READINGS IN POLICING

PEACE & SECURITY

A Festschrift in Honour of Kayode Adeolu Egbetokun, PhD, NPM, fspsp



Volume Two

Edited by

Noah Yusuf

Nathaniel Msen Awuapila

Ruth Abiola Adimula

Foreword by **Asiwaju Bola Ahmed Tinubu, GCFR**
President, Federal Republic of Nigeria

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PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

FOREWORD

READINGS IN POLICING, PEACE, AND SECURITY

A Festschrift in Honour of Kayode Adeolu Egbetokun, PhD, NPM, fspsp,
Inspector General of Police, Federal Republic of Nigeria

It is with great pleasure and admiration that I introduce this festschrift entitled "Readings in Policing, Peace, and Security," a profound compilation of insights, analyses, and reflections in honour of Kayode Adeolu Egbetokun, PhD, NPM, fspsp, the 22nd indigenous Inspector General of Police, of the Federal Republic of Nigeria and a distinguished scholar in peace and security.

This commemorative publication is a timely compendium assembled by a team of renowned scholars and peace practitioners to explore the intricacies of managing our internal security and ensure enduring peace in our nation. This anthology of articles, research papers, and reflections is a tribute to Kayode Adeolu Egbetokun's lasting impact on Nigerian law enforcement practice.

Few figures stand as tall and resolute in the national policing landscape as Kayode Adeolu Egbetokun. His ongoing illustrious career has exemplified unwavering dedication, unyielding courage, and unshakeable integrity in pursuing justice and peace. Kayode Adeolu Egbetokun is not only safeguarding the lives, properties and liberties of citizens but is also inspiring countless others to join the noble vocation of serving and protecting our diverse communities.

Kayode Adeolu Egbetokun's eminent career began as a Cadet ASP in 1990, culminating in his appointment as Inspector General of Police on 19th June 2023. In between, Kayode Adeolu Egbetokun worked with me as my Chief Security Officer (CSO) when I was the Governor of Lagos State between 1999 and 2007. He demonstrated a high level of character, competence, capacity, unwavering loyalty, and impressive commitment to service.

This compilation serves as a testament to his enduring legacy, capturing the essence of his leadership, his immense impact on policing, peace and security in Nigeria, and his passion for academia. Over his ongoing career, he has been able to complete four postgraduate programmes successfully. This demonstrated his immense capacity to combine diligence at work with challenging and rigorous

academic pursuits. This is a rare combination that needs to be commended. This volume explores the multifaceted challenges and triumphs encountered in pursuing public safety and societal harmony through diverse essays, case studies, and research papers authored by eminent scholars.

As we navigate an increasingly complex and interconnected world, the professionalism, compassion, and collaboration principles espoused by Kayode Adeolu Egbetokun remain as relevant and indispensable as ever. The contributions herein offer valuable insights and perspectives that honour his remarkable career and illuminate pathways forward for advancing policing, peace and security in our nation.

I am pleased to take a moment to express my respect for the Society for Peace Studies and Practice (SPSP) and its partner universities – the University of Ibadan, Al-Hikmah University, Ilorin, University of Ilorin, University of Lagos, Lagos State University, and Bauchi State University. They carefully identified excellence and celebrated the same.

To the honouree, we extend our deepest gratitude for his tireless service, visionary leadership, and unwavering commitment to the principles of policing, justice, and peace. This volume stands as a fitting tribute to his exemplary legacy and will inspire future law enforcement professionals to continue his noble work. I recommend this book to all who seek unique insight into policing policy, peace, and security, including the various programmes, tactics, and strategies that have contributed to the nation's policing architecture.

The contents of this book hold within them a treasure trove of insight, wisdom and the promise of a safer Nigeria. As we dig deeper into this volume, we will better understand the link that Egbetokun has forged between theory and practice, and we will honour his contributions to the fields of policing, peace and security. Through this festschrift, we recognise the torch Kayode Egbetokun passes to the future guardians of our safety, and we will use this valuable resource for guidance in our quest to create a safer and more secure future for all Nigerians.

Bola Ahmed Tinubu
16th May 2024

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NATIONAL SECURITY AND LEGAL IMPLICATIONS OF JUVENILE PIRACY IN THE GULF OF GUINEA

Ruth Abiola Adimula
John Tor Tsuwa
Oluwatoyin Balogun

Introduction

The Gulf of Guinea (GoG) which links some states of Western and Central Africa is highly endowed with aquatic wealth such as crude oil, natural gas and many other resources. It has remained one of the sources of revenue for the states within the region, (Tsuwa, 2023). The centrality of the Gulf of Guinea to the economic development of the affected states is in line with international consideration that coastal states have sovereignty on their territorial waters. It has been reported that oceans and seas contribute largely to global economy as they make up more than 70% of the earth surface connecting different parts of the world (UNCTAD, 2019).

According to the United Nations Conference on Trade and Development (UNCTAD, 2019) about 90% of global trade by volume as well as 70% trade by value are transported by sea. Over the decades, Seaborne trade has continued to expand, bringing benefits to producers and consumers across the world. In 2021, the volume of global seaborne trade was estimated to be goods loaded in ports worldwide (Statista, 2023) around 11 billion tons compared to 1990 when only about four billion tons of shipping had become the life blood of the global economy without which intercontinental trade, bulk transport of raw materials, and the import/export of affordable food and manufactured goods would simply be impossible.

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Due to large-scale economic activities on seas and oceans in the Gulf of Guinea, there is also a very high threat of security activities by pirates, armed robbery at sea, and as Ezeora (2023) noted it has also experienced an evolving cyber threat, illegal, unregulated, and unreported fishing, and dumping of toxins and other hazardous wastes. We can also note that the Gulf of Guinea has recently witnessed operations of transnational criminal syndicates carrying out virtually all forms of maritime criminality involving stealing, holding for ransom, and seizing cargoes and ships and it is categorised as '*Hostis humani generis*' a Greek phrase meaning 'the enemy of mankind'. The activities of pirates have negatively affected the security of the entire maritime traffic in the world, cutting across all routes from the Strait of Malacca to the South China Sea, to the coast of Somalia, and to the Gulf of Guinea), endangering lives and properties. Incessant pirate attacks have resulted in increased maritime insurance costs, higher prices for goods and merchandise, including oil and gas resources; and the growth of regional black markets in clandestine goods and services of which ultimately, costs associated with piracy and other crimes are passed on and borne by the final consumers.

The actors involved in criminality particularly piracy in the Gulf of Guinea are numerous and with different characterisation based on sex, religion and age. Recently, there is an increase in the recruitment of young or juveniles into the business of piracy within the GoG. As Tsuwa (2023) argues, "just as in war and other criminal activities, juveniles are uniquely vulnerable to recruitment because of their emotional and physical immaturity. They are easily manipulated and can be drawn into violence that they are too young to resist or understand." The boys and girls who are recruited to serve as soldiers are very young, some as young as seven years, they serve in government forces and armed opposition groups. It is worthy to note that, the report argues that, many are abducted or recruited by force, while others join out of desperation, believing that these armed groups offer their best chance for survival. The recruitment of juveniles into the business of piracy is on the increase as pirates as young as twelve years old have been detained and prosecuted in places such as New York, Germany, Spain, India, Italy, Malaysia, and Seychelles. Bellish (2015) submits that in March 2011, the Indian Navy apprehended a group of 61 pirates and found that 25 of them were below the age of 15 and at least 4 of them were around the age of 11. These young pirates engage in violent acts like shooting, manhandling captured victims, helping to operate the vessel, or providing other types of assistance on board same as perpetrated by adults.

There is a shift from the usual provision of the law on child protection in the prosecution of child pirates. When prosecuting piracy cases, it is common to charge

all suspected pirates, both adults and juveniles, detained on a single pirate vessel together (Johri & Krishnan, 2019). This approach allows prosecutors to bring the same charges against all individuals involved in a single piracy incident, regardless of their age and the involvement of juvenile pirates further complicates the legal landscape, as they often perform similar functions to adult pirates, this raises valid concerns about prosecution of juvenile pirates (Sterio, 2014). There is no doubt that the involvement of children/juveniles complicates security challenges in sea piracy in the Gulf of Guinea. This is the reason why this paper is investigating national security in relation to piracy and its legal implications in the Gulf of Guinea and evaluating legal responses to juvenile piracy.

Conceptualisations

National Security

The United States Environmental Protection Agency-USEPA, (2023) defined national security as the security and defense of a nation state, including its citizens, economy, and institutions, which is regarded as a duty of government to safeguard the security of a nation-state, they may also act to build the conditions of security regionally and internationally by reducing transnational causes of insecurity. National security was originally conceived as protection against military attack, however, national security is now widely understood to include non-military dimensions, such as security from terrorism, minimisation of crime, economic security, energy security, environmental security, food security, and cyber-security. Similarly, national security risks involve international threats, such as cyber criminals and violent non-state extremists; as well as the domestic threats posed by hazardous material releases and natural disasters (USEPA, 2023).

National security is described as "the freedom from danger or absence of threats to the multidimensional elements that may affect the nation's ability to protect and grow itself, promote its cherished values and national interests, as well as promote and improve the well-being of its peoples (Onuoha, 2008). It is at this stage that weapons proliferation affects the long-term development of any nation, including Nigeria. This is because, according to the World Commission on Environment and Sustainability, sustainable development is "a method of meeting current needs without jeopardising future generations' ability to meet their own needs. It is a policy that promises to preserve our existing standard of living while recognising that we cannot continue to manipulate the global environment like we had in the past. Three essential areas of sustainable development were described at the World Summit on Sustainable Development: economic, social, and environmental sustainability. Economic sustainability entails creating prosperity at various levels

of society and addressing the cost effectiveness of all economic operations, with a focus on business and activity viability and long-term viability. Social sustainability encompasses not just the respect for human rights and equal opportunity for all members of society, but also a fair distribution of benefits with an emphasis on poverty alleviation. Local communities are emphasised, with a focus on preserving and improving their life support structures, as well as understanding and respecting various cultures and avoiding all forms of exploitation. It must be emphasised that weapons proliferation, as well as the conflicts and violence that they engender in every culture, have a significant impact on all the above aspects of human existence.

Piracy

Conceptualising piracy is problematic as regards its etymology and nature. As Møller and Bjørn, (2008) argued, in the pre-classical era, the ancient Greeks condoned piracy as a viable profession; it was widespread and "regarded as an entirely honourable way of making a living". During the Classical era, piracy was looked upon as a "disgrace" to have as a profession. This has created the disagreement in what constitutes the core of piracy. While others conceive it as just kidnaping and thievery at the high sea, others consider it as boarding or maritime robbery. In some quarters, the term piracy simply refers to any illegal and harmful action carried out by the crew or passengers of a private ship or aircraft for their personal gain. These actions include acts of violence, detaining people, or committing theft while on the open sea (high seas). These unlawful activities can target either another ship or aircraft or the people and property on board such vessels. The Britannica Dictionary defines Piracy as the act of attacking and stealing from a ship at sea. Piracy is any robbery or other violent action, for private ends and without authorisation by public authority, committed on the seas or in the air outside the normal jurisdiction of any state. Those who conduct acts of piracy are called pirates, vessels used for piracy are pirate ships (Pennell, 2001).

The United Nations Convention on the Law of the Sea (UNCLOS) has provided the most comprehensive definition of what truly involves piracy. It argues that, piracy consists of all illegal acts of violence, detention, or any act of depredation committed for private ends by the crew or the passenger of a private ship or a private aircraft and directed;

a. on the high seas, against another ship or aircraft, or persons or property on board such a ship or aircraft;

b. against a ship, aircraft, persons, or property in a place outside the jurisdiction of any state;

c. any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or aircraft; and

d. any act of inciting or intentionally facilitating an act described above in a, b and c.

From this definition, we can agree that there is always a criminal motive and intent in the activities of pirates. This is fueled and sustained by their ability to own and operate the means of violence and their understanding of the terrain and the actors. The gains accrued to pirates could be economic, commercial, and political depending on the membership of the pirating gangs and their collaborators. It is worthy to note that events of piracy though recent with the GoG, had existed in the past thereby giving its historical description as an old trade with uncharitable consequences.

Juvenile Piracy

A juvenile is a person who has not reached the legal age at which the criminal justice system should consider an adult (Atoyebi, 2023). The Roméo Dallaire Child Soldiers Initiative defines a child pirate as any person below 18 years of age who is or who has been recruited or used by a pirate gang in any capacity, including children – boys and/or girls – used as gunmen in boarding parties, hostage guards, negotiators, ship captains, messengers, spies or for sexual purposes, whether at sea or on land. Children may volunteer to participate in piratical activities (usually on account of socioeconomic desperation, familial suggestion, or peer influence) or they may be forcibly abducted by piratical gangs. Recently, piracy organisers across several oceans and seas recruit vulnerable children into this criminal act and use them as instruments in carrying out their criminal enterprise. These children are trained and equipped to launch attacks on ships, vessels, boats etc. and carry out same responsibility as adults such as hijacking, kidnapping, shooting and other security threatening activities.

Young men and boys who are prone to participating in criminal activities for lack of a better job or schooling opportunities are often recruited by piracy organisers. This recruitment is perceived by the boys as a lifetime opportunity to earn thousands of dollars to sustain themselves, their families, and their impoverished communities. In addition, the prevailing laws in the states and international conventions provides protection to children, thus, piracy recruiters prefer them to adults as it is more likely that children apprehended involved in piracy activities would be provided with favourable treatment and released early even if convicted, whereas an adult would find himself incarcerated. Another

factor that fuels the involvement of children in piracy is that the families of such children have been involved in piracy dealings thus, they are influenced by their elders.

Theoretical Framework

This study adopted the social learning theory. The foundational basis of the social learning theory was laid by psychologist Albert Bandura. His foundational argument is that people can learn from each other through observation, imitation, and modeling. He explained in his 1977 book *Social Learning Theory* that: "most human behaviour is learned observationally through modeling: from observing others, one forms an idea of how new behaviours are performed, and on later occasions, this coded information serves as a guide for action (Berkeley, 2024)". According to Fitzgibbons (2019), Bandura was a psychologist who studied human behaviour. He is most widely known for his Bobo Doll study. In these experiments, Bandura had children watch adults' model positive and negative behaviours towards a toy balloon resembling a clown. In some cases, the adults were aggressive and violently beat the doll. After observing this footage, the children were given hammers and asked to interact with the doll. Most children who witnessed the aggressive behaviour towards the doll also acted violently towards it, while most children who witnessed positive, non-aggressive behaviour responded less aggressively. Bandura concluded that the children learned their social behaviours through observation.

Relying on the discoveries of Bandura, Fitzgibbons (2019) explained that there are four basic learning requirements. These include attention, retention and memory, initiation and motor behaviour, and motivation. She said that, for a lesson or experience to have an impact on an observer, the observer must give attention by actively observing their surroundings; for any learned experience to make a lasting impact, the observer needs to be able to remember it later. Once the observer can recall the experience, it also helps if they go over the experience, either revisiting it cognitively in their mind or even acting it out physically- this is retention and memory; to carry out the lesson learned, the observer needs to be able to reenact it. Learning the necessary skills is an important part of the process before a behaviour can be modelled. When a person has effectively paid attention to modeled behaviour and repeats or demonstrates it, they have achieved the necessary skills. This explains the Initiation and motor capability; the motivation to make it happen is required and the source of motivation could include anything from external rewards and bribes, observations that similar behaviour is rewarded, this is motivation.

Relating social learning theory to Juvenile Piracy shows that children learn from observing adults to form an idea of how behaviours of piracy activities are performed, and on later occasions, this coded information serves as a guide for action. These juveniles complete the four basic learning requirements which are attention, retention and memory, initiation and motor behaviour, and motivation. They give attention by actively observing the adult pirates in their surroundings, they recall the experience, and go over the experience by acting it out physically thereby achieving the necessary skills for initiation, which is crowned by motivation in rewards for their socio-economic upkeep to sustain themselves, their families and their impoverished communities, being the core challenge of juvenile piracy.

This theory is adopted here to explain that, when the juvenile watches their elders engage in acts of piracy with glorious results and less consequences, they are bound to learn such acts and join to benefit in the largess involved in the act. The juveniles are mesmerised with the usage of SALW weapons and as such are determined to join the gangs that utilise such arms without open negative consequences.

Methodology

The study adopted a secondary research method using already existing data, sourced from findings of similar studies, research reports, libraries, websites of the United Nations and other relevant bodies like Maritime Authorities and Law Firms.

Descriptive Setting of the Gulf of Guinea

The Gulf of Guinea is located within the West and Central African Coastlines and surrounding territorial waters of the Atlantic Ocean (Babagana 2016). It is bounded by several oil-producing West African countries which makes it lucrative and vulnerable to criminal attacks (Pigeon and Moss, 2020). It is a stretch of West Africa's coast spanning more than a dozen countries, from West and Central Africa, namely, Angola, Benin, Cameroon, Central African Republic, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Republic of Congo, São Tomé and Príncipe, Senegal, Sierra Leone and Togo. It is located more strictly by the intersection of Latitude 00 (Equator) and Longitude 00 (Greenwich Meridian) (Anene, 2006:40).



Map: *Gulf of Guinea*
Source: *Encyclopedia Britannica, Inc*

The above map of the Gulf of Guinea shows the region as a growing source of oil, cocoa, and metals to world markets. But rising rates of piracy, drug smuggling, and political uncertainty in an area ravaged by civil wars and coups have made it a challenging destination for investors seeking to benefit from the massive resources. The Gulf of Guinea nations produce more than 3 million barrels of oil per day — about 4 percent of the global total — mostly for European and American markets, with the bulk coming from the Organisation of the Petroleum Exporting Countries (OPEC) member Nigeria (2.2 million bpd). Smaller producers include Equatorial Guinea (300,000 bpd), Congo Republic (340,000 bpd), Gabon (230,000 bpd), Cameroon (66,000 bpd) and Ivory Coast (40,000 bpd) (Encyclopedia Britannica, 2020).

The Gulf of Guinea is endowed with vast proven oil and gas assets as well as untapped mineral resources found in its deep waters. The Region is one of the most important global commercial shipping routes connecting regions between the Indian and Atlantic Oceans. It hosts several natural harbours that are operational

throughout the year because they are not affected by chokepoints and bad weather conditions found in other places. The Region connects Europe and America as well as the Far East to West, Central and Southern Africa, providing a global supply of low-Sulphur grade crude oil and gas to the former in return for industrial and finished merchandise for countries in the Region. Since the bulk of international trade and commerce is facilitated through sea-lanes, the geo-strategic importance of the Gulf of Guinea makes it a major artery for import and export to and from West, Central and Southern Africa vis-à-vis the rest of the world thus making it a lucrative zone for the criminal activities of pirates.

Types of Piracy

There are different types of piracy ranging from Sea Piracy (Pirates, Privateers, Corsairs, Buccaneers), Book piracy, software piracy, internet piracy to mention a few. In this context, our main focus is Juvenile Piracy/Child Piracy. Juvenile piracy/Child piracy falls under sea Piracy. And the word Juvenile and Child will be used interchangeably for the purpose of this work, because when we speak of juvenile, we would be referring to prosecuting a person below the age of 18 years, while child in this context will be speaking of the act of the child before the offence.

Child/Juvenile Piracy

The U.N. Convention on the Rights of the Child (UNCRC) provides in Article 1 that the term "child" means "every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier." (Art. 1 CRC, 1989). The UNCRC is one of the most universally accepted international conventions, with 140 signatories and 193 parties to the Convention (UN Treaty Collection, 2014). This particular definition has implications for the age at which an individual can be charged for the offense of piracy and the procedures that must be followed in the handling of young offenders.

It should be noted that while many children are abducted and forcibly recruited into piracy, others join "voluntarily." However, the "voluntary" enlistment must be understood in terms of the limited choices and circumstances that may exist in the context of a particular country. Many children are vulnerable to abduction or recruitment into armed groups due to extreme poverty; displacement; separation from their families; limited social and educational opportunities; and exposure to armed conflict. In Somalia, which demonstrates the highest involvement of child and youth pirates, it appears as if most young people are joining on a "voluntary" basis. Joining a pirate group will potentially improve one's socio-economic status and position in society, and young and wealthy pirates are challenging the authority

of both elders and Islamic teachings (Atallah, 2011). Similarly, in Southeast Asia, attacks are carried out by low-ranking members of the syndicate or by recruits from the area. The latter are typically composed of either "unemployed or desperate fishers," who have the nautical skills needed to navigate and participate in the attacks (Liss, 2011), or by urban youth on "stand by" (Frécon, 2011). This reality for youth is further entrenched in the idea that pirates are viewed as "champions, . . . fighters for justice, . . . and . . . men to be admired" (Liss, 2003).

In Nigeria, young unemployed men, in particular, are frequently enticed into the organised pirate gangs operating in the Delta region by "promised riches, fancy cars, luxury consumer goods and weapons" (Nincic, 2009), such that these gangs are increasingly composed of younger members. It has also become recognised in Nigeria that social mobility and the struggle for survival now necessitate the use of violence.

Sea Piracy

Sea piracy is not a new occurrence to man. It has been in existence since the advent of sea trade. It can be described as sea theft or sea robbery where ships, boats and other means of water transportation are hijacked on the sea or outside the jurisdiction of a state with intent to destroy lives and properties, steal valuables and kidnap for the sake of private ends.

The 1958 Geneva Convention on the High Seas (Article 15) and the 1982 United Nations Convention on the Law of the Sea (UNCLOS) (Article 101) describes piracy to consist of:

a) Any illegal acts of violence, detention, or 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 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.

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) of this article.

This definition according to Olofin, Usam, Ihiaba and Jaja (2021) is restrictive as it captures only occurrences on the high sea or international waters excluding similar acts within inland and coastal regions.

The Nature of Piracy in the Gulf of Guinea

Discussing the emergence and veracity of piracy in the GoG historically is traced to the transportation of slaves during the slave trade and subsequent colonisation. However, Piracy in the GoG has been exacerbated by the discovery of oil production and the challenge of the states within the region to have a coordinated architecture towards exploring and marketing the resource. Consequently, while the global volume of piracy declined, the level of piracy in the GoG increased especially between 2010 with the increased operation of non-state criminal gangs aided by corrupt state leaders and increase proliferation in the volume of Small Arms and Light Weapons (SMALW). Criminal gangs in the GoG had begun to target product tankers, vessels and ships carrying crude and refined oil products on the GoG. Over a period of 15 years, the region has also become one of the world's hotspots for maritime piracy, overtaking the Gulf of Aden and the Horn of Africa, where Somali pirates operated (Teixeira and Pinto, 2022). Armed attacks, vessel boarding and hijacking, kidnappings and assassination of crew members became increasingly frequent (Teixeira and Pinto, 2022). The use of "mother ships" has enabled gangs to capture targets farther afield using levels of violence that differentiate them sharply from pirates off Somalia and in the Malacca Strait. Kidnap-for-ransom of foreign oil workers from supply vessels and isolated oil platforms has continued. The main grievances are poverty, high youth unemployment, hiring practices.

According to Adimula (2020) out of the 135 maritime kidnappings worldwide in 2020, 130 took place in the Gulf of Guinea, the highest number ever registered in the region. A previous high was reached in 2019, when 121 seafarers were abducted. In the first four months of 2021 alone, there were 40 kidnapped crew incidents worldwide, all in the Gulf of Guinea. Adding to these other types of attacks, in 2021 alone, the region accounted for nearly half (43 percent) of all reported piracy incidents in the world and 95 percent of kidnapping cases (Teixeira and Pinto, 2022).

It is estimated that there are 2.2 billion people in the world below the age of eighteen years, and nearly two billion of these children live in the developing world (UNICEF, 2014). These demographics have an impact on the involvement of children in criminal activity and armed conflict, as far too often the current balance of power in the world leads to the exploitation of the innocent and less powerful (Whitman, 2012). The evidence that does exist with respect to the use of children

and youth in piracy activity indicates that the socio-economic factors (poverty, armed violence, lack of educational or employment opportunities, orphans, displacement, and exposure to disease) that make children vulnerable and thus prone to use by armed groups exists in each of the major areas in which piracy currently is reported. Additionally, in many of the regions where piracy exists, children are being used by terrorist groups, criminal gangs, and state and non-state armed groups (e.g. Somalia, Nigeria, Haiti) (U.N. Human Rights Council, 2012). Therefore, the use of children and youth by pirates could be viewed as a natural extension of these armed groups. Thus, this study seeks to examine the legal implications of juvenile piracy in the Gulf of Guinea on national security.

The disorder that surrounds the regional oil industry can be said to be responsible for the rate of piracy in the Gulf of guinea. A large share of the recent piracy attacks targeted vessels carrying petroleum products (UNODC, 2012). These vessels are attacked because there is a booming black market for fuel in West Africa. Without this ready market, there would be little point in attacking these vessels. There are indications that oil may also be smuggled outside this region.

International Legal Responses to the Punishment of Juvenile Suspects/Pirates

In Nigeria, unemployed youth, specifically, are frequently lured into the organised pirate groups operating in the Delta region with promises of wealth, luxurious cars, high-end products, and weaponry. This trend has led to a growing number of underage members joining these gangs (UNODC, 2022). The legal status of child pirates is a topic of debate. Some jurisdictions treat all piracy suspects similarly regardless of age, while others invest effort in determining suspects' ages to ensure appropriate treatment (Udensi, Etu, & Chieke, 2014). Two approaches are used: first is by determining the Minimum Age of Criminal Responsibility (MACR) while the other approach is by applying the United Nations Convention on the Rights of the Child (UNCRC). The MACR specifies the age at which an individual can be tried for a serious crime, varying from 10 to 16 years. UNCRC mandates safeguards for child suspects, including no torture, inhuman treatment, capital punishment, or life imprisonment without parole. Arrest and detention should be a last resort, and reintegration into society is encouraged.

The age of pirates represents a crucial factor to consider when determining how to respond to contemporary piracy, both in operational and legal terms. Similar to situations in armed conflicts where children are coerced into becoming soldiers, accurately determining the pirates' exact ages can be challenging. The harsh living conditions, malnutrition, and disease they face can influence their physical appearance (Jacobsen, 2012).

It is essential to recognise that the United Nations and other international non-governmental organisations dedicated to addressing the plight of children involved in armed conflict advocate for treating such children primarily as victims due to their age and their coerced association with armed groups. This perspective should also be applied when considering child pirates. The United Nations Special Representative of the Secretary-General (UNSRSG) on Children and Armed Conflict has emphasised that even seemingly voluntary actions by children can stem from a desperate need to survive when they have limited alternatives. In such circumstances, any consent given by a child cannot be regarded as entirely voluntary in the true sense of the word (UNSRSG, 2011).

International human rights law and international criminal law have provisions for the treatment of juvenile suspects, recognising the need for distinct treatment during criminal investigations or prosecutions. The International Covenant on Civil and Political Rights (ICCPR) emphasises this in Article 10, stating that "juvenile persons accused of a crime should be separated from adults and brought to trial as swiftly as possible." Article 14 of the same treaty highlights that any legal proceedings should consider the age of the defendant and aim to support their rehabilitation (Sterio, 2016).

A specialised human rights treaty, the Convention on the Rights of the Child, extends its protections to anyone under the age of eighteen. In Article 37 of this Convention, it is stated that children should be treated differently when facing legal procedures, emphasising their unique needs and rights during the criminal justice process. These legal provisions are essential for safeguarding the rights and well-being of juvenile suspects in accordance with international law (United Nations, 1989).

Apart from the human rights treaties mentioned earlier, various other international legal documents stress the importance of treating juvenile suspects differently from adult suspects. The U.N. Standard Minimum Rules of the Administration of Juvenile Justice (Beijing Rules) reinforces this principle in Article 4, emphasising that the age at which a juvenile can be held criminally responsible should consider their emotional, mental, and intellectual maturity, discouraging setting the age too low (UNODC, 2013).

Furthermore, international humanitarian law, primarily concerned with children involved in armed conflicts, also offers insights into the treatment of juvenile suspects. For instance, Article 77 of Additional Protocol I to the Geneva Conventions states that if children are arrested, detained, or interned due to armed conflict, they should be held separately from adults (ICRC, 2024). International human rights law does not specify a minimum age for criminal responsibility,

but it unequivocally underscores the need for member states to differentiate the treatment of juvenile and adult criminal suspects and mandates the establishment of special protections for minors within a nation's criminal justice system (Aliyu, 2021).

Notably, the statutes of various international criminal tribunals also address the treatment of juvenile suspects. The Rome Statute of the International Criminal Court sets the age of criminal responsibility at eighteen, making it the standard for this permanent international criminal court. It is important to note that the statutes of other international tribunals, such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, might have different provisions regarding the age of criminal responsibility for juveniles (Bosch, 2012).

These legal provisions reflect a consensus that individuals under the age of eighteen should be treated differently from adults and that international criminal prosecutions may not always be the best approach when juveniles are involved. Additionally, international law contains norms criminalising the use of minors in armed conflicts, providing valuable guidance in addressing child pirates who function in a lawless environment akin to armed conflict. The principles surrounding the treatment of juvenile suspects and those who employ juveniles in criminal activities are complementary, emphasising the importance of special protections for juvenile piracy suspects and stricter penalties for those exploiting minors in piracy crimes. Each prosecuting state is responsible for applying these international norms within its own legal processes.

It should be noted that Nigeria lacks specific legislation addressing juvenile piracy. However, international statutes and conventions can provide a framework for addressing this issue. As previously mentioned, the United Nations Convention on the Rights of the Child (CRC) sets forth international standards for the treatment of children in conflict with the law, and it can be applied to situations involving juvenile piracy suspects.

Piracy and National Security

Piracy became a security issue of international concern in the last fifteen years primarily in the Horn of Africa, Gulf of Aden, and the Red Sea; however, since the establishment of Combined Task Force-151(CTF-151), focused on counter piracy, and Combined Task Force-150 (CTF-150), focused on maritime security piracy in that region has waned (The Fletcher School, 2024). Supported by several U.N. Security Council Resolutions, these task forces "engage with regional and other partners to build capacity and improve relevant capabilities to protect glob

maritime commerce and secure freedom of navigation" (UNODC, 2016). The attacks on commercial and military vessels employed underwater autonomous vehicles, advanced surface-to-surface missiles, and small boat swarming tactics. Refined methods by pirates may present a greater challenge to maritime security that will require changes to current anti-piracy measures in the region.

Unfortunately, views on piracy are shaded by incomplete data. First, in the Pacific-Asia region, actual acts of piracy are most likely underreported and, of those that are reported, many are of such small scale that they cloud the true volume of major piracy events. Second, like the analogy of the "squeezed balloon" in narcotics trafficking, as piracy has been relatively contained in eastern Africa, it has increased in western Africa, specifically in the Gulf of Guinea. This may be linked to increased trafficking in narcotics from Latin America, illegal fishing, or human trafficking, but is in any event a reminder that piracy remains a persistent and widespread challenge to maritime security (The Fletcher School, 2024).

Known for its vast oil resources, Nigeria is reported to be the most affected victim of piracy. The perpetrators are a group of militants who formed a coalition, The Movement for the Emancipation of the Niger Delta (MEND) to fight the Nigerian government to address perceived injustices and social grievances (Fiorelli, 2014). Although several efforts have been made by international organisations like the European Union (EU), Inter-regional Coordination Centre (ICC), the Regional Centre for Maritime Security of West Africa (CRESMAO) and the Regional Centre for Maritime Security of Central Africa (CRESMAC), there has not been much progress in tackling insecurity in the region. This can be attributed to the weak implementation structures.

Acts of piracy threaten maritime security by endangering, in particular, the welfare of seafarers and the security of navigation and commerce (UN.org 2020). These criminal acts may result in the loss of life, physical harm or hostage-taking of seafarers, significant disruptions to commerce and navigation, financial losses to ship owners, increased insurance premiums and security costs, increased costs to consumers and producers, and damage to the marine environment. Pirate attacks can have widespread ramifications, including preventing humanitarian assistance and increasing the costs of future shipments to the affected areas.

Though Nigeria's security measures have also intensified, in particular Operation Pulo Shield, a campaign led by the controversial Joint Task Force to hit oil thieves and illegal refiners, which has chalked up impressive successes over the past year, the number of cases actually prosecuted are worryingly few. Those efforts, however, rest on shaky foundations. Unrest in the Niger Delta arises from the well-grounded conviction among the region's minority tribes that

oil companies colluded with greedy Nigerian politicians over decades to extract billions of dollars of oil for their own benefit at the expense of local habitat and the livelihoods it supported.

Security Implications of Juvenile Piracy

The security implications of juvenile piracy are enormous. The affected children are exposed to the dangers on sea and possible death. Most of the recorded deaths at sea are as a result of the accidents/attacks experienced during pirate movement. Also, juvenile pirates are exposed to worst forms of Child Labour – Article 3(c), the term "worst forms of child labour" includes, "the use, procuring or offering of a child for illicit activities" (UNCRC, 1989).

Conclusion

In conclusion, juvenile piracy is a multifaceted challenge that requires careful handling.

Addressing juvenile piracy in Nigeria, where specific legislation is lacking, necessitates a comprehensive approach that aligns with international standards. By implementing rigorous age verification procedures, adhering to international human rights standards, holding juvenile pirates accountable, and imposing stricter penalties on those who employ them, these can act as a deterrent to the recruitment of children in piracy. Furthermore, providing opportunities for rehabilitation, education, and skill development is essential for the successful reintegration of these young offenders into society. Despite the legal gaps, this comprehensive approach ensures justice, protection, and accountability while dealing with the intricate challenge of juvenile piracy in Nigeria.

Recommendations

The fight against piracy in the Gulf of Guinea cannot be based on a single solution. Taking a clue from different parallel programmes developed in Asia and East Africa which were based on fighting poverty, countering the external factors leading to the loss of historical or traditional resources and cooperation between the coastal countries concerned among others, also that the Nigerian Delta is the main region for oil and gas exploitation area in the country, onshore as well as offshore. Given this background, the following recommendations are proposed to counter piracy in the Gulf of Guinea:

(i) **Security:** The study recommended that based on the importance of national security of States in the Gulf of Guinea, security at the water ways should be beamed up by encouraging collaboration with dwellers of coastal areas

who are familiar with the area, understand the geography and can navigate the waters without technological aid. They should be trained on ways to identify piracy attacks and how to use modern tools that can help intercept and counter such attack.

(ii) **Advanced technologies:** Countries along the Gulf of Guinea should collaborate with themselves and partner with other countries or organisations that can contribute positively in ensuring safety on the waterways especially through the use of advanced technologies in respect of advanced small arms and light weapons, access to ship monitoring and tracking devices, and use of unmanned systems and long range communications will fight piracy and curtail their activities in the Gulf of Guinea. A clue can be taken from recent activity in Somalia and Yemen that has controlled piracy to minimal level.

(iii) **Embarked military personnel:** To match pirates increasing operational capabilities, it is essential that military personnel are embarked to protect vessels in transit or at anchorage. The superior training of these personnel must be based on weapons, knowledge of the ballistic protection, the maritime environment, watchkeeping, reporting, sending alerts, rules of engagement, coordination with the Captain, and stress resilience. Military personnel must be equipped with quality weapons and the adapted ammunition allocations that they need to perform their missions. They also need to be informed about the behaviour and *modus operandi* of pirates (Morizur, 2020).

(iv) **Quality weapons:** Military personnel must be equipped with quality weapons and the adapted ammunition allocations that they need to perform their missions. They also need to be informed about the behaviour and *modus operandi* of pirates.

(v) **Ballistic protection:** Knowledge of the ballistic training and protection for the military by the government is also encouraged.

(vi) **Alertness:** The maritime environment, watchkeeping, reporting, sending alerts, rules of engagement, coordination with the Captain, and stress resilience are important security alertness required for security personnel to combat piracy.

(vii) **Professional anti-piracy practices:** Maritime operators must also be proactive in managing internal anti-piracy measures by completing the BMP5 (Best Management Practices version 5) and Ship Security Plan (SSP).

(viii) **Socio-economic provisions:** Countries along the Gulf of Guinea must look into their socio-economic sphere which is a key factor causing piracy in the Gulf.

Basic social amenities, education, and employment opportunities should be made available to dwellers of coastal regions to keep them away from profitable criminal engagements like piracy.

Also, there should be frequent orientation programmes for communities at the coastlines focused on orientating juveniles on the ills and dangers of piracy as well as the tactics used by pirate recruiters on juveniles and appropriate authorities to report suspected cases.

(ix) **Surveillance agreement:** To counter the maritime drug traffic, surveillance, and intervention means and the capacity to extend maritime pursuits into neighbouring countries' waters should be encouraged like in Malacca straight (Indonesia/Singapore/Malaysia) with an agreement to share. Similar agreements also found in the Caribbean.

(x) **Piracy law:** Each coastal country should establish specific laws for piracy. Existence of domestic laws will facilitate the implementation of international instruments in each country.

Juvenile pirate recruiters should be severely punished in line with international laws to serve as a deterrent to others who want to venture into that business.

Juveniles caught in the act of piracy should be treated differently from adult pirates. They should be considered as victims whose vulnerability was taken advantage of by these recruiters and used to perpetuate crime. Rehabilitating them should be the focus rather than the persecution of juveniles.

(xi) **International legal standard:** States should ensure that the suspect is treated in accordance with international human rights law standards on the treatment of juveniles. When a suspect is determined to be a juvenile, their case should proceed following the prosecuting nation's juvenile justice provisions, as outlined in domestic laws that implement international treaties like the ICCPR and the Convention on the Rights of the Child. These laws typically include provisions for separate juvenile detention facilities, rehabilitation, re-education opportunities after conviction, and more lenient sentencing, considering the age of the offender at the time of the crime. International human rights law generally prohibits the death penalty and life imprisonment without the possibility of parole for juveniles. After sentencing, juvenile pirates should serve their sentences in appropriate detention facilities with educational and vocational opportunities.

(xii) **Age verification:** States should make use of medical and forensic tests to ascertain the ages of suspected pirates. Authorities should inquire about their ages and if a suspect claims to be under eighteen, they should be separated from adult suspects. When transferred for prosecution, the prosecuting state should initially detain the suspect in juvenile facilities and conduct a hearing to determine their age. The judge should order necessary medical and forensic examinations, such as height and weight measurements, bone X-rays, dental exams, and other relevant procedures, to make an accurate age determination.

(xiii) **Accountability irrespective of age:** Juvenile pirates should not be released without consequences. Instead, they should be transferred to appropriate prosecution venues, where well-trained juvenile justice authorities can handle their cases. This approach ensures accountability while taking the offender's age into consideration.

(xiv) **Deterrence:** States have an obligation to treat those who employ juvenile criminals more severely. Pirates operating alongside juvenile pirates should receive harsher sentences because their involvement in a criminal enterprise with a minor should be a sentencing factor. While enlisting children in armed conflicts is considered a war crime under international criminal law, this does not directly apply to piracy. However, the parallel between child soldiers and juvenile pirates justifies harsher treatment and sentencing for those who employ juvenile pirates. This approach can act as a deterrent, potentially impacting the organisation of piracy schemes in the future.

(xv) **Rehabilitation and reintegration of guilty juvenile pirates into the society:** Juvenile pirates found guilty of minor crimes should be rehabilitated, educated, offered skill development opportunities, and supported emotionally while facilitating a smooth reintegration transition into the society.

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