

**BUYING WITH A CONSCIENCE: CURBING CRUDE
OIL THEFT IN NIGERIA**

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1. INTRODUCTION

I consider it a privilege to be invited to contribute to this very important discourse which borders on the declining prospects of the oil propelled economy and its implications to Nigeria and the rest of oil bearing States.

It is imperative to re-state the fact that crude oil is the major catalyst that drives the Nigerian economy and, by implication, the determinant of its entire socio-political configuration. Consequently, anything that covertly or overtly affects oil production in Nigeria poses a direct threat to her national economy, political stability, territorial integrity and national security.

When I received invitation to contribute to this discourse, I envisaged one challenge. That challenge was: how do I ensure an exhaustive and comprehensive treatment of the topic?

A cursory examination of available and related literature and scholarship on the topic showed that to achieve an exhaustive and comprehensive treatment would require a sustained, prolonged and detailed discussion. I am sure that

this assembly cannot afford to allocate to me, all the time needed to do justice to this topic.

It must be understood, therefore, and from the beginning, that this will not be an absolutely exhaustive and comprehensive treatment of the subject. However, it will be enough to prick the conscience of any well-meaning and reasonable person and sensitize people of good conscience, on the imperatives of buying with a conscience in the global crude oil market place.

Now that I have defined my objective, as stated the preceding paragraph, the scope and magnitude of this presentation has seen narrowed, sharpened and focused.

Let me commence the introduction with a few analogies. Consider, for instance, an individual's intellectual property or an individual's creative or artistic endeavor. When other people steal such property and sell, the thieves deprive the owners of the property from benefiting from their property. Is it right for people to buy, say books or compact discs which they know are pirated copies? The answer, obviously, is No!

Imagine that you are farmers and you have toiled for twelve months, clearing, planting and weeding a rice field, and just when the rice is ready for harvesting, some other persons go and harvest and sell the rice leaving you the farmer high

and dry. That will not be funny for sure. Importantly, is the fact that the buyer(s) know that the sellers are not rice farmers, but, that they stole the rice. In most countries, any person who buys stolen items is culpable before the law. However, the moral import of the action is often glossed over.

When it comes to crude oil theft, the moral, economic, social and political implications and consequences are numerous and sometimes severe.

2. CRUDE OIL THEFT

Generally speaking, crude oil theft is the unlawful carting away of crude oil or sabotaging of crude oil facilities and/or installations via illegal bunkering, pipeline vandalism, fuel scooping, illegal refining and transportation and oil terrorism. Let me note that oil bunkering is necessary for maritime activities within the maritime sector. Illegal oil bunkering is bunkering carried out without requisite statutory licenses or valid documents and in violation of laid down guidelines and procedures. Simply and properly put, without niceties or euphemisms, this is theft – crude oil theft; and stealing is a crime.

According to a report released by the website oilprice.com in 2014, not only is Nigeria among the top five countries regarding the incidence of crude oil theft, Nigeria is actually

number one and its records dwarf the others. The other four in this group are Mexico, Iraq, Russia and Indonesia.

3. CRUDE OIL THEFT IN NIGERIA

I have just stated that Nigeria has the highest rate of crude oil theft world-wide. *Oilprice.com* reports that Nigeria's loss comes to as much as 400,000 barrels of crude oil daily. These translate to a loss of \$1.7 billion or ₦272 billion per month. This amount which vanishes each month, represents 7.7 per cent of Nigeria's GDP and is higher than what the nation spends on education and healthcare put together, community.

In 2014, Dr. Ngozi Okonjo-Iweala, then Minister of Finance and Coordinating Minister for the economy, lamented this monumental siphoning of Nigeria's major resource and the cost implication on the economy of the nation.

At about the same period, the Nigerian National Petroleum Corporation (NNPC) averred that the nation loses a large amount to the nefarious activities of oil thieves. The NNPC said Nigeria lost between \$25million and \$75million via a few incidents of this activity. The then Managing Director of the NNPC, Mr. Andrew Yakubu put the nation's annual loss at about \$12billion.

On his part, Mr. Ledum Mitee as Chairman, Nigerian Extractive Industries Transparency Initiative (NEITI), painted a sorry picture of the malady. He reported, in 2014, that Nigeria lost over 136million barrels of crude oil estimated at \$10billion dollars to oil thieves in 2014 alone.

For a nation with a mono-economy like Nigeria, the situation poses a real and serious threat to the survival of its economy and to its survival as a nation. Recall that back in 2013, oil theft in Nigeria had reached record levels prompting Nigeria to cry out to the G8 to make good a promise it made in the year 2000 to help Nigeria solve this crippling problem. Nothing has been done so far, yet the severity of the problem today makes the situation in 2013 a child's play.

In 2014, Global Financial Initiative averred that one group of oil thieves admitted to a profit of nearly \$7,000 a day from this nefarious activity. With this kind of incentive, if we may call it so, it will require gentle some muscles to stop them – the kind of muscle which Nigeria alone cannot number.

In 2013, then minister of Petroleum Resources, Mrs. Diezani Alison-Madueke, during a presentation at the 2013 Ministerial Platform held at the National Press Centre, Radio House, Abuja, Nigeria, confessed that the menace was an enormous challenge to the Nigerian economy. Should anyone be in doubt, that person should see the quarterly report of the

Central Bank of Nigeria for the fourth quarter of 2014. That report shows a slump in government revenue for that quarter by N112.6billion as compared to the figures for the third quarter of same year. Gross oil receipt into the federation account for the fourth quarter of 2014 was N1.824trillion, reflecting a 5.8 per cent drop from the N1.936trillion for the third quarter.

In a research reported in September 2013 by Christiana Katsouris and Arron Sayne on behalf of Chatham House, the researchers opine that Nigeria offers a strong enabling environment for the large-scale theft of crude oil. The result is that Nigeria crude oil is being stolen on an industrial scale. Though it is true to assert that the actual figure of barrels of crude stolen is not definitively known as various figures have been branded by various groups and individuals, the statement by the Chatham House researchers to the effect that Nigeria's crude is being stolen at an industrial scale can hardly be faulted.

Impact of Crude Oil theft in Nigeria

Nigeria produces about two million barrels of crude oil per day going by approved quota from OPEC, and while there are no facts available, amounts reaching up to 200,000 barrels of crude is speculated as being lost to oil theft. This accounts for estimates that Nigeria loses \$20bn yearly which could have provided massive infrastructure, employment and provided social

amenities like clean water, basic healthcare and schools and strong cash reserves needed to finance development in the country.

Environmental Effects

Among the many factors responsible for the degradation of the Environment include oil spillage resulting from oil theft especially the hacking of pipelines and the activities of illegal refineries which are responsible for the uncontrolled emission of carbon into the atmosphere. Sabotages and crude oil theft according to a report is responsible for a large percentage of oil spills. Oil spills result in ground water poisoning, destruction of agricultural land, fishery and livestock and fast disappearing mangrove forest.

Social Effects

Crude oil theft and militancy constitutes a major inhibitor to the socioeconomic development of the oil rich Niger-Delta region. As a result, the responsibility towards the area has been largely neglected by administrations, organizations and companies. Another worrisome trend is the increasing percentages of school aged children who are denied of formal education as aspiration by the various militant groups who see them as potential recruits for their illegal trade, thus initiating them into a criminal lifestyle characterized by violence and restiveness, teenage parenthood and anti-social tendencies.

Health Effects

Crude oil theft largely contributes to the deteriorating health conditions prevalent in the Niger Delta region of the country. It is reported that liquid, solid waste and residues from dungs which are not properly disposed or treated causes contamination of domestic water supplies which is responsible for a lot of known diseases in this region such as malaria and diarrhea while respiratory diseases which constitute another percentage of the diseases in this area can be attributed to uncontrolled emissions and flaring.

Governance

As the international spotlight bears on Nigeria due to the various activities of Crude Oil theft and illegal bunkering, our government is being challenged to protect the credibility and reputation with other nations and multinational groups, thus threatening Foreign Direct Investment into the various sectors of the economy. These activities constitute a threat to National Security as perhaps a greater percentage of this illegal oil trade is being organized and controlled by warlords who in turn result to arms trading and alliances with criminal organizations to guarantee supplies and protection for their local gangs.

How is the theft carried out? The thieves operate in a number of ways. One way of stealing Nigeria's crude oil is by directly loading ships with crude oil at the oil terminals and wells. This is done by a complex web of oil thieves comprising

the NNPC, military and security operatives, Nigerian oil businessmen and their foreign counterparts and oil workers. The foreign businessmen provide the ships which move to the oil wells and terminals. The oil workers, conniving with the security apparatus, open the valves and pump oil into the ships.

A second method is by what is known as topping. Again, in this method, the same groups of people are involved and the theft point is the same as in the first. The difference is that in the first method, a dime is not paid to Nigeria for the hundreds of thousands of barrels of oil pumped into the ship. In this second method, there is an official record of the transaction, meaning the oil will be paid for, but only in part. It goes like this, a tanker is expected to load 200,000 barrels, for instance, but the loaders and security agents top that figure with as much as the vessel can carry.

Yet, another method and point of stealing Nigerian crude oil is the one done by oil companies. They simply under declare their production figures. The figures declared are usually a far cry from what is actually produced. The undeclared barrels are shipped out and sold. The undeclared figures run to thousands of barrels per day. There is, indeed, massive stealing of crude oil at the loading points and terminals by oil companies with the connivance of security personnel.

A fourth way of stealing Nigeria's crude oil is by pipeline vandalization. The crude that is stolen by vandalizing pipelines is sold to ships stationed at sea. In Nigeria, oil pipelines run along tens and hundreds of kilometers across swamps. The oil thieves use welding machines to cut open the pipes, install their own valves and pump oil by attaching a hose to the valve. In some cases the hoses run for about 2 – 3 kilometres from the busted pipeline to the collection point.

The fifth method of crude oil theft in Nigeria is by legal bunkering. Legal bunkering is the loading of crude from one point to another with official approval. What the thieves do is to forge documents and signatures of approving naval officials. Using this method, the crude is moved outside the shores of Nigeria. In most cases the security personnel patrolling the territorial waters know that the documents and signatures are forged but cooperate after being induced financially. The crude moved in this manner is meant to be used locally but ends up in the international market outside the shores of Nigeria.

Who are the perpetrators of this crime against the Nigerian people? Crude oil theft is not carried out by miscreants. It is not carried out by common people. Common people and miscreants do not have what it takes to steal crude or but differently, to engage in the massive stealing of crude oil. Common people and miscreants may engage in petty stealing of crude oil which is locally and crudely refined and

sold to boat drivers in the creeks of the Niger Delta. The thieves who cost Nigeria 400,000 barrels a day are big people. Common people and miscreants do not own ships or even the market connections by which to sell huge consignments of stolen oil.

The ring of crude oil thieves can be likened to a massive tree. The tree trunk is made up of the NNPC and the oil companies. The branches are made up of oil workers, security personnel, top government functionaries, militants, Nigerian oil businessmen, foreign oil businessmen and ship owners. For every successful incidence of massive theft of crude which finds its way into the international oil market, two or more of these must be involved. The ease with which the thieves have access to oil terminals, wells, loading and sales points will tell you of the involvement of the NNPC and top government officials, the oil companies and their workers. The under-declaration of production figures and/or topping of oil load also proves the involvement of these named groups of persons. It is a near impossibility to do legitimate business like fishing or transportation of goods and persons in Nigerian territorial waters without being spotted by security persons, the navy and marine police. How then is it possible to steal and ferry away large consignments of oil without being caught?

Out there in Nigerian territorial waters, in one location, you find tens of vessels queuing to be loaded with stolen crude.

They are not hiding. They are there, waiting, day time and night time. Recently, the Nigerian President, Muhamadu Buhari issued a ban on one hundred and thirteen (113) vessels or VLCCs, that is very large crude carriers. These 113 vessels have been banned from calling at Nigerian crude oil terminals and from Nigerian territorial waters. Expectedly, the International Association of Independent Tanker Owners (Intertanko) has protested. It must be borne in mind, though, that this ban is not baseless or whimsical. It is the product of serious investigations and surveillance.

Stolen Nigerian crude is transported by internationally registered vessels, sold to international buyers, processed by international oil refineries and paid for using international bank accounts.

The real perpetrators to go after are the big wigs, not the small creek boys; the VLCCs, not the small canoes; the international refineries, not the small crude local refineries, for these are the people who cost Nigeria 400,000 barrels per day.

4. FACTORS THAT ENCOURAGE THEFT OF NIGERIA'S CRUDE OIL

The importance of oil to present day economies cannot be over-emphasized. Infact, one researcher avers that oil is without doubt the lifeblood of modern economies and as a result has become the most essential commodity in the world. In 2008, Smil described oil as the lifeblood of the modern

world. Without oil there would be no globalization, no plastic, little transport, and a worldwide landscape that few would recognize. Still in 2008, Yergin called oil the world's most important resource.

With oil occupying that kind of position, there is little or no surprise that it is desperately sought after by all and sundry. As a corollary, there are a number of factors encouraging the theft of Nigeria's crude oil. The reasons range from the simple, not so simple and the serious. Because our focus here is on the selling and buying of Nigeria's stolen crude oil in the international market, I have isolated four factors that encourage the theft. They include: a thriving black market, availability of foreign buyers, bribery and corruption and inadequate funding and resources to combat the thieves.

I believe that these factors are self explanatory. There is a thriving black market for the selling and buying of crude oil. For as long as this exists, the practice will continue. When those who buy crude oil refuse to buy from the black market, the practice will become non-profitable and useless.

Bribery and corruption is among the strongest factors that make for a continuation of crude oil theft. Bribery and corruption is the reason behind oil companies' participation in this nefarious activity. Bribery and corruption is the reason why

oil workers participate in it and security personnel look the other way.

It should be clear to us, as well, that people who steal anything to sell, things which they do not use themselves will continue to steal for as long as they find buyers for what they steal. Therefore, for as long as there are foreign buyers of stolen Nigerian crude at some point in the supply chain, the theft will go on.

The last factor I want to bring to our knowledge is the issue of inadequate funding of and lack of necessary equipment by security personnel to confront and combat the thieves. As long as this persists, the ugly trend will go on.

Where do we turn to for some report that may offer us some comfort? I hardly know. Is it to our health care sector? Our hospitals have not improved much since 1983 when the coup plotters alerted us to the fact that our hospitals, including teaching hospitals, were mere consulting clinics.

I have watched critically injured accident victims left on the floor along the veranda in a teaching hospital unattended to while they die slowly by installments for lack of bed space. I have, as a personal experience, watched asthmatic children stay in a long queue gasping for breath with the potential risk of dying of asphyxia while waiting for one miserable nebulizer at a teaching hospital.

Basic necessities like electricity and good drinkable water are a mirage. Roads are in shambles like the education sector. The point being made is that the nation needs what it losses to oil thieves for developmental purposes.

The second thrust brings to your notice what many commentators have agreed are the consequences of crude oil theft in Nigeria.

Oil theft and illegal bunkering lead to loss of revenue to the Nigerian government and people. It leads to pollution, environmental degradation, criminality and insecurity.

Socio-Economic Losses

Oil theft has been identified as the biggest threat to Nigeria's economy. It's socioeconomic impacts include environmental degradation, loss of economic activities for the communities, loss of revenues to the government resulting in inadequate funding for development initiatives, increased criminality in Niger Delta Region, lack of security due to illegal activities and infiltration of international collaborators and bad image for the country.

Also, due to the loss of oil revenue to the oil thieves, Nigeria can no longer export crude oil above two million barrels per day as opposed to budgetary provision of over 2.5 million

barrels per day. As a result of crude oil, theft coupled with fall in price of crude at the international market, government is failing to meet its obligations to the citizenry, while domestic debt is rising rapidly. The trade in stolen oils helps other transitional criminal networks to spread across the Gulf of Guinea, creating global links between oil thieves, pirates and traffickers in arms and drugs.

The pirates attack oil investors and their investments, while the State security agents give counter attack to the pirates, thereby leading to constant violence and attacks in the West African Waterways. The violence perpetuated by the oil theft actors and sea pirates is threatening the peace and security of the West African States, particularly those along the coastal areas, where the oil vessels pass through to Europe, America and Asia.

In recent times, as a result of loss of revenue caused, among others, by this phenomenon, many states and local governments have been unable to pay salaries to public and civic servants or meet other obligations to the citizenry.

Note that for every worker who is not paid salary, thousands of dependants will starve, lack health care and stay out of school.

There is, also the attendant loss of jobs. Moments ago I talked about the cost of repairing and guarding pipelines. In 2014, then Minister of Finance, Dr. Ngozi Okonjo-Iweala put the cost of this and losses arising from deferred production caused by damage to pipelines at \$12 billion per annum. By African and Nigerian standards, this is an enormous amount to lose in such circumstances.

Environmental Pollution and Degradation

One of the methods of stealing Nigeria's crude oil involves breaking of pipelines and damaging facilities. The damage to pipelines leads to leaks or spillage which causes pollution and environmental degradation. The consequences of this include destruction of farmlands and forests, marine and aquatic life, sources of drinkable water, flora, fauna and resort centres. The impact of these on the economic and social life of the people, the health implications and costs are better imagined than described. Add to this the cost of handling the spillage and cleaning up the area. With farmland, fish ponds and rivers destroyed, millions of households are impoverished and securely locked in poverty.

Criminality and Insecurity

Presently, Nigeria has the capacity to produce 2.5million barrels of crude oil daily. However, Nigeria produces less than 2 million barrels a day. This is so because when pipelines are damaged and shut down, production is adversely affected. The

resultant loss of revenue is the foundation of threats to national security as the nation depends heavily on oil revenue for survival. Oil theft and illegal bunkering fuel conflict, militancy, arms proliferation and drug abuse.

Some of the stolen oil is exchanged for arms in the high seas, just as some of the proceeds are used to purchase arms needed to secure the business. It gives rise to criminal gangs who engage one another and engage government forces in a bid to remain in business. The proliferation of small and heavy arms leads to insecurity of lives and property.

A great deal of the proceeds is also used to create global links between oil thieves, pirates, arms, drugs and human traffickers across the Gulf of Guinea and even to sponsor global terrorism. The security implications are frightening.

5. BUYING WITH A CONSCIENCE

Nigeria is the world's 13th largest producer of crude oil. Should the picture painted in the immediate preceding section prevail in a country like Nigeria? It would seem to me the answer is No. Whereas corruption may be rife in Nigeria, there is no gainsaying the fact that crude oil theft goes a long way in depriving the nation of much needed funds to improve the living conditions of the people. If the billions that is lost to crude oil thieves were to go to government coffers, then without much doubt, there would be improvements into power

supply, quality of health care, education, housing, life expectancy, etc.

The question then is, considering all of these, should we continue to buy stolen crude from Nigeria, especially when we know it is stolen? The answer is No. To do that would amount to buying without a conscience. What is expected of us is to buy with a conscience.

All those involved in the oil business all over the world, particularly those who buy Nigeria's crude oil must resolve to buy with ethics. Ethical buying will often times involve paying a little more but it is worth it. We should know that for every cheap barrel of stolen crude bought from Nigeria, some innocent, hapless Nigerian child, woman or man is paying a heavy price.

Industry players must ask themselves, and they do know, when and how to buy Nigerian crude without abandoning their morals, or harming innocent and helpless Nigerians and harming the environment. Buyers of Nigeria's crude, especially at the first point in the supply chain, owners of ships and managements of refineries have the power to make a change. Buzzwords like 'fair practice' and 'ethical standard' should be inculcated into industry players until they become firmly entrenched in the vocabulary of the industry.

I am not aware of any area of business that is exempted from business or corporate ethics. This means there are ethical and moral principles guiding every business endeavour. Why then do those who steal Nigeria's crude oil find buyers for such oil? Or is the oil industry exempted from ethical and moral principles in carrying out business?

Some people argue, as Peter Drucker has opined, that there is no separate ethics for business neither is one needed. Truth is, business concerns must exhibit corporate social responsibility (CSR). This implies that business concerns must act as responsible citizens of the communities in which they operate even at the cost of profits and other goals.

Among other things, ethical issues include the right and duties between a business concern and its suppliers, customers and neighbours. This presupposes that those who buy and utilize crude oil ought to know how and where their suppliers got the crude.

In very simple language, ethics involves learning what is right or wrong and then doing what is right. Based on moral principles, there is always a right thing to do. I doubt if buying stolen goods is the right thing to do.

I do not know if there are still people who do not think ethics is required in business. If I presumptuously assume that

there are no such people, then I can proceed to suggest a few ethical principles for players in the oil industry, especially those who buy Nigeria's crude, viz: honesty, integrity, loyalty, fairness, concern for others, respect for others, law abiding, reputation and morale and accountability. These principles will firmly ensure buying with a conscience and curbing the theft of Nigeria's crude oil. Perhaps it needs to be stated that unethical behaviour and a lack of corporate social responsibility could damage a firm's reputation and make it less appealing to stakeholders.

6. POSSIBLE SOLUTIONS

A number of preliminary statements need to be made before itemizing possible solutions to the theft of Nigeria's crude oil. Let us begin by noting that buying with a conscience is the first real possible solution to theft of Nigeria's crude. If no one buys stolen crude, especially at the very first point in the supply chain, people will have no incentive to steal Nigeria's crude oil.

Next, it is important to state that successive Nigerian governments have undertaken a number of policy measures as response to tackle the phenomenon. It should be pointed out here that providing solutions to this menace should never be seen as Nigeria's problem alone. The international community must be a part of it. The problem is a transactional crime and its consequences can be global. The proceeds can be used to

finance international crimes and terrorism. Besides, there are implications for national security in Nigeria. Considering Nigeria's status, position and importance in West Africa and Africa, the ripple effects of insecurity in Nigeria can be imagined.

The Nigerian government should initiate discussions and efforts to turn the fight against the theft of Nigeria's crude into an international issue. The world has been involved in many efforts to rid the world of insecurity. The global community can do it also in this instance. The U.N, E.U, A.U should provide platforms for this.

It follows, therefore, that most of the solutions I will now proceed to itemize will require a synergy or a coalition of international forces.

- i. There is need for the massive presence of an international force in the Niger Delta Region of Nigeria. This special and multi-national joint task force will have only one mandate; make the shipment of stolen oil very difficult if not impossible.
- ii. There should be massive international campaign to create awareness about crude oil theft. The campaign should harp on the need for synergy between the public, stakeholders and relevant local and international agencies.

- iii. Enabling legislation should be put up locally and internationally, special courts should be established and there should be swift prosecution of offenders locally and internationally.
- iv. There should be global synergy on financial reporting, close monitoring and information sharing on transaction relating to oil theft.
- v. The world oil market should adopt a standard scientific process as benchmark for crude oil trade, such as crude oil fingerprinting.
- vi. Security forces should get adequate allocation of resources, technology, equipment and logistics to make them more effective in the fight against crude oil theft.
- vii. There should be structured regular engagement of all stakeholders.
- viii. The Nigerian government should take the International Association of Independent Tanker Owners (Intertanko) into confidence and work with them on this issue.
- ix. All countries should take strong bold steps to clean up illegal oil business within their borders.

7. **CONCLUSION**

In this paper, an attempt has been made to examine the phenomenon of oil theft and illegal bunkering in Niger Delta with a view to situating its causes, impacts and implications

vis-à-vis Nigeria's economy, national and regional security. The increase of oil theft and illegal bunkering in the Niger Delta Region is an economic crime against Nigerian State; it undermines development strategies and engenders social disorders. It constitutes serious economic, security and environment challenges to the Nigerian State. The paper observes that the upsurge in oil theft has resulted in economic losses by the Nigerian State and oil conglomerates; environmental degradation, insecurity in the Niger Delta region and threat to national and regional security.

However, I make bold to state that not much has been achieved in curbing this menace due to enthroned corruption by the Nigerian elite, high level of youth unemployment, institutional decay and dysfunctions, poor governance, ineffective and corrupt law enforcement agencies, international crime collaborations etc. To stop oil theft, the paper recommends some measures and points that multinational approach and concerted efforts are needed to put an end to oil theft in Nigeria.

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