

PANACEA TOWARDS RESOLVING CONTEMPORARY LEGAL ISSUES OF OIL BUNKERING ON THE HIGH SEAS IN NIGERIA

Omoniyi Bukola Akinola*

Abstract

Bunkering is ordinarily a lawful maritime activity involving the supply of oil and gas to vessels. It has assumed an illegal connotation in Nigeria, where it is commonly associated with crude oil theft, pipeline vandalism, illegal refining, and the unauthorized exportation of petroleum resources. Illegal oil bunkering on the high seas threatens Nigeria's economic development. This paper examined the causes, effects, and legal responses to oil bunkering on the high seas in Nigeria with a view to identifying practical solutions to the problem. The paper adopted the doctrinal legal research methodology, relying on primary sources such as statutes, international conventions and judicial authorities, and other secondary sources. The paper argued that a holistic and collaborative approach is essential for combating illegal oil bunkering and safeguarding Nigeria's petroleum resources for sustainable national development. The paper finds that illegal oil bunkering is driven by several interconnected factors, including poverty, unemployment, environmental degradation, corruption, among others. The paper concluded that existing legal and institutional mechanisms have not been sufficiently effective in addressing the menace due to enforcement challenges. The paper recommended comprehensive legal reforms, among others.

* PhD, Barrister at Law, Professor of Law, Faculty of Law, Baze University, Abuja. Former Dean of Law, School of Law, Kampala International University, Uganda and former Dean of Law, Faculty of Law, Redeemer's University, Ede, Osun State, Nigeria. Former Deputy Director (Academics) Nigerian Law School. Email: profobakinola77@gmail.com, omoniyi.akinola@bazeuniversity.edu.ng

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1.0 INTRODUCTION

It is a notorious fact that oil remains the mainstay of the Nigerian economy, accounting for a substantial proportion of the country's revenue and foreign exchange earnings. However, the persistent problem of illegal oil bunkering, particularly on the high seas, has become a major threat to Nigeria's economic development, maritime security and environmental sustainability. While bunkering is ordinarily a lawful maritime activity involving the supply of fuel to vessels, it has acquired an illegal connotation in Nigeria, where it is associated with crude oil theft, pipeline vandalism, illegal refining and the unauthorized exportation of petroleum resources.

The increasing sophistication of oil bunkering operations and the involvement of transnational criminal networks have made the crime more difficult to prevent and prosecute. Despite the existence of various domestic laws, international legal instruments and enforcement agencies, illegal oil bunkering continues to undermine the Nigerian petroleum industry and national security.

Against this background, this study examined the causes and effects of oil bunkering on the high seas in Nigeria, assessed the existing legal and institutional frameworks for combating the menace, and proposed practical recommendations for addressing the problem.

2.0 CONCEPTUAL CLARIFICATION

a. Oil Bunkering

In maritime practice, bunkering is a legitimate commercial activity involving the storage and supply of marine fuel oils to ships. The activity

constitutes an important segment of global maritime commerce because ships depend on fuel supplies to undertake domestic and international voyages.¹ According to the International Maritime Organization (IMO), bunkering involves the transfer of fuel from a storage facility or supply vessel to another vessel for consumption during maritime operations.² Such activities are lawful and are regulated by international conventions and domestic maritime laws. However, the concept of oil bunkering in Nigeria differs significantly from its conventional maritime meaning. In Nigeria, oil bunkering has become a generic expression used to describe the unauthorized extraction, theft, transportation, refining and sale of crude oil and petroleum products.³

b. Illegal Oil Bunkering

Illegal oil bunkering refers to every unauthorized dealing in crude oil and petroleum products contrary to applicable laws and regulations. Obi and Rustad, illegal oil bunkering involves “the theft, diversion and unauthorized exportation of crude oil through organized criminal networks operating within and outside the Niger Delta.”⁴ The United Nations Office on Drugs and Crime defines illegal oil bunkering as a form of transnational organized crime involving the illicit extraction, transportation and commercialization of petroleum resources.⁵

¹ Aleka Mandaraka-Sheppard, *Modern Maritime Law and Risk Management* (4th edn, Informa Law 2013) 506.

² International Maritime Organization, *MARPOL Consolidated Edition 2023* (IMO Publishing 2023) 413

³ Cyril Obi and Siri Aas Rustad (eds), *Oil and Insurgency in the Niger Delta* (Zed Books 2011) 25.

⁴ Obi and Rustad (n 4) 27.

⁵ United Nations Office on Drugs and Crime, *Transnational Organized Crime in the Gulf of Guinea* (UNODC 2024) 21

The Petroleum Industry Act 2021 criminalizes unauthorized dealing in petroleum resources and prohibits any person from engaging in exploration, extraction, transportation, refining or sale of petroleum without the appropriate license or lease granted by the Nigerian Government.⁶

Illegal oil bunkering therefore comprises every activity involving the unlawful acquisition or disposal of petroleum resources and include unauthorized tapping of pipelines, illegal loading of crude oil into barges, ship-to-ship transfer of stolen crude oil, illegal refining activities exportation of stolen crude oil to foreign markets, possession of stolen petroleum products.

c. The Concept of the High Seas

The concept of the high seas occupies a central position in international maritime law. Article 86 of the United Nations Convention on the Law of the Sea (UNCLOS) defines the high seas as all parts of the sea that are not included in the exclusive economic zone, territorial sea, internal waters or archipelagic waters of any State.⁷ In essence, the high seas constitute areas beyond the national jurisdiction of any State and are open to all nations.

Article 87 of UNCLOS further provides that the high seas are governed by the principle of freedom of the seas and guarantee freedoms relating to navigation, fishing, scientific research and laying of submarine cables and pipelines.⁸ This is because no State exercises territorial sovereignty over the high seas, criminal activities committed therein often create significant jurisdictional challenges.

⁶ Petroleum Industry Act 2021, ss 1, 7 and 300.

⁷ United Nations Convention on the Law of the Sea 1982, art 86.

⁸ *ibid* art 87

3.0 HISTORICAL DEVELOPMENT OF OIL BUNKERING IN NIGERIA

3.1 Discovery of Petroleum and the Emergence of Oil Economy

The history of oil bunkering in Nigeria is closely connected with the development of the Nigerian petroleum industry. Crude oil was discovered in commercial quantities at Oloibiri in present-day Bayelsa State by Shell-BP in 1956.⁹ Commercial production commenced in 1958 with approximately 5,100 barrels per day.¹⁰

Following independence in 1960, crude oil production expanded rapidly. The discovery of large oil deposits in the Niger Delta transformed the region into the economic backbone of Nigeria. By the early 1970s, Nigeria had become one of the world's leading oil-producing countries and a member of the Organization of the Petroleum Exporting Countries (OPEC). However, the enormous wealth generated by petroleum resources was accompanied by environmental degradation, social inequality, and increasing agitation by host communities.

3.2 Emergence of Illegal Oil Bunkering

Illegal oil bunkering in Nigeria became noticeable during the military era of the 1970s and 1980s. Initially, crude oil theft involved relatively small-scale diversion of petroleum products by local actors and corrupt

⁹ Michael Watts, *Curse of the Black Gold: 50 Years of Oil in the Niger Delta* (PowerHouse Books 2008) 17.

¹⁰ Toyin Falola and Matthew Heaton, *A History of Nigeria* (Cambridge University Press 2008) 197.

officials.¹¹ The activity became increasingly sophisticated during the 1990s due to political instability, economic hardship, rising unemployment, weak regulatory institutions, increasing availability of small arms, growing militancy in the Niger Delta.

By the late 1990s and early 2000s, illegal bunkering had developed into a highly organized criminal enterprise involving local communities, militant groups, political actors, security personnel and international criminal syndicates.¹²

3.3 Militancy and Expansion of Oil Bunkering

The emergence of militant groups significantly increased illegal oil bunkering activities. Groups such as the Movement for the Emancipation of the Niger Delta and other armed groups began attacking oil installations and disrupting petroleum operations in the Niger Delta.¹³ Militant organizations justified their activities on grounds of environmental injustice, underdevelopment and inequitable distribution of oil wealth. However, investigations revealed that illegal oil bunkering became one of the principal sources of financing for militant activities.¹⁴

The increased sophistication of criminal networks enabled the transportation of stolen crude oil to offshore locations where ship-to-ship

¹¹ Human Rights Watch, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities* (HRW 1999) 38

¹² Cyril Obi, *Oil Extraction, Dispossession, Resistance and Conflict in Nigeria's Oil-Rich Niger Delta* (Nordiska Afrikainstitutet 2010) 14.

¹³ Obi and Rustad (n 4) 83.

¹⁴ International Crisis Group, *The Swamps of Insurgency: Nigeria's Delta Unrest* (Africa Report No 115, 2006) 13.

transfers could occur beyond the immediate jurisdictional reach of Nigerian authorities.

4.0 NATURE AND DYNAMICS OF OIL BUNKERING ON THE HIGH SEAS IN NIGERIA

Oil bunkering on the high seas has evolved into an organized and transnational criminal enterprise involving several interconnected stages.

4.1 Illegal Tapping of Pipelines

The first stage involves the vandalization of pipelines and installation of illegal connections. Criminal groups often possess detailed technical knowledge of pipeline systems and utilize specialized equipment to siphon crude oil from pipelines and wellheads.¹⁵

4.2 Transportation through Barges and Small Vessels

The stolen crude oil is transported through creeks and rivers using barges, wooden boats and other small vessels. The difficult terrain of the Niger Delta and the extensive network of waterways facilitate concealment and movement of stolen petroleum products.¹⁶

4.3 Ship-to-Ship Transfers on the High Seas

One of the most sophisticated aspects of illegal oil bunkering involves ship-to-ship transfers. The stolen crude oil is transferred from smaller vessels into larger tankers situated beyond Nigeria's territorial waters. Such transfers are often undertaken at night, in remote offshore locations, using falsified shipping documentation, through vessels operating under

¹⁵ United Nations Office on Drugs and Crime (n 8) 34.

¹⁶ Michael Watts, *Curse of the Black Gold* (n 12) 41

flags of convenience.¹⁷ These operations significantly complicate law enforcement efforts because the activities occur outside the immediate territorial jurisdiction of Nigeria.

4.4 International Criminal Networks

Oil bunkering on the high seas frequently involves transnational organized criminal groups. These networks may include foreign buyers, shipping companies, international brokers, money laundering syndicates, corrupt public officials, local criminal collaborators. The United Nations Office on Drugs and Crime has classified crude oil theft in the Gulf of Guinea as a transnational organized crime requiring coordinated international responses.¹⁸

4.5 Environmental Consequences

The methods employed in illegal bunkering operations frequently result in extensive environmental damage. Pipeline vandalism and illegal refining activities cause, oil spills, destruction of mangrove forests, pollution of rivers and creeks, loss of aquatic life, soil contamination, adverse public health consequences.¹⁹ The environmental effects of illegal bunkering have contributed significantly to poverty and social instability in the Niger Delta.

5.0 LITERATURE REVIEW

The literature on illegal oil bunkering in Nigeria is extensive. However, most existing studies focus on the economic and environmental

¹⁷ United Nations Office on Drugs and Crime (n 8) 39.

¹⁸ *ibid* 22.

¹⁹ United Nations Environment Programme, Environmental Assessment of Ogoniland (UNEP 2011) 15.

dimensions of crude oil theft without sufficiently examining its transnational character and implications under international maritime law.

Ozogu, et al in their work examined the causes and effects of illegal crude oil bunkering in the Niger Delta and concluded that poverty, unemployment and weak institutional mechanisms are major drivers of crude oil theft.²⁰ While the study provides valuable insights into the socio-economic causes of bunkering, it pays limited attention to the legal implications of ship-to-ship transfers on the high seas.

In the same vein, Umar investigated the environmental implications of illegal oil bunkering and refining in the Niger Delta and concluded that oil theft contributes significantly to environmental degradation and public health challenges.²¹ The study, however, does not sufficiently analyze the role of international maritime law in addressing the menace.

Inimiesi and Yoroki assessed the relationship between illegal oil bunkering and national security and argued that crude oil theft fuels organized criminal activities and undermines peace and stability in the Niger Delta region.²² Although the study highlights the security implications of oil bunkering, it does not critically examine the adequacy of Nigeria's legal responses.

²⁰ NA Ozogu, AO Olabimtam, GC Chukwurah, UI Ukpong and IA Daniel 'Effects and Causes of Illegal Crude Oil Bunkering in Nigeria: Case Study Niger Delta' (2023) 2(1) *American Journal of IR 4.0 and Beyond* 6.

²¹ Ahmed Tukur Umar, 'Causes and Effects of Illegal Oil Bunkering and Refining on Environmental Degradation in the Niger Delta Region of Nigeria' (2024) 9(1) *ADSU International Journal of Applied Economics, Finance and Management* 1.

²² Oba Preye Inimiesi and Ebiendu Yoroki, 'Illegal Oil Bunkering and National Security: An Assessment of the Niger Delta Region' (2024) *Zenodo* 5.

Similarly, reports by the Nigeria Extractive Industries Transparency Initiative reveal that Nigeria continues to lose billions of dollars annually due to crude oil theft and illegal bunkering.²³ The reports further identify corruption and weak institutional coordination as major impediments to combating the menace.

The United Nations Office on Drugs and Crime has classified crude oil theft in the Gulf of Guinea as a form of transnational organized crime requiring enhanced regional and international cooperation.²⁴ Nevertheless, the practical mechanisms for such cooperation remain largely underexplored.

This paper therefore fills the existing gap by examining oil bunkering on the high seas in Nigeria from legal, economic, environmental and international perspectives and by proposing practical and sustainable solutions.

5.1 Contemporary Trends

Recent reports indicate that crude oil theft and illegal bunkering have assumed increasingly sophisticated and transnational dimensions. The Nigeria Extractive Industries Transparency Initiative (NEITI) reported that Nigeria lost approximately ₦16.25 trillion to crude oil theft between 2009 and 2020.²⁵ Similarly, the Nigerian Upstream Petroleum Regulatory

²³ Nigeria Extractive Industries Transparency Initiative (n 5) 20.

²⁴ 15. United Nations Office on Drugs and Crime, *Transnational Organized Crime in the Gulf of Guinea* (UNODC 2024) 22.

²⁵ Nigeria Extractive Industries Transparency Initiative, *Oil Theft and the Impact on the Nigerian Economy* (NEITI 2024) 11.

Commission (NUPRC) has repeatedly expressed concern over declining crude oil production attributable largely to crude oil theft, pipeline vandalism and illegal bunkering.²⁶

A notable contemporary development has been the engagement of Tantita Security Services Nigeria Limited (TSSNL) by the Nigerian National Petroleum Company Limited (NNPCL) to support the surveillance and protection of critical oil and gas infrastructure, particularly within the Niger Delta. Since its engagement in 2022, Tantita has reportedly collaborated with the Nigerian Navy, security agencies and host communities in identifying illegal pipeline connections, dismantling illegal refining sites and facilitating the recovery of stolen crude oil. These efforts have been associated with improvements in crude oil production and increased detection of illegal bunkering operations.²⁷

Recent joint operations involving the Nigerian Armed Forces, the Nigerian Navy, Tantita Security Services and other security stakeholders have resulted in the destruction of numerous illegal refineries, the arrest of suspected oil thieves and the seizure of thousands of barrels of stolen crude oil. Nevertheless, the persistence of illegal oil bunkering demonstrates the adaptability and resilience of organized criminal networks, thereby underscoring the need for sustained legal reforms, technological innovation and enhanced institutional collaboration.

²⁶ Nigerian Upstream Petroleum Regulatory Commission, Crude Oil Theft Report (NUPRC 2024) 9.

²⁷ 3. Nigerian National Petroleum Company Limited, Annual Statistical Bulletin 2024 (NNPC Ltd 2024) 34–36; ThisDay, ‘Tantita Security Services Boosts Nigeria’s Crude Oil Production Through Pipeline Surveillance’ (15 May 2024); The Guardian (Nigeria), ‘How Tantita’s Surveillance Operations Have Curbed Oil Theft in the Niger Delta’ (20 June 2024).

6.0 CAUSES OF OIL BUNKERING ON THE HIGH SEAS IN NIGERIA

Illegal oil bunkering on the high seas in Nigeria did not emerge in isolation. Rather, it is the product of a complex interplay of historical, socio-economic, political, legal and institutional factors. Over the years, crude oil theft has evolved from isolated acts of pipeline vandalism into a highly organized transnational criminal enterprise involving local actors, militant groups, public officials, international criminal networks and foreign buyers.

The persistence of oil bunkering despite numerous governmental interventions indicates that the phenomenon is deeply rooted in structural deficiencies within the Nigerian state and the petroleum industry. Understanding these underlying causes is essential to formulating effective legal and policy responses capable of addressing the menace.

6.1 Socio-Economic Causes of Oil Bunkering

6.1.1 Poverty and Economic Deprivation

Poverty remains one of the most significant drivers of illegal oil bunkering in Nigeria. Despite being the source of Nigeria's petroleum wealth, the Niger Delta region continues to experience widespread poverty, poor infrastructure and inadequate access to basic social amenities.²⁸

Many communities in the region lack access to quality healthcare, education, potable water and electricity. The apparent contradiction

²⁸ United Nations Development Programme, Niger Delta Human Development Report (UNDP 2006) 35.

between the enormous wealth generated from petroleum resources and the deplorable living conditions of host communities has created feelings of resentment and economic frustration.²⁹

Consequently, many youths regard illegal oil bunkering as an alternative means of livelihood and economic survival. The huge financial gains associated with crude oil theft have made the activity attractive, particularly among unemployed and economically disadvantaged individuals.

The United Nations Development Programme observed that poverty and underdevelopment constitute major factors encouraging illegal economic activities in the Niger Delta, including crude oil theft and illegal refining.³⁰

6.1.2 Unemployment

Youth unemployment in the Niger Delta has significantly contributed to the proliferation of oil bunkering activities. Although the petroleum industry generates substantial revenue for Nigeria, it has not created sufficient employment opportunities for local communities. Most oil-producing communities continue to suffer from high unemployment rates despite decades of oil exploration and production.³¹

The absence of gainful employment opportunities has created a large pool of idle youths who are vulnerable to recruitment by criminal organizations involved in illegal oil bunkering. Several studies indicate that many

²⁹ Michael Watts, *Curse of the Black Gold: 50 Years of Oil in the Niger Delta* (Powerhouse Books 2008) 29.

³⁰ United Nations Development Programme (n 1) 37.

³¹ Cyril Obi and Siri Aas Rustad (eds), *Oil and Insurgency in the Niger Delta* (Zed Books 2011) 46.

individuals participating in illegal bunkering are motivated primarily by economic necessity rather than criminal intent.³² Consequently, unemployment has become one of the principal factors sustaining crude oil theft in Nigeria.

6.1.3 Underdevelopment of Host Communities

The underdevelopment of oil-producing communities remains a major source of grievances in the Niger Delta. Host communities have consistently complained of inadequate infrastructure, environmental degradation, lack of educational opportunities, poor healthcare facilities, limited economic empowerment, marginalization in decision-making processes.³³

The perceived neglect of host communities has fostered hostility towards the government and multinational oil companies. Consequently, some residents view oil bunkering as a form of economic compensation for decades of perceived exploitation and environmental injustice. The Human Development Report of the United Nations Development Programme noted that social exclusion and underdevelopment contribute significantly to the persistence of illegal activities in resource-rich communities.

6.1.4 Environmental Degradation and Loss of Livelihood

Environmental degradation has significantly contributed to illegal oil bunkering in Nigeria. Oil spills, gas flaring and pollution have destroyed

³² NA Ozogu and others, 'Effects and Causes of Illegal Crude Oil Bunkering in Nigeria: Case Study Niger Delta' (2023) 2(1) American Journal of IR 4.0 and Beyond 6.

³³ Human Rights Watch, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities* (HRW 1999) 58.

traditional sources of livelihood such as fishing and farming in many parts of the Niger Delta. The destruction of rivers, farmlands and mangrove forests has deprived many communities of their means of economic survival. Consequently, some affected persons have resorted to illegal oil bunkering and artisanal refining activities as alternative sources of income.

The United Nations Environment Programme concluded that environmental pollution in the Niger Delta has created severe socio-economic challenges and increased vulnerability to criminal activities.

6.2 Political Causes of Oil Bunkering

6.2.1 Resource Control Agitations

The issue of resource control has remained one of the most contentious political questions in Nigeria. Communities in the Niger Delta have consistently demanded greater control over petroleum resources derived from their lands and waters.³⁴ Many residents argue that the current system of resource ownership and revenue allocation unfairly deprives host communities of the benefits derived from petroleum exploitation.

The resulting feelings of political exclusion and injustice have contributed to resentment against the government and have indirectly encouraged illegal bunkering activities. Certain militant groups have historically justified crude oil theft as a legitimate response to perceived exploitation and inequitable distribution of oil wealth.³⁵

³⁴ AA Ikein, *The Potential of the Niger Delta* (JAI Press 2009) 71.

³⁵ Cyril Obi, *Oil Extraction, Dispossession, Resistance and Conflict in Nigeria's Oil-Rich Niger Delta* (Nordiska Afrikainstitutet 2010) 16.

6.2.2 Militancy and Armed Groups

The emergence of militant groups significantly contributed to the expansion of oil bunkering in Nigeria. Beginning in the late 1990s and early 2000s, several armed groups emerged in the Niger Delta demanding environmental justice and resource control. Prominent among these groups was the Movement for the Emancipation of the Niger Delta, which carried out attacks on oil installations and disrupted petroleum production. Investigations later revealed that illegal oil bunkering became one of the major sources of funding for militant activities. Militant organizations possessed the capacity to attack oil installations, control strategic waterways, protect illegal refining sites, facilitate transportation of stolen crude oil, provide armed escorts for bunkering operations.³⁶ The involvement of armed groups significantly increased the sophistication and scale of crude oil theft in Nigeria.

6.2.3 Political Patronage and Elite Complicity

Several studies suggest that political patronage networks contribute significantly to the persistence of illegal oil bunkering. Investigations have alleged that certain politically exposed persons and influential individuals provide financial and logistical support to crude oil theft syndicates.³⁷

The involvement of powerful individuals often frustrates investigations and prosecution efforts. The Nigeria Extractive Industries Transparency Initiative has repeatedly observed that crude oil theft has become highly

³⁶ International Crisis Group, *The Swamps of Insurgency: Nigeria's Delta Unrest* (Africa Report No 115, 2006) 13

³⁷ International Crisis Group, *The Gulf of Guinea: Piracy and Oil Theft in West Africa* (Africa Report No 295, 2024) 12.

organized and often involves persons occupying influential positions within society.³⁸

The protection allegedly enjoyed by certain criminal networks contributes substantially to the continued existence of illegal bunkering activities.

6.3.0 Legal and Institutional Causes

6.3.1 Weak Enforcement of Laws

Nigeria possesses numerous laws prohibiting crude oil theft, pipeline vandalism and unauthorized dealings in petroleum resources.

These include the Constitution of the Federal Republic of Nigeria, 1999, Petroleum Industry Act 2021, Criminal Code Act, Suppression of Piracy and Other Maritime Offences Act 2019, Nigerian Maritime Administration and Safety Agency Act, Economic and Financial Crimes Commission (Establishment) Act 2004.³⁹

Despite these legal frameworks, enforcement has generally been inadequate. Prosecutions are often slow and convictions remain relatively few when compared to the magnitude of crude oil theft.⁴⁰ The apparent inability of institutions to effectively enforce existing laws has emboldened criminal organizations and encouraged further participation in illegal bunkering.

³⁸ Nigeria Extractive Industries Transparency Initiative, Oil Theft and the Impact on the Nigerian Economy (NEITI 2024) 17.

³⁹ Petroleum Industry Act 2021; Suppression of Piracy and Other Maritime Offences Act 2019; Economic and Financial Crimes Commission (Establishment) Act 2004.

⁴⁰ Nigerian Upstream Petroleum Regulatory Commission, Crude Oil Theft Report (NUPRC 2024) 14.

6.3.2 Corruption

Corruption is widely regarded as one of the most significant causes of oil bunkering in Nigeria.

Illegal bunkering operations require access to technical information, movement through security checkpoints, transportation networks, storage facilities, export channels.

The complexity of these operations suggests some degree of official complicity. Several reports have alleged that corrupt officials facilitate crude oil theft by providing information, protection or logistical support to criminal organizations. Transparency International has consistently identified corruption as a major impediment to effective natural resource governance in Nigeria.⁴¹

Corruption weakens enforcement mechanisms and significantly undermines efforts aimed at combating illegal oil bunkering.

6.3.3 Institutional Weaknesses and Poor Coordination

Nigeria has numerous agencies responsible for regulating petroleum resources and maritime security. Despite the existence of these agencies, institutional coordination remains inadequate. Overlapping mandates, bureaucratic inefficiencies and inter-agency rivalry often impede effective responses to crude oil theft. The absence of integrated intelligence-sharing mechanisms further undermines enforcement efforts.

⁴¹ United Nations Office on Drugs and Crime, Transnational Organized Crime in the Gulf of Guinea (UNODC 2024) 29

6.3.4 Inadequate Surveillance Infrastructure

The vast network of pipelines and waterways in the Niger Delta presents enormous surveillance challenges. Many pipelines traverse remote forests, swamps and creeks that are difficult to monitor effectively. Similarly, Nigeria's maritime domain covers extensive territorial waters and offshore areas that require sophisticated surveillance technologies.⁴² Inadequate Maritime patrol assets, Satellite surveillance systems; Radar facilities, Monitoring equipment; Personnel capacity, have significantly contributed to the persistence of illegal bunkering activities. Criminal organizations frequently exploit these surveillance deficiencies to transport stolen crude oil to offshore locations and the high seas.

6.4. International Causes

6.4.1 High International Demand for Crude Oil

The existence of lucrative international markets for crude oil significantly contributes to illegal bunkering. Crude oil remains one of the world's most valuable commodities and continues to enjoy substantial demand from industries and energy markets worldwide. The profitability of stolen crude oil provides strong incentives for criminal organizations to engage in illegal bunkering activities. Without foreign buyers and international markets, large-scale crude oil theft would be considerably less profitable.

6.4.2 Weak International Cooperation

Although crude oil theft has international dimensions, cooperation among States remains relatively limited. Differences in legal systems, jurisdictional complexities and information-sharing challenges often impede coordinated responses. Stolen crude oil is frequently transferred

⁴² Nigerian Upstream Petroleum Regulatory Commission (n 17) 18.

on the high seas and transported through multiple jurisdictions before reaching final destinations.⁴³ The absence of robust international mechanisms for tracing and recovering stolen petroleum products creates opportunities for criminal organizations to exploit jurisdictional gaps.

6.4.3 Maritime Security Challenges in the Gulf of Guinea

The Gulf of Guinea has become one of the world's major hotspots for maritime insecurity. The region has experienced Piracy, sea robbery, Illegal fishing, smuggling, human trafficking and crude oil theft.⁴⁴ The prevalence of maritime insecurity has facilitated illegal oil bunkering operations. Criminal organizations often exploit weak maritime governance structures and limited naval capabilities to conduct ship-to-ship transfers on the high seas. The United Nations Office on Drugs and Crime has emphasized that maritime insecurity in the Gulf of Guinea remains a significant enabler of crude oil theft and other transnational crimes.⁴⁵

7.0 EFFECTS OF OIL BUNKERING ON THE HIGH SEAS IN NIGERIA

Illegal oil bunkering on the high seas has generated profound consequences for Nigeria's economy, environment, security and international relations. Over the years, crude oil theft has transformed from a localized criminal activity into a sophisticated transnational enterprise with far-reaching implications. The activities of oil bunkering syndicates have resulted in significant revenue losses, destruction of

⁴³ *ibid* 39

⁴⁴ International Maritime Bureau, Piracy and Armed Robbery Against Ships Report 2024 (IMB 2024) 7.

⁴⁵ United Nations Office on Drugs and Crime (n 18) 41.

critical infrastructure, environmental pollution and heightened insecurity within the Niger Delta and the Gulf of Guinea.

The effects of illegal oil bunkering extend beyond Nigeria's territorial boundaries and have attracted international concern because of their implications for global energy security, maritime trade and environmental sustainability. Consequently, an examination of these effects is essential for understanding the gravity of the problem and for formulating effective policy responses.

7.1 Economic Effects of Oil Bunkering

a. Loss of Government Revenue

One of the most devastating consequences of illegal oil bunkering is the enormous loss of revenue to the Nigerian Government.

Petroleum remains the principal source of Nigeria's foreign exchange earnings and government revenues. Consequently, any reduction in crude oil production and exports directly affects national income and fiscal stability.⁴⁶

Reports indicate that Nigeria loses hundreds of thousands of barrels of crude oil daily through theft and illegal bunkering activities.⁴⁷ The Nigeria Extractive Industries Transparency Initiative estimated that the country lost approximately ₦16.25 trillion to crude oil theft between 2009 and 2020.⁴⁸

⁴⁶ Nigerian Upstream Petroleum Regulatory Commission, Crude Oil Theft Report (NUPRC 2024) 8.

⁴⁷ Nigeria Extractive Industries Transparency Initiative, Oil Theft and the Impact on the Nigerian Economy (NEITI 2024) 11.

⁴⁸ 4. World Bank, Nigeria Development Update: Turning the Corner? (World Bank 2024) 21.

These losses have significantly reduced government revenues and have adversely affected the financing of infrastructure, healthcare, education and other developmental programmes. The loss of petroleum revenues has also contributed to increased public borrowing and growing fiscal deficits.

b. Decline in Foreign Exchange Earnings

Nigeria depends heavily on crude oil exports as a source of foreign exchange. Illegal oil bunkering reduces the quantity of crude oil available for lawful exportation and consequently diminishes foreign exchange earnings. The reduction in foreign exchange inflows adversely affects currency stability, external reserves, balance of payments, and import financing.

c. Reduction in Crude Oil Production

Illegal bunkering frequently results in production shut-ins and operational disruptions. Pipeline vandalism and theft often compel oil companies to suspend production and declare force majeure on contractual obligations.⁴⁹ These disruptions lead to reduced production capacity, increased operational costs, declining export volumes, loss of investor confidence.

In recent years, Nigeria has repeatedly failed to meet production quotas allocated under the framework of the Organization of the Petroleum Exporting Countries due largely to crude oil theft and infrastructural challenges.⁵⁰

⁴⁹ Nigeria Extractive Industries Transparency Initiative (n 3) 16.

⁵⁰ Organization of the Petroleum Exporting Countries, Annual Statistical Bulletin 2024 (OPEC 2024) 38.

d. Destruction of Petroleum Infrastructure

Illegal oil bunkering causes substantial damage to petroleum infrastructure. Pipeline vandalism frequently destroys pipelines, damage to pumping stations, loss of storage facilities, destruction of metering systems. Repairing damaged infrastructure requires enormous financial resources and diverts funds that could otherwise be utilized for developmental projects.⁵¹ Furthermore, persistent attacks on petroleum facilities discourage further investment in the sector.

7.2 Environmental Effects of Oil Bunkering

a. Oil Spills and Pollution

Illegal oil bunkering is one of the major causes of oil spills in Nigeria. The unauthorized tapping of pipelines often results in leakages and massive discharge of crude oil into rivers, creeks, and farmlands.⁵² Oil spills have led to pollution of water bodies, contamination of agricultural lands, destruction of ecosystems, and adverse health consequences. The United Nations Environment Programme concluded that environmental pollution in the Niger Delta has reached alarming proportions and poses serious threats to human health and environmental sustainability.⁵³

b. Destruction of Aquatic Life

Illegal bunkering activities have caused severe damage to aquatic ecosystems. Pollution of rivers and creeks has resulted in death of fish species, deduction in aquatic biodiversity, contamination of marine

⁵¹ Nigerian Upstream Petroleum Regulatory Commission (n 2) 14.

⁵² United Nations Environment Programme, Environmental Assessment of Ogoniland (UNEP 2011) 15.

⁵³ *ibid* 16.

habitats, destruction of spawning grounds.⁵⁴ The loss of aquatic resources has adversely affected fishing activities and has contributed to increasing poverty among coastal communities.

c. Air Pollution and Climate Change

Illegal refining operations associated with crude oil theft release large quantities of carbon dioxide, Sulphur compounds, hydrocarbons, particulate matter.

These emissions contribute significantly to environmental pollution and climate change.⁵⁵ Furthermore, frequent fire outbreaks arising from illegal refining activities expose local populations to respiratory diseases and other health challenges.

7.3 Security Implications of Oil Bunkering

a. Financing of Organized Crime

Illegal oil bunkering generates enormous financial resources for criminal organizations. The proceeds from crude oil theft have reportedly been utilized to finance militancy, Piracy, Kidnapping, Arms trafficking, money laundering, and other organized criminal activities.⁵⁶ The profitability of illegal bunkering has enabled criminal groups to acquire sophisticated weapons and expand their operational capacities.

⁵⁴ United Nations Environment Programme (n 11) 22.

⁵⁵ mental Degradation in the Niger Delta Region of Nigeria' (2024) 9(1) ADSU International Journal of Applied Economics, Finance and Management 8.

⁵⁶ United Nations Office on Drugs and Crime, Transnational Organized Crime in the Gulf of Guinea (UNODC 2024) 34.

b. Maritime Insecurity

The Gulf of Guinea has experienced increasing levels of maritime insecurity. Criminal groups involved in oil bunkering frequently engage in Piracy, Sea robbery, Hostage-taking, smuggling operations, illegal maritime transportation.⁵⁷ These activities threaten international navigation and commercial shipping, offshore petroleum operations, and regional security. The International Maritime Bureau has consistently classified the Gulf of Guinea as one of the world's most dangerous maritime regions.⁵⁸

c. Proliferation of Small Arms and Light Weapons

Illegal oil bunkering has contributed significantly to the proliferation of arms within the Niger Delta. Criminal organizations frequently acquire sophisticated weapons to protect illegal bunkering facilities and transportation routes.⁵⁹ The widespread availability of arms has increased violent crimes, community conflicts, Armed robbery, kidnapping, militant activities. The resulting insecurity poses serious challenges to national peace and development.

d. Threat to National Security

Because petroleum resources constitute the backbone of Nigeria's economy, activities that threaten petroleum production also threaten national security. Illegal oil bunkering undermines economic stability, energy security, government revenues, public confidence in institutions,

⁵⁷ International Crisis Group, *The Gulf of Guinea: Piracy and Oil Theft in West Africa* (Africa Report No 295, 2024) 11.

⁵⁸ International Maritime Bureau, *Piracy and Armed Robbery Against Ships Report 2024* (IMB 2024) 9.

⁵⁹ United Nations Office on Drugs and Crime (n 16) 36.

and territorial integrity. Consequently, crude oil theft has evolved beyond an economic crime and has become a major national security concern.⁶⁰

7.4 Social Effects of Oil Bunkering

a. Increased Poverty

Although illegal oil bunkering generates substantial profits for a limited number of individuals, its overall effects have increased poverty in affected communities. Environmental pollution has destroyed traditional occupations such as fishing, farming, trading, aquaculture. The loss of livelihoods has deepened socio-economic deprivation in many communities.⁶¹

b. Public Health Challenges

Environmental pollution associated with oil bunkering has created severe health challenges.

Contaminated water and polluted air have been associated with respiratory diseases, skin infections, gastrointestinal disorders, increased mortality rates. The United Nations Environment Programme reported that several communities in the Niger Delta face serious public health risks arising from petroleum contamination.⁶²

c. Breakdown of Social Values

The enormous financial gains associated with illegal bunkering have altered social values within some communities.

⁶⁰ Oba Preye Inimiesi and Ebiendu Yoroki, 'Illegal Oil Bunkering and National Security: An Assessment of the Niger Delta Region' (2024) Zenodo 9.

⁶¹ United Nations Development Programme, Niger Delta Human Development Report (UNDP 2006) 48.

⁶² United Nations Environment Programme (n 11) 17.

In certain cases, criminal activities have become socially tolerated because of the economic benefits derived from them.⁶³ The normalization of criminality undermines respect for the rule of law, ethical standards, community cohesion, and public trust in institutions.

7.5 International Effects of Oil Bunkering

a. Damage to Nigeria's International Reputation

The prevalence of crude oil theft has negatively affected Nigeria's international image. Frequent reports of oil theft, maritime crimes, pipeline vandalism, and corruption have created perceptions of weak governance and regulatory inefficiency.⁶⁴ Such perceptions adversely affect investor confidence, international trade, diplomatic relations, and economic cooperation.

b. Threat to Global Energy Security

Nigeria is one of Africa's major oil producers and an important supplier of crude oil to international markets. Persistent disruptions in crude oil production affect global supply chains and contribute to energy market uncertainties. The reduction in export volumes may influence global oil prices and create instability in energy markets.

c. Violation of International Maritime Law

Oil bunkering activities conducted on the high seas frequently involve illegal ship-to-ship transfers, use of falsified documentation, concealment of cargo origins, and maritime fraud. Such activities undermine international maritime regulatory systems and challenge the effective

⁶³ Cyril Obi and Siri Aas Rustad (eds), *Oil and Insurgency in the Niger Delta* (Zed Books 2011) 94.

⁶⁴ Transparency International, *Corruption Perceptions Index 2024* (TI 2024) 10.

implementation of international conventions governing navigation and maritime commerce.⁶⁵

8.0 LEGAL AND INSTITUTIONAL FRAMEWORK FOR COMBATING OIL BUNKERING ON THE HIGH SEAS IN NIGERIA AND CHALLENGES OF ENFORCEMENT

Nigeria has enacted numerous laws and established several institutions to regulate the petroleum industry and combat maritime crimes. In addition, Nigeria is a party to various international treaties and conventions that impose obligations relating to maritime security, environmental protection and the suppression of transnational organized crime.

Despite these legal and institutional arrangements, crude oil theft and illegal bunkering remain prevalent. This chapter therefore examines the relevant legal and institutional frameworks for combating oil bunkering on the high seas in Nigeria and identifies the challenges that impede their effectiveness.

8.1 Legal Framework

a. Constitution of the Federal Republic of Nigeria, 1999

The Constitution of the Federal Republic of Nigeria 1999 constitutes the supreme law governing the ownership, control and management of natural resources in Nigeria. Section 44(3) of the Constitution provides that:

Notwithstanding the foregoing provisions of this section, the entire property in and control of all minerals, mineral oils and natural gas in, under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the

⁶⁵ United Nations Convention on the Law of the Sea 1982, arts 87 and 94; United Nations Office on Drugs and Crime (n 16) 39.

*Government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly.*⁶⁶

The constitutional vesting of ownership and control of petroleum resources in the Federal Government implies that no individual or group possesses the legal authority to extract, transport, refine or dispose of crude oil except in accordance with applicable laws.

Consequently, illegal oil bunkering constitutes an unlawful interference with federally owned resources and amounts to an economic crime against the Nigerian state. Furthermore, section 14(2)(b) of the Constitution provides that the security and welfare of the people shall be the primary purpose of government.⁶⁷ The persistence of oil bunkering and its consequences for national security therefore impose constitutional obligations on governmental authorities to adopt effective measures to protect petroleum resources and maintain maritime security.

b. Petroleum Industry Act 2021

The Petroleum Industry Act (PIA) 2021 represents the most comprehensive legislation governing Nigeria's petroleum industry. The Act establishes regulatory institutions and creates legal mechanisms for the administration and protection of petroleum resources.⁶⁸ Section 1 of the Act vests ownership and control of petroleum resources in the Federal Government of Nigeria.⁶⁹ Sections 7 and 8 establish the Nigerian Upstream Petroleum Regulatory Commission (NUPRC); and Nigerian Midstream and Downstream Petroleum Regulatory Authority

⁶⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 44(3).

⁶⁷ *ibid* s 14(2)(b).

⁶⁸ Petroleum Industry Act 2021, Long Title.

⁶⁹ *ibid* s 1.

(NMDPRA).⁷⁰ The Act further provides for licensing of petroleum operations, regulation of transportation and storage activities, environmental protection measures, host community development, and monitoring and enforcement functions. Part V of the Act criminalizes unauthorized dealings in petroleum resources and prohibits any person from engaging in petroleum operations without lawful authority.

The PIA further empowers regulatory authorities to monitor petroleum operations, investigate infractions, impose sanctions, revoke licenses, and collaborate with security agencies in preventing crude oil theft.

The introduction of the Host Communities Development Trust under Chapter 3 of the Act seeks to address some of the socio-economic grievances that contribute to illegal oil bunkering activities. However, despite these innovations, enforcement challenges continue to undermine the effectiveness of the Act.

c. Criminal Code Act

The Criminal Code Act criminalizes theft, conspiracy, malicious damage and unlawful interference with property. Section 383 defines stealing and provides that any person who fraudulently takes anything capable of being stolen is guilty of an offence.⁷¹ Crude oil constitutes property capable of being stolen within the meaning of the Act. Furthermore, sections relating to conspiracy, receiving stolen property and destruction of property may apply to persons involved in pipeline vandalism, illegal transportation of crude oil, possession of stolen petroleum products, financing of illegal

⁷⁰ *ibid* ss 7–8.

⁷¹ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004, s 383.

bunkering operations. The Criminal Code therefore provides a basis for prosecuting individuals involved in oil theft and related criminal activities.

d. Economic and Financial Crimes Commission (Establishment) Act 2004

The Economic and Financial Crimes Commission (EFCC) Act establishes the EFCC and empowers it to investigate and prosecute economic and financial crimes.⁷²

Section 6 empowers the Commission to:

- i. investigate financial crimes,
- ii. Enforce economic crime laws;
- iii. Trace and recover proceeds of unlawful activities;
- iv. Collaborate with local and international agencies.⁷³
- v. Illegal oil bunkering frequently involves:
- vi. Money laundering;
- vii. Illicit financial flows;
- viii. International financial transactions;
- ix. Concealment of criminal proceeds.

Accordingly, the EFCC possesses statutory authority to investigate financial aspects of crude oil theft operations. The Commission has on several occasions investigated and prosecuted individuals and corporate entities involved in crude oil theft and related economic crimes.

⁷² Economic and Financial Crimes Commission (Establishment) Act 2004, Long Title.

⁷³ *ibid* s 6.

e. Suppression of Piracy and Other Maritime Offences Act 2019

The Suppression of Piracy and Other Maritime Offences Act (SPOMO Act) 2019 represents Nigeria's principal legislation concerning maritime crimes. The Act domesticates aspects of the United Nations Convention on the Law of the Sea and provides legal mechanisms for combating maritime criminality.⁷⁴ The Act criminalizes piracy, armed robbery at sea, participation in organized maritime crimes, and aiding and abetting maritime offences.⁷⁵

The Act further provides jurisdiction over certain offences committed within Nigeria's maritime zones and under circumstances recognized by international law. Because illegal oil bunkering on the high seas frequently involves piracy, armed violence and organized criminal activities, the SPOMO Act constitutes an important legal instrument for addressing aspects of crude oil theft operations.

f. Nigerian Maritime Administration and Safety Agency Act 2007

The Nigerian Maritime Administration and Safety Agency Act establishes the Nigerian Maritime Administration and Safety Agency (NIMASA).

Section 22 empowers the Agency to:

- i. Promote maritime safety;
- ii. Enhance maritime security;
- iii. Enforce maritime laws;
- iv. Monitor Nigeria's maritime domain;
- v. Prevent maritime crimes.
- vi. NIMASA plays significant roles in:⁷⁶
- vii. Maritime surveillance;

⁷⁴ Suppression of Piracy and Other Maritime Offences Act 2019, Long Title.

⁷⁵ *ibid* ss 3–12.

⁷⁶ Nigerian Maritime Administration and Safety Agency Act 2007, s 22.

- viii. Vessel monitoring;
- ix. Information sharing;
- x. Inter-agency cooperation;
- xi. International maritime collaboration.

The Agency's responsibilities are particularly relevant because oil bunkering on the high seas involves sophisticated maritime operations that require effective monitoring and regulatory oversight.

g. Armed Forces Act 2004

The Armed Forces Act empowers the Nigerian Armed Forces to protect Nigeria's territorial integrity and national security.⁷⁷

The Nigerian Navy derives its powers partly from the Armed Forces Act and performs critical responsibilities relating to:

- i. Maritime patrol;
- ii. Protection of offshore facilities;
- iii. Enforcement operations;
- iv. Interception of vessels involved in criminal activities.

The Nigerian Navy has repeatedly undertaken operations aimed at destroying illegal refineries and intercepting vessels suspected of crude oil theft.

h. Nigerian Oil and Gas Industry Content Development Act 2010

The Nigerian Oil and Gas Industry Content Development Act promotes local participation in the petroleum industry.⁷⁸ Although, the Act does not directly criminalize oil bunkering, its emphasis on local economic participation and employment opportunities indirectly contributes to

⁷⁷ Armed Forces Act, Cap A20, Laws of the Federation of Nigeria 2004, s 1.

⁷⁸ Nigerian Oil and Gas Industry Content Development Act 2010, Long Title.

addressing some of the socio-economic conditions that facilitate illegal bunkering activities.

8.2 International Legal Framework

a. United Nations Convention on the Law of the Sea 1982 (UNCLOS)

The United Nations Convention on the Law of the Sea constitutes the primary international legal framework governing maritime activities.

Article 56 grants coastal States sovereign rights over natural resources within their Exclusive Economic Zones.⁷⁹ Article 73 empowers coastal States to enforce laws relating to the protection and management of resources within their maritime zones. Article 94 imposes obligations upon flag States to exercise jurisdiction and control over ships flying their flags.⁸⁰ Article 100 further obliges States to cooperate in the repression of piracy on the high seas. The Convention therefore provides an important legal basis for combating maritime crimes associated with illegal oil bunkering.

b. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 (SUA Convention)

The SUA Convention was adopted to combat unlawful acts against maritime navigation.

The Convention criminalizes:

- i. Seizure of ships by force;
- ii. Violent acts against persons on board ships;
- iii. Destruction of ships;
- iv. Placement of destructive devices;

⁷⁹ United Nations Convention on the Law of the Sea 1982, art 56.

⁸⁰ *ibid* art 94.

v. Participation in organized maritime crimes.⁸¹

The Convention facilitates international cooperation in the investigation and prosecution of maritime offences. Since illegal oil bunkering frequently involves organized maritime criminal activities, the SUA Convention provides useful legal mechanisms for international collaboration.

c. United Nations Convention against Transnational Organized Crime 2000

The United Nations Convention against Transnational Organized Crime recognizes the increasing sophistication of transnational criminal networks.

The Convention requires State Parties to adopt measures relating to:

- i. Criminalization of organized crime;
- ii. Extradition;
- iii. Mutual legal assistance;
- iv. Asset recovery;
- v. International cooperation.⁸²

Illegal oil bunkering on the high seas possesses clear transnational characteristics and therefore falls within the concerns addressed by the Convention.

8.3 Institutional Framework

a. Nigerian Upstream Petroleum Regulatory Commission (NUPRC)

The NUPRC is responsible for regulating upstream petroleum operations in Nigeria.⁸³

⁸¹ Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988, arts 3–6.

⁸² United Nations Convention against Transnational Organized Crime 2000, arts 5–18.

Its responsibilities include:

- i. Monitoring petroleum production;
- ii. Issuing licenses and permits;
- iii. Ensuring compliance with laws;
- iv. Preventing crude oil theft;
- v. Collaborating with security agencies.

The Commission has established various mechanisms for tracking production losses and combating crude oil theft.

b. Nigerian Midstream and Downstream Petroleum Regulatory Authority (NMDPRA)

The Authority regulates activities involving transportation, storage and distribution of petroleum products.⁸⁴

It plays important roles in:

- i. Monitoring petroleum movements;
- ii. Regulatory compliance;
- iii. Licensing operations;
- iv. Preventing illegal dealings in petroleum products.

c. Nigerian Navy

The Nigerian Navy remains the principal maritime security institution responsible for protecting Nigeria's maritime environment.

Its functions include:

- i. Maritime patrol;
- ii. Coastal surveillance;
- iii. Protection of offshore installations;

⁸³ Petroleum Industry Act 2021, s 7.

⁸⁴ *ibid* s 29.

- iv. Vessel interception;
- v. Enforcement operations.⁸⁵

The Navy has repeatedly conducted operations resulting in the destruction of illegal refineries and seizure of stolen petroleum products.

d. Nigerian Maritime Administration and Safety Agency (NIMASA)

NIMASA promotes maritime safety and security and collaborates with domestic and international organizations in combating maritime crimes.⁸⁶

The Agency operates:

- i. Vessel monitoring systems;
- ii. Maritime intelligence mechanisms;
- iii. Information-sharing platforms;
- iv. Security cooperation programmes.

e. Economic and Financial Crimes Commission (EFCC)

The EFCC investigates and prosecutes financial crimes associated with crude oil theft.

Its responsibilities include:

- i. Financial investigations;
- ii. Asset tracing;
- iii. Recovery of criminal proceeds;
- iv. International cooperation.

f. Nigeria Police Force

The Nigeria Police Force investigates criminal activities relating to:

- i. Pipeline vandalism;

⁸⁵ Armed Forces Act (n 14) s 1.

⁸⁶ Nigerian Maritime Administration and Safety Agency Act 2007, s 22.

- ii. Theft;
- iii. Conspiracy;
- iv. Illegal possession of petroleum products.

g. Department of State Services (DSS)

The DSS performs intelligence functions relating to national security and collaborates with other agencies in combating organized criminal activities associated with oil bunkering.

9.0 CHALLENGES OF ENFORCEMENT

a. Corruption

Corruption remains one of the greatest impediments to combating illegal oil bunkering. Several reports have alleged the involvement of public officials and security personnel in facilitating crude oil theft operations. Corruption weakens enforcement efforts and compromises institutional effectiveness.

b. Inadequate Maritime Surveillance

Nigeria's extensive maritime environment presents significant surveillance challenges such as limited patrol vessels, radar facilities, satellite technologies, and monitoring infrastructure, have hindered effective maritime enforcement.⁸⁷

⁸⁷ Nigerian Upstream Petroleum Regulatory Commission, Crude Oil Theft Report (NUPRC 2024) 16.

c. Weak Institutional Coordination

Overlapping responsibilities among regulatory agencies frequently produce duplication of functions, inter-agency rivalry, poor intelligence sharing and inefficient enforcement responses.

d. Transnational Nature of the Crime

Illegal oil bunkering frequently involves activities occurring across several jurisdictions.

Ship-to-ship transfers on the high seas and international criminal networks complicate investigation, prosecution, asset recovery, extradition procedures.

e. Inadequate Prosecution and Convictions

Despite numerous arrests and seizures, successful prosecutions remain relatively limited. Lengthy judicial processes and evidentiary challenges often undermine accountability and deterrence.⁸⁸

9.0 RECOMMENDATIONS

The persistence of illegal oil bunkering in Nigeria demonstrates that military operations and criminal sanctions alone are insufficient. A comprehensive and multidimensional strategy is required.

a. Strengthening the Legal Framework

The existing legal framework should be reviewed to provide more stringent penalties, faster prosecution procedures, enhanced asset recovery mechanisms, stronger provisions relating to maritime organized crime,

⁸⁸ United Nations Office on Drugs and Crime, *Transnational Organized Crime in the Gulf of Guinea* (UNODC 2024) 43.

improved inter-agency coordination. Specialized legislation addressing crude oil theft and transnational petroleum crimes should also be considered.

b. Establishment of Special Courts

The prosecution of oil bunkering cases is often delayed by lengthy judicial processes. The establishment of specialized courts or designated divisions of the Federal High Court for petroleum and maritime offences would facilitate speedy trials; efficient adjudication, consistent judicial decisions;

* Improved conviction rates.

c. Strengthening Institutional Coordination

Effective anti-bunkering measures require coordinated institutional responses. There should be improved cooperation among regulatory agencies. An integrated national maritime intelligence center should be established to coordinate information sharing and enforcement operations.

d. Deployment of Modern Surveillance Technologies

Nigeria should invest substantially in modern surveillance technologies, including satellite monitoring systems and unmanned aerial vehicles (drones), radar technologies, automatic Identification Systems, pipeline monitoring technologies, and real-time vessel tracking systems. Technological innovations would significantly improve detection capabilities, monitoring efficiency, response time, and enforcement effectiveness.

f. Combating Corruption

Corruption remains one of the principal facilitators of illegal oil bunkering. Government should adopt measures aimed at enhancing

transparency, strengthening accountability mechanisms, protecting whistle-blowers, investigating allegations of official complicity, and prosecution of corrupt public officials. Anti-corruption institutions should be adequately funded and granted operational independence.

g. Socio-Economic Development of Host Communities

The long-term solution to illegal oil bunkering requires addressing the socio-economic grievances of host communities. Government and oil companies should prioritize employment creation, educational development, healthcare facilities, infrastructure development, environmental remediation, economic empowerment programmes. The effective implementation of the Host Communities Development Trust established under the Petroleum Industry Act 2021 is essential in this regard.

h. Environmental Restoration

Environmental degradation has contributed significantly to poverty and social unrest within the Niger Delta. Government should intensify environmental clean-up programmes, remediate polluted communities, restore damaged ecosystems, compensate affected communities and enforce environmental regulations. Environmental restoration will improve livelihoods and reduce incentives for participation in illegal bunkering activities.

i. International Cooperation

Illegal oil bunkering possesses transnational dimensions; international cooperation is indispensable. Nigeria should strengthen cooperation through extradition agreements, mutual legal assistance, information-sharing arrangements, Joint maritime operations; Regional security

partnerships. Particular attention should be devoted to cooperation within the Gulf of Guinea and among countries that serve as destinations for stolen crude oil.

k Community Participation

Communities should be actively involved in protecting petroleum infrastructure. Community-based approaches should include pipeline surveillance initiatives, community policing mechanisms, local employment schemes, stakeholder consultations and environmental protection programmes. Community participation promotes ownership and strengthens enforcement efforts

l. Diversification of the Nigerian Economy

Nigeria's heavy dependence on petroleum revenues increases the devastating consequences of crude oil theft. The government should therefore intensify efforts aimed at diversifying the economy through investment in agriculture, manufacturing, technology, renewable energy, Solid minerals, and tourism. Economic diversification would reduce dependence on petroleum revenues and improve national economic resilience.

10. CONCLUSION

Illegal oil bunkering on the high seas remains a major challenge to Nigeria's economy, maritime security, environmental sustainability, and the rule of law. Although Nigeria has established a comprehensive legal framework through international conventions such as the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and domestic legislation including the Petroleum Industry Act 2021 and the Suppression of Piracy and Other Maritime Offences Act 2019, the persistence of crude

oil theft indicates that effective enforcement and institutional coordination remain significant challenges.

The engagement of Tantita Security Services Nigeria Limited (TSSNL) has complemented the efforts of government agencies by improving pipeline surveillance, supporting the detection of illegal bunkering activities, and contributing to increased crude oil production. However, its role should continue to operate within a transparent and accountable legal framework while complementing, rather than replacing, the statutory responsibilities of security and regulatory agencies.

Ultimately, addressing illegal oil bunkering requires a holistic approach that combines effective law enforcement, advanced surveillance technology, regional and international cooperation, anti-corruption measures, and sustainable development of host communities. Through stronger institutions, improved governance, and coordinated stakeholder collaboration, Nigeria can significantly reduce illegal oil bunkering, safeguard its maritime resources, and promote sustainable economic growth.