

## AN APPRAISAL OF CRUDE OIL THEFT ABATEMENT EFFORTS AND SUSTAINABILITY CHALLENGES IN NIGERIA\*

### Abstract

*The Nigerian economy is sustained largely on the export of crude oil. Nigeria currently produces about 1.3 million barrels per day making it the largest producer in Africa, yet it is unable to meet its economic and infrastructural challenges. Nigeria is still bedeviled by the monster of crude oil theft. Despite the numerous efforts by the Federal Government of Nigeria to combat this menace through the enactment of laws and Policy intervention, crude oil theft has not abated. The aim of this paper therefore is to examine the various challenges confronting the various efforts by the Nigerian Government aimed at combating this negative trend of crude oil theft within the oil industry. The doctrinal approach was adopted.*

**Keywords:** Crude Oil Theft, Abatement Efforts, Sustainability Challenges, Nigeria

### 1. Introduction

The Nigerian economy is sustained largely on the export of crude oil. Nigeria currently produces about 1.3 million barrels per day making it the largest producer in Africa, yet it is unable to meet its economic and infrastructural challenges. Nigeria is still bedeviled by the monster of crude oil theft. Despite the numerous efforts by the Federal Government of Nigeria to combat this menace through the enactment of laws and Policy intervention, crude oil theft has not abated. The aim of this paper therefore is to examine the various challenges confronting the various efforts by the Nigerian Government aimed at combating this negative trend of crude oil theft within the oil industry. The doctrinal approach was adopted. Sustainability of the various abatement efforts by the Federal Government of Nigeria has been confronted by various challenges. Some of the challenges include:

### 2. Leadership Tussle among the Niger Delta Leaders

The challenge of leadership tussle among the leaders of the Niger Delta Communities poses enormous challenge to the ongoing extensive consultations or peace parley with the Federal Government aimed at restoring peace and development to the region. Consultation/ dialogue as an abatement measure is dependent on variables like leadership, ability of the community leaders to sustain the confidence of the people, ability of the political leaders to interact with the community leaders of the Niger Delta region, sustenance of the Amnesty Programme and continued budgetary allocations of the region among others. The leadership tussle among the leaders of the Niger Delta Communities under the auspices of the Pan Niger Delta Forum (PANDEF) could further exacerbate the situation. According to Emma Amaize,<sup>1</sup> there is a split in the Niger Delta militant groups as militants choose between Clark, Ayemi Botu led groups. PANDEF is the Pan Niger Delta forum headed by Chief Edwin Clark. While the PNDPC is the Pan Niger Delta Peoples' Congress headed by His Majesty Charles Ayemi-Botu, alias lion of the Niger, one time National Chairman of the Traditional Rulers of Oil Mineral Producing Communities of Nigeria, TROMPCON and coordinated by activist, High Chief Mike Loyibo. While PANDEF claims it is the representative of the Niger Delta Communities, PNDPC claims it is the authentic voice of the people of the region. According to the PNDPC leader, His Royal Majesty Ayemi-Botu<sup>2</sup>;

For the records, it must be emphasized that this fresh mandate is a call by leaders, stakeholders and militants in the Niger Delta to inject a new lease of life in the leadership of the region. The Niger Delta has suffered hiccups in recent times due to the political leaning, antecedent and advocacy style of our leaders which have made the presidency to continually deride the region.

The leadership of PANDEF under Chief Edwin Clark had always led the discussions and consultations with the Federal Government including that with Prof. Yemi Osinbajo. Clearly, this rivalry among the leaders of the Niger Delta region be it PANDEF OR PNDPC will escalate the abatement efforts of the Federal Government through the extensive consultation or peace parley method as a way out of the menace of oil theft. There is therefore the need for the leaders in the Niger Delta Communities to close ranks to assist Government achieve its goal.

### 3. Linkages between Oil Theft and Increasing Corruption Level in Nigeria

The linkages between crude oil theft and the increasing corruption level in Nigeria is an escalative factor to the various abatement measures put in place by the Federal Government in combating oil theft. Corruption is a major killer of any system or economy. This has made the case of Nigeria very difficult to resolve. Cases of crude oil

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<sup>1</sup>Emma Amaize, 'PANDEF roars, PNDPC get cracking,' *Vanguard*, September 2, 2017, 14

<sup>2</sup>Ibid

theft continue because of the high level of corruption that pervades all facets of human endeavour in Nigeria. According to Ibrahim Magu, the Acting Chairman of the Economic and Financial Crimes Commission (EFCC), 'there is corruption everywhere in Nigeria including the EFCC. Therefore, resolving the problem of corruption in the system is a way out of the menace of crude oil theft, and a very crucial factor in the abatement process. In Nigeria, the weakening of government institutions through acts of corruption has exacerbated the challenge. The United Nations office on Drugs and Crime (UNODC) in August, 2017 stated that about N400 Billion (Four Hundred Billion) was spent on bribes each year in Nigeria. The report was a survey titled, 'Corruption in Nigeria – Bribery, Public Experience and Response,' conducted in the thirty-six states of Nigeria including the Federal Capital territory (FCT) Abuja, and was presented in partnership with the National Bureau of Statistics (NBS). In the said report/survey, the Nigerian Police, Judges were reported to be the highest bribe-takers. These are Government bodies that are responsible for crime control especially crude oil theft. The report which covered the period between June, 2015 and May 2016 stated inter alia:

Police officers are the type of public officials to whom bribers are most commonly paid in Nigeria of all adult Nigerians, who had direct contact with a police officer in 12 months prior to the survey, about 46.4 percent paid that officer at least one bribe..... Although power people come in contact with judiciary officials than with police officers over the course of that year, when they do, the risk of bribery in relation to prosecutors is the second highest, closely followed by Judges and Magistrates.

This perhaps explains why cases of oil theft in court do not see the light of the day. This is because enforcement of abatement measures starts with investigation by the law enforcement agents before prosecution in the law courts. In the report, the investigation and prosecution aspects have been indicted. Both the Police and the Judiciary are not spared. This will also embolden the criminals, since they can bribe their way through. Therefore corruption is a militating factor to the sustainability of the abatement measures to crude oil theft. Several top government officials in Nigeria who have held public office have been indicted with cases of corruption and money laundering. These include some officials who have held the portfolio of the Honourable Minister of Petroleum Resources. This situation has escalated the abatement efforts by Government. In a report published by global witness, tilted 'shell knew,'<sup>3</sup> a former Minister of Petroleum Resources in Nigeria, Mr. Dan Etete was implicated in Malabu Oil and Gas deal. The former minister was alleged to have participated in a vast bribery scheme in association with Shell, the world's fifth biggest Oil Company. The bribery scheme was for one of Africa's most valuable oil blocks, known as OPL 245.<sup>4</sup> The report stated that in April 1988, when Dan Etete was Minister of Petroleum under the military Administration of late General Sani Abacha, he awarded the said oil block known as OPL 245 to Malabu Oil and Gas, a company secretly owned by him along with Mohammed Sani Abacha, the son of the then Military President.<sup>5</sup> To further confirm these allegations, Mr. Dan Etete was convicted of money laundering by French Court in the year 2007<sup>6</sup>. In the year 2009, the said conviction was upheld.<sup>7</sup> Despite his conviction of the offence, he has continued to hold meetings with Shell officials on the Malabu deal according to leaked emails revealed by Global Witness. A total sum of \$1.1bn was allegedly paid in the murky Malabu oil deal. In 2016, the Milan Public Prosecutor concluded preliminary investigation in the Malabu deal where Shell and Eni and their Senior Executives were accused of bribery. At the request of the Milan Public Prosecutor in 2017, the Federal Government of Nigeria filed charges against Shell and Eni in a London court for official corruption. Attorney General of the Federation and Minister of Justice Mohammed Bello Adoke was charged also with money laundering in connection with the role he played in the Malabu deal.

Similarly, a former Minister of Petroleum Resources under the President Goodluck Jonathan's Administration, Diezani Alison-Madueke, has been accused of money laundering and official corruption. It was reported that a Federal High Court sitting in Lagos, on the 19<sup>th</sup> of July, 2017, ordered the temporary forfeiture of a \$37.5 Million property at Banana Island, in Lagos State of Nigeria bought by Diezani Alison-Madueke in 2013.<sup>8</sup> The said property consists of 24 apartments, 18 flats and six penthouses<sup>9</sup>. Apart from the property, the court also ordered the temporary forfeiture of the sums of \$2,740, 197.26 and ₦84,537, 840.70 said to be part of the rent collected

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<sup>3</sup>'Shell knew,' Global witness, April 2017. Available @ <https://www.globalwitness.org/en/campaigns/oil-gas-andmining/shell-knew/> Accessed on 27/9/17.

<sup>4</sup>Ibid

<sup>5</sup>Ibid

<sup>6</sup>Ibid

<sup>7</sup>Ibid

<sup>8</sup>'Court orders for feature of Diezani Alison-Madueke's \$37.5m Banana Island property,' Sahara Reporters, New York, July, 2017. Available @ <http://saharareporters.com/2017/07/19/court-orders-for-feature-diezani-alison-madueke-37.5m-banana-island-property>. Accessed on 19/7/2017.

<sup>9</sup>Ibid

on the property.<sup>10</sup> . According to Ngozi Okonjo-Iweala, former Minister of Finance and Co-coordinating Minister for the economy, Nigeria recorded highest level of crude oil theft which was put at over 400 barrels per day. Even though it is evident that the current administration of President Muhammadu Buhari has shown political will in fighting the menace of corruption in Nigeria, political will alone is not sufficient to end it. The Government must show and demonstrate this positive will. It must match words with action. To this end, the rectification and signing of the International agreement on Mutual Legal Assistance in Criminal Matters on 24<sup>th</sup> of August, 2017<sup>11</sup> by President Muhammadu Bahari is a welcome development. This document will certainly assist Nigeria in the fight against corruption and crude oil theft. However, it is not the signing of agreements that matter, but the implementation or enforcement of same.

#### **4. Lack of Transparency of Government in Nigeria**

Insincerity of purpose on the part of Government in Nigeria is an escalative factor to the sustainability of crude oil theft abatement measures. The Government will say a thing and do another. This has been the bane of the Nigerian national life. Since the discovery of crude oil in 1956 in Oloibiri, in Bayelsa State, successive Governments have continued to exploit same and had made several promises to the people of the Niger Delta region about development of the region. The Government had not kept to its promises. The region remains devastated polluted and infested, infrastructure is low or non-existent in some cases. This insincerity has lowered the ability of the people of the region to trust their political leaders. Instead of the Federal Government of Nigeria managing the menace of oil theft in the country through increased renewable energy utilization, it is involved in extensive and exploration of oil resources on the lake Chad Basin and Borno State of Nigeria. According to the Business day on line<sup>12</sup>,

it was not surprising to some political or economic analysis that with oil discovery comes the political power play which over the years, has contributed to the menace and disaster in the Niger Delta through oil spills, bombing of pipelines and kidnapping, it however, took concerted efforts by President Umaru Yar'Adua to declare an amnesty programme before relative peace could return to the region.<sup>13</sup>

Similarly in 2015 even when the militants in the creeks declared total war on all oil installations in the Niger Delta, their action almost crippled the nation's economy by plunging Nigeria in to its first recession in a decade<sup>14</sup>. The security challenges in the North-Eastern part of Nigeria, Borno State in particular has not deterred the Government from to continuing to explore for oil in that region. Oil theft management is therefore viewed as an attempt to frustrate the economy and acquire political gains through appointments into choice positions in Government, consequently efforts are being made by the Federal Government to explore oil in the Chad Basin and Borno State as 'an oil theft abatement measure,' apart from the Niger Delta region. Only lip service is being paid to the issues of diversification of the Nigeria economy from oil based to non-oil resources. The flag off of the Ogoni Clean-up exercise by the current administration of President Mohammadu Buhari, with pump and pageantry in 2015 without adequate budgetary allocations has eroded the confidence of the people in the host communities in government's ability to protect them in the event of oil spills and also heightened their resolve to continue to help themselves to their God given natural resources of crude oil, inspite of the numerous environmental impact of artisanal oil mining. In the month of May, 2017<sup>15</sup>, Nigeria reportedly lost 773,100 barrels of oil due to oil theft activities. According to Ibe Kachikwu<sup>16</sup>, in monetary terms, Nigeria lost about \$6 billion to vandalism of oil and gas infrastructure in the last five years.

The current abatement efforts of the Federal Government of Nigeria through the consultation mechanism are subject to the whims and caprices of the host community leaders. The Federal Government on its part sees oil theft as a criminal activity. While speaking at the passing out parade of 133 cadets of 63<sup>rd</sup> regular corps of the Nigerian Defence Academy (NDA) in Kaduna, President Buhari stated that while his Government could commit to cleaning up the polluted environment of the Niger Delta, it would however not tolerate the actions of the

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<sup>10</sup>Ibid

<sup>11</sup>Olukekan Adetayo, Eniola Akinknotu and Ade Adesomoju, 'Corruption Buhari hailed for signing extradition pact with UAE,' *Punch*, Friday, August 25, 2017, 10

<sup>12</sup>'Oil Exploration in the Chad Basin, Borno State,' Available@ [http:// businessdayonline.com/oil – exploration-chad-basin-borno-state](http://businessdayonline.com/oil-exploration-chad-basin-borno-state). Accessed on 20/7/2017.

<sup>13</sup>Ibid

<sup>14</sup>Ibid

<sup>15</sup>'Nigeria lost 773,100 bpd of crude oil in May', *The Guardian*, September 5, 2017, 21

<sup>16</sup>Ibid

militants<sup>17</sup>. According to President Buhari<sup>18</sup>;

However, for avoidance of doubt, let me state that other options are still open, including decisive military action. Today criminal elements disguise in ethnic regalia to sabotage the country, largely for their selfish and parochial interest.

If oil theft is an act of economic sabotage and economic crime, why should the Federal Government sit with saboteurs to negotiate or consult? Although there are no confirmed reports of money exchanging hands during the consultations between the Federal Government and the leaders of the Niger Delta region, it is arguable that money may have been paid to the leaders of the region by the Federal Government and this may account for the sudden splinter group from PANDEF to PNDPC and the distrust among the leaders from the region.

### **5. Failure to classify 'Oil Theft' as a Transnational Crime**

The role of the international community in the abatement efforts of the Federal Government of Nigeria cannot be over emphasized. The oil stolen in Nigeria definitely gets to the international market where it is sold in hard currency. Nigeria's abatement efforts will not therefore be complete without the contributions from the international community. There is no international treaty by the United Nations Organisation on oil theft. Similarly under the United Nation's Convention Against Transnational Organised Crime (UNCATOC)<sup>19</sup>, oil theft is not captured as a transnational crime. This has posed difficulty in getting international support for abatement measures put in place by the Federal Government of Nigeria. The international community must play an active role in the abatement efforts by Nigeria. It has been suggested by Naanen and Tolani<sup>20</sup> that one way of securing international support is for Nigeria to prove that oil theft is a trans-national organized crime (TOC) and concludes that this will be difficult to establish. The study differs in this respect. It is our respected view that it will not be a difficult task for Nigeria to justify the crime of oil theft as a trans-national organized crime (TOC), in order to qualify for international support or collaboration. This is because the menace of oil theft has all the elements that qualify it to be a trans- national organized crime. By virtue of Article 2 of the United Nations Convention Against Transnational Organized Crime (UNCATOC), the term 'serious crime' means 'conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or more serious penalty.' We therefore submit that oil theft being one punishable by life imprisonment in Nigeria, qualifies as a serious crime by virtue of Article 2 of the United Nations Convention Against Transnational Organised Crime. Furthermore, the scope of application of UNCATOC<sup>21</sup> provides:

This Convention shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of:

- (a) The offences established in accordance with articles 5, 6, 8 and 23 of this Convention; and
  - (b) Serious crime as defined in article 2 of this Convention;  
where the offence is transnational in nature and involves an organized criminal group.
2. For the purpose of paragraph 1 of this article, an offence is trans-national in nature if:
- (a) It is committed in more than one State;
  - (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
  - (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
  - (d) It is committed in one State but has substantial effects in another State.

Oil theft qualifies as transnational because by virtue of section 2(c) above because it is committed in Nigeria but involves an organized criminal group that engages in criminal activities in more than one state. It therefore qualifies as a transnational organized crime. Ben Naanen and Tolani opines further that another option is to launch an international campaign through NGOs and argues that if it could be demonstrated that oil theft affects poor people in Nigeria or that it is a human rights issue, it might be possible to sign on such organizations as Oxfam and Amnesty International, and making it an environmental issue seems to offer a better prospect for an international campaign. They however cautioned that a possible obstacle to an international campaign could be that the international community's high perception of corruption in Nigeria, and the oil industry represents much

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<sup>17</sup>'How Dialogue, Not Military, Engenders Peace in N'Delta.' *This day* April 11, 2017. Available @ <http://www.thisdaylive.com>. Accessed on 7/7/19

<sup>18</sup>Ibid

<sup>19</sup>United Nation's Convention Against Transnational Organised Crime. Available @ [https://www.unodc.org/.../organised-crime/UNITED\\_NATIONS\\_CONVENTION\\_AG...](https://www.unodc.org/.../organised-crime/UNITED_NATIONS_CONVENTION_AG...) accessed on 20/9/2017

<sup>20</sup>Naanen and Tolani, 'Private Gain,' 111

<sup>21</sup>See article 3 of United Nations Convention Against Transnational Organised Crime, 2003. The Convention is also referred to as the Palermo Convention.

of that corruption. However, we believe that there is need for the international community to support Nigeria and they have a role to play. According to Sarah Chayes:<sup>22</sup>

No example can as yet be cited of a country that has recovered from the oil curse once it has set in. But, supported by the combined best efforts of the Western private and public sectors, there's no reason why passionate, dynamic Nigeria shouldn't be a first: a turnaround country for a turnaround industry.

Therefore, one of the ways of achieving this is through international collaboration to solve the menace of crude oil theft in Nigeria. According to Nathan Seef<sup>23</sup>, "although the international community has proposed some alternative measure to solving the menace of oil theft, they have remained passive actors." The International community must be active in the war against oil theft. This is in view of the importance of crude oil to national development. International collaboration is a veritable approach to solving the menace of crude oil theft in Nigeria.

## 6. Inadequate Training and Funding of Regulatory Officials

In adequate training and man-power required to control Nigeria's pipeline network is an incentive for continuous theft of Nigeria's Crude Oil by Oil thieves. As already identified, Nigeria has a network of oil pipelines covering over 4,000 kilometers spread round the country. The man power required to adequately cover this stretch is inadequate. The JTF lacks the required skill and manpower to adequately cover the entire oil pipelines in Nigeria. As noted by Attah, the combined force command structure deployed by the government in the Delta is often unable to take immediate action allowing thieves to operate without hindrance<sup>24</sup>. According to Francis, la Pin and Rossiasco<sup>25</sup>, the JTF lacks adequate training and equipment such as helicopters, boats, GPS, and communication technology necessary to detect and control activities carried out by the oil thieves, who are often better equipped. Oil Thieves operate with highly sophisticated equipments as already identified in the study. They are also very well organized. They operate by way of division of labour or multi-skilled teams. This accounts for the successes of their operation. Furthermore, poor founding of the regulatory officials has also contributed in the inability of the Government to sufficiently curb crude oil theft. The regulatory officials lack the financial muscle to purchase the required equipments to fight these oil thieves who make a lot of money from their illicit business. They utilize this ill-gotten money to purchase better equipments, frustrate the efforts of the regulatory officials and plug the country into a borrowing nation.

## 7. Prioritization of Crude Oil as Energy Source

Nigeria's over dependence on crude oil for its economic survival is largely responsible for the prevalence of crude oil theft. As already noted, oil is the main stay of Nigeria's economy. As result, it attracts so much attention and interest. Crude oil alone accounts for over 90 percent of Nigeria's economic earnings. According to the Vice President of the Federal Republic of Nigeria, Yemi Osinbajo<sup>26</sup>, crude oil accounts for 95 percent of Nigeria's foreign exchange earnings and 80 per cent of budgetary revenues. Therefore, the commodity has attracted so much politics and this is an incentive for the prevalence of oil theft in Nigeria. The cry for diversification of the Nigerian Economy has largely remained on paper. No practical steps have been taken to demystify the unnecessary recognition, placed on crude oil; hence the oil thieves continue to steal the oil.

## 8. Availability of illegal markets for stolen Crude Oil

The availability of illegal markets for stolen crude oil is a major incentive for the prevalence of oil theft. According to Ogbodo and Aigbokhaevbo,<sup>27</sup> sale of stolen crude in plastic container along the highway has been diversified to extra territorial sales and exchange of arms for crude due to increased interaction of local thieves with organized crime rings in various countries such as Eastern Europe, Russia, Australia, Lebanon Syria and Netherlands. If these avenues or markets for sale of stolen crude were not available, the business of crude oil theft would have been impossible. The international collaboration of these oil thieves has also compounded the issue and this has served as an incentive to oil thieves. The foreign partners buy the stolen crude in foreign currencies thereby making it a lucrative business.

<sup>22</sup>Sarah Chayes, 'How to reverse Nigeria's oil curse,' Carnegie Endowment for International Peace. Available on line @ <http://carnegieendowment.org/2015/06/02/how-to-reverse-nigeria-s-o-.....> accessed on 25/9/2017

<sup>23</sup>Nathan Seef, 'Oil theft in Nigeria: Questions moving forward,' IAffairs Canada. Accessed on 20/ 6/ 2016 @ <http://www.iaffairscanada.com/2015/oil-theft-in-nigeria-questions-m-.....>

<sup>24</sup>Tony Attah, 'oil theft,' 3

<sup>25</sup>Paul Francis, Deirdre la Pin and Paula Rossiasco, 'Securing Development,' 50

<sup>26</sup>Jude Egbas, 'Acting President takes Niger Delta charm offensive to Bayelsa.' Available @ <https://www.opera.pulse.ng/bi./finance/yemi-osinbajo-continues-governments-dialogue-with-niger-delta-id6204154.html> accessed on 27/09/17

<sup>27</sup>S.G. Ogbodo and V. Aigbokhaevbo. 'Oil Crimes: The Nigeria Dimension,' *Journal of Private and Comparative Law*, ABU Zaria, vol 6 & 7, (2014): 329

### 9. Inadequate partnership between host communities and the Government in tackling oil theft

To successfully combat the menace of oil theft, the co-operation of the members of the host communities is required. The partnership between the host communities and the Government is insufficient, and this is an incentive for the prevalence of crude oil theft. The youths of the host communities form an important part. According to Tein,<sup>28</sup> when companies employ youths in the areas of operations it will help in the fight against oil theft. The insufficient involvement of these youths by both the Federal Government and the Oil Companies has led to the prevalence of oil theft in the Niger Delta region. The surveillance contracts which were earlier awarded by the federal Government to some youths was terminated by the administration of President Buhari. There is high rate of unemployment among the youths of the region and like the biblical saying goes 'an idle mind is the devil's workshop.' The Niger Delta Region has a large army of idle youths. Hence they will take to crude oil theft.

### 10. Difficulty in Navigating the Niger Delta Terrain

Difficulty in navigating the Niger Delta Region by the various regulatory officials to fight oil theft due to its difficult terrain is another challenge to effective abatement of crude oil theft. This is because of the peculiar nature of the Niger Delta region where the oil installations are located. The Niger Delta region covers<sup>29</sup> about 20,000 km<sup>2</sup> with wet lands of 70,000 km<sup>2</sup> formed primarily by sediment depositions. The Niger Delta terrain can further be broken down into four ecological zones<sup>30</sup>, Coasted Barrier Island, mangrove swamp forests, fresh water swamps and lowland rain forests. The pipeline network pass through these difficult terrains and the regulatory officials would have to navigate it also in order to combat the menace. According to Onuoha,<sup>31</sup> 'deploying the military into the region's difficult terrain without the right mix of equipment and forces could turn a minor assignment into a monumental disaster.' The oil thieves easily navigate this terrain because they are used to it. Some of them are reportedly indigenes who are very familiar with the terrain and can easily escape on sighting the military. On the other hand, a good number of the military personnel that are deployed to the JTF may not be familiar with the terrain. Hence it is difficult for them to operate, more so when the required equipments to navigate this terrain are not available.

### 11. Poverty

Poverty persists in oil rich Niger Delta<sup>32</sup>. According to the Nigerian Bureau of statistics,<sup>33</sup> about 112 million Nigerians (representing 67.1 percent) live below the poverty level. Agbakwa<sup>34</sup> identifies the problem in the Niger Delta as traceable to poverty with over 70 per cent of the population living below the poverty level and over two million unemployed youths without faith, hope or dignity in life and a 40 per cent rate of illiteracy. Poverty induced desperation<sup>35</sup> is therefore another incentive for crude oil theft in the Niger Delta Region. Accordingly, the prevailing poverty in the region accounts for the prevalence of crude oil theft. The local inhabitants therefore do not see crude oil theft as a crime but as God given gift to them to ameliorate their suffering, hence they take to oil theft as a means of survival. Also, there are no amenities in the Niger Delta region, including infrastructure. This has compounded the problem as the people's penchant for the crime will increase and this could lead to economic and environmental terrorism.<sup>36</sup>

### 12. Conclusion and Recommendations

Nigeria's over dependence on crude oil for its energy needs, accounts for the prevalence of crude oil theft.

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<sup>28</sup>Jimitole Onoyne, 'oil companies urged to treat host communities as critical stakeholders,' Available @ <https://www.vanguardngr.com/2017/02/oil-companies-urged-treat-host-communities-critical-stakeholders/> accessed on 02/02/2018.

<sup>29</sup>'Environmental issues in the Niger Delta.' Available @ [https://en.wikipedia.org/wiki/Environmental\\_Issues\\_in\\_the\\_Niger\\_Delta](https://en.wikipedia.org/wiki/Environmental_Issues_in_the_Niger_Delta) accessed on 02/02/2018

<sup>30</sup>Ibid

<sup>31</sup>Freedom Onuoha, 'The Resurgence of Militancy in Nigeria's Oil Rich Niger Delta and the Dangers of Militarization.' Available @ <https://studies.aljazeera.net/en/reports/2016/06/resurgence-military-nigerians-oil-rich-niger-delta-angers-militarisation-1606> accessed on 03/03/18

<sup>32</sup>'Poverty persist in oil-rich Niger Delta.' Available @ <https://www.aljazeera.com/news/Africa/.../Nigeria-poverty-niger-delta-150305014819233.lfm> accessed on 03/03/18.

<sup>33</sup>'Poverty: 112m Nigerians live below poverty line: Available @ <https://www.vanguardngr.com>. Accessed on 03/03/18

<sup>34</sup>Shedrack C. Agbakwa, 'A Path Least Taken: Economic and Social Right and the Prospect of Conflict Prevention and Peace Building in Africa,' *Journal of African Law*, 47 (1), 2003: 36

<sup>35</sup>Ibid.

<sup>36</sup>Violet Aigbokhaevbo, 'Environmental Terrorism In The Niger Delta: Implications for Nigeria's Developing Economy,' *International Energy Law Review* 2, (2009):43. Environmental Terrorism refers to the utilization of forces of nature for hostile purposes. It can be described as terrorist activities committed under the auspices of environmental issues. One of the negative impact of uncontrolled oil theft is that it could lead to environmental terrorism.

Sustainability of the abatement measures for crude oil theft will remain a mirage unless the Nigerian economy is diversified to non-oil resources and renewable energy is optimally harnessed to dethrone the fossil hegemony. Sustained pressure on the United Nations to include oil theft as a trans-national crime in the United Nations Convention Against Transnational Organized Crime and Terrorism Watch List will serve as a boost to Nigeria's domestic abatement effort. This is more so as oil theft constitutes environmental, economic terrorism and oil thieves are operating with increasing impunity and lethality which has cross-border implications. Nigeria's enforcement apparatus has been over-stretched as Soldiers are now being deployed to support the Police in routine maintenance of law and order. Nigeria is host to two of the world's most deadly terrorist groups- Fulani Herdsmen and Boko Haram. Tackling oil thieves efficiently will assist in enhancing its cascading security rating as well as discourage the impunity with which oil crime persist.

In the light of the foregoing, the following recommendations may be useful. Increased transparency is mandatory for the success of oil theft abatement effort in Nigeria. Naming and shaming oil thieves is recommended as a deterrent to prospective oil thieves. The legal regime on abatement of crude oil theft has not yielded the desired result due to enforcement challenges. In order to get the desired result of abatement of the menace of crude oil theft or reduce its incidences to the barest minimum, the Federal Government of Nigeria should address the problems associated with enforcement of the laws which regulate crude oil theft. The Federal Government of Nigeria should continue the ongoing consultation with the leaders, indigenes and inhabitants of the oil producing communities. This will help sustain the current low percentage of oil theft in Nigeria. The Federal Government must demonstrate clear sincerity of purpose aside mere political will and should be prepared to implement the outcomes of the said consultation. This would further give credibility to the consultations and enable the people of the region to take responsibility for the outcomes. It will ultimately lead to a reduction if not total eradication of incidences of oil theft. The leaders of the oil producing communities must quickly resolve their leadership crisis to give way for fruitful parley with the government for the benefit of the Niger Delta region. Leaders of the host oil producing communities must close ranks and come together to enable the current efforts of the Federal Government to resolve the problem of oil theft through dialogue materialize. Leadership tussle will only jeopardize the process. The Federal Government should extent its policy on community policing to the Niger Delta Region of Nigeria. This will create an enabling environment for the Government and the Nigerian Police to engage the inhabitants of the host communities with a view to ending the menace of Crude Theft in the region. The international community should collaborate with Nigeria in the fight against this menace of crude oil theft. Crude oil theft is a trans-national organized crime. It should be so classified in the United Nations Convention Against Transnational Organized Crime. It has both local and international dimensions. We suggest that an international task force be set up by the United Nations to deal with cases of oil theft. Mobile courts should also be set up in identified flash points like the Gulf of Guinea to immediately try offenders that are apprehended. There should also be an international treaty by the United Nations specifically on oil theft that captures all its peculiarities and oil theft should be designated as a trans-national crime. The Federal Government should re-constitute the Inter- Ministerial Task Team on the implementation of NEITI's audit reports and re-position it for better efficiency. This will ensure speedy implementation of NEITI's audit reports. The Federal Government should ensure adequate budgetary allocation for the Military to fight crude oil theft. Modern equipment and regular training should be provided for the regulatory officials to enhance their performance. The salaries and allowances of the JTF should be enhanced to prevent the lure for corruption. The Federal Government should enhance the living standards of the people in the Niger Delta Region. Apart from ensuring that the Ogoni Clean-up exercise is vigorously pursued and the continuation of the Amnesty Programme, the Federal Government should invest by providing the host communities with basic infrastructure such as good schools, hospitals, roads, bridges etc.