative has done with army veterans who have previously had the misfortune of encountering child soldiers in the course of their own operations.

“If a security sector actor overreacts in an engagement with a child pirate, strongly negative physical, psychological and legal consequences may also result.”

The 100 Series Rules on the Use of Force (RUF)

In September 2013, the Dallaire Initiative elected to become a supporting entity of the 100 Series, “...an international model set of RUF against which privately contracted armed security personnel (PCASP) may be professionally trained, private maritime security companies (PMSC) may be audited and operator actions both measured and judged by competent authorities.” In the absence of any truly global, legally binding protocol for PMSC, the 100 Series is the most widely respected optional doctrine for private security operators.

In becoming a supporting entity, the Dallaire Initiative has been granted access to an impressive consortium of PMSC. In time, this relationship will facilitate the dissemination of the Dallaire Initiative’s child piracy-related materials and empower the organisation to conduct more informed and legitimate advocacy campaigns.

The Roundtable on Child Maritime PIRACY

The October roundtable precipitated a radical shift in the Dallaire Initiative's goals for all child piracy-related programming.



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From 21-23 October 2013, the Dallaire Initiative hosted a three-day international roundtable on the subject of children in marine piracy. Generously funded by the TK Foundation and Dalhousie University's Office of the President, the event was held at CFB Halifax (Stadacona) and was attended by some 20 naval officers, military lawyers, tacticians, private security operators, maritime lawyers, civilian merchants and child protection experts.

The objectives for the roundtable were fourfold:

1. To assess and validate the aforementioned series of ROE pertaining to security sector encounters with child pirates;
2. To solicit guidance concerning child pirate-related standard operating procedures (SOP), which would subsequently be reframed as "interaction charts" (similar to those found in the Dallaire Initiative's child soldier handbook for security sector actors);
3. To draft a preliminary table of contents for a maritime security sector handbook on child piracy;
4. To formalise relationships with key individuals who are willing to assist the Dallaire Initiative with the drafting of said handbook, as well as with any efforts to promote the adoption of its recommended ROE/ SOP by relevant security sector stakeholders.

Although the Dallaire Initiative's prescribed ROE were drafted to suit the particular needs and capabilities of an international naval collation (e.g. CTF-151 or EUNAVFOR's "Operation Atalanta") tasked with conducting law enforcement operations, the organisation was also keen to solicit guidance concerning PMSC and other operations in contexts of armed conflict.

Ultimately, the October roundtable precipitated a radical shift in the Dallaire Initiative's goals for all child piracy-related programming. As the event's participants worked through the proposed ROE – via a series of three mock scenarios co-developed by the CFMWC – it quickly became clear that the Dallaire Initiative's guidelines were too nuanced to be of any practical use. Unlike land-based confrontations with child soldiers, it is both unfeasible and unadvisable to distinguish between adult pirates and child pirates during firefights at sea. While land-based forces assess threat according to the behaviour of individuals, sea-based forces are necessarily obliged to assess threat according to the behaviour of entire pirate vessels (such as motherships or skiffs), as the majority of kinetic engagement occurs while pirates are still aboard their own ships. Whether children are present on any given vessel is nearly impossible to ascertain in advance – and in the absence of such critical information, security sector actors cannot be expected to employ a competing set of child-specific ROE/RUF.

This is not to suggest that the question of child-specific ROE/RUF was immediately dismissed. For instance, if a pirate action group were to successfully board a ship, participants discussed whether navies or PCASP should prioritise the targeting of adult pirate “leaders”. In some land-based engagements with some armed groups (such as the Lord’s Resistance Army in Central Africa), security sector actors have shown that once an adult commander is neutralised, child soldiers under his or her command are comparably much more likely to surrender peaceably. Yet even on land, the efficacy of this tactic is far from universal and no consensus was reached concerning its potential applicability in a maritime environment.



As a compelling alternative, participants determined that it would be possible – and indeed, advisable – to create distinct after-action SOP for assuming and managing custody of captured or surrendered child pirates. In particular, they demanded further guidance pertaining to the ethical restraint, detention, interview and transfer of children apprehended at sea. Indeed, it was universally affirmed that not a single navy or PMSC presently adheres to a child-specific protocol of this sort.

The Dallaire Initiative also gleaned a great deal of other information pertaining to security sector interactions with children at sea. With respect to merchant vessels that have PCASP aboard, it was specified that it is the merchant vessel’s Master – and not the PCASP themselves – who would decide whether to render assistance to a child-carrying pirate skiff once it has been neutralised. In such circumstances, the dominant SOP has been to provide pirates with a life raft (if their skiff is no longer seaworthy) and to then report their location to a more capable naval authority.

“When adult pirate commanders realise that navies will release children who are accused of piracy because they fall within a doctrinal grey zone, they will opt to use children more frequently.”

Any further action is currently discouraged, on account of the continued lack of standardised guidance pertaining to children’s detention, the nebulosity of PCASP’s constabulary powers and the Master’s economic incentive to proceed to port as quickly as possible.

In a similar vein, whenever PCASP do take action to render assistance, many are highly reticent to share their incident reports with naval forces, as there is a popular perception that such communication is counterproductive. Whenever a coalition force produces an intelligence report on piratical activity, it is almost invariably marked as “classified” and will not be released to the wider maritime community. However, if PMSC incident reports are passed on to commercial maritime intelligence companies – which have proliferated as of late – they will be rigorously analysed and all subsequent assessments will be made available via open source platforms. PMSC also benefit monetarily from such communication, as they are financially rewarded by private intelligence companies for sharing after-action information. While entire-



ly understandable, this state of affairs may seriously compromise navies’ ability to respond to incidences of child maritime piracy and to protect children’s rights in general.

With respect to naval warships, it was determined that although navies have a legal authority – under both a number of UN Security Council resolutions and the UNCLOS article concerning the suppression of piracy – to effect the arrest of all pirates encountered at sea, this mandate is frequently (and according to some, necessarily) overshadowed by the mission at hand. For instance, participants expressed contrasting views as to whether apprehension and detention of alleged child pirates should be considered an integral component of “counter-piracy operations”. Some opined that once a skiff has been neutralised, the counter-piracy mission has been accomplished, whether apprehension takes place or not.

This lack of operational clarity – coupled with the obvious spatial constraints on many naval warships – has meant that many navies, including Canada’s, pursue an unofficial policy of “catching and releasing” child pirates. This is precisely the kind of strategy that the Dallaire Initiative is working to abolish; when adult pirate commanders realise that navies will release children who are accused of piracy because they fall within a doctrinal grey zone, they will opt to use children more frequently. In this sense, “catch and release” provides a direct incentive for the recruitment of children into piratical gangs.

Even when a warship does elect to apprehend and detain an alleged child pirate, there is currently no operational guidance available to effect said procedures. Surprisingly, according to those participants hailing from the Canadian navy, detailed and standardised guidance does not even exist for the detention of captured adults. However, naval security sector actors do appear amenable to receiving child detention SOP and were even able to suggest a number of doctrinal “entry points” for the Dallaire Initiative. These might include training naval officers in age assessment and evidence collection processes, advocating for the creation of a positive norm to apprehend and detain pirates whenever they are suspected of being children, etcetera.

The Dallaire Initiative concluded its roundtable on child maritime piracy with a brief discussion on the preliminary table of contents for its proposed maritime security sector handbook. The list was assessed, expanded upon and then validated. It was also popularly decided that the maritime guide should be subsumed into the Dallaire Initiative’s existing child soldier handbook for land-based forces, as joint documents of this nature tend to receive better traction within the military domain. However, a separate handbook will still be designed for PMSC and the civilian shipping industry.

“It was universally affirmed that not a single navy or PMSC presently adheres to a child-specific protocol of this sort.”

The Recruitment Cycle

Recruitment

Evidence suggests that the majority of child pirates are “voluntary” recruits. However, the term “voluntary” must be understood within its proper context; most child criminals are either pressured into criminality by their family and peers or are motivated by a profound lack of socio-economic opportunity.

In April 2011, Spiegel International published a story that aptly illustrates this reality. It describes the recruitment of Abdiwali, a Somali child pirate who was apprehended during the liberation of the MV Taipan and subsequently put on trial in Germany.

Abdiwali said that he had to begin fending for himself at the age of 10. At 13, he worked as a night watchman in the harbour, where he was paid \$1. He learned to drive a fishing boat. They would spend weeks at sea and when they returned, his wages were barely enough to survive for the next week. One day, a man offered him \$500 for a better job.

It wasn't until he was on board the dhow that they told him that a ship [the MV Taipan] was to be hijacked... Hunger and poverty, he said, had motivated him to commit this crime and he never asked himself whether he wanted to be a part of it – it had all seemed self-evident to him.

Hijacking

Former UN Special Representative of the Secretary-General on Children and Armed Conflict, Ms. Radhika Coomaraswamy, once noted that most of the adults who are responsible for directing piracy operations only do so from their homes on land, rather than from motherships on the high seas. As such, the individuals who are actually sent out to, “...do the dangerous stuff are the young children, between the ages of 15, 16 and 17.”

It is quite obvious that marine piracy constitutes hazardous work, especially for children who are impulsive, frightened and inexperienced. Whenever a child is made to board and seize a commercial shipping or fishing vessel, he faces a significant risk of injury or death. Some of these threats were depicted in the recent film, “Captain Phillips”, which recounts the 2009 hijacking of the MV Maersk Alabama. Therein, the youngest of the four pirates sustains severe lacerations on his feet before being killed by the Navy SEAL rescue team.

Ransom Negotiations

Beyond actively participating in hijackings, a child pirate may assist adult confederates in various auxiliary capacities. For example, Andrew Mwangura, director of the Seafarers' Assistance Programme, has noted that young Somali girls are often hired by pirates to cook, clean and guard hostages. These women are called walaalo (meaning “brother” or “sister”).

Likewise, a number of experts in the world of private maritime security have corroborated that children are frequently employed as interlocutors during ransom negotiations. Because children are widely perceived as being irrational and unpredictable, Somali pirates have discovered that insurance companies and hostages' family members can be frightened into paying a higher ransom if a child acts as their primary negotiator.

Catch and Release

In most cases, when a navy or PMSC successfully neutralises a pirate action group, said pirates are simply caught and released – even when children are suspected of being present. There are several reasons why the maritime security sector has adopted such a laissez-faire strategy, such as the vagueness of international law's prescription to “render assistance”; the lack of constabulary power afforded to PMSCs; the marked economic disincentive for civilian shipping vessels to delay or reroute; the lack of physical space in which to house detainees aboard ship; and the serious security threat posed by detainees themselves.

Nevertheless, the dominant “catch and release” strategy should be strongly condemned, especially when children are concerned. When a navy or PMSC chooses to return a child pirate to his or her adult confederates, it is not only promoting a culture of impunity at sea – it is abetting one of the very “worst forms” of child labour.

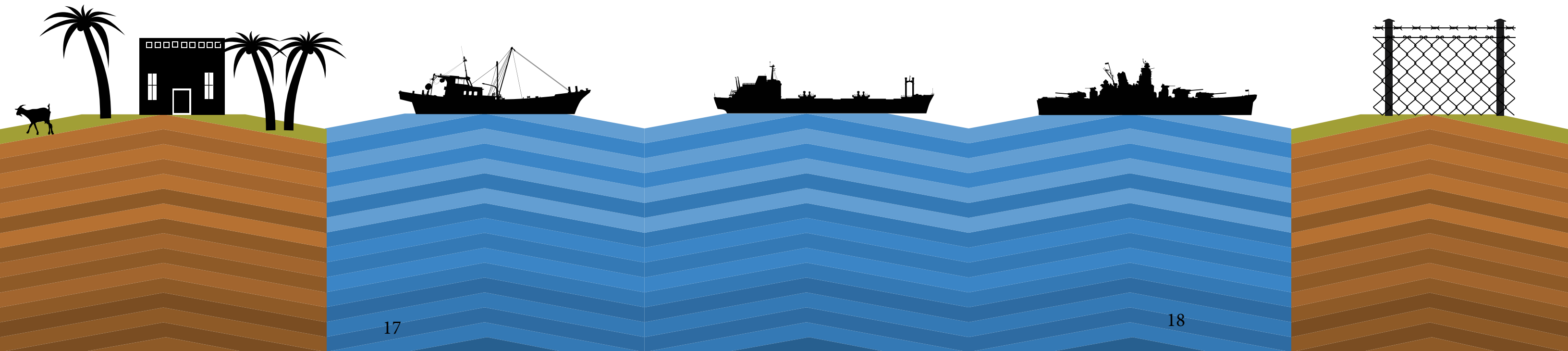
It is particularly worrisome when navies or PMSCs agree to detain adult pirates but “catch and release” alleged children (presumably so as to avoid the legal complexities associated with assuming custody of a juvenile at sea). If children are uniquely impervious to detention and/or prosecution, adult pirate commanders will come to view them as especially attractive recruits. As such, it is strongly incumbent upon the international community to assist navies and PMSCs in devising viable alternatives to the “catch and release” strategy.

Detention

At present, navies and PMSCs have no standard protocol to effect the restraint, detention, interview or transfer of a child pirate at sea. This is perhaps unsurprising, as very few maritime security sector actors have even received basic training in human rights and child protection. This doctrinal and pedagogical lacuna increases the likelihood of intentional or unintentional abuse during a child's detention aboard ship. Moreover, if an untrained security sector actor were to seriously mismanage an interaction with a child pirate, there is also an increased risk of subsequent post-traumatic stress.

Prosecution and Incarceration

In general, alleged child pirates are afforded very few protections during prosecution or incarceration. Indeed, many countries have shirked their legal responsibility to prosecute child pirates in distinct juvenile courts by refusing to authorise physical and verbal age assessments. As such, child pirates are often tried and imprisoned alongside adults. This practice should be strongly condemned, as it contradicts the very essence of the Convention on the Rights of the Child, which calls for children to be subjected to rehabilitative or restorative judicial processes whenever possible.



Counter-Piracy Week

in

Djibouti



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From 10-14 November 2013, the Dallaire Initiative attended the 15th plenary session of the Contact Group on Piracy Off the Coast of Somalia, colloquially referred to as “Counter-Piracy Week in Djibouti” (CPWD). Flights were kindly financed by the DMPP and the TK Foundation.

While only invited in the capacity of silent observer, CPWD afforded the Dallaire Initiative an excellent opportunity to disseminate its materials, to further validate the lessons it had learned during its October roundtable event and to forge new relationships with partners across East Africa.

The Dallaire Initiative was particularly keen to attend CPWD because Working Group 2 (WG2), which operates under the umbrella of the broader Contact Group, was scheduled to unveil a set of guidelines pertaining to the detention, prosecution and incarceration of child pirates. This work was spearheaded by the Danish Ministry of Foreign Affairs.

While Working Group 2 proved to be encouragingly serious about the issue of children in marine piracy, the Dallaire Initiative found its proposed detention principles to be somewhat difficult to implement in practice. In essence, its protocol was a composite of potentially relevant sections culled from the Convention on the Rights of the Child. No consideration was given to the unique perspective of the security sector actors who would be



tasked with implementing the prescribed guidelines, nor to the idiosyncratic challenges inherent to maritime operations.

For example, Working Group 2 insisted that once child pirates have been brought aboard a merchant or naval vessel, they should be physically separated according to age and gender. This was the Dallaire Initiative’s original suggestion at its own October roundtable event; yet it was quickly learned that such a separation is not always possible, given the significant spatial constraints that are built in to virtually all seagoing ships. It is therefore incumbent upon the maritime security sector and child protection experts to collaboratively generate alternative prescriptions.

Furthermore, because Working Group 2’s guidelines were based upon the Convention on the Rights of the Child – a legal document that has not been ratified by the United States of America or Somalia – some countries expressed a profound reluctance to adopt them. Indeed, the American delegation was quite vociferous in its opposition to the document. Among their many other criticisms, the Americans

took umbrage at the suggestion that juveniles must always be afforded access to distinct judicial processes; that a person of manifestly indeterminate age should be considered a child until proven otherwise; that security sector personnel must always act in the “best interests of the child”; and that restraints may never be applied to a detained child pirate.

CPWD also underscored that whilst the private security community is an integral partner and stakeholder in all of the Dallaire Initiative’s work, it is perhaps not the most pertinent and immediate target for its advocacy campaigns. Insofar as it is the civilian shipping company that shapes the content of its own BIMCO Guardcon – and insofar as the Master has ultimate authority over any PCASP working aboard his or her vessel – it is first and foremost the shipping industry that must be induced to adopt ethical child protection standards. However, if shipping companies are to be persuaded to render more robust assistance to neutralised child pirates, they must be afforded some form of economic compensation (or, at the very least, they must not be financially penalised). Likewise, said protection standards must never expose PCASP to undue physical risk.

Finally, CPWD revealed that not a single government or international organisation is currently collecting age disaggregated data on captured maritime pirates. When asked about the number of child pirates that are currently incarcerated in Kenya and

CPWD revealed that not a single government or international organisation is currently collecting age disaggregated data on captured maritime pirates.

Seychelles, one representative from the UN Office on Drugs and Crime (UNODC) admitted that he had no such statistics. Another ventured to guess that only six out of some 140 prisoners in Kenya are minors, with similar numbers being seen in Seychelles. Nevertheless, when the Dallaire Initiative attempted to corroborate this estimate with Mr. Charles Brown, Senior State Counsel at the Seychellois Office of the Attorney General, he stated that this approximation was unrealistically low. According to Mr. Brown, some 20% of all pirates apprehended off the coast of East Africa are under the age of 18.

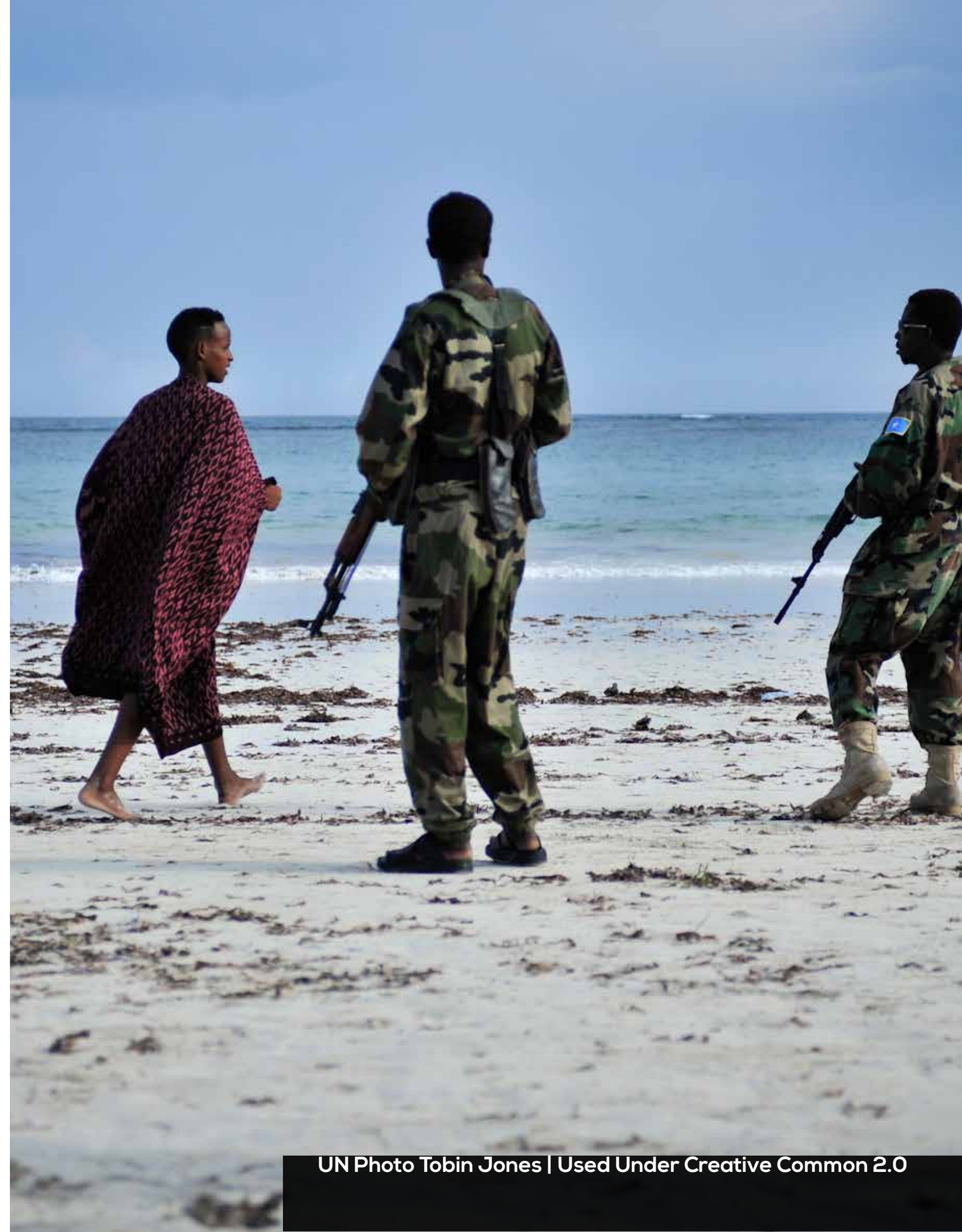
It is therefore incumbent upon the maritime security sector and child protection experts to collaboratively generate alternative prescriptions.



Children

Maritime Piracy

The Way Forward in 2014



East Africa Research Mission

In the first quarter of 2014, the Dallaire Initiative aspires to embark upon a four-week research mission to East Africa. Its principal investigator will be tasked with collecting general intelligence concerning the status quo of the child pirate phenomenon (i.e. its prevalence, its methods, its perceived advantages/disadvantages and what relevant work is being done by which actors), as well as with the amassing of specific data pertaining to incidences of child pirates' detention, prosecution and incarceration.

In seeking to understand the present experience of child pirates – that is to say, who purports to be offering them what kinds of services, as well as how child pirates themselves perceive said activities – the Dallaire Initiative is

be one-on-one interviews.

Fortunately, on account of its previous child soldier work and its attendance at the November 2013 CPWD, the Dallaire Initiative already enjoys a diverse and extensive network of East African contacts. However, during the forthcoming research mission, it is the Dallaire Initiative's hope that one existing connection will generously yield several others, thereby helping to expand the organisation's academic and professional network even further. For instance, the Dallaire Initiative is keen to leverage its present relationships with the Kenyan Piracy Courts and the Seychellois Office of the Attorney General, so as to secure access to children who have been incarcerated for the crime of piracy. If the principal investigator is

“In seeking to understand the present experience of child pirates – that is to say, who purports to be offering them what kinds of services, as well as how child pirates themselves perceive said activities – the Dallaire Initiative is attempting to establish a baseline by which its subsequent interventions might be measured.”

attempting to establish a baseline by which its subsequent interventions might be measured. For instance, in order to create a genuinely effective protocol for the restraint, detention, interview and transfer of child pirates, the Dallaire Initiative must first cultivate a foundational understanding of how these processes are currently being managed. Moreover, in order to improve the cogency of its own lobbying, the Dallaire Initiative must acquire more compelling data concerning the actual prevalence of child piracy around the world.

Research will be conducted in three different locales: Nairobi (Kenya), Mombasa (Kenya) and Victoria (Seychelles). The principal investigator will spend approximately five to seven working days in each city, depending upon the number of meetings scheduled. The primary mode of data collection during the research mission will

successful in this endeavour – and if he can guarantee ethical procedure – interviews will be conducted with these youth, as well.

In all likelihood, this initial research mission will be the first of several. Subject to connections and funding, a parallel and complementary study may also be launched to investigate child maritime piracy within the Gulf of Guinea, albeit at a later date. As such, all information that is collected during this first mission will be reflected in an interim (i.e. non-comprehensive) report, to be published no later than the second quarter of 2014.



Advocacy Campaign

Throughout 2014, the Dallaire Initiative will continue to collaborate with the DMPP and the CFMWC to produce the world's first optional protocol for the restraint, detention, interview and transfer of apprehended child pirates. As these guidelines develop, the Dallaire Initiative will seek to integrate them into key legal and doctrinal publications that have the greatest influence over navies' and PMSC's actions at sea.

The first such publication will be the upcoming “Human Rights at Sea” addendum to the 100 Series RUF. Whilst the current 100 Series is exclusively concerned with defining the parameters of PMSC's responsible use force, the annex – which is being collated by the progenitor of the 100 Series guidelines, Mr. David Hammond – will detail the processes by which PMSC can protect human rights at sea. As a supporting member of the 100 Series RUF, the Dallaire Initiative has been asked to contribute to and review all sections pertaining to children.

Second, the Dallaire Initiative will strive to introduce child piracy-related material into the forthcoming Best Management Practices 5 (BMP5). The current Best Management Practices 4 for Protection Against Somalia Based Piracy is widely considered by the

commercial shipping industry to be the authoritative guide for avoiding, deterring and delaying piracy attacks in the “High Risk Area” that surrounds the Somali coastline. While the document is predominately concerned with describing physical preventative measures – such as water spray, foam monitors, razor wire and closed circuit television (CCTV) – it does provide some SOP-like prescriptions for when pirates successfully seize control of a ship, as well as some recommendations related to post-incident reporting. In the document's fifth iteration, the Dallaire Initiative would like to see child piracy flagged as a distinct security issue and would demand that age- and gender-specific data be conveyed within all post-incident reports.

Third, the Dallaire Initiative will monitor the production of all International Maritime Organisation (IMO) circulars and will lobby to have child-specific prescriptions inserted wherever appropriate.

“the Dallaire Initiative would like to see child piracy flagged as a distinct security issue and would demand that age-specific data be encapsulated within all post-incident reports.”



Radio Programme

Like security sector actors, civilian communities are inextricably linked to the problem of child maritime piracy. They are both the locale from which children are recruited and a social force that encourages children to “voluntarily” participate in piratical activity. When elders and influential religious leaders remain silent on the issue – and when parents are poorly informed of piracy’s life-threatening risks (or indeed, if they are pirates themselves) – boys and girls are rendered far more vulnerable to the allure of criminality.

In contexts where communications infrastructure is weak and literacy is poor, radio has proven to be one of the most compelling means of effecting community-level awareness-raising vis-à-vis child protection issues. While UNICEF has on several occasions attempted to produce and broadcast child protection-oriented radio programming in Somalia, the country’s various humanitarian emergencies have often obliged the agency to re-evaluate its priorities and redirect funds. Moreover, the specific phenomenon of child maritime piracy has never been discussed in any of UNICEF’s transmissions.

Therefore, in 2014, the Dallaire Initiative wishes to partner with a small network of IGOs and NGOs to design, implement, monitor and evaluate a series of radio programmes intended to raise awareness of the physical, social, psychological and economic risks associated with child maritime piracy. The target audience for these programmes would be Somali parents and their children.

While the Dallaire Initiative is primarily concerned with improving the security sector’s capacity to manage encounters with child soldiers and child pirates, the organisation also believes that the respective phenomena of child soldiering and criminality will not be eradicated unless the international community pursues a more holistic approach. As such, its child piracy radio programming is intended to complement its security sector intervention, with the aim of promoting a resilient ecosystem of prevention.

Fortuitously, the Dallaire Initiative already has experience creating such programmes, as it previously partnered with the Association Soutien des Opprimés in the Democratic Republic of Congo to produce similar broadcasts on the subject of child soldiers. Nevertheless, other potential collaborators – such as UNICEF, Oceans Beyond Piracy, Norwegian Church Aid and various local Somali NGOs – will be actively sought out.

“Like security sector actors, civilian communities are inextricably linked to the problem of child maritime piracy.”

Conclusion

“Children’s rights are not restricted to territorial waters, nor do they expire at the limit of a 200-mile exclusive economic zone. They are as relevant and indispensable at sea as they are on land.”

-Dr. Shelly Whitman, Executive Director, The Roméo Dallaire Child Soldiers Initiative

Until quite recently, the Dallaire Initiative had been exclusively preoccupied with the land-based security sector approach to child soldiers. It was only after the DMPP’s July 2012 conference that the organisation began to appreciate the significant linkages between child soldiering on land and child criminality at sea.

As such, throughout 2013, the Dallaire Initiative strove to cultivate a nuanced understanding of the unique physical, logistical and legal challenges inherent to maritime operations. These concerns are not easily intuited if one’s conceptual point of departure is terrestrial. Yet the Dallaire Initiative can now assert a confident facility with the maritime perspective. It has identified the key players and their accompanying interests; mapped out the subtle boundaries of maritime legal jurisdictions; and determined the most prudent and valuable course of action for its future programming.

As the Dallaire Initiative progresses into 2014, it will bear in mind the following key lessons that were gleaned during the previous year:

1. Unlike land-based confrontations with child soldiers, it is both unfeasible and unadvisable to distinguish between adult pirates and child pirates during firefights at sea. While land-based forces assess threat according to the behaviour of individuals, sea-based forces are necessarily obliged to assess threat according to the behaviour of entire skiffs. Whether children are present on any given skiff is nearly impossible to ascertain in advance – and in the absence of such critical information, security sector actors cannot be expected to employ a competing set of child-specific ROE;
2. Not a single navy or PMSC presently adheres to a right-based protocol for the restraint, detention, interview and transfer of child pirates apprehended at sea;
3. It is the merchant vessel’s Master – and not the PCASP – who would decide whether to render assistance to a child-bearing pirate skiff once it has been neutralised. In such circumstances, the dominant SOP has been to provide pirates with a life raft (if their skiff is no longer seaworthy) and to then report their location to a more capable naval authority. Any further action is currently discouraged, on account of the continued lack of standardised guidance pertaining to children’s detention, as well as the Master’s economic incentive to proceed to port as quickly as possible;
4. Although navies have a legal responsibility under both a number of UN Security Council resolutions and the UNCLOS article concerning the suppression of piracy to effect the arrest of all pirates encountered at sea, this responsibility is frequently (and according to some, necessarily) overshadowed by the mission at hand;
5. Many navies, including Canada’s, pursue an unofficial policy of “catching and releasing” child pirates. This is highly problematic; when adult pirate commanders realise that navies will release children who are accused of piracy because they fall within a doctrinal grey zone, they will opt to use children more frequently. In this way, “catch and release” provides a direct incentive for the recruitment of children into piratical gangs;
6. Child protection experts frequently insist that once child pirates have been brought aboard a merchant or naval vessel, they must be physically separated according to age and gender. Yet such a separation is not always possible, given the significant spatial constraints that are built in to virtually all seagoing ships. It is therefore incumbent upon the maritime security sector and child protection experts to collaboratively generate alternative prescriptions;
7. If the United States of America is to be induced to adopt an optional protocol on the restraint, detention, interview and transfer of child pirates at sea, said protocol must address a number of idiosyncratic concerns. For instance, Americans take umbrage at the suggestion that juveniles must always be afforded access to distinct judicial processes; that a person of manifestly indeterminate age should be considered a child until proven otherwise; that security sector personnel must always act in the “best interests of the child”; and that restraints may never be applied to a detained child pirate;
8. Insofar as it is the civilian shipping company that shapes the content of Guardcon – and insofar as the Master has ultimate authority over any PSCASP working aboard his or her vessel – it is first and foremost the shipping industry that must be induced to adopt child protection standards. However, it is clear that if they are to render more robust assistance to neutralised child pirates, they must be afforded some kind of economic incentive (or, at the very least, they must not be financially penalised);
9. Not a single government or international organisation is currently collecting age disaggregated data on captured maritime pirates.



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