

Piracy in the Gulf of Guinea: The Role of UNODC in Combating Maritime Crime

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Abstract: The Gulf of Guinea is a center of maritime crime, which harms seafarers, shipping companies, and other countries that conduct international trade by sea. United Nations Office on Drugs and Crime (UNODC) is a United Nations organization whose role is to address international organized crime issues including ship piracy. The United Nations Office on Drugs and Crime has conducted various programs to combat maritime crimes around the world including in the Gulf of Guinea (Gulf of Guinea). This research uses a qualitative research method with a descriptive analysis approach and uses secondary data sourced which is obtained from written materials collected through literature studies. Through the concept of maritime security, this study analyzes the role of the United Nations Office on Drugs and Crime in tackling piracy in the Gulf of Guinea and concludes various factors that lead to piracy, such as political, social, and economic. This research is important to understand the United Nations Office on Drugs and Crime's efforts in dealing with pirates in the Gulf of Guinea and will contribute to the treaty on combating transnational organized crime. This research highlights the role of the United Nations Office on Drugs and Crime in combating piracy in the Gulf of Guinea. Through cooperation with several African nations, the case of piracy has been declining in the past several years. The research found that the United Nations Office on Drugs and Crime's role in dealing with piracy in the Gulf of Guinea has not been fully optimized due to several factors that cause piracy to persist, some of the factors including the political issues, lack of law integration between the country, and non-contribution from the leaders of the pirate organization in the authorities' investigations.

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INTRODUCTION

Piracy has existed and continues to occur. Based on UNCLOS article 101, the International Maritime Organization (IMO) released a definition of pirates. United Nations Convention on the Law of the Sea (UNCLOS) According to Article 101, piracy is defined as any illegal act of assault or detention, or any act of depredation, done for private objectives by the crew or passenger of a private ship or a personal aircraft and directed. The United

Nations Convention on the Law of the Sea (UNCLOS) is an international treaty that sets a legal foundation for all marine and maritime operations. It establishes standards for businesses, environmental sustainability, and the management of natural maritime assets, as well as defines states' rights and obligations in the use of the world's oceans. (International Maritime Organization, n.d.). Dubner divides piracy into two categories as classic piracy and modern piracy (Dubner & Barry, 1990). The term "classical piracy" refers to domestic crimes including kidnapping, robbery, murder, and looting that have been taken to a global scale and designated as crimes against humanity. The unauthorized use of intellectual property, such as music, movies, and software, is referred to as "modern piracy" (Dubner & Barry, 1990).

The Golden Era of piracy occurred in the 17th and early 18th centuries (Land, 2007). They were a hazard to ancient Greek trade channels, stealing grain and olive oil cargoes from Roman ships. In early medieval Europe, the Vikings were the most distant pirates. There is no calm in the ocean. The sea is a vast No Man's Land where everyone can hunt. Pirate societies flourished in and around the Atlantic and Indian Oceans throughout the 17th and 18th centuries. This is true in Africa, but piracy is also prominent in East Asia, with the waterways of the Malay archipelago - now known as Indonesia and Malaysia - overflowing with pirates over the ages, including the ferocious Borneo Dayak and Filipino Ilanun (Boot, 2009).

Maritime piracy and maritime terrorism are threats to international security. Piracy has become an important issue because it is a threat to international interests that affect activities at sea such as international trade, and transportation, and disrupts economic prosperity, seizes property, threatens lives, and threatens stability and security in all global waters. Perpetrators of pirates and sea robbers commit crimes freely due to the high chances of escape in many of the world's waters (Ibrahim, 2019: 9). Piracy occurs due to several factors, namely poverty, social inequality, political instability, and the desire to earn easy money. In addition, High sea piracy is associated with oil and bunker theft which allows for links between maritime piracy, oil extraction, and cargo imported through territorial waters (Nwalozie, 2020: 160).

Maritime crime, especially piracy, is still a significant threat, especially in the Gulf of Guinea in West Africa, and has been occurring frequently in recent years. Most of the piracy that occurs in West Africa results from chaos in the regional oil industry sector, where there is a thriving black market for fuel in West Africa. Given the existence of a black market, the attacks by pirates targeted ships carrying petroleum products and there are indications that oil is also being smuggled out of the area (UNODC). The Gulf of Guinea itself is rich in oil, diamonds, gold, minerals, and other hydrocarbons. In addition, the Gulf of Guinea is located not far from important sea lanes that make countries in this region easy to connect (Denton & Harris, 2019: 3). This has become a factor in the occurrence of piracy and robbery in the region because it is based on the oil business which has become popular recently and the discovery of crude oil in the Niger Delta (the Niger river delta which is located on the shores of the Gulf of Guinea) (Nwalozie, 2020: 160). The sale of oil can generate large financial returns and attract pirates to capture and hijack tankers on the high seas where the proceeds from the sale of oil or ransom will give them instant money. This paper tries to describe maritime piracy in the Gulf of Guinea and its contributing factors, as well as the UNODC's role in responding to such piracy. This paper will also contribute to the study of combating transnational organized crime. Therefore, the researcher will discuss "How are UNODC programs implemented to combat piracy in the Gulf of Guinea through the maritime concept?"

LITERATURE REVIEW

"Maritime piracy, military capacity, and institutions in the Gulf of Guinea" by GL Denton & JR Harris. This research study is about piracy in West Africa's Gulf of Guinea region and the elements that determine its occurrence, such as military, government, and state vulnerabilities. This paper discovers that nations with stronger military capabilities and anocratic governments suffer greater piracy, and those that fail have a drop in piracy. Furthermore, the paper discovers that economic and institutional issues, such as government weakness and a lack of investment in law enforcement, contribute to regional piracy. This study also investigates the impact of military might in combating piracy and emphasizes the significance of institutional elements in reducing piracy. The difference between literature and research is that this research will focus on discussing programs and the role of UNODC in combatting piracy in the Gulf of Guinea. This literature will complement each other to provide an overview of information on the Gulf of Guinea along with piracy incidents that have occurred in the Gulf of Guinea.

Tomás F. Husted's "Gulf of Guinea: Recent Trends in Piracy and Armed Robbery" stresses the Gulf of Guinea's prominence as Africa's primary source of maritime risk, which has historically been connected with the Horn of Africa, notably Somalia. This literature offers an overview of the Gulf of Guinea, which stretches from Angola to Senegal on Africa's west coast. It is a significant marine area recognized for its abundant oil and gas resources as well as wide transportation routes (Husted, 2019). However, the region has become notorious for piracy and armed robbery against ships and their sailors. Piracy and violent robbery have increased significantly in the Gulf of Guinea in recent years. These attacks were mostly directed at commercial boats, such as tankers, bulk carriers, and cargo ships. Pirates and armed robbers in the Gulf of Guinea used a variety of tactics, including boarding ships, hijacking ships to steal cargo, and committing kidnappings for ransom. These criminal activities are often carried out by organized criminal networks. In fighting piracy in the Gulf of Guinea there is US involvement and assistance in fighting piracy literature while this research will discuss more about the role of UNODC in fighting piracy in the Gulf of Guinea region. The literature in this research can be used as a reference to confirm research findings and strengthen their arguments with support from relevant literature.

"Strengthening Universal Jurisdiction for Maritime Piracy Trials to Enhance a Sustainable Anti-Piracy Legal System for Community Interests" by Jing Jin and Erika Techera is part of a broader literature review on the topic of improving existing anti-piracy legal systems. Piracy is called the oldest international crime and there is a growing global effort to continue to fight it (Jin & Techera, 2021). The paper discusses the legal framework governing piracy attacks against vessels and ships, including international conventions, UN resolutions, and domestic laws. The paper discusses the challenges of prosecuting piracy perpetrators and the use of private maritime security companies. The article and research have in common that it also explores the root causes and the need for a holistic approach to addressing the problem. The result of the paper is that to strengthen existing anti-piracy law systems, a better balance is needed between the benefits and costs of using universal jurisdiction, the rights, and obligations to use that jurisdiction, and innovation and stability in the legal system. The article also suggests harmonization of the definition of piracy in national law, coordination of sentences imposed on perpetrators of piracy, criminalization of incitement and facilitation of piracy, harmonization of jurisdictional issues, overcoming ties between relevant legal practices, developing legal procedures for extraterritorial law enforcement, and guaranteeing human rights. Pirates. The difference between articles and research, research will focus on discussing the efforts made by countries and the UNODC international organization in overcoming this

problem. The article emphasizes the need for sustainable solutions that are responsive to change, comprehensive in analyzing problems, and diverse in how they are addressed. So this article will be useful as a source of information regarding existing laws on the issue of piracy and armed robbery against ships as well as the existing anti-piracy legal system.

"United States' Africa Command and Maritime Security in the Gulf of Guinea, 2007-2020" by Felix Vincent Nnamani discusses the impact of the US-Africa Command (AFRICOM) on maritime security in the Gulf of Guinea region in 2007-2020. This research covers countries in West Africa and examines in depth the issue of security in Gulf of Guinea or West Africa which is often the center of pirate activity, piracy, kidnapping and illegal trade. The results show that AFRICOM has limited effectiveness in dealing with security challenges because it needs adequate communication and consultation between countries to reduce suspicion and hostility between countries. This research determines how the role of the US - Africa Command (AFRICOM) which is a form of cooperation between the United States and African countries, especially in West Africa, in improving security and stability on the African continent with military cooperation programs and joint military exercises. The difference between the research of the United States Africa Command and Maritime Security in the Gulf of Guinea, 2007-2020 with this research is the authority of the actors studied. UNODC and AFRICOM are different authorities and have no connection with each other. AFRICOM is responsible for the United States' military operations and policies on the African continent and for enhancing security stability in the region while UNODC is a UN agency tasked with addressing transnational crime issues, one of which is crime from pirate attacks in the Gulf of Guinea region. Although UNODC and AFRICOM both have a role in maintaining security in the African region, the two organizations are not mutually exclusive (Nnamani, 2022).

"The Role of the Indonesian Navy in the Realization of Good Order At Sea: Case Study of Indonesian Archipelago Sea Route II" by I Gde Padang Suryawan. This journal article discusses the role of the Indonesian Navy in securing ALKI II. The actor in this journal article is the Indonesian Navy the security authority. This journal article shows that the Indonesian Navy has a legal basis in realizing good order at sea, namely ensuring the security of maritime shipping and ensuring that the state can utilize maritime resources sustainably and peacefully and carry out the country's maritime interests. The difference between this journal article and the research is the actors involved and the geographical location where the article examines the ALKI II region with the leading actor of the TNI AL in maintaining the security of the region. This journal article can complement this research in explaining the security of maritime territory in a country and how an actor has a role in maintaining the security of the region. From this paper, it can be concluded that joint forces are needed to create border security and realize good order at sea (Suryawan, 2021).

The research "The Niger Delta Crisis: Perspectives of Its Domino Effect on the Gulf of Guinea (Gulf of Guinea)" by A. T. Simbine and O. N. Neji discusses the crisis in the Niger Delta which is a region that has a paradoxical phenomenon because the region has a wealth of natural resources and is a wetland area but the people in are so poor and lack clean water for drinking. The actors involved are communities and the government. The study examines in depth how the phenomenon of the Niger Delta crisis affects other things such as the emergence of pirates and has an impact on the behavior of members of the Nigerian government who previously had government strategic priorities in other fields to prioritize increasing securitization and militarization in the national border. The research is useful to understand how the Niger Delta crisis became one of the driving factors for the emergence of pirate activities and how it affected the behavior and policies of the government. The difference

in the research is the role of international organizations, namely UNODC, in establishing programs to deal with pirates in the Gulf of Guinea, including Nigeria (Ofosu-Boateng, 2018).

"The Impact of Illegal Fishing on Maritime Piracy: Evidence from West Africa" by Ginger L. Denton and Jonathan R. Harris discusses the economic problems due to the decline in the fishing industry caused by Illegal, Unregulated, and Unreported (IUU) fishing activities in the Gulf of Guinea with the involved actor is foreign fishing vessels and local fisherman. The research showed that an increased number of IUU activities increased the number of piracy activities in the Gulf of Guinea region. This can be used to explain one of the drivers of pirate activities, which is illegal fishing that reduces the community's economy and causes poverty (Denton & Harris, 2019).

METHODOLOGY

This research uses a qualitative research method with a descriptive analysis approach to answer the problem of how UNODC plays a role in tackling piracy in the Gulf of Guinea viewed through the concept of maritime security. Qualitative research is data-driven and cannot be achieved by statistical procedures or other quantitative methods. This research uses data sourced from secondary data. Secondary data sources are obtained from written materials collected through literature studies, such as journal articles, websites, seminar proceedings, and other sources based on mass media, or literature studies related to piracy in the Gulf of Guinea.

CONCEPTUAL FRAMEWORK

a. Transnational crime

According to the United Nations in the book section "Historical Overview of Transnational Crime" written by Mitchel P. Roth, transnational crime is defined as an offense whose impact involves more than one country directly or indirectly (Roth & Albanese, 2014: 6). Based on "Transnational Crime: Definitions and Concepts" by Mueller, the term transnational crime means *'in order to identify certain criminal phenomena transcending international borders, transgressing the laws of several states or having an impact on another country'* (Williams & Vlassis, 2001: 13). The United Nations also identified 18 categories of transnational offenses, including money laundering, terrorist activities, theft of intellectual property and cultural objects, illegal arms trade, maritime piracy, and many more (Roth & Albanese, 2014: 6). Piracy is essentially a local or regional problem that affects more than one country, so it can be categorized as a transnational crime and operates to obtain power, influence, and monetary gain through illegal means, such as extortion, violence, up to kidnapping.

b. Maritime piracy

Based on "Maritime piracy, military capacity, and institutions in the Gulf of Guinea" by GL Denton & JR Harris, maritime piracy in the Gulf of Guinea has been an ongoing challenge in recent years. This region located on the west coast of Africa has seen a significant increase in incidents of piracy, including armed robbery, hijacking, and kidnapping for ransom (Denton & Harris, 2022). This act of piracy poses a threat to maritime security, regional stability, and economic development in the region. The capacity of military forces and security institutions in the Gulf of Guinea plays an important role in overcoming and mitigating maritime piracy. Building effective military

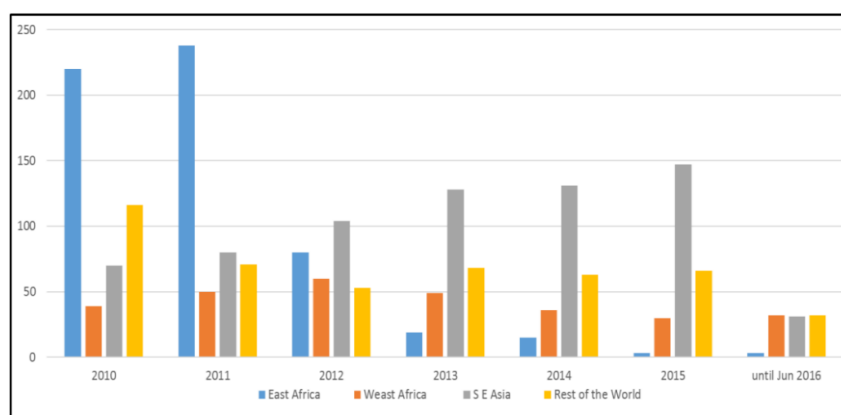
capacity involves enhancing naval capabilities, intelligence gathering and sharing, interagency coordination, and cooperation among regional nations. It is equally important to strengthen the institutional framework, with a focus on the legal framework, law enforcement agencies, and justice system that can effectively combat piracy and bring perpetrators to justice. The article by GL Denton and JR Harris in *Terrorism and Political Violence* seems to explore the relationship between maritime piracy, military capacity, and institutions in the Gulf of Guinea. It can discuss the challenges faced by regional countries in fighting piracy, the strategies used to increase military capabilities, the role of international cooperation, and the effectiveness of institutional frameworks in fighting piracy in the region (Denton & Harris, 2022).

RESULT AND DISCUSSION

A. Piracy in The Gulf of Guinea

The Gulf of Guinea or Gulf of Guinea stretches off the coast of West Africa. The countries in the Gulf of Guinea are major oil-producing countries that span Southern Africa, Central Africa, and West Africa. Nigeria, the Republic of Congo, Senegal, Sierra Leone, Togo, Guinea, Gabon, Guinea-Bissau, Cameroon, Angola, Benin, and Ivory Coast are some countries in the Gulf of Guinea (Abudu, 2021). In 2004, the International Maritime Organization stated that the Gulf of Guinea is ranked second with the most piracy incidents after the Strait of Malacca and continues to increase in number. The Gulf of Guinea region is both a potential and a challenge to security for the countries in that region. The progressive and erratic activities of pirate attacks have drawn international attention to the threat to global security (Aboh & Ahmed, 2018). Despite extensive pirate activity, the Gulf of Guinea only received international attention in 2011 and was designated a "war risk zone for shipping" by Warfare Committee with the same level of risk as the Somali sea area. In November 2011, the President of the African Union urged the UN to take action on piracy attacks and asked the UN to play a role in combating piracy. In 2012 the UN passed UNSC Resolution 2039 which condemned piracy attacks in the Gulf of Guinea and devised a security strategy for the affected at the time, the UN had not deployed maritime security forces and the adoption of the resolution had no significant impact on the piracy incidents in Gulf of Guinea (Herpolsheimer, 2018).

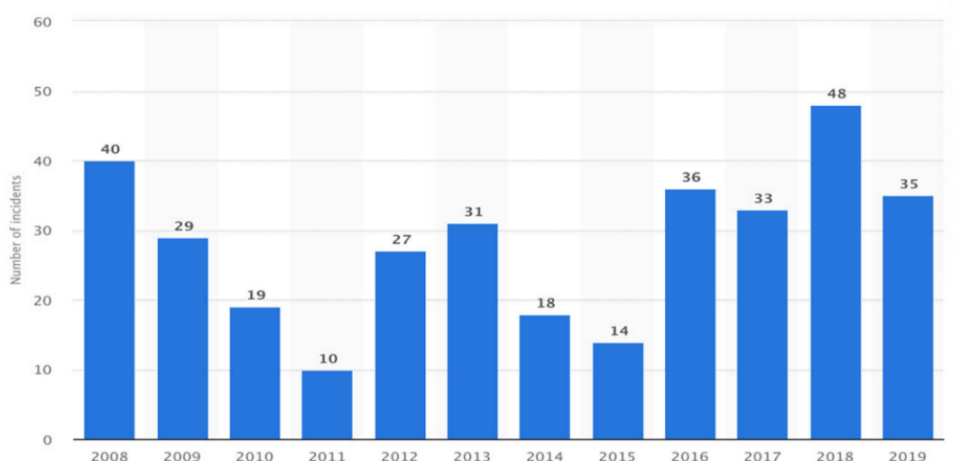
Figure 1. Number of pirate attacks in 2010-2016



Source: International Maritime Bureau, 2016

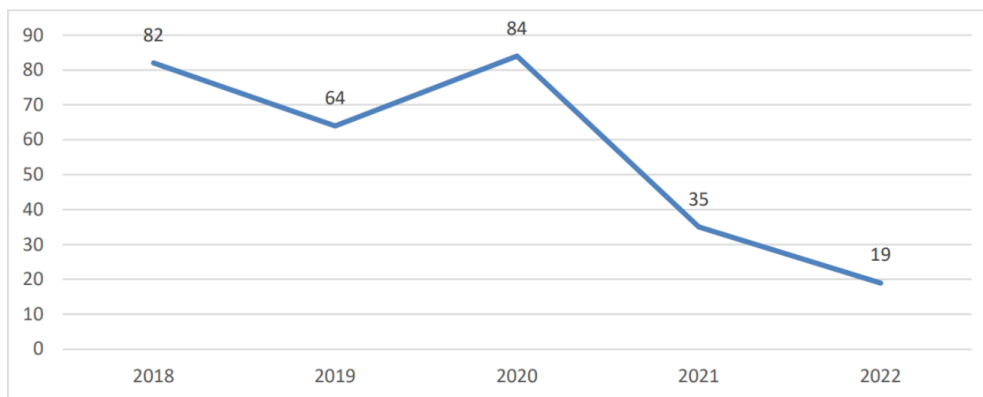
Armed robberies in the Gulf of Guinea by pirates against oil carriers increased in 2018, making the waters off the West and Central coasts of Africa a dangerous sea in terms of ship passage. The increase in maritime crime in Africa, particularly in the Gulf of Guinea, likely reflects the region's growth in global maritime trade and gaps in the coordination of naval authorities in the region (Husted, 2019). Pirate activities in the Gulf of Guinea are different from those in the Indian Ocean. While pirates in the Indian Ocean focus on kidnappings and ransom demands, pirates in the Gulf of Guinea, especially in Nigeria, hijack to steal cargo and valuables on board. Kidnapping activities also occur in the Gulf of Guinea, but the intensity is less frequent compared to pirates in the Indian Ocean (Fattah, 2017). IMB says 73% of all crew kidnappings at sea and more than 92% of all crew hostages by pirates happened in the Gulf of Guinea (IMB, 2019). In 2018, pirates in the Gulf of Guinea kidnapped 25 crew members and in 2019 during the same period kidnapped 27 crew members. The pirates hijacked a tanker loaded with chemicals and a ship that was near the tanker at the time of the hijacking. Of the 9 ships attacked by pirates around the world, 8 of them occurred in Nigeria territory which is Africa's largest oil producer. Attacks from pirates usually occur within 65 miles of the coastline. Pirates usually use firearms such as AK-47 rifles and rocket-propelled grenades to threaten crew members (Nwalozie, 2020). There are 4 types of pirate activities in the Gulf of Guinea. The first type is kidnapping for money and ransom. The second type is the theft of a ship's cargo, which usually contains oil. Pirates who only target oil cargoes are less likely to use violence against the crew. Pirates will drain tons of oil from the ship and sell it on the black market. The third type is stealing crew members' valuables, and this type of activity is rarely reported. The fourth type is theft while the ship is docked at a pier. These pirates steal goods or equipment on a small scale and do not cause much harm to the ship or crew (Nnamani, 2022). Figure 2 and Figure 3 below show data on pirate activity in Nigeria from 2008 - 2019 and reported pirate attacks in the Gulf of Guinea from 2018 - 2022. The data shows that pirate attacks in the Gulf of Guinea are dominated by Nigeria. According to the concept of territorial jurisdiction, Nigeria has the authority to exercise jurisdiction in its territory, which means it has the authority to deal with maritime security issues and pirate activities in Nigerian waters. Nigeria has a functioning government and is not classified as a failed state so Nigeria can claim its territorial jurisdiction. If Nigeria is a failed state and declared a failed state by the UN, then the UN can take over the authority in dealing with security and piracy issues and cooperate with all countries to deal with the piracy attacks (Angelita & Aini, 2021).

Figure 2. Number of attempted piracies against ships in Nigeria 2008–2019



Source: Journal of Transportation Security, 2020

Figure 3. Number of reported piracy attacks in the Gulf of Guinea 2018 - 2022



Source: ICC International Maritime Bearue, 2022

B. Driving Factors of Piracy in The Gulf of Guinea

Maritime piracy is a complex problem with various causes and there is no uniform cause that drives piracy activities in a particular region. Weak security and law enforcement, environmental conditions, geographical areas, political instability, and poverty are common factors that drive piracy. If some or all of these factors are present in an area, it is likely to become an area of piracy activity (Mandanda, 2016). The main factors that lead to piracy are economic problems and poverty. Another factor includes conflicts in domestic and other conflicts related to national borders. Some pirates in Nigeria belong to the separatist organizations who rebelled for political reasons and committed violence against foreign-flagged vessels such as piracy attacks (Abudu, 2021). In Gulf of Guinea, some factors encourage piracy activities in the region.

a. Weak governance institution

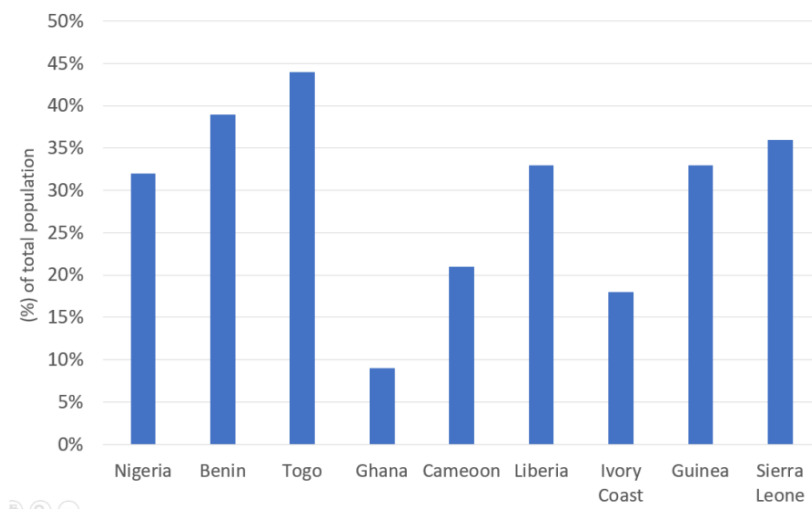
Pirate activity in the Gulf of Guinea is directly caused by weak politics and government. Corruption and transnational organized crime drive piracy, which is part of a complex criminal network. This weak political governance also contributes to the development of a black market for illegal fishing transactions and illegal oil trade. These are the main drivers of pirate activities in the Gulf of Guinea. In Nigeria, illegal smuggling of refined oil in the form of fuel causes a loss of approximately 6% to 10% of the country's oil production. In contrast, illegal fishing causes a total loss of USD 1.5 billion. These illegal black-market trade activities cause economic instability (Greminger, 2022). Countries with weak governments are more prone to pirate incidents as they try to provide services to their citizens. Countries that are unable to police and protect their territory will be more vulnerable to attacks. This includes not only their territorial sea areas but also land areas where pirate activities start and end. Weak governments make it easier for pirates to recruit, train, organize, and sell their booty through the black market. In many pirate cases, piracy is a common practice in the community. Government officials and law enforcement authorities such as police, military, and port security officers often assist with pirate activities and receive a share of the profits. Corruption in a weak government encourages the creation of favorable conditions for pirates. In addition, weak legal frameworks, regulations, and anti-piracy programs also encourage pirate activities. The weak capacity of government institutions and law enforcement allows pirates to organize piracy and carry out their crimes (Denton, 2022).

b. Poverty and economic instability

Countries in the Gulf of Guinea region have large populations and often struggle to meet the needs of their citizens due to a lack of resources and low levels of development. Some countries such as Nigeria, Sierra Leone, Togo, Liberia, Benin, and the Republic of Congo have poverty rates (below \$1.90 per day) of 50% of the total population (World Bank, 2018). Poverty and poor economic governance in the Gulf of Guinea characterized by illegal oil trade, illegal fishing, and other criminal activities lead to economic inequality in the community. The development of piracy coincides with economic marginalization as piracy is driven by poverty (Hassan & Hasan, 2017). Poverty is the biggest factor in the increase of piracy activities in the Gulf of Guinea. Foreign companies exploit local oil resources, and the revenue that goes to the government is not effectively used for the people's welfare. This leads to a lack of economic opportunities, which encourages people to become pirates. In addition to the exploitation of oil resources, illegal fishing activities by foreign vessels that violate the national borders of West African countries without obtaining permits and conducting large-scale fishing also cause local fishermen who depend on marine fish resources to lose out on the competition. The fishermen who could not compete and suffered economic losses turned to piracy to fulfill their needs (Denton & Harris, 2019).

The countries in the West Africa region play an important role in securing borders and stability from security threats. Marine-based natural resources such as fish, and oil are important to economic growth and need to be managed optimally. The Gulf of Guinea, which has recently been identified as a center of pirate activity has surpassed the Gulf of Aden, which was previously the center of maritime security threats. Marine resources threatened by IUU, pollution, and other activities that damage the ocean have economic impacts on surrounding communities. One example is Nigeria where economic instability is caused by bureaucratic problems in the government, which pays little attention to the fisheries sector in terms of funding and efficient monitoring of the sector. The lack of human foreign companies exploiting means that the government still struggles to facilitate the collection of fishing data and landing sites for fishing. Apart from a shortage of human resources, the prevailing legal regulations also need to be updated and strengthened with appropriate laws that can adapt to modern security challenges such as IUU (Okafor-Yarwood, 2019).

Figure 4. Poverty rates in selected Gulf of Guinea region countries (below \$1.90/day)



Source: World Data Lab, 2023

c. Strategic geography and abundant natural resources

The Gulf of Guinea is located in the western and central region of Africa and is an important waterway for world trade. The Gulf of Guinea stretches across West Africa from Senegal to Angola. It is strategically positioned for Atlantic to South American traffic and is an important transit route for merchant ships from Africa to Europe, Asia, and the Middle East with an estimated 30,000 ships transiting the Gulf of Guinea each year (Ardi, 2017). It is also an important trade route. The Gulf of Guinea has abundant natural resources of oil and fish. 70% of Africa's oil production is centered in the Gulf of Guinea region. As the center of Africa's oil production concentration, the Gulf of Guinea supplies 40%

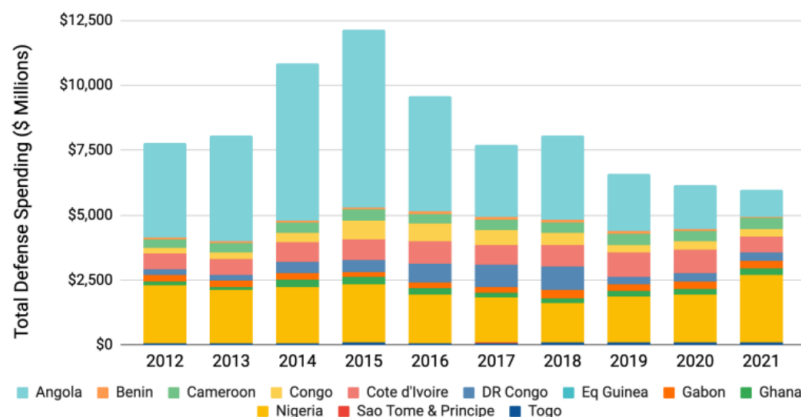
of Europe's oil needs and accounts for 29% of the United States' oil imports. The Gulf of Guinea also has high productivity in the fisheries sector, encouraging the development of the fishing industry in the region. The fishing industry in the Gulf of Guinea plays an important role in the food sources and livelihoods of people in the Gulf of Guinea region countries such as Nigeria, Congo, and Guinea (Ardi, 2017). In 1982, the adoption of the UN Convention on the Law of the Sea extended the maritime territories of territorial states to 200 miles from their coastlines, which encouraged offshore exploration activities in the 200-mile zone. Since the installation of the first oil platform, the Gulf of Guinea has become one of the world's largest oil-producing regions and a prime destination for international oil investors. Its abundant and good-quality oil resources have attracted foreign countries to the region. In the 2000s, the Gulf of Guinea produced 55 billion barrels, equivalent to 5% of total world oil production and 60% of total crude oil production in Sub-Saharan Africa (Najoui, 2022).

C. UNODC's Role in Combatting Piracy in The Gulf of Guinea

UNODC is a UN agency tasked with addressing transnational crime issues and serves to assist Member States in their fight against transnational crime, illicit drug use, and terrorism. UNODC assists countries in international conventions in treaties on international drug control, illicit drug trafficking, countering corruption, and international anti-terrorism instruments. UNODC acts as a standard setter and maintains international norms through the United Nations on transnational crime and criminal justice for transnational criminals (UNODC, 2023). The Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its Additional Protocols mandated UNODC to be able to collect and research information on firearms, their components, and ammunition (Komarnytsky, 2021).

In response to the escalation of the Offshore Piracy incident that concerned the United States Military Africa Command (AFRICOM), ECOWAS, ECCAS, and UNSC in the Gulf of Guinea region, the UNODC through the Global Maritime Crime Programme (GMCP) has implemented several programs to support the African Nation with the cooperation in assisting, training and combating Piracy. This program plays an important role for the UNODC to combat Piracy in West Africa, especially in the Gulf of Guinea region. The UNODC Report – Pirates of the Gulf of Guinea: Cost Analysis for Coastal States (2021) shows that the Global Maritime Crime Programme conducted several measures such as counter-piracy operations led by several nations in the Gulf of Guinea area such as Angola, Benin, Cameroon, Congo, Cote d'Ivoire, DR Congo, Equator Guinea, Gabon, Ghana, Nigeria, Sao tome & Principe, and Tongo. Those nations are conducting Counter-piracy operations offshore as well as land-based patrols coordinated by the UNODC. To support the process, the GMCP has calculated that the total direct cost for counter-piracy efforts has reached \$524 million per year (Bell & UNODC, 2022). Those numbers accounted for naval spending which reached up to \$272 million per year. Some countries such as Nigeria used that money to modernize their Naval capabilities from purchased patrol boats, and coastal combatants vessels to legal and military training aided and coordinated by UNODC.

Figure 5. Total Gulf of Guinea country defense spending in 2012-2021



Source: UNODC, 2019

In the figure above we can see that Defense spending climbed by 50% in Congo and the Democratic Republic of the Congo, doubled in Ghana and Togo, and increased by roughly 10 – 20% in Nigeria and Cameroon by 2021. In contrast, Angola has experienced the steepest reduction in defense spending, with a cumulative decrease of more than 75% during the previous five years. While Nigeria had its problems in the nation such as Insurgencies, they managed to be dominant actors in the region. In 2021 alone Nigeria spent \$382 Million on its naval budget, making that nation became the largest spender in Naval modernization and expenditure. Over the last six years, the Nigerian Navy has acquired a total of 378 platforms, including 172 patrol boats, 114 RHIBs, two Seaward Defence Boats, twelve Manta class boats, three Whaler boats, three tugs, and two barges, 22 fast attack boats, 14 UAVs, four helicopters, fourteen River Town class boats, twelve houseboats, and four capital ships. This large amount of fund is crucial due to the majority of the incident happens in the territory of Nigeria as shown on the map below.

Figure 6. The map of the incident of Piracy in the Gulf of Guinea in 2018

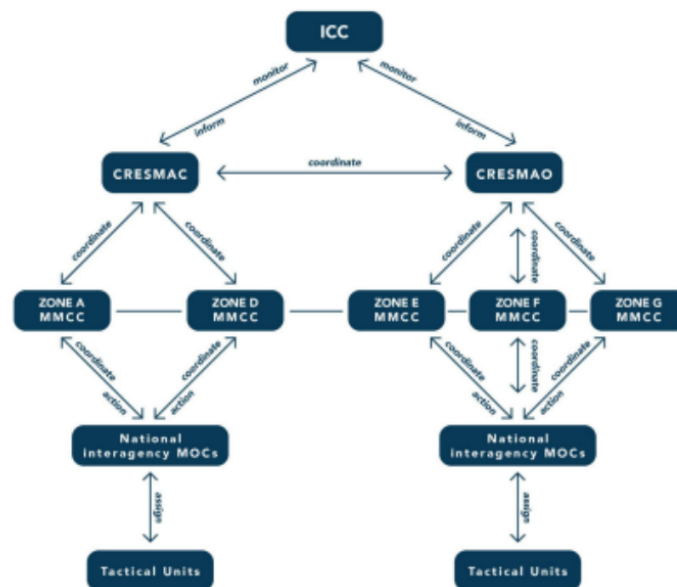


Source: The State of Maritime Piracy 2018

In addition to the Naval Counter-piracy Operation, the GMCP has also been involved in Non-navy Regional Counter-Piracy Initiative. In Nigeria alone, the GMCP launched Nigerian Maritime Administration and Safety Agencies (NIMASA) which gave the NIMASA \$200 Million

as a fund. In addition to that, the GMCP also participated in the Deep Blue Project which comprised the Federal Ministry of Transportation; Ministry of Defence, including the Nigerian Army, Nigerian Navy, and Nigerian Air Force; Department of State Services (DSS); Office of the National Security Adviser (ONSA); Nigeria Police; and NIMASA (Bell & UNODC, 2022). The implementation of the Deep Blue Water project is to provide awareness in real-time to the law enforcement personnel using air, land, and marine asset that was integrated into the Command, Control, Computer, Communication, and Intelligence Centre, which also serve as a training facility and Operational Base of the Program. Another program that was worth paying attention to is the Yaoundé Architecture & Multilateral Action or Yaoundé Architecture for Maritime Security (YAMS). These programs are a hierarchical network of maritime operations centers that attempt to coordinate responses to emergent incidents and speed up intra-regional information sharing.

Figure 7. Hierarchy of YAMS



Source: Okafor-Yarwood & Pigeon, 2020

Three tiers of this system are reporting and coordination hubs. From Cabo Verde in the north to Angola in the south, the Inter-regional Coordination Center (ICC/CIC) is in charge of fostering coordination amongst all YAMS members. Coordination between the ECOWAS region (West Africa) and the ECCAS region (Central Africa) is the second structure. Abidjan is home to the Regional Center for Maritime Security in West Africa (CRESMAO), whereas Pointe Noire is the site of the Regional Center for Maritime Security in Central Africa (CRESMAC). At the tertiary level, these centers were further separated into international coordinating centers. These are headquartered in Zone G (Cabo Verde), Zone F (Ghana), Zone E (Benin), Zone D (Cameroon), and Zone A (Angola) (Bell & UNODC, 2022).

The GMCP also provides Prosecution and legal reforms to the country in the Gulf of Guinea area. Nigeria government through the proposed 2019 SOPMO Act ("Suppression of Piracy and Other Maritime Offences") was presented to the Nigerian National Assembly in January 2019 and become the country's legal standing to process the case of piracy in the country and closes a legislative gap that previously hindered prosecution in Nigeria by allowing the Federal Prosecution Office of Nigeria to assert exclusive jurisdiction over piracy. These

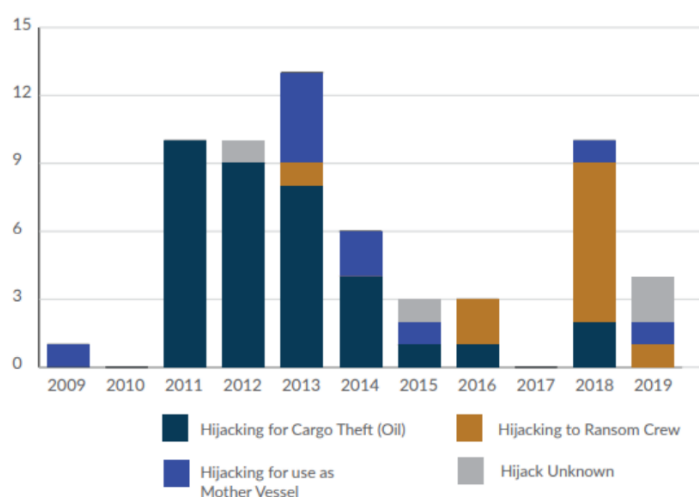
acts ratified the 1982 United Nations Convention on the Law of the Sea and the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its protocols are both implemented by this measure. The first pirates found guilty under Sections 3, 10, and 12 of the Suppression of Piracy and Other Maritime Offenses Act of 2019 (SPOMO) were Nigeria's conviction of ten pirates for the kidnapping of the Hai Lu Feng 11 in 2020. In addition to the ratification of the UNCLOS to the local judiciary system, the GMCP also provide financial support from international capacity builder such as UNODC and INTERPOL (Bell & UNODC, 2022).

In conclusion, the Gulf of Guinea Coordination Program (GMCP) aims to coordinate the countries in the region into three sectors. The first is the naval sector, where GMCP provide financial aid to the African nations for modernizing their Soviet-era vessel into newer one. In addition to that the GMCP also conducts routine exercises that are also attended by other nations through Obangame Express designed to strengthen maritime security and cooperation of countries in the Gulf of Guinea sponsored by U.S. AFRICOM. The drill included participation from twenty African states, the U.S. African Navy, and other European and South American nations. Through numerous programs run by the Nigerian government, the diplomatic and non-military sectors also gained attention. Whereas NIMASA, Blue Water, and the Yaoundé Architecture for Maritime Security make up the core of the coordinating body for dealing with pirates in Africa.

D. Impact of UNODC Programs on Piracy Levels in The Gulf of Guinea

According to the UNODC Sea stable report. From 2009-2016, there are indications that the piracy incident started to decrease and almost deceased in 2017. But from 2018 until 2019 the incident started to rise again which contributed to the total incident which reached 141 incidents in the Gulf of Guinea.

Figure 8. Pirate incidents in the Gulf of Guinea from 2009-2019



Source: Okafor-Yarwood & Pigeon, 2020

Several factors contributed to the rise in the incident number. The first one is the lack of law integration between the countries to tackle Pirates. Although the majority of Gulf of

Guinea nations have ratified the pertinent international conventions that criminalize maritime crimes, not all of the nations in the region face these difficulties to the same extent due to the lack of domestication of certain provisions of these international instruments. Due to the transnational character of maritime security issues, a country's absence of a rule of law can influence the entire region. A fundamental framework created to confront all transnational organized crimes, such as piracy, IUU fishing, illegal migration, and drug trafficking, which are all widespread in the region, has not yet been domesticated by any government in the Gulf of Guinea. Without a unified regional legal system, offenders can commit a crime in one state and flee to another with little fear of being caught. This hinders the efficient adjudication of legal cases. Due to these, the UNODC's attempt to serve as the coordinator for the West African country in the Gulf of Guinea could not be fully realized through the GMCP. The Gulf of Guinea's improved navies, coast guards, and marine police enforcement powers are of minimal use if the legal system is unable to successfully prosecute the criminals who have been arrested under local laws.

Another factor that is worth noting is the Leaders of pirate organizations frequently avoid or do not participate in the investigations of the authorities. This is because law enforcement officers in these African nations are powerless to interfere with them because of the protection offered by dishonest government officials. Often, if the pirate group's leader is apprehended, they can be set free right away since they have defenders in the political system. Due to the use of ransom money to bribe Tantara and other officials, who make preventing and punishing piracy offenses more challenging, pirate crimes are frequently linked to corrupt activities.

The scarce resources in each nation are the main element, nevertheless, that reduces the effectiveness of the GMCP role. Numerous nations in the area lack the resources and capacity necessary to effectively combat piracy. This is because each nation's naval resources are insufficient. Each nation has a distinct operational capacity due to the variety of ships, which creates a gap in the Navy's task burden. This is made worse by the dearth of adequate surveillance equipment, training, and coordination among maritime law enforcement agencies, as well as the lack of sufficient funding for maritime security initiatives required to patrol the vast Gulf of Guinea region with its intricate coastlines, numerous islands, and expansive territorial waters.

Figure 9. West African vessel since 2012

Angola	Nigeria		Cameroon
4 Super Dvora Mk III patrol craft	8 K-38 Fast attack craft	106 Epenal	3 Boston Whaler patrol boats
1 Cessna Citation jet	1 Seaward Defence Boat	90 8.2m Speedboats	6 Aresa 750 Commandos RIBs
2 Patrol boats	7 FPB 72 MkII patrol craft	3 15m Wave Raider	2 24 m Aresa 2400 CPV Defender patrol boats
3 HSI 32 high speed inceptor	1 Shaldag Mk II	6 5m Arrow-class	1 23 m Aresa 2300 landing craft
3 DV-15 interceptors	1 FPB 98 MkII patrol craft	4 RHIBs	5 Patrol boats
1 Vigilante-1400 long range offshore patrol vessel	4 Sentinel Patrol Craft	4 FPB 110 MkII patrol craft	Cote d'Ivoire
1 Macae class short range patrol vessel	5 K-47 boats	1 P-18N OPV	3 Composite-hulled RPB 33 patrol boats
Togo	1 P-18N OPV	50 NP-650 Flat bottom boats	30 RHIB
4 Composite-hulled RPB 33 patrol boats	1 Hamilton class cutter	1 Hydro Survey Ship	Ghana
3 8 m Defender rigid hulled inflatable boats	1 65m OPV	1 P-18N OPV	2 Type 143A Gepard fast attack craft
1 Predator Patrol craft	1 47m patrol craft	1 Seaward Defence Boat	4 985Y patrol boats
2 OPV-45s	1 Landing Ship Tank	4 C-Falcon Interceptors	6 OPV
Benin	Sao Tome and Principe	Gabon	Equatorial Guinea
3 Coastal Patrol Boats	1 GC002 patrol launch	1 OPV50	1 OPV-88 Reklama
1 Metal Shark boat			1 Frigate
1 SAFE 12-metre-long 38 Full Cabin patrol boat			

Source: UNODC, 2022

Figure 10. Annual counter-piracy naval spending, expert multiplier method

Country	Counter-Piracy Multiplier	2015	2016	2017	2018	2019	2020	2021
Angola	20%	\$12.80	\$8.28	\$5.20	\$6.04	\$4.15	\$3.18	\$1.78
Benin	50%	\$1.24	\$1.31	\$3.41	\$4.03	\$3.14	\$2.34	\$1.99
Cameroon	50%	\$18.77	\$16.25	\$20.47	\$21.04	\$22.50	\$20.65	\$12.40
Congo	20%	\$11.52	\$11.30	\$9.04	\$7.70	\$4.72	\$4.82	\$5.00
Cote d'Ivoire	20%	\$5.85	\$6.77	\$5.98	\$6.53	\$6.82	\$6.55	\$3.21
DR Congo	20%	\$4.55	\$7.37	\$8.73	\$8.88	\$2.88	\$3.28	\$4.60
EQ Guinea	20%	\$0.15	\$0.15	\$0.28	\$0.28	\$0.28	\$0.28	\$0.24
Gabon	20%	\$3.89	\$4.19	\$4.34	\$6.43	\$5.60	\$5.72	\$5.96
Ghana	20%	\$7.15	\$6.37	\$5.03	\$4.77	\$5.45	\$6.01	\$6.45
Nigeria	60%	\$135.00	\$112.80	\$70.37	\$62.24	\$194.44	\$191.96	\$229.14
Togo	50%	\$1.04	\$0.83	\$0.97	\$1.04	\$1.23	\$1.25	\$1.41
Region Total		\$201.96	\$175.61	\$133.82	\$128.97	\$251.21	\$246.05	\$272.17

Source: UNODC, 2022

According to the two tables above, Nigeria is the nation in the region with the highest patrol load and the greatest amount of maritime defense gear. This suggests that other nations including Equatorial Guinea, Gabon, Angola, Congo, Côte d'Ivoire, and Ghana are not participating. To combat piracy on their soil, these nations ought to take more initiative. However, the Navy's other priorities—including maritime security—take precedence over counter-piracy operations. Because the Navy is a multi-mission force, it does not devote all of its resources to anti-piracy operations. On the other hand, the politics in the region is unstable with many coup attempts on the government made the focus of major state armed and naval forces is divided, giving the pirates group has more chances to operate in the Gulf of Guinea. These made the training and facilitations provided by the UNODC through the GMCP program and other international Institutions couldn't give the maximal effect to decrease and eliminate the Piracy incidents in the area. In addition, the inequality of the regional armed capabilities creates an opportunity for the pirate group to relocate their base of operation. This is also related to the geography of the Gulf of Guinea, which also created a new kind of piracy in the delta region of the Gulf.

CONCLUSION

Piracy is a type of transnational crime with activities such as ship attacks, cargo theft, crew hostage-taking, and others. The Gulf of Guinea is a region in Central and West Africa that is rich in oil and fish resources, but due to foreign exploitation, people have turned to piracy and hijacking foreign ships. Several factors encourage the development of piracy in the Gulf of Guinea, namely poverty, economic instability, weak politics, and government, and the strategic geographical condition of the Gulf of Guinea through which international shipping and trade pass. The United Nations Office on Drugs and Crime (UNODC) is one of the United Nations branches tasked with dealing with international organized crime and collaborating with countries in the Gulf of Guinea region to address maritime security issues. However, in its implementation, the United Nations Office on Drugs and Crime (UNODC) programs have not been fully effective in reducing the number of pirate activities due to many inhibiting factors such as political problems and legal differences in the Gulf of Guinea region countries. In

practice, considering the effectiveness of a program and improving the program being implemented to identify and overcome existing problems is important. The United Nations Office on Drugs and Crime (UNODC) can confirm whether its programs are relevant to the social, economic, and political dynamics occurring in countries in the Gulf of Guinea region. Further research is recommended to explore these findings with a focus on criminology and international law to gain more insight into law enforcement efforts and international agreements to overcome the problem of piracy in the Gulf of Guinea as well as countermeasures for security in the Gulf of Guinea region which is prone to pirate crime.

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